

Jason M. Ross

Member

Dallas

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Areas Of Practice

Litigation

Appellate and Complex Motion Practice

Business & Commercial

Government Investigations and Corporate Compliance

Securities Litigation

Cannabis Law

Industries

Dental Service Organizations
Industry Group

Bar Admissions

Texas

Court Admissions

U.S. District Court, Northern District of Texas

U.S. District Court, Southern District of Texas

U.S. District Court, Eastern District of Texas

U.S. District Court, Western District of Texas

U.S. District Court, Central District of Illinois

U.S. Court of Appeals, Fifth Circuit

Education

University of Texas School of Law, J.D.

- Articles Editor, *Texas Law Review*

The Louisiana Scholars' College at Northwestern State University, B.A., *With Highest Distinction*

Jason M. Ross is a member of the Litigation Group in Dykema's Dallas office. Mr. Ross focuses his practice on complex civil and criminal matters, with an emphasis on white collar criminal defense, and conducting and responding to investigators. Mr. Ross has extensive experience protecting companies and their decision makers in various stages of government investigations and litigation. He has counseled companies on compliance challenges in addressing whistleblower complaints. He has defended clients' initial government investigations, negotiations with enforcement agencies, grand jury proceedings, indictments and trials. He has defended clients in proceedings brought by agencies such as the Department of Justice, the Securities and Exchange Commission, Federal Bureau of Investigation, the Environmental Protection Agency, the Department of Labor and the Federal Trade Commission. His expertise spans many industries, including health care, telecommunications, software, electronics, banking, insurance, energy and commercial aviation.

Mr. Ross's experience includes representing targets of government investigations, as well as witnesses, and assisting large, publicly-traded corporations, as well as private companies and individuals. Many of the matters involving government agencies also involve separate civil proceedings litigated by private parties and government agencies. He has also handled various types of litigation including civil lawsuits and administrative proceedings in both state and federal courts.

Experience

Federal Criminal Defense

Defense of surgical hospital executive in eight-week federal criminal trial involving allegations of violation of: the Federal Anti-Kickback Statute; the Travel Act's anti-bribery provisions; and federal money laundering statutes.

Trial lawyer in successful defense of a former Enron Executive Vice President charged with conspiracy, insider trading, securities fraud, wire fraud and money laundering. The Houston trial, lasting 14 weeks, resulted in acquittals and hung counts with no guilty verdicts. Extensive participation in pretrial, trial and appeals. Relevant experience included direct and cross examination of key witnesses; nationwide witness interviews; primary responsibility for key defense witnesses, including executive-level software engineers, network engineers and expert economist; oral argument on numerous motions; authorship of numerous motions and briefs; and appellate briefing, including substantive role in drafting *amicus* brief filed in the United States Supreme Court in co-

Catholic University of Nijmegen,
Nijmegen, The Netherlands. One
semester study abroad

defendant's successful challenge to retrial (*Yeager v. United States*, 557 U.S. 110 (2009)). Key decision making and supervisory role in coordination of evidence review efforts involving 80 million pages of electronic and paper documents and a multi-shift team of review attorneys. After appellate litigation at Fifth Circuit and Supreme Court, and on the eve of a second trial, a favorable plea agreement was reached that resulted in no incarceration.

Trial lawyer in defense of an executive charged with conspiracy, securities fraud and tax fraud. Participation included direct and cross examination of fact witnesses; cross examination of expert witness; authorship and oral advocacy on various motions, including requested jury instructions and motion to exclude expert witness; authorship of sentencing memorandum; and successful oral advocacy for a sentence significantly lower than that requested by the United States Attorney's Office.

Health Care

Defense of health insurance company in litigation brought by addiction treatment centers related to disputes over payment of claims. Authored and participated in oral argument of Motion to Dismiss resulting in complete dismissal of all claims.

Trial lawyer in federal criminal trial of home health care company owner charged with health care fraud and conspiracy.

Securities Litigation

Lead counsel to the Court-appointed Receiver in SEC action against an investment company and its principals charged with operating a Ponzi scheme. Advised and represented the Receiver in recovering, liquidating and distributing assets to investors. Informed the Court, through motions and hearings, on progress of asset recovery and distribution. Engaged with SEC staff, defendants' counsel and investors to locate assets of value and propose an equitable plan of distribution.

Counsel to Court - appointed SEC receiver in large-scale Ponzi scheme involving investments in oil and gas securities.

Primary lawyer in defense of a former energy company executive charged with securities fraud. Participated in investigative testimony and advocacy with SEC staff in defense of the client before a favorable settlement was reached. Defended the client in parallel civil litigation brought on behalf of investors and creditors.

Lead counsel in defense of a former officer and board member of a publicly traded company in a fraud investigation by the SEC. Participated in investigative testimony and advocacy on behalf of the client before the SEC staff. After a thorough formal investigation, the SEC declined to bring charges against the client.

Attorney in defense of a former Enron Vice President and Associate General Counsel charged with securities fraud and aiding and abetting the chairman in concealing insider stock sales. Primary author and oral advocate of major motions. Coordinated fact investigation, discovery and witness interviews before favorable settlement was reached.

Jason M. Ross (Cont.)

Attorney defending clients in federal securities fraud lawsuit brought by investors, alleging that clients participated in a Ponzi scheme. Primary author on successful motion to dismiss, resulting in early dismissal with prejudice of virtually all conspiracy and fraud-based causes of action, and allowing clients to settle remaining claims for minimal expense.

Business Litigation

First-chair trial lawyer in defense of an energy supplement company in a two-week-long temporary injunction hearing. The Plaintiff, a competing company, alleged theft of trade secrets and tortious interference with contracts, and sought a cessation of the client's business in its valuable Asian and European sales markets. Managed four-lawyer trial team while engaged in extensive fast-track international discovery, expedited motions practice and lengthy evidentiary hearing to successfully prevent Plaintiffs from obtaining relief that would interrupt the client's worldwide operations.

Defense of manufacturing company in civil False Claims Act litigation. Author of Motion to Dismiss resulting in full dismissal of all causes of action.

Primary lawyer representing Hall of Fame basketball player in an administrative action against a major university, in which the client alleged that the university breached its contract after receiving client's marketing and public relations services. Authored Complaint, advised client on available administrative remedies, and engaged in depositions and written discovery. Favorable settlement reached before trial.

Seminars & Speeches

Government Enforcement in the Biden Administration: Will Everything Old Be New Again?
December 10, 2020

Investigations and Compliance in the 21st Century: Four Topics Counsel Need to Know About
March 17, 2020

"Forest Park – The Inside Scoop," Federal White Collar Seminar
October 11, 2019

Foreign Corrupt Practices Act Roundtable – Dallas
October 10, 2019

"Anti-Kickback Implications in the Post-Forest Park Era," State Bar of Texas 32nd Annual Texas Health Law Conference
October 8, 2019

Foreign Corrupt Practices Act Roundtable – San Antonio
September 25, 2019

Internal Investigations: Protecting Attorney-Client Privilege Against Increasing Attacks
March 27, 2018

Compliance and Internal Investigations, Texas Lawyer In-House Counsel Summit, Austin Texas
August 2012

Money Laundering: What Every Lawyer Needs to Know, Dallas Bar Association CLE, and Collin County Bar Association
March 2012 and July 2012 respectively

Publications

"Biometrics and the Fifth Amendment: A New Frontier"
February 2020
Law Journal Newsletters

"The Continuing Evolution of the False Claims Act"
January 2017
Law Journal Newsletters/Business Crimes Bulletin

"What to Do When the Government Knocks on Your Door?"
November 2016

Jason M. Ross (Cont.)

Corporate Counsel Review, Volume XXXV, Number 2

"D.C. Circuit again protects attorney-client privilege over internal investigation materials"

August 24, 2015

Lexology

"Environmental Enforcement: The Government Strikes Back"

April 2010

Dallas Bar Association Headnotes

News

Jason Ross Points Out Increased Use of Federal Travel Act for Health Care Fraud in *Law360*

July 27, 2021

Six Dykema Attorneys Named "Best Lawyers in Dallas" by *D Magazine*

April 26, 2020

Texas Lawbook Spotlights Dykema Legal Team As Medical Center Trial Opens

February 20, 2019

Jason Ross Comments on Court Expenses Reimbursement Order in *Law360*

April 10, 2017

Four Dykema Lawyers Named as 2014 Texas Rising Stars by *Super Lawyers*

March 17, 2014

Jason Ross Quoted in *Texas Lawbook* Article on Mark Cuban Trial

October 15, 2013

Four Dykema Attorneys Named to 2013 Texas *SuperLawyers*

September 26, 2013

Blog Posts

Fighting Fraud in the Wake of COVID-19

Memberships & Involvement

State Bar of Texas

Co-Chair, American Bar Association White Collar Crime Regional Subcommittee

Federal Bar Association, Dallas Chapter, Executive Committee Member and Co-Founder, White Collar Crime Committee Member

Dallas Bar Association

Dallas Association of Young Lawyers

Awards & Recognition

- Recognized in *The Best Lawyers in America*® for Appellate Practice and Criminal Defense: White-Collar, 2021. Copyright 2015 by Woodward/White, Inc., Aiken, SC
- Recognized in *Texas Super Lawyers* as a Rising Star for Criminal Defense: White Collar, Securities Litigation and Civil Litigation Defense, 2010-2015
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Jason M. Ross (Cont.)

Named a "Best Lawyer in Dallas" by *D Magazine*, 2020