



Robert J. Higdon Jr.

Partner

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OVERVIEW

Robert J. Higdon, Jr. (Bobby) is a partner in the firm's Research Triangle Park office. A seasoned trial lawyer and effective advocate, Bobby brings nearly three decades of experience in government and in private practice, to guide clients nationwide who are facing regulatory proceedings, enforcement actions, grand jury investigations, white-collar criminal prosecution, and related civil litigation. He is a member of the firm's Investigations, Enforcement, and White Collar practice group.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Bobby served as the 47th United States Attorney for the Eastern District of North Carolina. Presidentially appointed and unanimously confirmed by the United States Senate, he served from 2017 until 2021 as the chief federal law enforcement officer for the eastern half of North Carolina. During his tenure as United States Attorney, the office handled numerous high-profile matters involving national security, cybercrime, public corruption, and financial fraud, as well as a heavy docket of violent crime and drug offenses. The office also maintained a complex docket of civil matters with the United States Government as a litigant. Bobby worked closely with enforcement agencies including the Federal Bureau of Investigation, the Internal Revenue Service, the Department of Health and Human Services, the North Carolina Medicaid Enforcement Division, the Drug Enforcement Administration (criminal, regulatory and diversion), and a range of other federal, state and local enforcement agencies and task forces. From 2017 through 2019, Bobby served as a member of the Attorney General's Advisory Committee which counseled the Attorney General of the United States on matters of policy, procedure, and management. Prior to serving as United States Attorney, Bobby served as an Assistant United States Attorney for 24 years which included an 11-year term as the Chief of the Criminal Division and eight years as the Lead Attorney for the Organized Crime Drug Enforcement Task Force in the Eastern and Western Districts of North Carolina, respectively. An accomplished trial attorney, Bobby has tried more than 40 cases before juries as a federal prosecutor. These matters have included public corruption offenses, federal campaign finance violations, drug trafficking, money laundering, white collar offenses, bribery, and human trafficking. Twice he was awarded the Department of Justice's Director's Award for Superior Performance as an Assistant United States Attorney. He has also received more than 50 commendations from federal, state, and local law enforcement agencies for his role in investigations and prosecutions of all types.

Early in his career Bobby served as Special Assistant to United States Senator John P. East (NC) and as Assistant to United States Secretary of Transportation Elizabeth H. Dole. More recently he served as chair of United States Senator Thom Tillis's (NC) Law Enforcement Advisory Committee.

PROFESSIONAL / CIVIC ACTIVITIES

- North Carolina State Bar Association
- National Association of Former United States Attorneys
- Republican National Lawyers Association
- The Federalist Society
- Triangle Leadership Association
- Chair, Board of Elders, The Shepherd's Church, Cary, North Carolina
- Regular Moot Court/Trial Team Advisor

EDUCATION

- J.D., Wake Forest University School of Law, 1989 (*Law Review Editorial Staff and Moot Court Board*)
- B.A., Wake Forest University, 1985 (*cum laude*)

ADMISSIONS

- Bar of North Carolina
- United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the Fourth Circuit
- United States District Court for the Eastern District of North Carolina
- United States District Court for the Middle District of North Carolina
- United States District Court for the Northern District of Georgia
- United States District Court for the Western District of North Carolina

THOUGHT LEADERSHIP POWERED BY HUB

- 1 February 2024, Twelfth Annual "Under the Wire" CLE Webinar
- 8 June 2023, Supreme Court Issues Decision Regarding False Claims Act's Scienter Element

- 24 March 2023, Recent Government Focus on Laboratory Testing and the Impact of EKRA—Where Are We in 2023?
- February 2023, Eleventh Annual "Under the Wire" CLE Webinar
- 15 November 2022, Litigation Minute: Batten Down the Hatches: Best Practices to Weather the Storm of a Government Investigation
- 8 November 2022, Litigation Minute: Staying Informed of Government Enforcement Priorities and Trends
- October 2022, False Claims Act: Insights on Local and National Developments
- 22 April 2022, Medical Laboratories Under the Microscope
- February 2022, Tenth Annual "Under the Wire" CLE Webinar
- 5 August 2021, Voluntary Disclosure: Deep Dive - Key Trends in U.S. Corporate Enforcement

OTHER PUBLICATIONS

- "Key DOJ Health-Care Enforcement Trends to Watch," *Bloomberg Law*, 16 September 2021

NEWS & EVENTS

- 23 February 2023, Southeastern Health Care Fraud Symposium
- 2 February 2023, "Under the Wire" CLE Seminar
- 4 May 2021, K&L Gates Bolsters Investigations Practice with Hire of Former U.S. Attorney as Research Triangle Park Partner

MEDIA MENTIONS

- Mentioned, "38 western N.C. Methodist churches sue to leave denomination," *BusinessNC.com*, 30 November 2022

AREAS OF FOCUS

- White Collar Defense and Investigations
- Federal, State, and Local False Claims Act
- Health Care Fraud and Abuse (U.S.)
- Internal Investigations

REPRESENTATIVE EXPERIENCE

- Represented international genetic testing laboratory during internal investigation and self-disclosure process associated with marketing procedures and testing referral practices
- Represented nationwide operator of government eligibility and benefits call-in center/hotline in conjunction with employee misconduct giving rise to substantial False Claims Act exposure with extremely favorable treatment by government and retention of operating contract with State Health Care program
- Represented large network of medical providers through internal investigation and self-disclosure associated with physician compensation arrangement, which implicated the federal Anti-Kickback Statute with very favorable settlement with Inspector General of US Department of Health and Human Services
- Representing large regional integrated provider of health care services and insurance coverage in response to federal civil investigation of rate setting under the Affordable Care Act
- Represented hospital system in response to qui tam/federal civil investigation regarding operation of Medicare Expansion program with favorable settlement, including avoidance of any outside monitoring of system

DOJ Experience

- Led the investigation and prosecution of American presidential candidate for violations of federal campaign finance laws
- Led the investigation and prosecution of sitting state senator for bribery and violations of federal campaign finance laws in conjunction with support for candidates in presidential primary
- Led the investigation of businessman who laundered funds from foreign prime minister into US presidential campaign
- Co-led the investigation and prosecution of individuals employed by a US defense contractor and trainer for violations of US export control laws
- Co-led the investigation and prosecution of medical device manufacturer for intentional sale of adulterated products
- Oversaw the investigation of major regional hospital for violations of Medicare/Medicaid reimbursement regulations
- Personally prosecuted more than 2,000 defendants for offenses, including drug trafficking, violent crime, fraud, bribery, environmental crime, national security violations, human trafficking, and intellectual property laws
- Led 10-year effort to mentor and train prosecutors, defense counsel, judges, and law enforcement officers in the Republic of Kosovo
- Worked with US Embassy personnel and members of Congress in the Philippines to enact consensual monitoring laws
- Trained prosecutors and law enforcement officers in Indonesia

- Regular trainer and instructor on grand jury and trial practice at the National Advocacy Center

Private Practice Experience

- Defended a North Carolina hospital system against breach of contract, unjust enrichment, and Unfair and Deceptive Trade Practices Act class action claims, and secured a complete dismissal of all claims asserted against the client at the motion to dismiss stage
- Represented major health care provider in investigation by USDOJ for improper requests for reimbursement from Medicare/Medicaid programs with no charges being filed
- Represented major life insurance company which was defrauded by financial advisors before the USDOJ
- Represented licensed firearms dealers during investigation by Bureau of Alcohol, Tobacco, Firearms, and Explosives with no charges being filed
- Represented major psychiatric care provider under investigation by USDOJ with no charges being filed
- Represented accountant to successful Congressional campaign in federal grand jury investigation for violations of federal campaign finance laws with no charges being filed
- Represented large religious organization during investigation of misconduct by partner charitable organization and advised on how to respond to violations by that partner organization
- Resolved allegations of mishandling of funds by large religious organization without any charges being filed or loss of charitable tax status
- Represented principles in investment fund set up to facilitate economic development in Balkan countries
- Represented large-scale mail order distributor against investor/principles on issues relative to theft of trade secrets, breach of contract, and unfair competition