



**One Atlantic Center**  
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Atlanta, GA 30309

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## Education

Emory University School of Law, J.D., 1983

- Notes and Comments Editor, *Emory Law Journal*

Brown University, A.B., 1980; Honors in History

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## Previous Experience

Law Clerk, Judge William C. O'Kelley, U.S. District Court for the Northern District of Georgia, 1983-1985

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## Admissions

State Bar of Georgia  
U.S. Supreme Court  
U.S. Court of Appeals for the Eleventh Circuit  
U.S. District Court for the Northern District of Georgia

## John E. Floyd, Partner

404.881.4159 404.881.4111 floyd@bmelaw.com

John Floyd was recently described by a client as “probably the leading authority on racketeering in the U.S.” He has a great depth of knowledge and experience in this complex area. Peers say his is “extremely bright, knowledgeable and also very practical on how to get the best results for the client.”

### Knowledge:

John authored the preeminent book on state Racketeer Influenced and Corrupt Organizations (RICO) statutes, *RICO State By State: A Guide to Litigation Under the State Racketeering Statutes* (American Bar Association, Section of Antitrust Law 2011 and 1998). He has also written numerous book chapters and articles on federal and state RICO.

### Experience:

The challenges of successfully pursuing and defending RICO cases are considerable. John has handled these cases in federal and state courts on behalf of plaintiffs, defendants, and as a special prosecutor in cases that have attracted national attention. He recognizes and understands the challenges and opportunities that these cases present.

A former Georgia Attorney General once said of John, “When you have a complex RICO question, you get John Floyd’s book and try and figure it out. If you can’t figure it out, you call John.” He has also been described as an “endless education” and “incredibly knowledgeable,” while “nobody outworks him.”

John is a frequent lecturer and has served as chair of Georgia’s ICLE RICO Seminar since its inception. John is often asked to speak to prosecutors and law enforcement organizations on RICO, gang prosecutions and white collar crime topics.

John also has extensive experience with cases under the False Claims Act. This has included cases on behalf of both relators and defendants, including a case that generated civil and criminal recoveries totaling \$600 million.

In addition to his RICO and False Claims Act work, John conducts internal investigations for institutional clients and represents plaintiffs and defendants at the trial and appellate levels in cases involving business torts and professional liability.

John is a Fellow in the Litigation Counsel of America, which is an invitation-only trial lawyer honorary society and represents less than one-half of one percent of American lawyers. Fellows are selected based upon excellence and accomplishments in litigation trial work and superior ethical reputation.

## Representative Work

### RICO plaintiffs

- Successfully represented a county school district in an investigation of fraud and waste in the construction and renovation of school buildings that resulted in recoveries and savings of several million dollars.
- Represented a putative class in a federal and Georgia RICO action involving the employment of illegal workers.

### RICO defendants

- Recently achieved dismissal of five RICO cases in a row in federal and state court.
- Represented a publicly traded corporation and its subsidiary in an investigation concerning alleged receipt of stolen property.
- Represented a defendant accused of participating in a major theft ring; the case was settled at a relatively low amount, re-establishing a business relationship between the defendant and the plaintiff company, and insulating the defendant from a pending criminal investigation.

#### **RICO as special prosecutor**

- Helped prosecute administrators and educators involved in cheating on standardized tests in the Atlanta School System. The case resulted in 21 guilty pleas, 11 convictions (including 11 Georgia RICO conspiracy convictions) and one acquittal.
- Helped convict the former sheriff of DeKalb County, Georgia who ordered the murder of his elected successor; successfully defended the conviction in Georgia Supreme Court.
- Helped convict two faculty members at The Medical College of Georgia who stole over \$10 million in research funds; recovered over 99 percent of the stolen funds.

#### **False Claims Act**

- Represented whistleblowers in False Claims Act action against pharmaceutical company Allergan, Inc. for illegal off-label marketing of Botox for unapproved uses. Resulted in a \$600 million global civil/criminal settlement, the largest in the history of the Northern District of Georgia.
- Represented a whistleblower in settling a case against a medical billing entity resulting in a multi-million dollar recovery by the United States.
- Represented a whistleblower in settling a case against a nursing home that resulted in a state-of-the-art corporate Integrity Agreement being imposed on the defendant.
- Successfully represented a defendant in an eight-year battle against a whistleblower who attempted to amend the complaint at least four separate times. Defeated every attempted amendment and won the case in the 11th Circuit, generating a new standard that has since been followed in several other circuits.

#### **Investigations**

- Conducted several sensitive investigations on behalf of educational institutions.

#### **Professional Liability**

- Represented a defendant in winning summary judgment on behalf of a major law firm using a novel legal theory, without taking any depositions.

#### **Professional Activities**

Special Assistant District Attorney, Augusta, Brunswick, Cobb, Dougherty, Rome, Fulton and Stone Mountain Judicial Districts (various times)

Special Assistant Attorney General, State of Georgia, 1997-2000

Member, Fulton County Board of Ethics, 1998-2004

Member, Civil RICO Report Editorial Advisory Board

Member, Litigation Section, Atlanta Bar Association

Member, ADR, Bankruptcy, General Practice and Trial Sections, State Bar of Georgia

Member, American Bar Association

Member, Lawyers Club of Atlanta

Master, Lumpkin American Inn of Court

#### **Honors & Awards**

Leading Lawyer for Business, *Chambers USA*

Named in *Best Lawyers in America*

Georgia Super Lawyers, *Atlanta Magazine*

Ahmed Oabarran Public Service Award: Office of the Fulton County District Attorney, 2014

President's Award, Georgia Gang Investigators Association, 2009

National District Attorneys Association Heavy Hitter's Award, 2003

Distinguished Service Award, District Attorneys' Association of Georgia, 2002