KOBRE & KIM | DISPUTES AND INVESTIGATIONS

Nicholas Surmacz

Lawyer

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Nicholas Surmacz is a highly accomplished trial lawyer and investigator who has achieved significant victories for clients in numerous high-profile, cross-border matters involving allegations of fraud, bribery and other misconduct. He regularly represents corporations, executives and high net worth individuals facing investigations, enforcement actions, economic sanctions and asset forfeiture efforts by sovereign states and global regulators, including the various components of the U.S. Department of Justice (DOJ), where he previously served as a senior member of the DOJ's Fraud Section in Washington, DC.

Mr. Surmacz is regularly recognized in leading industry publications. Testimonials in the *Legal 500* recently recognized him as "exceptional counsel" and a tireless worker "who takes care to understand all information, large and small, to provide holistic strategic advice to address problems at every level." Earlier in his career, he was recognized as one of the world's leading investigations specialists under 40 by *Global Investigations Review* and a "Future Leader in Investigations" by *Who's Who Legal*.

At Kobre & Kim, Mr. Surmacz has secured the declination of criminal and civil charges on behalf of corporations and high-profile individuals after investigation by the U.S. DOJ into violations of the Foreign Corrupt Practices Act (FCPA) as well as the wire fraud, money laundering, and tax laws. He has further obtained the dismissal of criminal charges and immunity from prosecution on behalf of others. On behalf of corporate clients, he secured the dismissal of a $500 million fraudulent conveyance action for one and recovered over $400 million in stolen cryptocurrency for another.

Before joining Kobre & Kim, Mr. Surmacz served as an Assistant Chief of the DOJ Fraud Section in Washington DC. As the only former DOJ Fraud Section supervisor in private practice outside the United States, Mr. Surmacz's practice focuses heavily on cross-border matters across Europe, Africa and the Middle East, such as navigating cross-border treaty requests, including extradition and Mutual Legal Assistance Treaty (MLAT) requests for evidence.

Prior to his government service, Mr. Surmacz earned a Master of Business Administration (MBA), was licensed as a Certified Public Accountant, and practiced at White & Case LLP in New York.

Admissions

- New York
- U.S. Court of Appeals for the Seventh Circuit
- U.S. District Court for the District of Connecticut
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- Registered Foreign Lawyer, England & Wales

Education

- University of Notre Dame Law School, JD, *cum laude*
- Indiana University Kelley School of Business, MBA
- Indiana University, BS

Accolades

The Legal 500, Fraud: White-Collar Crime (Advice to Individuals), (2023-2024)
Lexology, Future Leader in Investigations – Partners (2022-2024)
STEP Private Client Awards 2023/24, International Legal Team of the Year (midsize firm), Shortlist
Private Client Global Elite, "Rising Leader" (2022-2024)
Global Investigations Review 40 Under 40 (2020)
U.S. DOJ Director's Award (2014)

Select Engagements

- Obtained complete dismissal of criminal fraud charges filed against EMEA-based CEO of U.S. Department of Defense contractor in high-profile U.S. Department of Justice prosecution alleging over $50 million in fraud against the U.S. Navy.
- Successfully recovered over $400 million of crypto tokens stolen from users of the Wormhole Portal, a blockchain 'bridge' allowing cryptocurrency tokens to be locked on one blockchain and issued on another blockchain.
- Representation of EMEA-based corporation and its CEO in connection with U.S. DOJ investigation into alleged violations of the Foreign Corrupt Practices Act related to large-scale project in sub-Saharan Africa, resulting in no criminal charges being filed.
- Obtained immunity from prosecution for high net worth individual in investigation by the U.S. Department of Justice's Tax Division.
- Obtained complete dismissal of $500 million Fraudulent Conveyance claim against Fortune 500 company in New York Supreme Court.
- Representation of multiple ultra-high net worth individuals subject to sanctions by the United States Department of Treasury (OFAC), United Kingdom, and/or European Union.
- Obtained order of restitution in U.S. District Court for Fortune 500 client victimized by high profile multi-million dollar fraud scheme related to the opioid crisis.
- Representation of board of directors of multinational company in internal investigation related to allegations of accounting fraud, bribery and corruption in jurisdictions across Africa, Europe and the Middle East.
- Representation of medical services provider operating across Eastern United States in anti-kickback investigation by the U.S. Department of Justice, resulting in no civil or criminal charges being filed against company.

- Representation of individuals in applications to the Internal Revenue Service (IRS) offshore voluntary disclosure program, as well as in interviews conducted by IRS Criminal Division agents and prosecutors with the U.S. DOJ's Tax Division.
- Representation of EMEA, Asia and US-based high net worth individuals and corporate executives in connection with alleged violations of the Foreign Corrupt Practices Act by the U.S. DOJ.
- Representation of corporate entity and two senior executives in U.S. DOJ investigation into alleged healthcare fraud and violations of the anti-kickback statute.

Publications & Presentations

- Speaker, “Gulf Relations with Africa in a Changing Global Order” (Abu Dhabi & Dubai, October 2024)
- Moderator, “Enforcement of Awards against Sovereign States” (London International Disputes Week, June 2024)
- Moderator, “Extradition in Fraud Matters: Perspectives on Defence and Prosecution Theories, Recent Developments and Their Impact Moving Forward” (C5 Fraud, Asset Tracing and Recovery Geneva, March 2021)
- Speaker, “Anatomy of a Boardroom Dispute – A Live Mock Dispute Involving a Multinational Facing a Major Corporate Crisis, and a Management Board in Meltdown” (International Forum of Senior Executive Advisors, March 2021)
- Speaker, “Advising International Senior Executives and Founders Accused of Serious Wrongdoing: Anatomy of a Cross-Border Misconduct Investigation” (International Forum of Senior Executive Advisors, London, United Kingdom, February 2020)
- Speaker, "Lessons Learned and Practice Pointers: Regulators’ Perspectives Regarding Cryptocurrency Receiverships" (National Association of Federal Equity Receivers, Washington, DC, May 2018)
- Speaker, "Navigating the Challenges of the Regulatory Abyss: Finding Solutions for Technological Dilemmas, International Coordination & Increased Oversight" (5th Annual Operations for Alternatives Conference, Miami Beach, Florida, March 2018)
- Speaker, "Enforcement and Compliance: Strategies for Organizational Counsel and Compliance Professionals" (ABA 26th Annual National Institute on Health Care Fraud, Indian Wells, California, May 2016 and Health Care Compliance Association's 2nd Annual Healthcare Enforcement Compliance Institute, Washington, DC, October 2016)
- Speaker, "Trial Practice Demonstration: Examining a HEAT Prosecution in South Florida," (ABA 27th Annual National Institute on Health Care Fraud, Ft. Lauderdale, Florida, May 2017)