

(<http://clementspineault.com>)



## Ben T. Clements

### Attorneys

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**Ben Clements** is a former federal prosecutor and **former Governor's Chief Legal Counsel**, with substantial experience representing persons and entities in white collar criminal proceedings, state and federal enforcement proceedings, complex business litigation, and appeals. He also counsels and represents clients in connection with securities law, healthcare law, government ethics laws and regulations, government procurement law, and other matters relating to the state and federal governments. Mr. Clements's clients have included business executives and professionals, senior government officials, Fortune 500 companies, small businesses, non-profit institutions, and the state and federal governments.

Mr. Clements has represented and defended individuals, companies, and other entities in connection with criminal, investigative, regulatory, and civil matters across a wide range of subject matters including:

- **HEALTHCARE:** investigations by United States Attorney's Office and various federal agencies concerning allegations of federal programs fraud and other unlawful billing practices; off-label marketing; misbranding; clinical trial violations; kickbacks and unlawful inducements, and other allegedly unlawful sales and marketing practices; FDA investigation of product sales and marketing practices; state Attorney General's Office investigations of allegedly unfair and deceptive health insurance practices;
- **FINANCIAL SERVICES, SECURITIES, AND OTHER FINANCIAL CRIME:** criminal and civil investigations and prosecutions by United States Attorney's Offices, Securities and Exchange Commission, and state Securities Division relating to allegations of market timing; insider trading; stock price manipulation; misuse of stock options; revenue recognition and other accounting practices; criminal investigations and prosecutions by United States Attorney's Office involving bank fraud, tax fraud, and mail and wire fraud;
- **PUBLIC CORRUPTION, GOVERNMENT ETHICS, AND LOBBYING ACTIVITY:** defense of public officials and others in connection with corruption and conflict of interest investigations and prosecutions by the Massachusetts Ethics Commission and the United States Attorney's Office; as Chair of the Governor's Public Integrity Task Force, led initiative and legislative drafting that resulted in the 2009 comprehensive Act to Improve the Laws Relating to Campaign Finance, Ethics, and Lobbying;
- **GOVERNMENT CONTRACTING :** defense of government contractors and employees in connection with civil and criminal investigations and prosecutions involving alleged kickback schemes, procurement fraud, false claims act violations, and federal acquisition violations;

- **COMMERCIAL LITIGATION:** civil matters involving commercial contract disputes; misrepresentation and fraud; defamation; unfair and deceptive conduct in connection with stock purchase agreements, corporate acquisition agreements, and various other business arrangements;
- **SHAREHOLDER AND EMPLOYEE DISPUTES:** representation of shareholders, corporations, officers and employees in negotiation and litigation involving employment and shareholder agreements, severance issues, shareholder buyouts, breach of fiduciary duty, non-compete agreements, and other issues relating to formation and termination of employment and shareholder relationships;
- **INTELLECTUAL PROPERTY AND TECHNOLOGY:** civil actions alleging copyright infringement; misappropriation of intellectual property and related claims; criminal investigation of alleged computer piracy and hacking scheme;
- **GAMING:** defense of investigation and prosecution of allegedly unlawful gaming activity; coordination and oversight of drafting of comprehensive destination resort casino bill, as Governor's Chief Legal Counsel;
- **ENVIRONMENTAL LITIGATION :** defense of multi-million dollar business disputes raising substantial claims of environmental contamination and violations under Chapter 21E.

Before co-founding Clements & Pineault, Mr. Clements served for three years as the **first Chief Legal Counsel to Governor Deval L. Patrick**. As Chief Legal Counsel, Mr. Clements served as the Governor's principal legal advisor and supervised the Governor's Office of Legal Counsel. His responsibilities included advising the Governor on legislation, major initiatives, ethics, appointments, executive orders, and other gubernatorial acts; oversight and coordination of the Judicial Nominating Commission and advising the Governor on all judicial appointments; advising the Governor concerning criminal justice matters; advising and representing the Governor with respect to litigation; and supervising the Administration's response to outside investigations. Beginning in November 2008, Mr. Clements also served as the Chair of the Governor's Task Force on Public Integrity, a bi-partisan committee, which Mr. Clements assembled and led to recommend legislation to improve the state ethics and lobbying laws, an effort that led to the enactment in June 2009 of the most ground-breaking and comprehensive ethics, lobbying, and campaign finance reforms in the past several decades.

From 2001 until 2007, Mr. Clements was a partner in two Boston boutique litigation firms, including Clements & Clements, LLP, which he founded in 2003, where he specialized in white collar criminal defense, complex civil litigation, and appeals.

Mr. Clements served as an Assistant U.S. Attorney for the District of Massachusetts from 1994 to 2001. As a federal prosecutor, he was responsible for the investigation and prosecution of a wide range of federal crimes, including public corruption, major commercial and government fraud, civil rights violations, homicide and other violent crimes. He served as lead counsel in numerous jury trials and appeals, in all of which he achieved favorable outcomes. Among many other cases, Mr. Clements successfully prosecuted two corporate executives and outside advisers to the United States Air Force for kickbacks and schemes to defraud the Air Force of over \$10 million; the former head of the National Hockey League Players Association, Alan Eagleson, for various schemes to defraud the NHL players; two Boston police detectives for a multi-year conspiracy involving extortion, theft, and civil rights violations; and a violent armed robbery gang responsible for perpetrating 15-20 armed bank robberies in the Boston area in the late 1990's.

**From 1990 until 1994, Mr. Clements practiced in the litigation department of the Boston law firm Hill & Barlow.** During 1991, he also served as a Special Assistant District Attorney for Middlesex County.

Mr. Clements has authored and published several articles on a range of subjects, including constitutional law, contract law, employment law, and civil procedure. He has taught and lectured on issues relating to public corruption, government ethics, federal criminal investigations, and the judiciary.

Mr. Clements graduated cum laude from Dartmouth College and summa cum laude from the Cornell Law School. Following law school, he served as a law clerk for the Chief Judge of the United States Court of Appeals for the First Circuit.

Mr. Clements serves on the boards of several charitable and civic organizations, including Free Speech for People, Stop Handgun Violence, the Family-to-Family Project, and the Boston Chapter of the American Constitution Society.



#### EDUCATION

Cornell Law School, JD, *summa cum laude* (1989)

Dartmouth College, AB, *cum laude* (1986)

#### CLERKSHIP

Chief Judge Levin H. Campbell, United States Court of Appeals for the First Circuit, 1989–1990

#### PRIOR OFFICIAL POSITIONS

Chief Legal Counsel to Governor Deval L. Patrick (2007–2009)

Assistant United States Attorney, District of Massachusetts (1994–2001)

Special Assistant District Attorney, Middlesex County (1991)

#### ADMISSIONS

Massachusetts

United States District Court, District of Massachusetts

United States Court of Appeals, First Circuit

United States Supreme Court