



Robert G. Marasco, Partner

Practice Areas Health Care
Privacy and Cybersecurity
White Collar Criminal Defense
Litigation, Corporate and Commercial

Admissions California
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New York
New Jersey

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Professional Summary

Robert is the leader of Procopio's Health Care practice group. He aids clients in a wide spectrum of business situations. In the civil context, he acts as an outside general counsel to a variety of businesses advising on various legal and business matters, and also leads the strategic litigation needs of these businesses. In the health care context, Robert advises healthcare and life science clients on health care compliance and fraud and abuse, the Anti-Kickback Statute, the Stark Law, and defends clients against OIG health care audits and False Claims Act matters and governmental investigations. He also advises on compliance with health care privacy laws such as HIPAA and the California CMIA, investigates data privacy compliance, and responds to data breaches. Additionally, Robert has extensive experience representing hospital medical staffs in disciplinary proceedings and is authorized by the CA Society for Healthcare Attorneys to serve as a hearing officer for such matters.

He utilizes his experience as a former federal prosecutor to effectively and efficiently defend corporate clients and individuals, in all contexts, who are working through complex internal or government investigations, responding to grand jury and administrative subpoenas, investigative demands for interviews, or facing criminal prosecution. This includes assisting clients with all aspects of litigation in matters involving the U.S. Department of Justice, U.S. attorney's offices, SEC, FINRA, FinCEN, OFAC, and



state attorney general offices. He handles matters involving the Foreign Corrupt Practices Act (FCPA) and other anti-bribery provisions, money laundering, mail fraud, bank fraud, wire fraud, and False Claims Act (qui tam/whistleblower) actions related to government contractors.

Additionally, Robert successfully has assisted corporations, nonprofit organizations, and individuals who have been victims of fraud recoup their losses.

Rob is a member of [Procopio's COVID-19 Legal Resources Team](#).

Representative Matters

- Represented a California public agency that was the victim of an embezzlement scheme by a former employee. An investigation deciphered the full scope of the fraud and permitted us to present a complete view of the matter to federal authorities. As a result, the federal authorities accepted the case and prosecuted the former employee. Additionally, the complete review permitted us to demonstrate the extent of the fraud to the agency's insurance carrier, which agreed to cover the entire loss amount.
- Represented an individual who had been accused of multiple frauds and was investigated by a district attorney's office. An investigation revealed the client actually had been the victim of fraud by the accuser and these results were presented to the investigators. As a result, the district attorney's office declined to file charges against the client.
- Represented the former CFO of a government contractor who was charged in federal court with wire fraud for embezzling over \$800,000, and secured a sentence that permitted the client to avoid all prison time and to continue working in order to make full restitution.
- Represented a health care provider during an OIG audit regarding alleged Medicare overpayments for medically unnecessary treatments. This involved narrowing the scope of the audit, addressing the OIG demands for documents and information, and guiding the provider through the various levels of appeal, which resulted in a significant reduction of the OIG's recoupment.
- Represented a health care information exchange through the necessary implementation of a HIPAA compliance program.
- Represented a San Diego-based bio tech company investigated by the U.S. Department of Justice and more than 30 state attorneys-general for alleged False Claims Act violations. After completing the investigation and suggesting the implementation of new safeguards, presented the findings and affirmative steps to prevent future issues to the government prosecutors and investigators. This significantly mitigated the client's exposure to penalties and avoided criminal charges

altogether.

- Represented a law firm that was subjected to a search warrant by a district attorney's office. Successfully argued to maintain the protections of the Attorney-Client Privilege and the Attorney Work-Product Doctrine and achieved the return of the client's documents without disclosure.
- Represented a senior community organization expanding into the provision of health care, and developed a HIPAA compliance program. This included developing the necessary policies and procedures and training for all employees and volunteers.
- Represented a county health plan during an investigation by the California Attorney General's Office into fraud allegations. Following the investigation, we presented findings to the prosecutors and investigators that demonstrated no fraud occurred. Ultimately, the attorney general's office found there had been no fraud and closed its investigation without taking any adverse action against the public agency.
- Represented a charter school that was subjected to a search warrant by the Federal Bureau of Investigation and navigated the school through the process to avoid criminal charges.
- Represented the U.S. subsidiary of an international company and led a team of attorneys through a multi-national internal investigation into possible violations of the Foreign Corrupt Practices Act (FCPA) by the U.S. client's foreign agent. The investigation concluded with the presentation of findings to corporate executives with recommendations.
- Represented a software company investigated by the California Attorney General's Office for an alleged data breach and failing to report it. Following an internal investigation, we demonstrated to the prosecutors and investigators that no breach occurred and convinced the attorney general's office to dismiss the investigation, which prevented the client from suffering any civil or criminal penalties. Thereafter, we worked with the company to bolster its privacy data compliance program to avoid such issues in the future.

Recognitions

- *The Best Lawyers in America*® 2021 (Criminal Defense: White-Collar)
- "Best of the Bar" by San Diego Business Journal (2015 - 2016)
- The Daily Journal Top 5 Associates to Watch – 2015



Community

- American Bar Association, Health Law Section and Healthcare Fraud and Compliance Group
- American Health Lawyers Association
- American Inns of Court, Louis M. Welsh Inn of Court, active alumnus
- Association of Business Trial Lawyers, San Diego, Board of Governors
- California Society for Healthcare Attorneys
- Federal Bar Association, Southern District of California
- Health Care Compliance Association
- Lawyers Club of San Diego
- National Association of Criminal Defense Lawyers, White Collar Crime Committee
- San Diego County Bar Association, Legal Ethics Committee - 2014-2018
- Superior Court of California, San Diego County, judge pro tem
- Holy Cross Lawyers Association, Board of Directors
- Holy Cross Club of San Diego
- San Diego Teen Court, volunteer judge
- U.S. Attorney's Office of DNJ Alumni Association, Board of Trustees
- U.S. District Court, SDCA, Lawyer Representative - 2018-2019 Alternate
- Seton Hall University School of Law, past Alumni Council and adjunct professor
- The New Children's Museum, Board of Directors

Education

- J.D., Seton Hall University School of Law
- A.B., College of the Holy Cross



News Coverage

- Logan, Floyd. "[Data Protection Attorney Returns to Procopio](#)," *International Comparative Legal Guides*, September 17, 2019.
- Logan, Floyd. "[Procopio re-hires data security expert Robert Marasco in San Diego](#)," *International Comparative Legal Guides*, August 20, 2019.
- "Procopio announces newest partner," *San Diego Business Journal*, August 5, 2019.
- Litigation Partner Robert Marasco Discusses Attorney-Client Privilege on Good Morning San Diego, April 12, 2018.
- "Credit Union Pot Problems Persist," *Credit Union Times*, January 29, 2018.
- Robert Marasco Shares Insights on Gorsuch Swearing In, KUSI News, April 10, 2017.
- California joins 15 other states challenging immigration order, KUSI News, February 6, 2017.
- Reviewing President Trump's Supreme Court Nominees, KUSI News, January 31, 2017.
- "State AG Looks into ID Theft Charges Against Wells Fargo" *Los Angeles Daily Journal*, October 21, 2016.
- "Two Dozen Donors In Dumanis Mayoral Run Linked To Key Figure In Azano Case," KPBS, September 19, 2016.
- "[Key Question May Never Be Asked Even If Dumanis Testifies In Azano Trial](#)" KPBS Interview, August 22, 2016.
- "[Volume Of Dumanis Donors Linked To Mexican Businessman Renews Questions About What DA Knew](#)," KPBS Interview (Begins at minute mark 3:05), August 16, 2016.
- "FBI Director Testifies Before House Panel Over Clinton Emails," KUSI News Television Interview, July 7, 2016.
- "U.S. Code 793 and Why FBI is Not Recommending Charges for Clinton," KUSI News Television Interview, July 5, 2016.
- Araya, Kibkabe. "Firms deal with growing pressure of health data security," *Daily Journal*, March 11, 2015
- "New Charges for Boston Marathon Bombers," Fox 5, May 2, 2013.



Seminars

- Co-presenter. "What the Future Holds for Enforcement of Privacy Laws: What to Expect from Privacy Regulators and How to Respond," February 9, 2021. [Video](#) and [PowerPoint](#).
- Co-presenter: "PPP: Did You Really Qualify & What Are the Risks If You Got the Money Anyway?" May 12, 2020.
- Instructor. U.S. Inspector General Criminal Investigator Academy Training Program, San Diego, CA, December 11-13, 2018.
- Panelist. "Fraud and Enforcement Trends – Current and Former Prosecutor Perspectives," CBI Life Sciences West Coast Compliance Congress, San Francisco, CA, October 17, 2018.
- Co-Presenter. "Embezzlement . . . So You Think It Can't Happen to You," California Workforce Association Annual Conference, San Diego, CA, May 3, 2018.
- "Government Investigations: Lessons and Preparations," Renaissance Executive Forum – CEOs, San Diego, CA, June 7, 2017.
- Panelist. "Cybersecurity, Provisors – Corporate Deal Professionals," San Diego, CA, June 7, 2017.
- Panelist. "The Business of Marijuana, Six Degrees, Hall of Champions," San Diego, CA, February 9, 2017.
- "Government Investigations: Lessons and Preparations," Renaissance Executive Forum – CEOs, San Diego, CA, January 17, 2017.
- "Foreign Corrupt Practices Act – A Practical Perspective," San Diego County Bar Association, San Diego, CA, December 5, 2016.
- Panelist. "The Attorney-Client Privilege in the Global Context," University of San Diego School of Law – Procopio International Tax Institute, San Diego, CA, October 21, 2016.
- Panelist. "Nightmares on Cyber Street: Recent Developments in Data Privacy Litigation and Cyber Insurance," San Diego County Bar Association, San Diego, CA, October 17, 2016.
- "Beware: The DOJ is Targeting You, Association of Corporate Counsel," San Diego, CA, April 19, 2016.
- Panelist. "Marijuana Law & Investing in San Diego 8.6," 6 Degrees San Diego, San Diego, CA, August 6, 2015.



- Panelist. "How to Prepare Your Team for an Internal Investigation – Scoping Your Action Plan to Avoid Common Pitfalls and Costly Mistakes," FCPA Compliance & Enforcement, San Diego, CA, July 29, 2015.
- Panelist. "Why What You Know About Protecting Privacy Might Be Wrong," The Center for Ethics in Science and Technology, May 6, 2015.
- "Government Investigations: Lessons and Preparations" Renaissance Executive Forums, Temecula, CA, March 11, 2015.
- "Government Investigations: Lessons and Preparations" Renaissance Executive Forums, Corona, CA, March 10, 2015.
- Co-Presenter. "California Privacy Breaches: Surviving Two Regulators," ACC-SD/Procopio Health Law Roundtable, San Diego, CA, November 13, 2014.
- "Government Investigations: Lessons and Preparations" Renaissance Executive Forums - CEOs, San Diego, CA, October 8, 2014.
- "Government Investigations: Lessons and Preparations" Renaissance Executive Forums - CFOs, San Diego, CA, September 18, 2014.
- "Government Agents are Here to Speak with You," ACC-SD/Procopio Health Law Roundtable, San Diego, CA, July 24, 2013.

Publications

- Co-author. "[Ransomware Attacks Are On The Rise: Are You Prepared?](#)" October 30, 2020.
- "[The Feds Are Investigating PPP Recipients: Are You Safe?](#)" October 29, 2020.
- "[Beware The Siren Song Of The PPP](#)," May 13, 2020.
- "[California Relaxes Telehealth Services Rules In Light of COVID-19](#)," April 7, 2020.
- "[CMS Approves Additional Medicaid Section 1135 Waivers In Light of COVID-19](#)," March 26, 2020.
- "[California Governor Authorizes Expansion of Health Care Workforce and Facilities](#)," March 21, 2020.
- "[HIPAA: Disclosure of PHI during the COVID-19 Pandemic](#)," March 18, 2020.
- "7 Ways to Protect Your Business From Insider Fraud," Property Casualty 360, February 2, 2018.

- “War on Weed: AG Jeff Sessions Creates Reefer Madness,” January 5, 2018.
- “Escobar’s Effect on False Claims Act Qui Tam Actions,” Law Journal Newsletters, October 2, 2017.
- “Ransomware Affecting Healthcare Entities,” June 29, 2017.
- “I Should Have Read the Rules of Professional Conduct...,” Ethics in Brief, SDCBA, February 13, 2017.
- “Maintaining the Cone of Silence: How Far Do We Have to Go?” Ethics in Brief, SDCBA June 20, 2016
- “Proposed Ethic Rules: Speak Now Or Forever Hold Your Peace,” Ethics in Brief, SDCBA, June 8, 2015.
- “The most beneficent force... or the worst,” Daily Journal, March 5, 2015.
- “Smith & Wesson Holstered by the SEC Over FCPA Violations: Lessons Learned,” July 30, 2014.
- “Encryption – Don’t Leave Home (or Work) Without It,” July 29, 2014.
- Co-author. “Are You FCPA Compliant?” March 10, 2014.
- “Are You Ready for a Government Investigation?” November 11, 2013.
- Co-author. “Is Your Business HIPAA Compliant?” October 1, 2013.
- Co-author. “The Heart of the Matter: Scope and Standards of Review,” Third Circuit Appellate Practice Manual, April 2007
- “Practice Pointers for Expungement,” The Essex County Chronicle, March 2006.