

Marcos E. Hasbun

Partner

Marcos E. Hasbun focuses his practice on white collar criminal defense and complex commercial litigation.

In his white collar defense practice, Marcos represents individuals and companies in investigations into allegations of fraud, public corruption, and criminal environmental matters.

Marcos also represents individuals and entities when government investigations escalate into criminal charges, or results in a civil suit filed by, or on behalf of, the government.

In the criminal arena, Marcos has defended individuals against allegations of health care fraud, government contracting fraud, tax fraud, bank fraud, criminal environmental matters, and public corruption. In the civil arena, his representations have included defending individuals and entities against allegations that they violated the False Claims Act, litigating general commercial disputes and litigating Endangered Species Act citizen-suits. Marcos is also a federal mediator.

Throughout his career, Marcos has devoted substantial time to representing indigent defendants in pro bono matters. He has represented individuals who have challenged the severity of their sentences on appeal, who were charged with drug trafficking and firearm offenses, and who sought to obtain post-conviction DNA testing.

Professional leadership

- Member, American Bar Association Criminal Justice Section, 2018
- Member, American Bar Association Task Force on College Due Process Rights and Victim Protections, 2017
- Co-Chair, Florida Region Subcommittee, American Bar Association Criminal Justice Section White Collar Crime Committee, 2010
- Florida Bar Grievance Committee for the 13th Judicial Circuit (Chairman, 2006; Member, 2003-2005)
- Member, Herbert G. Goldburg Criminal Law American Inns of Court, 2003-2015



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Practice focus

- Business Litigation
- False Claims Act
- Health Care
- Investigations
- Legal Profession and Ethics
- Procurement fraud
- White Collar Defense
- Pro Bono

Education

- Georgetown University Law Center, J.D., *cum laude*, 1998
- Georgetown University, B.S., *magna cum laude*, 1995

Languages

- French
- Spanish



ZUCKERMAN
SPAEDER

- Member, National Association of Criminal Defense Lawyers, 2003-present
- Member, Hillsborough Bar Association, 2006-present
- Member, Federal Bar Association, 2007-present
- Member, American Bar Association, 2007-present
- Member, American Bar Association Young Lawyers Subcommittee for White Collar Crime, 2008
- Member, American Bar Association Florida Regional Subcommittee for White Collar Crime, 2008
- Criminal Justice Act Panel, Middle District of Florida, 2009-2011

Community involvement

- Board Member Pinellas Association for Retarded Children, 2007-2016 (Chairman of the Board 2015)
- Board Member, Manasota Association for Retarded Children, 2009-2016
- Georgetown Alumni Club of Tampa (President, 2003-2007) □

Recognitions

- The Best Lawyers in America, Bet-the-Company Litigation; Commercial Litigation; Criminal Defense: White-Collar; Health Care Law; Qui Tam Law
- Benchmark Litigation, Local Litigation Star (Florida)
- Super Lawyers (Florida)
- The American Lawyer, South Trailblazer, 2022
- Who's Who Legal, National Recommended Lawyer: Florida – Investigations, 2020
- Chambers USA: America's Leading Lawyers for Business, White-Collar Crime & Government Investigations (Florida), 2019
- Law360, Rising Star: Health Law, 2012
- PARC, Community Volunteer of the Year, 2012
- Tampa Bay Business Journal, Up and Comer Award, 2011

Bar admissions

- Florida
- District of Columbia

Court admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida

Representative matters

- Represented a hospital in defense of a False Claims Act lawsuit alleging improper compensation of physicians to induce referrals, purportedly in violation of the Stark Physician Self-Referral Law and the Anti-Kickback Statute.
- Represented a pharmacy chain in defense of a Florida Attorney General lawsuit alleging the pharmacy improperly distributed and dispensed opioid medications.
- Represented a hospital in defense of a False Claims Act lawsuit alleging the hospital failed to properly obtain informed consent from patients undergoing surgeries, resulting in purportedly false submissions for payment to Medicare, Medicaid and Tricare.
- Represented a company in a Lacey Act investigation.
- Represented an animal rights organization in Endangered Species Act citizen-suits to protect endangered and threatened species in the custody of roadside zoos. In one case, after a six-day trial, client obtained an injunction permanently prohibiting a zoo from possessing any endangered or threatened species. The trial court's decision was affirmed on appeal. In another case, after a two-day evidentiary hearing establishing a zoo's egregious discovery violations, client obtained a default judgment and permanent injunction against zoo, dismissal of the zoo's counterclaims with prejudice, and award of reasonable attorneys' fees and expenses for discovery violations the District Court described as "brazen" and "confounding."



- Defended an executive and former general counsel of a major public health care insurance company in connection with federal health care fraud charges. The indictment involved complex legal and accounting issues regarding the Florida Medicaid behavioral health care program. A related civil suit filed by the U.S. Securities and Exchange Commission (SEC) alleged fraud, false filings, and related violations of the Securities Act.
- Represented a company in a criminal export control investigation and negotiated and obtained a non-prosecution agreement.
- Represented a pharmaceutical company alleged to have violated the False Claims Act by purportedly engaging in off-label marketing. Client obtained dismissal after a motion to dismiss. The decision was upheld on appeal before the U.S. Court of Appeals, Eleventh Circuit, and the U.S. Supreme Court denied the whistleblower's request for certiorari review.
- Represented a government contractor who received a target letter in connection with a criminal procurement fraud investigation relating to veteran-owned set-aside contracts and performed a counter-investigation that persuaded the government to decline filing criminal charges.
- Represented a laboratory in connection with alleged violations of the federal Anti-Kickback Statute, and achieved a global resolution for the laboratory that resolved a False Claims Act suit, a parallel federal criminal investigation, and related administrative issues.
- Represented a medical device company and its principal in a federal False Claims Act suit filed by a qui tam relator. A former independent sales representative had alleged that the company fraudulently promoted the sale of a spinal decompression device, resulting in physicians submitting false claims for payment. The court dismissed the suit with prejudice.
- Represented a publicly traded company in a tortious interference lawsuit and client obtained fees and costs in the defense.
- Represented a former "Big Five" accountant in connection with a four-year joint FBI and IRS criminal investigation. Despite the IRS having authorized the filing of three separate felony charges, the Zuckerman Spaeder team negotiated a misdemeanor disposition that resulted in no jail-time.



- Represented the former CEO of a nonprofit organization in a three-week federal public corruption trial involving allegations of bribery, gratuity, wire fraud, conspiracy, and embezzlement.
- Represented an individual accused of selling abusive tax shelters and convinced the government not to criminally charge the firm's client.
- Defended a major Washington, DC law firm in a \$100 million federal legal malpractice suit. The plaintiff alleged that the firm misread Federal Communications Commission (FCC) licensing requirements when drafting an option agreement related to the purchase of a television broadcast company. A federal judge granted summary judgment in favor of the firm's client.
- Represented a pharmacy in connection with efforts to terminate the pharmacy's Medicaid contract. After filing a federal lawsuit, the Agency for Health Care Administration withdrew its termination notice.
- Obtained a defense verdict for a company against a multimillion-dollar arbitration claim.

