



Sharon L. McCarthy

Partner



New York City

T: 347.613.0829 F: 212.808.8108

 smccarthy@kostelanetz.com

Biography

Sharon L. McCarthy, a Fellow of the American College of Trial Lawyers, has extensive experience representing individuals and corporations in white-collar criminal matters, civil and criminal tax controversies, and complex commercial litigation.

Her matters have covered a wide range of issues involving allegations of tax fraud; mail and wire fraud, including theft of honest services; accounting fraud; failure to file tax returns; criminal antitrust violations; FCPA violations; securities fraud, including unregistered offerings of cryptocurrency, insider trading, and alleged market manipulation; bank fraud; public corruption; construction fraud relating to Minority and Women Owned Business Enterprise (MWBE) certification; asset forfeiture; restitution; and attorney misconduct, among others. Sharon conducts sensitive internal investigations for corporate and institutional clients either facing potential criminal charges or whose officers or employees have engaged in misconduct.

Sharon assists clients in voluntarily disclosing off-shore and other assets and has successfully represented numerous clients in connection with both IRS and NYS tax audits involving sensitive matters.

She is recognized in Chambers USA as a leading New York lawyer in Litigation: White-Collar Crime & Government Investigations. Since 2009, she has been recognized by New York Super Lawyers in the field of white-collar criminal defense since 2009. She has been included in the list of Top 50 Women and the Top 100 Lawyers in New York Metro Super Lawyers. Since 2011, Sharon has been listed in Best Lawyers in America. She is AV Rated in Martindale-Hubbell.

A seasoned trial lawyer, in 2013, Sharon successfully represented Denis Field, the former CEO of BDO Seidman, in a major tax shelter trial in the Southern District of New York. After he had initially been convicted on all counts, Sharon obtained Mr. Field's acquittal on all counts in a re-trial, in a case described by the government as the largest criminal tax fraud in history.

Sharon also has an extensive background in public service. From 1994 to 2006, Sharon served as an Assistant United States Attorney in the Southern District of New York, where she served as lead counsel and supervisor of dozens of federal criminal jury trials and argued numerous appeals before the Second Circuit Court of Appeals. While in the U.S. Attorney's Office, Sharon served as Chief of the Violent Crimes Unit and Deputy Chief

of the Criminal Division and served in the Public Corruption Unit. Sharon twice was the recipient of the Director's Award for Superior Performance as an Assistant United States Attorney. In 2011, she was appointed by the New York City Police Commissioner to the Crime Reporting Review Committee, whose report was issued in April 2013. From May 2008 to March 2009, she served as Special Counsel to the New York State Attorney General in an investigation into whether there had been political interference with the New York State Police.

In November 2020, Sharon was appointed by the United States District Court for the Southern District of New York as the first Independent Hearing Officer for the District Council of New York City and Vicinity of the United Brotherhood of Carpenters and Joiners of America. She has been appointed by the United States District Court for the Southern District of New York to the panel of attorneys assigned to advise and assist the Grievance Committee of the United States District Court for the Southern District of New York.

Sharon is actively involved in various professional associations. She is Chair of the Downstate New York Committee of the American College of Trial Lawyers and a member of its National Trial Competition Committee. She is a member of the Board of the New York Council of Defense Lawyers. She served as President, and the first woman to serve in that capacity, of the Fordham Law Alumni Association and continues to serve as a member of its Board. For over ten years, until September 2019, she was a member of the First Department's Committee on Character and Fitness. From 2017 to 2018, she served as Vice President of the Association of the Bar of the City of New York, and from 2012 to 2015, she was Chair of the City Bar's Criminal Law Committee.

Sharon is an Adjunct Professor at Fordham Law School, where she teaches Trial Advocacy.

Prior to her service in the U.S. Attorney's Office, Sharon was an Associate at Lankler Siffert & Wohl and served as a Law Clerk to Judge John F. Keenan, United States District Judge for the Southern District of New York.

Sharon is a 1989 graduate of Fordham Law School, where she served as an Articles Editor on the Fordham Law Review. She received a B.A. in 1985 from Colgate University.

Education

- Colgate University, B.A., English (1985)
- Fordham Law School, J.D. (1989) Fordham Law Review, Articles Editor

Bar Admissions

- New York State
- Southern District of New York
- Eastern District of New York
- Northern District of New York
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Third Circuit

Representative Matters

Because of the nature of Ms. McCarthy's work, many of her matters must remain confidential and cannot be described in any detail. The below is a general overview of her work:

- Co-lead counsel in a multi-district litigation in the Southern District of New York in a matter brought by the Danish tax authority against U.S. pension plans relating to tax refunds issued as a result of dividend arbitrage trading.
- Co-counsel to Allen Weisselberg, former CFO of the Trump Organization, in a criminal case brought against him by the New York County District Attorney's Office.
- Obtained acquittal of Denis Field, former CEO of BDO Seidman, in a major tax shelter trial in the Southern District of New York.
- Represented Andrew Davenport at sentencing in the Southern District of New York after he was convicted by a jury of honest services fraud related to his company's relationship with Valeant Pharmaceuticals. Despite facing a possible sentence of 8 to 10 years, we were able to achieve a sentence of a year and a day.
- Representation of former foreign exchange trader for a major financial institution in connection with investigations by the Department of Justice's Fraud and Antitrust Divisions.
- Representation of the CFO of a public company in connection with a multi-year DOJ and SEC investigation into alleged materially misleading statements and omissions related to a public contract. Achieved a negligence-based settlement.
- Representation of garment industry manufacturer in connection with federal investigation into payroll, corporate, and personal tax evasion involving millions of dollars in unpaid taxes. Successfully obtained a probationary sentence.
- Representation of sole shareholder of Subchapter S corporation in federal tax fraud investigation, resulting in corporate plea with no charges against the individual.
- Representation of commodities trader in connection with fraud investigation by the United States Attorney's Office for the Southern District of New York, the New York County District Attorney's Office, the Securities and

Exchange Commission, and the Commodity Futures Trading Commission.

- Representation of dozens of holders of foreign bank accounts in connection with voluntary disclosures before the Internal Revenue Service (criminal investigation and civil audit) and numerous state taxing authorities.
- Representation of a famous foreign politician who has been indicted in the United States for allegedly depositing stolen funds in a New York bank
- Representation of multinational individuals under audit by the Internal Revenue Service concerning issues relating to international holdings, complex trusts, and FBAR issues
- Representation of employee of bidding agent in Department of Justice's antitrust investigation of the municipal bond industry
- Representation of foreign individuals under investigation by the Department of Justice for tax fraud relating to foreign income
- Representation of multiple individuals in connection with civil audits conducted by the Internal Revenue Service
- Representation of individual in connection with repeated failure to file tax returns and failure to pay taxes due; resulted in misdemeanor plea
- Representation of witness in grand jury investigation conducted by Department of Justice Antitrust Division into alleged kickbacks paid in connection with construction contracts
- Representation of witness in insider trading investigation conducted by the Securities and Exchange Commission
- Representation of individuals charged in two separate cases by the New York County District Attorney's Office with major felonies; persuaded government not to bring charges in each case
- Representation of CPA from major accounting firm in connection with investigation by the New York State Attorney General's Office for repeated failure to file tax returns; persuaded the government not to proceed with the prosecution
- Representation of attorneys accused of having misappropriated funds from clients
- Representation of company from whom employee embezzled money; assisted company in pursuing federal charges against employee, resulting in employee's guilty plea to embezzlement

Background and Experience

- Independent Hearing Officer, District Council of New York City and Vicinity of the United Brotherhood of Carpenters and Joiners of America (appointed by District Court in November 2020)
- Committee Member, Grievance Committee of the United States District Court for the Southern District of New York (appointed by District Court in March 2013)
- Special Counsel to the Attorney General for the New York State Police Investigation, Office of the New

- York State Attorney General (May 2008 – March 2009)
 - Served as lead counsel in an investigation into whether there had been political interference with the New York State Police. Supervised a team of attorneys and investigators.
- Assistant United States Attorney, United States Attorney's Office for the Southern District of New York (1994 – 2006)
 - Extensive experience as lead counsel and supervisor of numerous federal criminal jury trials, hearings, evidentiary hearings, oral arguments, plea proceedings, and sentencing. Briefed and argued numerous appeals before the Second Circuit Court of Appeals.
 - Chief, Violent Crimes Unit (July 2002 – September 2006)
 - Deputy Chief, Criminal Division (January 2001 – July 2002)
 - Honors: Recipient, Director's Award for Superior Performance as an Assistant United States Attorney (1996 and 1999)
- Associate, Lankler Siffert & Wohl (1991 – 1994)
- Law Clerk, Honorable John F. Keenan (1989 – 1991)
 - United States District Judge for the Southern District of New York

Professional Associations

- American College of Trial Lawyers
 - Chair, Downstate New York Committee
 - Member, National Trial Competition Committee
- Board Member, Fordham Law Alumni Association
 - President (2016 – 2018)
 - First Vice President (2014 – 2016)
- New York City Bar Association
 - Vice President (2017 – 2018)
 - Chair, Criminal Law Committee (2012 – 2015)
 - Member, Judiciary Committee (2019 – 2021)
- Board Member, New York Council of Defense Lawyers (2022 – present)
- Member, Archdiocese of New York Advisory Review Board
- Member, Committee on White Collar Litigation, New York State Bar Association
- Litigation Counsel of America:
 - Member, Trial Law Institute
 - Member, Diversity Law Institute

Awards & Recognition

- Ms. McCarthy is a Fellow of the American College of Trial Lawyers
- Ms. McCarthy is a Fellow of the Litigation Counsel of America
- Chambers USA (2019 – 2024)
- Ms. McCarthy has been recognized by New York Super Lawyers in the field of white-collar criminal defense since 2009
- Ms. McCarthy has been named by NY Metro Super Lawyers to lists of:
 - Top 50 Women Lawyers
 - Top 100 Lawyers
- Martindale-Hubbell AV Rating
- Ms. McCarthy has been listed in Best Lawyers in America since 2011
- Ms. McCarthy is a recipient of the Fordham Law School Feerick Center for Social Justice's Spirit of Service Award