



Andrew M.J. Bernstein

Partner

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Andrew is a partner in the firm's litigation practice. He is a trial and investigations lawyer whose practice focuses on white collar criminal defense, government and corporate investigations, enforcement actions and regulatory compliance. Andrew also represents licensed professionals in misconduct and disciplinary proceedings.

Andrew regularly represents corporations and individuals in grand jury and regulatory investigations conducted by the U.S. Department of Justice (DOJ), the Securities and Exchange Commission (SEC), the Commodities Futures Trading Commission (CFTC), the Internal Revenue Service (IRS) and various state law enforcement and regulatory agencies. Andrew has tried more than 25 criminal cases to verdict in federal and state courts in various jurisdictions and litigated numerous pretrial hearings. In addition to his litigation successes, he has helped many clients under investigation or subpoena avoid criminal charges and other sanctions. While Andrew built his public reputation on trial wins, often his clients most celebrate his ability to stop an investigation and keep it out of the public eye.

Andrew frequently lectures on all matters of white collar criminal defense, with a particular focus on representing corporations and individuals in grand jury and regulatory investigations. He has lectured extensively for the New York State Bar Association (NYSBA), national and regional Continuing Legal Education (CLE) providers such as Lawline, Law Practice CLE and Marino Legal. He is a trusted legal commentator for media outlets such as *Yahoo News*, *News Nation*, *Law360*, *The American Banker* and others.

Previously, Andrew has served as faculty for the NYSBA's Trial Academy and The Legal Aid Society's New Lawyer Training Program. He has hosted the NYSBA's criminal defense CLE series, "Being Heard on Hearings." He has also been a guest lecturer at the Benjamin N. Cardozo School of Law and Touro University Jacob D. Fuchsberg Law Center.

Services

- White Collar Criminal Defense & Government Investigations
- Litigation
- Securities Industry
- Directors' & Officers' Liability & Corporate Governance
- Financial Services Industry
- Health Law
- Life Sciences
- Privacy & Data Security

Before Fox Rothschild

Andrew served as a partner at a global law firm before joining us. He previously practiced as the chair of the white collar criminal defense practice at a securities law firm. Before that, he was a founding partner of a boutique litigation firm and a trial attorney for The Legal Aid Society's Manhattan Criminal Practice.

Bar Admissions

- New York

Court Admissions

- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York

Education

- Touro Law Center (J.D., *cum laude*, 2011)
 - Editor-in-chief, Moot Court
 - Research Assistant to Distinguished Professor of Law Richard Daniel Klein
- Pennsylvania State University (B.A., 2006)

Memberships

- National Association of Criminal Defense Lawyers (NACDL)
- New York State Bar Association
 - Criminal Justice Section Executive Committee (2019-2024)
- New York State Association of Criminal Defense Lawyers
- New York Criminal Bar Association
- Southern District of New York Criminal Justice Act Panel (2019-2024)
- Eastern District of New York Criminal Justice Act Panel (2019-2021)

Board of Directors

- Eileen M. Burke Foundation

Honors & Awards

- New York Metro Super Lawyers Rising Star, White Collar Criminal Defense (2020-2024)
- New York Metro Super Lawyers Rising Star, Criminal Defense (2017-2019)
- Public Interest Lawyer of Year Award, Touro College Jacob D. Fuchsberg Law Center (2014)

Representative Matters

- Represented an officer of a money processing company in a DOJ and parallel SEC and IRS investigations related to the multibillion-dollar OneCoin Ponzi scheme. After a four-year investigation, the client was not charged criminally or named in an SEC enforcement action.
- Persuaded the U.S. Attorney's Office for the Southern District of New York to offer a Deferred Prosecution Agreement (DPA) to a health care provider charged with bribery and other federal white-collar criminal offenses. The DPA resulted in the full dismissal of all charges.
- Representation of a television host in an IRS Criminal Investigation Division investigation.
- Represented and obtained dismissal of all criminal charges against a New York physician. Also negotiated a term of probation for the client from the Office of Professional Medical Conduct (OPMC), despite previous OPMC sanctions against the physician.

- Obtained a unique plea agreement for a well-known “gamer” in a multimillion-dollar crypto theft and fraud case in Manhattan Supreme Court, resulting in a non-incarceratory sentence despite the client facing charges that carried a mandatory minimum prison sentence.
- Represented a medical supply company in a Department of Homeland Security's Immigration and Customs Enforcement Agency investigation into alleged counterfeit personal protection equipment (PPE).
- Represented an individual being investigated by the U.S. Department of Justice for alleged fraud related to the federal pandemic relief programs. The investigation was closed and no criminal charges were filed.
- Represented an office manager of a diagnostic company in the largest health care prosecution ever brought in Brooklyn Supreme Court.
- Conducted a cross-border internal investigation for a crypto fund, allowing the client to make a Voluntary Self Disclosure to the DOJ.
- Counseled a medical supply company in connection with COVID-19 policies and procedures, including issues such as anti-price-gouging measures and compliance with ever-changing COVID-19 regulations.
- Conducted a corporation investigation that uncovered fraud by an outside vendor.
- Obtained dismissal of a criminal complaint filed in the Eastern District of New York against a client investigated for unlicensed money transmitting and money laundering. After a presentation and written submissions to the U.S. Attorney's Office, the complaint was dismissed with prejudice.
- Represented an alleged leader of a racketeering enterprise at a three-week trial in the Southern District of New York.
- Represented an individual charged in an Eastern District of New York federal indictment related to acts affecting interstate commerce. After pleading guilty, the client faced sentencing guidelines calculated at 120 to 150 months of incarceration. Through strategic sentencing advocacy, the client received a sentence of only 48 months, with a recommendation that he be considered for early release.
- Represented a client charged with various allegations of fraud in the Southern District of New York. Due to the more than \$10 million alleged loss amount, the client's sentencing guidelines were 140 to 175 months of prison. After a successful presentation to the U.S. Attorney's Office, the client was offered a plea agreement with significantly lower guidelines of 33 to 41 months of prison. The client received the significantly-below-guidelines sentence of time served and a term of supervised release.
- Negotiated an immunity deal for a former political consultant in a national security matter who was subpoenaed to testify at an espionage trial in the Southern District of New York.
- Represented the CEO of a nonprofit organization accused of fraud and embezzlement at a three-week trial in the Eastern District of New York.
- Successfully persuaded the U.S. Attorney's Office to offer a rare plea agreement to a misdemeanor for a client charged in the Southern District of New York with bank fraud and other related crimes and faced with 30 years in federal prison. The client received a sentence of probation.
- Represented a highly controversial artist in a multi-state investigation into alleged false statements made to government officials. The investigation was closed without the filing of any criminal charges.
- Obtained acquittal in the Southern District of New York for a client facing a mandatory minimum 15-year prison sentence for allegations related to acts affecting interstate commerce.
- Won a pretrial suppression hearing in New York County Supreme Court resulting in dismissal of all charges for a government contractor. The client was accused of unlawful surveillance. After a contested suppression hearing, all electronic evidence was seized and the clients' statements were suppressed, resulting in a dismissal of all charges.
- Conducted an internal investigation for the holding company of a multinational manufacturer in response to allegations of embezzlement by a company officer.
- Represented an individual accused of various state securities violations. Successfully negotiated resolution with no admissions of fault or liability and with no fines or restitution.
- Represented a physician in an insurance company audit/investigation. Negotiated a settlement for less than 10% of the insurance company claim and full release of all claims against physician accused of over-billing a major U.S. medical insurance company.

Publications

April 28, 2026

The Presumption of Innocence Podcast Series

September 24, 2025

The 2025 White-Collar Symposium: Key Takeaways on the IRS, Trump Administration Enforcement Priorities and the False Claims Act