

## PAUL MOGIN, PARTNER

Paul Mogin's practice encompasses both civil and criminal litigation, with a special emphasis on white collar criminal cases, civil and criminal appeals, government investigations and cases involving claims for punitive damages. Mr. Mogin is highlighted for his appellate work in the 2012 edition of *The Legal 500 United States*. He argued *Cleveland v. United States*, 531 U.S. 12 (2000), and has argued or briefed successful challenges to criminal convictions in the Second, Fourth, Sixth, and District of Columbia Circuits, overturning counts of conspiracy, false statements, wire fraud, money laundering, racketeering and racketeering conspiracy, running an illegal gambling business, obstruction of congressional proceedings, receiving an illegal gratuity, concealment of government records, and shipment of adulterated and misbranded food. Mr. Mogin has also represented clients in a variety of different kinds of investigations, including investigations by grand juries, the SEC, the CFTC, bar disciplinary authorities, and a state board of ethics.

Most recently, Mr. Mogin prevailed in *United States v. Ford*, 639 F.3d 718 (6th Cir. 2011), where the Sixth Circuit overturned his client's conviction on all six counts (two wire fraud/honest services counts and four false statement counts). Mr. Mogin has also persuaded the Fourth Circuit to reverse a \$200,000 sanction against a corporate defendant for alleged misconduct during discovery, and he has been involved in six successful challenges to punitive damages awards each of which exceeded \$10 million.

The questions before the Supreme Court in the *Cleveland* case, which involved a video poker parlor in Slidell, Louisiana, were (i) whether a state license constitutes "property" under the federal mail fraud statute and (ii) whether under that statute the object of a fraud must be "property" in the victim's hands. In 1997, the Supreme Court had denied a petition for certiorari that had asked the Court to resolve the conflict among the circuits on the first question, but three years later Mr. Mogin convinced the Court to grant review. The Court later resolved both questions in favor of Mr. Mogin's client.

A prolific legal writer, Mr. Mogin's 1998 *University of Chicago Law Review* article about punitive damages was reprinted in *The Right to a Fair Trial* (2009), a collection of essays edited by Thom Brooks of Newcastle University. His most recent article, published in *The*



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### PRACTICE AREAS

- Civil Litigation and Trial Practice
- Commercial Litigation
- Criminal Defense and Government Investigations
- Professional Liability
- Supreme Court and Appellate Litigation

### EDUCATION AND HONORS

- Harvard Law School, J.D., *magna cum laude*, 1980; Sears Prize, 1978; Associate Editor, *Harvard Law Review*, 1978-1979; Supreme Court Editor, 1979-1980
- Princeton University, B.A., *summa cum laude*, 1977; John G. Buchanan Prize; New York Herald Prize
- "AV-Rated" by *Martindale-Hubbell®*

### BAR AND COURT

#### ADMISSIONS

- District of Columbia
- Supreme Court of the United States
- United States Courts of Appeals for the District of Columbia, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Eleventh, and Federal Circuits
- United States District Courts for the District of Columbia and Central District of Illinois

*Champion*, the journal of the National Association of Criminal Defense Lawyers, argues that the federal false statement statute (18 U.S.C. § 1001) should be interpreted to require proof that the defendant knew he was acting unlawfully.

Mr. Mogin has also written *amicus curiae* briefs for the American Bar Association in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009), and for the National Association of Criminal Defense Lawyers in *Castro v. United States*, 540 U.S. 375 (2003), and *Wyoming v. Houghton*, 526 U.S. 295 (1999).

Mr. Mogin was born in Neptune, New Jersey and grew up an hour away in Bridgewater, in central New Jersey. He graduated from Princeton University *summa cum laude* and received his J.D. degree *magna cum laude* from Harvard Law School, where he was an editor of the *Harvard Law Review*. Mr. Mogin was a law clerk to Judge Henry J. Friendly of the Second Circuit before joining Williams & Connolly LLP in 1981. He rejoined the firm after clerking for Associate Supreme Court Justice Thurgood Marshall during the 1982 Term.

## GOVERNMENT SERVICE

- Law Clerk, Associate Justice Thurgood Marshall, United States Supreme Court, 1982-1983
- Law Clerk, Judge Henry J. Friendly, United States Court of Appeals for the Second Circuit, 1980-1981

## PROFESSIONAL AFFILIATIONS

- American Bar Association
- National Association of Criminal Defense Lawyers
- American Health Lawyers Association

## PUBLICATIONS

- *Raising Issues on Appeal: Fewer Is Not Always Better*, A.B.A. (2014)
- *Beware of inadequate documentation and HIPAA 'trap'*, Orthopedics Today, July 2014
- *DOJ Relents on False-Statements Policy*, National Law Journal, Apr. 21, 2014, at 10
- *The Willfulness Element of a False Statement Charge*, The Champion, Sept./Oct. 2012, at 38
- *Don't Tilt the Playing Field: A Response to Polsky and Markel*, 96 Va. L. Rev. In Brief 69 (2011)
- *The Property-Rights Limitation in Mail and Wire Fraud Cases*, The Champion, April 2008, at 24

- *Using New Evidence of a Constitutional Violation To Get a New Trial*, The Champion, Sept./Oct. 2003, at 26
- *Reining in the Mail Fraud Statute*, The Champion, May 2002, at 12
- *Why Judges, Not Juries, Should Set Punitive Damages*, 65 U. Chi. L. Rev. 179 (1998), reprinted in *The Right to a Fair Trial* (Thom Brooks ed., Ashgate 2009)
- *The Policeman's Privilege To Shoot a Fleeing Suspect: Constitutional Limits on the Use of Deadly Force*, 18 Amer. Crim. L. Rev. 533 (1981)