



Barbara Van Gelder

Senior Counsel

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Biz is a leader in the field of criminal defense and internal investigations focusing on white-collar defense and health care cases. Biz regularly represents clients in congressional and criminal fraud investigations, as well as *qui tam*, Foreign Corrupt Practices Act (FCPA), False Claims Act (FCA), civil RICO, and employment litigation. She has counseled clients — including boards, audit committees, and management — on the development and implementation of internal compliance and ethics programs, the conduct of internal investigations, and employment litigation issues. Biz has also represented numerous companies and individuals in suspension and debarment matters as well as in congressional and inspector general investigations.

Biz's extensive FCPA compliance experience includes leading numerous internal investigations in the United States as well as India, China, and Israel. Biz's practice also includes clients who have been the targets of DOJ search warrants and grand jury investigations as well as parallel SEC investigations. She has had more than 100 jury trials and has counseled clients on the pros/cons of government plea arrangements, Deferred Prosecution Agreements (DPAs), Non-Prosecution Agreements (NPAs), and voluntary disclosures. Biz has also developed internal Codes of Conduct and Anti-Corruption compliance training for multinational corporations. She has spoken at various conferences on the FCPA as well as the new UK Bribery Act.

As Deputy Chief of the Civil Division of the U.S. Attorney's Office for the District of Columbia, Biz was tasked with the formation of the office's Affirmative Civil Enforcement (ACE) program. During her tenure at the U.S. Attorney's Office, Biz was a member of the Department of Justice's ACE Working Group and the Attorney General's Healthcare Taskforce. Biz is in a small pool of FCA defense attorneys who have jury trial and appellate experience in *qui tam* matters, including *U.S. ex rel. Totten v. Bombardier*, and *Envirovac, Inc. and United States ex rel DRC, Inc. v. Custer Battles*.

Chambers USA noted that Biz is praised for her ability to be "really creative on behalf of her clients," and one source enthused that "her representation is worth its weight in gold." In naming her one of Washington, D.C.'s top criminal defense lawyers, *Washingtonian* magazine described Biz as someone to call if "you find yourself drawn into an awkward congressional investigation, or worse, a grand-jury investigation by the Justice Department or the U.S. Attorney's office."

Main Justice honored Biz with its Distinguished Service Award in the Zealous Advocates category in the first annual Main Justice Best FCPA Lawyers Client Service Awards.

Biz has taught evidence and trial practice as an adjunct professor at Georgetown University Law Center. She also has taught at National Institute for Trial Advocacy (NITA) trial and deposition workshops and at the Attorney General's Advocacy Institute. In addition, she is a frequent speaker at the ABA Health Care Fraud and Qui Tam Institutes.

Since 2000, Biz has served as vice chair of the Procurement Fraud Committee of the American Bar Association, where she is currently a member of the Section on Public Contract Law. She is also a member of the National Association of Criminal Defense Lawyers and the Assistant U.S. Attorney Association.

Practice Areas

- White Collar Defense & Investigations
- Government Contracts

Education

- Emory University School of Law, J.D., 1976
- Boston University, B.A., 1972

Bar Admissions

- District of Columbia

Court Admissions

- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Federal Claims
- U.S. District Court -- District of Columbia
- U.S. District Court -- Central District of Illinois
- U.S. District Court -- Northern District of Georgia

Awards & Honors

- Chamber 2016-2018
- Best Lawyer in America 2008-2019
- "Top Lawyer" for criminal defense - white collar, *Washingtonian* magazine 2017, 2018
- Washington, D.C. Super Lawyer, 2019

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Experience

False Claims Act

- Acted as lead counsel in both trial and appellate qui tam and FCA cases.
- Represented a client against allegations that the client had violated the False Claims Act by delivering allegedly defective rail cars and submitting invoices for payment from an account that included federal funds.
- Secured dismissal of a *qui tam* action filed against our client, a provider of mortgage lender processing services, alleging violations of the federal False Claims Act, as well as those from almost two dozen states, stemming from allegedly faulty assignments created in connection with mortgage-backed-securities trusts. In dismissing the action, the federal district court accepted the argument that the relator had not offered specific facts necessary to plead that the allegedly fraudulent scheme resulted in the submission of specific false claims nor did she plead allegations sufficient to create a reasonable inference that false claims necessarily were submitted. This result was affirmed by the U.S. Court of Appeals for the Fourth Circuit.