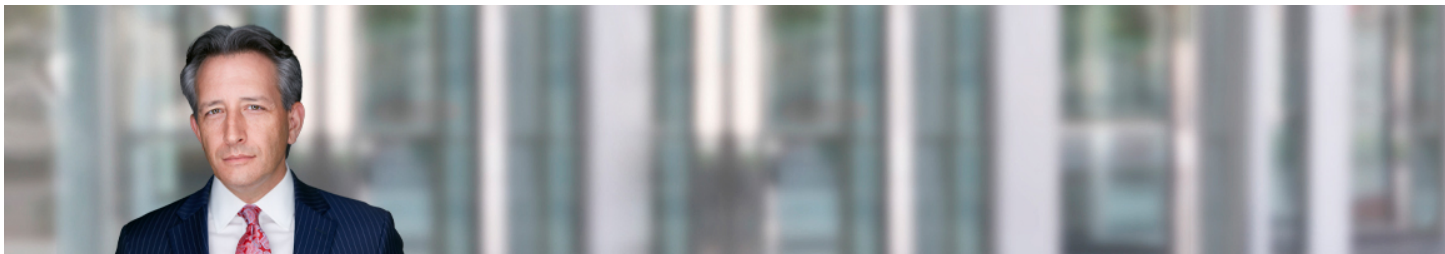


## Jason Hernandez



Shareholder

Miami Office

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Phone: 305-789-3455

### PRACTICE AREAS

Litigation & Dispute Resolution

Banking & Financial Institutions

International

Arts, Sports & Culture

Antitrust, Competition &

Consumer Protection

Appellate

Class Actions

White Collar Defense &

Investigations

### OVERVIEW

Jason P. Hernandez is a Shareholder in the Litigation department and a member of the Firm's Board of Directors. His practice focuses on complex commercial litigation, white collar criminal representations, and appellate advocacy.

Jason has obtained significant victories for both plaintiffs and defendants in civil litigation matters. For example, Plaintiffs represented by Jason obtained a \$100 million class action settlement from one of the world's largest real estate companies. He settled a \$30 million federal securities fraud lawsuit on very favorable terms after defeating eight defendants' summary judgment motions. A defendant represented by Jason in an arbitration defeated multi-million dollar breach of contract and fraud claims. Jason obtained a "no action" letter from the U.S. Securities & Exchange Commission for a prominent SPAC investor.

In criminal representations, Jason has persuaded state and federal prosecutors to not bring charges against his clients, including the Miami-Dade State Attorney's Office, the Manhattan District Attorney's Office, and the U.S. Attorney's Office for the Eastern District of New York. He obtained a "no jail time" sentence for a client who was accused of perpetrating a multi-million dollar fraud in the Southern District of New York. Jason has won sentencing appeals in two different federal appellate courts.

Prior to joining the Firm, Jason was an Assistant United States Attorney in the Southern District of New York. Jason's work as prosecutor has been covered by multiple media outlets. He has appeared on camera to discuss his cases on television programs such as [60 Minutes](#)

, CNBC's American Greed (twice), and [The Con](#), and in the documentaries [Sour Grapes](#) and [Made You Look: A True Story About Fake Art](#). As an AUSA, Jason investigated and prosecuted cases involving financial fraud such as the FCPA, mail/wire fraud, complex tax offenses, money laundering, commercial kickbacks/bribery, securities fraud, Ponzi schemes, embezzlement, and health care fraud. As a prosecutor, Jason successfully tried five cases to a jury and argued five appeals on behalf of the United States in the Second Circuit Court of Appeals.

Jason was also previously Associate General Counsel at HSBC Holdings in New York City, where he was in charge of conducting global internal investigations for the bank involving the Foreign Corrupt Practices Act (FCPA), antitrust law, trade sanctions, and the Bank Secrecy Act/anti-money laundering laws, among other things.

Immediately following law school, Jason was an associate in Kirkland & Ellis' office in Washington, DC.

Jason clerked for United States District Judge Kenneth M. Karas in the Southern District of New York, and was a judicial extern for United States Circuit Judge (now United States Supreme Court Justice) Sonia Sotomayor.

Jason graduated from the University of Michigan with a B.A. in Political Science in 2000, and from Columbia Law School in 2005, where he was a Harlan Fiske Stone Scholar.

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## REPRESENTATIVE EXPERIENCE

### Civil Matters

Obtained formal notification from the U.S. Securities and Exchange Commission ("SEC") that it terminated its investigation of a client for potential violations of the securities law in connection with an investment into a special purpose acquisition company (SPAC).

*Pro bono* Florida counsel for the Metropolitan African Methodist Episcopal Church, a historic black church in Washington, D.C. The church was awarded a \$1 million judgment against the Proud Boys organization for trespassing on the church's property to tear down a Black Lives Matter flag during a 2020 protest.

Representing the plaintiff, settled \$30 million securities fraud lawsuit in the U.S. District Court for the Northern District of California on very favorable terms after defeating eight defendants' summary judgment motions. (Settlement amount is confidential.)

Lead counsel in a class action that achieved a \$100 million settlement on behalf of a 179-member class of real estate investors representing 72% of the class' damages. The settlement resolved claims that one of the largest commercial real estate firms in the world, and one of its employees, concealed and failed to alert our clients to an on-going multi-million dollar embezzlement scheme.

Obtained defense victory in multi-million dollar arbitration alleging breach of contract and fraud which was subsequently affirmed unanimously on appeal.

Conducted several internal investigations for companies that have been embezzlement victims and successfully pursued insurance claims in certain cases.

Represented a private high school in disciplinary proceedings before the Florida High School Athletic Association.

Represented landlord in six-figure breach of lease agreement. The matter was settled on favorable terms to the landlord.

## **Criminal Representations**

Represented multiple witnesses in federal grand jury investigations.

Obtained "no jail time" sentence for a defendant who was charged by federal prosecutors with committing a multi-million dollar fraud.

Obtained a 66% reduction in a defendant's initial sentence pursuant to Rule 35 of the Federal Criminal Rules of Procedure.

Negotiated forfeiture settlement with federal prosecutors on behalf of a real estate company that allowed the real estate company to consummate certain transactions.

Persuaded the District Attorney's Office in a major city to not file charges against a client for alleged tax offenses.

Coordinated and conducted two multi-country internal investigations under the FCPA.

Obtained a "no-action" letter from OFAC on behalf of a national bank.

Defeated government's appeal in the Sixth Circuit of client's below Guideline sentence. The court affirmed the client's sentence which was 36% below the bottom of the Guideline range.

Won client's sentencing appeal in the Seventh Circuit. Client's original sentence was vacated and was remanded for re-sentencing due to errors made by the sentencing judge that enhanced the client's initial sentence.

Drafted, revised, and designed substantial revisions to multiple compliance policies and procedures for two Fortune 500 companies.

## **As a Federal Prosecutor in the Southern District of New York**

First-chair responsibility in five jury trials, securing guilty verdicts in all five, including four defendants found guilty after a three-month trial in the largest tax shelter prosecution in U.S. history (U.S. v. Paul Dagerdas, et al.), a \$1.5 billion fraud on the US Treasury.

Successfully argued five appeals before the Second Circuit Court of Appeals.

Convicted Rudy Kurniawan, the largest wine counterfeiter in the world, after a one-week jury trial.

Secured convictions in several high profile art fraud cases, including Glafira Rosales, who was responsible for selling more than \$80 million of fake modern abstract expressionist paintings through the Knoedler Art Gallery in New York City, and John Re who sold millions of dollars of fake Jackson Pollock paintings.

Obtained a \$50 million Deferred Prosecution Agreement from a major accounting firm in connection with the marketing and sale of illegal tax shelters.

Prosecuted a 22-person health care fraud ring that submitted millions of dollars' worth of fraudulent insurance claims to major insurance companies.

Led the grand jury investigation that resulted in the indictment of eight former Siemens officers, directors, and agents for violating the FCPA in a \$1 billion bribe scheme in Argentina (U.S. v. Uriel Sharef, et al.).

Prosecuted a \$40 million embezzlement from the Sandhogs union, the largest in U.S. history.

Prosecuted eight defendants for their roles in an honest services fraud scheme to pay \$2.3 million in kickbacks to steer business contracts to the defendants.

As a member of the US Attorney's Office's Money Laundering and Forfeiture Unit, Jason obtained tens of millions of dollars in civil and criminal forfeiture actions.

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## PROFESSIONAL & COMMUNITY INVOLVEMENT

Cardozo School of Law – Criminal Trial Practice Seminar, Adjunct Professor, Fall 2013

George Washington University Law School – Sentencing Seminar, Adjunct Professor, Fall 2008

Hofstra University School of Law – Sentencing Seminar, Special Professor of Law, Fall 2007

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## RECOGNITION

Chief Counsel's Award from the Internal Revenue Service for the prosecution of the Jenkins & Gilchrist illegal tax shelters

The True American Hero award from the Federal Drug Agents Foundation

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## PUBLICATIONS & PRESENTATIONS

**Events:** Recent Developments in Foreign Corrupt Practices Act Investigations and Enforcement  
Association of Corporate Counsel (ACC) Small Law Department | | June 2022

**Events:** [Regulating the Art Market: Will Ethical and Similar Considerations Spoil all the Fun](#)  
Benjamin N. Cardozo School of Law | | November 2017

**Publications:** [How Stein Could Transform Sentencing for Securities Fraud](#)  
Law360 | February 2017

**Publications:** [Degas or Dud? What You Can Do if the Artwork You Bought Is a Fake](#)  
Daily Business Review | December 2016

**Publications:** [The New Rules of the Game for Cooperation Credit in Foreign Corrupt Practices Act Cases](#)  
Bloomberg BNA | March 2016

**Publications:** [Feds Shift Focus to Money Laundering in Miami Real Estate](#)  
Daily Business Review | January 2016

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**Publications: [The KPMG Tax Shelter Case and the Right against Self-Incrimination](#)**

Business Crimes Bulletin | December 2008

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**Publications: [Presumptions of Reasonableness for Guideline Sentences after Booker](#)**

Federal Sentencing Reporter | July 2006

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**Publications: [Blakely's Potential](#)**

Columbia Journal of Law and Social Problems | January 2005

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**Publications: [The Blakely Blog](#)**

| January 2005

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**Publications: [The Blakely Effect: Managing the Uncertainty](#)**

Business Crimes Bulletin | January 2004

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## NEWSROOM

**In the Media: [Cuban American Bar Association Celebrates Hispanic Women Judges](#)**

The Florida Bar | | August 2023

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**In the Media: [CBRE To Pay \\$100M To End Class Action By Realty Investors](#)**

Law360 | | August 2018

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**In the Media: [Cabot Investors Win Class Cert. In \\$157M Fraud Suit](#)**

Law360 | | March 2018

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**In the Media: [Nightlife, fashion among law firms' new niches](#)**

Miami Herald | | April 2016

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**In the Media: [Picasso piece tangled in tug-of-war between dealer, billionaire](#)**

Miami Herald | | April 2016

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**In the Media: [Top 9 Takeaways From Knoedler Forgery Trial](#)**

Artnet | | February 2016

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**In the Media: [Federal Ponzi Scheme Investigation Follows Bankruptcy for Beleaguered Wine Retailer](#)**

Wine Spectator | | February 2016

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**Firm Announcements: [Jason P. Hernandez Joins Stearns Weaver Miller](#)**

| October 2015

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## EDUCATION

J.D., Columbia Law School, 2005

*Columbia Journal of Law and Social Problems*, Head Writing & Research Editor

Harlan Fiske Stone Moot Court – Finalist & Best Oralist Award (Greenbaum Prize)

Harlan Fiske Stone Scholar

B.A., University of Michigan, 2000

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## **ADMISSIONS**

Florida

California

United States District Court for the Southern District of Florida

United States District Court for the District of New Jersey

United States Court of Appeals for the Sixth, Seventh, and Eleventh Circuits