

Jerry A. Behnke

PARTNER

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OFFICE Orange County

A former Assistant United States Attorney (AUSA), Jerry Behnke's trial and appellate practice covers [white collar criminal defense](#) and [internal investigations](#), as well as [complex civil litigation](#) matters.

Clients value Jerry's tenacity and willingness to work closely with them to develop the best strategies to achieve their optimal results. With his diverse background handling criminal and civil matters in state and federal courts, Jerry has the proven experience to navigate clients through the many complex and varied issues that may arise when the government initiates an investigation or prosecution of a white collar matter.

Notable Experience and Results

In his more than 25 years of practice, Jerry has tried a wide variety of cases in both state and federal courts and in arbitration. He is also an experienced appellate attorney and has argued cases before the U.S. Court of Appeals for the Ninth Circuit. Jerry's practice has included a broad range of matters—from complex business disputes and white collar cases to homicides and sexual assaults.

Jerry represents companies, executives, and other individuals in white collar criminal matters. He has conducted internal investigations on behalf of companies as well as government entities. Jerry draws upon his broad experience to defend clients in investigations and prosecutions related to conspiracy, healthcare fraud, government contracting fraud, public corruption, tax violations, and other white collar cases. His record includes securing a midtrial dismissal of all charges against a former Drug Enforcement Administration agent accused of conspiracy and fraud, negotiating a civil compromise of a case involving allegations of insurance fraud which resulted in the dismissal of all criminal charges against a manufacturing company, securing a non-prosecution agreement resulting in dismissal of criminal charges against a hazardous waste disposal company accused of violating the Clean Water Act, and obtaining a pre-preliminary hearing dismissal of all charges against a doctor accused of insurance fraud.

Jerry also represents companies of all sizes and individuals as plaintiffs and defendants in high-stakes civil disputes in state and federal courts as well as in arbitration. He has defended companies in lawsuits brought under the federal Clean Water Act, served as co-lead counsel in complex arbitration matter involving more than 50 days of evidentiary hearings, and represented a financial services company in a joint investigation by



EDUCATION

- Loyola Law School, J.D.
- University of Southern California, B.A.

ADMISSIONS

- California
- District of Columbia
- U.S. Court of Appeals for the Ninth Circuit
- U.S.D.C. Central District of California
- U.S.D.C. Eastern District of California
- U.S.D.C. Southern District of California

PRACTICE AREAS

- Appellate Litigation
- Complex Civil Litigation
- Environmental, Natural Resource, and Basic Materials Litigation
- Partnership Disputes and Securities Litigation

several District Attorneys' Offices related to allegations of unfair competition and false advertising.

- Internal Investigations and Compliance
- White Collar Defense and Government Investigations

Professional Impact

In addition to his litigation and trial work, Jerry remains actively involved with the federal court through volunteer activities. He has served as a lawyer representative to the Ninth Circuit Judicial Conference, a role that fosters open communication between judges and attorneys. Jerry has also served as a member of the Central District of California's Merit Selection Panel, which evaluates and recommends to the District Judges the most qualified applicants for appointment to the position of U.S. Magistrate Judge and evaluates and recommends to the District Judges whether an incumbent Magistrate Judge whose term is expiring should be reappointed to a new term of office.

Prior Experience

Prior to joining Larson, Jerry served for 13 years as an AUSA in the Central and Southern Districts of California, where he handled federal and state anti-corruption, fraud, and regulatory matters. As an AUSA in the Southern District of California, Jerry was a member of the Major Frauds and Special Prosecutions Section and also served as a discovery coordinator. He also previously served as Deputy Chief in the U.S. Attorney's Riverside branch office. Before his work as a federal prosecutor, Jerry served as a Deputy District Attorney for Riverside County.

Higher Education Honors and Achievements

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Jerry's Representative Matters

- Obtained a dismissal of all charges prior to a preliminary hearing for a medical doctor accused of insurance fraud.
- Represented a manufacturing company in a criminal investigation and prosecution for alleged insurance fraud and negotiated a settlement of the matter as a civil compromise, which resulted in the dismissal of the criminal charges.
- Defended a company in a criminal prosecution stemming from the death of one of the company's employees and negotiated a settlement of the matter as a civil compromise, which resulted in the dismissal of the criminal charges.
- Obtained complete acquittal at general court-martial trial of a military officer charged with multiple felony violations of the Uniform Code of Military Justice.
- Obtained a dismissal of all charges prior to a preliminary hearing for an individual accused of securities fraud and sales of securities without qualification or exemption.
- Represented the owner of a chain of furniture stores in a criminal investigation and prosecution for sales tax fraud and negotiated a favorable settlement of the matter as a misdemeanor.

- Defended a former Drug Enforcement Administration agent in a federal criminal prosecution involving allegations of conspiracy and fraud, achieving the dismissal of all charges in the middle of trial.
- Represented a company in a civil suit against its former paralegal involving breach of duty of confidentiality, breach of contract, breach of fiduciary duty, and unlawful business practices.
- Conducted an internal investigation for a company that offered lending and financial advice to determine whether the CEO had engaged in fraud.

Significant Prior Representations:

- Served as lead attorney in the investigation and prosecution of a city mayor and others for conspiracy, bribery, and false statements.
- Served as lead attorney in the investigation and prosecution of a grant writer for mail fraud, false statements, and forging a writing to obtain money from the U.S. in connection with a \$35 million education grant for before and after school programs.
- Served as lead attorney in the investigation and prosecution of a high-profile case under the Military Extraterritorial Jurisdiction Act involving the death of a U.S. serviceman at a U.S. airbase in Turkey.
- Served as lead attorney in the investigation and prosecution of several complex cases involving the trafficking of contraband cigarettes and evasion of state tobacco taxes.
- Tried a jury trial against a medical doctor charged with conspiracy to defraud the U.S., introducing misbranded drugs into commerce, and smuggling goods into the U.S. in connection with bringing drugs into the country that did not contain labeling as required under the Federal Food, Drug, and Cosmetic Act.

Jerry's Associations

- Ninth Circuit Judicial Conference, *Lawyer Representative*
- U.S.D.C. for the Central District of California, *Merit Selection Panel Member*

Jerry's Awards & Recognitions

- Benchmark Litigation, Litigation Star, 2023