

FRANK E. SCHALL

Member, White Collar, Regulatory Defense & Investigations

(he/him/his)

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Frank Schall has been recognized by his peers and clients for his white-collar, internal investigations, and regulatory defense work and is a seasoned attorney with significant experience in a wide range of healthcare litigation, commercial litigation, and financial services matters. Having spent time working as a prosecutor and for a large financial institution overseas, Frank brings a breadth of experience and perspectives to his representation of individuals, small businesses, and large corporations.

Frank has extensive experience conducting internal investigations for clients in the United States and abroad pertaining to a wide range of issues. He strives to develop creative solutions and strategic approaches when conducting internal investigations, responding to civil investigative and regulatory demands, developing and implementing response strategies, and negotiating and advocating on behalf of clients with the Department of Justice, Commodity Futures Trading Commission, and various U.S. Attorney's offices. Frank's investigations practice includes defense of companies, responding to government agency and regulator inquiries relating to Foreign Corrupt Practices Act (FCPA) violations, False Claims Act (FCA) violations, trading and benchmark manipulation, public corruption, various financial crimes, mortgage fraud, sales practice violations, and inquiries as a result of the release of the Panama Papers.

In his white-collar practice, Frank defends individuals in state and federal criminal court trials and appeals, but also has extensive experience prosecuting cases while sworn in as a local district attorney.

As a part of his practice, Frank also consults on merger and acquisition matters regarding FCPA and CFIUS related concerns.

Capabilities

Civil Litigation
Corporate Governance & Shareholder Relations
Criminal Defense - Trial and Appellate
Financial Regulatory Advice & Response
Health Care
Internal Investigations
Investigations
Litigation, Regulatory & White Collar
White Collar & Government Enforcement Defense

Education

J.D., Wake Forest University School of Law, 2009; Donald & Elizabeth Cooke Foundation Scholarship recipient; Law Review, 2007-2008

B.A., Minnesota State

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Frank also brings a breadth of international experience to his practice. While working at Bank of America Merrill Lynch's Asia Pacific Regulatory Inquiries Group in Hong Kong, Frank managed investigations and responded to government and regulator inquiries in countries across Asia, including China, Taiwan, India, Japan, South Korea, the Philippines, Singapore, Indonesia, and Thailand. In his practice at MVA, Frank has advised clients on government investigations and regulatory defense matters in Canada, Singapore, Hong Kong, and Brazil, and is currently advising clients regarding ongoing allegations of public corruption in Brazil and allegations of market manipulation in South Africa.

Whether assisting with responding to grand jury subpoenas, DOJ Civil Investigative Demands, or other criminal and regulatory inquiries and requests, Frank provides an insightful, but always practical, approach to each of his client's matters.

Frank's clients range from individuals and local privately held companies to multi-national companies, including a NC-based commodities trading company, a NC-based steel recycling company, a national group purchasing organization, a wholesale medical services provider, a global electrical distributor, a national steel manufacturer, a national conglomerate of companies managing various industry portfolios, and Fortune 100 companies and financial institutions.

Notable

- *Law360's "Rising Stars", White Collar, 2022*
- *Best Lawyers in America, Criminal Defense: White-Collar, 2021-2022*
- *Benchmark Litigation "40 & Under Hot List," 2018-2022*
- *North Carolina Super Lawyers, "Rising Stars," Criminal Defense: White Collar, 2018-2019*
- North Carolina Pro Bono Honor Society, 2017-2020
- JazzArts Charlotte, Board of Directors, 2019-present
- FPC Schools, Board of Directors, 2020-present
- Arts & Science Council's Cultural Leadership Training, Class of 2018
- Member, Phi Kappa Phi National Honor Society
 - Member, Bylaws Committee, 2010-2012
- Presenter, 2015 Mecklenburg County Bar "Professionalism for New Attorneys" CLE

University Moorhead, 2004; summa cum laude; Honors Program

Admissions

District of Columbia, 2011

North Carolina, 2009

Western District of North Carolina

Eastern District of North Carolina

Middle District of North Carolina

U.S. District Court for the District of Columbia

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Fourth Circuit

U.S. District Court, District of Colorado

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- Co-author, "After SEC v. Graham, Have the Courts Limited the Foreign Corrupt Practice Act's Reach?", *The Westlaw Journal of Securities Litigation & Regulation*, November 2016

Affiliations

- Charlotte Metropolitan Human Trafficking Task Force - MVA Representative Member, 2019-present
- American Bar Association
 - White Collar Crime Committee
 - International Criminal Law Committee
- North Carolina Bar Association
- Mecklenburg County Bar Association

Representative Experience

- Defending an individual charged with criminal violations of the Sherman Act in regard to an alleged seven-year, national conspiracy to fix prices (D. Colo. Ongoing)
- Defended an owner of a VOIP company in a two-week federal criminal trial against allegations of international money laundering, wire fraud, and mail fraud in a 30-count indictment in the Western District of North Carolina (W.D.N.C. 2019)
- Represented a North Carolina based conglomerate of businesses in response to DOJ investigations into federal bribery and financial crimes
- Represented a national pharmacy and other wholesale medical services provider in response to government inquiries related to a multi-company investigation of claims pursuant to the False Claims Act, Anti-Kickback Statute, and Controlled Substance Act
- Represented a U.S. financial institution in connection with a public corruption investigation by Brazilian Federal Police and Public Prosecutors as part of "Operation Zealots," alleging bribes were paid to members of the Brazilian government administration tax appeal tribunal (CARF) members in exchange for favorable outcomes in pending tax matters
- Conducted an internal review and assessment related to FCPA concerns for a global distributor. Prepared FCPA policies and onboarding checklists for vendors and clients
- Conducted an internal investigation and presented findings to the CFTC to successfully prevent any action against a small commodities trading company in response to inquiries regarding allegations of potential coordinated or manipulative trading of commodities futures
- Represented a key employee in connection with an SEC investigation and trustee proceedings in connection with an estimated \$50 million Ponzi scheme resulting in losses to more than 100 victims perpetrated by a Charlotte, NC business man, resulting in the successful negotiated settlement with the appointed trustee and no charges brought against the client by the SEC or DOJ
- Represented a U.S. financial institution in conducting a time-sensitive internal investigation into potential sales practice violations, including the management of a diverse team to investigate and synthesize findings

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for regulatory reporting purposes, as well as identifying and implementing potential process improvements

- Represented a major international bank in government investigations in the U.S., Europe, and Asia-Pacific related to LIBOR, other reference rates, and foreign exchange trading
- Assisted in representing a non-U.S. financial institution in connection with a multi-jurisdictional internal review and response to regulatory and tax investigation requests in North America, Asia, Europe, and the Caribbean, focusing on issues of AML, KYC, and due diligence practices arising from the publication of the Panama Papers
- Assisted in the successful internal investigation of possible fraud of a client's company's division to preserve the sale of the division
- Assisted in the successful deferment of action after an internal investigation and report of possible violations of the Foreign Corrupt Practices Act
- Assisted in defending a local company from allegations by the Asset Forfeiture and Money-Laundering Section of the Department of Justice, resulting in the return of millions of dollars of seized funds