



Aitan D. Goelman

Partner

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Practice Focus

- Business Litigation
- Business Litigation - Antitrust
- Congressional Investigations
- False Claims Act
- Food and Drug
- Health Care
- Investigations
- Investigations - FCPA
- Plaintiffs and Class Actions
- Securities and Commodities Litigation
- Tax Controversy
- White Collar Defense

Education

- Yale Law School, J.D., 1993
 - Senior Editor, *Yale Law Journal*
 - John Currier Gallagher Prize for Excellence in Trial Advocacy
 - Moot Court finalist
- Michigan State University, B.A., *summa cum laude*, 1990

Aitan D. Goelman is a trial lawyer who focuses his practice on white collar criminal defense, securities and commodities litigation, and complex commercial litigation.

Described as “unbelievably talented when it comes to analysis and strategy” by *Chambers USA*, Aitan has tried more than 50 cases to verdict and, until February 2017, served as the Director of the Division of Enforcement of the U.S. Commodity Futures Trading Commission (CFTC).

At the CFTC, Aitan was responsible for enforcing the Commodity Exchange Act (CEA) and oversaw all investigations and litigation conducted by the Enforcement Division. He also advised the Commission, other CFTC divisions, members of Congress and congressional staff about enforcement-related topics in legislation, rulemakings, interpretation and guidance. In his role, Aitan worked closely with the Department of Justice, SEC, FBI, and FERC and with federal banking regulators, as well as foreign and state regulators and prosecutors.

While Aitan was Director, the CFTC brought its first enforcement actions involving crypto currency. Since returning to Zuckerman Spaeder in 2017, Aitan has been active in the digital assets space, both as a thought leader and as an advocate. He has represented a number of blockchain startup companies, as well as several of the more established blockchain companies and

- Phi Beta Kappa
- Awarded academic scholarship given to top ten entering students covering tuition, room, board and books for four years

multiple individuals in regulatory, civil and criminal litigation.

Aitan also spent nine years as a federal prosecutor with the DOJ, including several years as an Assistant U.S. Attorney for the Southern District of New York, where he prosecuted dozens of complex criminal cases, including RICO, murder, robbery, conspiracy, and fraud.

In 1995, Aitan was selected by former Attorney General Janet Reno as the youngest member of the team prosecuting Oklahoma City bombing suspects Timothy McVeigh and Terry Nichols. Aitan played a key role in the federal trials of McVeigh and Nichols, for which he was awarded the Attorney General's Distinguished Service Award. He also served with the DOJ's Terrorism and Violent Crime Section in Washington, DC, and was a Special Assistant U.S. Attorney for the D.C. U.S. Attorney's Office.

Aitan is a fellow of the American College of Trial Lawyers and an adjunct professor of law at The George Washington University Law School. He is regularly sought out by major national media outlets, including MSNBC, CNN, CNN International, *The New York Times*, *The Wall Street Journal*, and *The Washington Post*. He has written for publications such as *Politico*, *National Law Journal*, *Huffington Post*, and *The Weekly Standard*.

Experience

- Represents blockchain executive in governmental investigations and related class action lawsuits alleging market manipulation.
- Represents a former accountholder of cryptocurrency exchange in ancillary proceeding to recover hundreds of millions of dollars of crypto currency that was stolen and later recovered by the DOJ.
- Represented the CFO of Eagle Bank in investigation by the SEC into alleged misstatements in SEC disclosures. Obtained a declination after submitting our *Wells* response and meeting with leadership of the Enforcement Division.
- Represents numerous blockchain companies in CFTC, SEC and DOJ investigations.
- Represents an introducing broker in litigation against the CFTC.
- Represented Black former NFL players in litigation regarding "race-norming" in the NFL concussion settlement.
- Represents victims of child sexual abuse in actions against the Boy Scouts of America.
- Represents United insureds in a case challenging the legality of the internal guidelines used to decide claims for mental health and substance abuse treatment. Following a highly

publicized trial in 2017, the District Court ruled that United breached its fiduciary duties when it developed and applied its guidelines. Following an appeal, in 2023 the case was remanded by the U.S. Court of Appeals for the Ninth Circuit back to the district court for further proceedings.

- Represented six families and their nine minor children in litigation against the Mormon Church for allegedly enabling child sex abuse by a serial predator. The case settled after ten weeks of trial.
- Represented the former CFO of a public company charged with accounting fraud by the SEC. The client hired Zuckerman Spaeder after the SEC had brought charges. After 18 months of litigation, the SEC dismissed the client from the case.
- Represented a former vice president for Clark Material Handling Corporation convicted of violating the export control laws by shipping forklift parts to Iran. Persuaded the court to grant a motion for a new trial, after which the government agreed to a non-jail disposition.
- Represented a former employee at one of the country's largest hedge funds in an investigation of insider trading conducted by the U.S. Attorney's Office for the Southern District of New York and the SEC. Although the Southern District of New York charged and prosecuted a number of individuals in this and related insider trading cases, our client was not charged criminally and ultimately disposed of the matter by agreeing to a settlement with the SEC, without admitting or denying wrongdoing.
- Represented multiple individuals in various False Claims Act ("FCA") investigations.
- Represented a Swiss banker charged with conspiring to help Americans hide assets from the IRS.
- Represented one of the world's largest generic drug manufacturers in a successful antitrust lawsuit to obtain access to samples of brand-name drugs needed to obtain FDA approval to bring generic competitors to market.
- Advised a New York-based media company before the Office of Foreign Assets Control (OFAC).
- Represented the former CEO of a technology company in investigation into backdating of stock options. Submitted a Wells notice arguing that our client should face no charges, an argument the SEC accepted, overruling the recommendation of the Staff.
- Represented the CFO of a European telecommunications company in connection with FCPA investigations by Department of Justice, SEC and various foreign jurisdictions. Client was not charged.
- Conducted FCPA compliance training for portfolio companies of a large holding company.
- Represented an equity fund that focuses its business on

investment opportunities in Israel and related markets in “pay to play” investigation by the New York Attorney General’s Office.

- Counseled a European country regarding the return of artwork loaned to a U.S. museum.
- Served as counsel for an executive of a Japanese auto parts company in a U.S. Department of Justice antitrust investigation. Our client was ultimately not charged.
- Represented an executive of a mortgage company charged with securities fraud and making false statements in connection with the creation and sale of mortgage-backed securities.
- Represented executives and other employees of an airline refurbishment company in an FCPA investigation by the DOJ involving alleged payments to Mexican officials. The company ultimately pleaded guilty, but none of the individuals represented by the firm were charged.
- Represented a generic drug manufacturer in a suit alleging unfair trade practices and FDA violations. The lawsuit was dismissed.
- Represented a businessman in a prosecution alleging that he provided consulting services to the government of Sudan in violation of United States’ sanctions regulations. The case, which was the first criminal prosecution under the Sudanese Sanctions Regulations, alleged violations of International Emergency Economic Powers Act (IEEPA) and raised a host of unique questions of law involving classified information and the Foreign Intelligence Surveillance Act (FISA).
- Represented an international company in an investigation by the U.S. Department of Commerce’s Bureau of Industry Standards (BIS) into aircraft leased to a Sudanese company.
- Represented a former executive of a pharmaceutical manufacturer in civil litigation and in a criminal investigation into alleged off-label promotion.

Bar Admissions

- District of Columbia
- New York

Court admissions

- U.S. Court of Appeals, District of Columbia Circuit
- U.S. District Court, District of Columbia
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York

Clerkships

- Supreme Court of Israel
 - Hon. Aharon Barak

Government Service

- U.S. Commodity Futures Trading Commission
 - Director, Enforcement Division
- U.S. Attorney's Office, Southern District of New York
 - Assistant U.S. Attorney
- U.S. Department of Justice
 - Special Attorney to the U.S. Attorney General, OKBOMB Task Force
 - Trial Attorney

Professional Leadership

- Fellow, American College of Trial Lawyers
- Co-Chair, ABA National Institute on White Collar Crime
- Adjunct Professor of Law, "Role of the Federal Prosecutor," The George Washington Law School, 2003-present
- Former Advisory Board Member, Program on Corporate Compliance and Enforcement, NYU Law School

Community Involvement

- Team Captain, National MS Walk

Recognitions

- Chambers USA: America's Leading Lawyers for Business, White-Collar Crime and Government Investigations (Washington, DC)
- The Best Lawyers in America®, Bet-the-Company Litigation, Criminal Defense: White-Collar, Litigation - Securities
- Legal 500, White-Collar Criminal Defense
- Super Lawyers (Washington, DC)
- The American Lawyer, Litigator of the Year Finalist, 2020