

**Department of Justice**  
U.S. Attorney's Office  
Northern District of California

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## **Former DOJ Attorney Pleads Guilty To Obstruction Of Justice And Interstate Transportation Of Stolen Property**

### **Attorney Admits Theft of DOJ Documents Months Before Leaving Government Employment in Bid to Boost Usefulness As Private Litigator**

SAN FRANCISCO— Jeffrey Wertkin pleaded guilty today to two counts of obstruction of justice and one count of transportation of stolen property, announced United States Attorney Brian J. Stretch; Department of Justice Office of the Inspector General, Fraud Detection Office Special Agent in Charge Lew Sessions; and Federal Bureau of Investigation Special Agent in Charge John F. Bennett. The guilty plea was accepted by the Honorable Maxine M. Chesney, U.S. District Judge, following the filing of the charges in a criminal information earlier this month.

According to his plea agreement, Wertkin, 41, of Washington, D.C., worked for the Civil Fraud Section of the Department of Justice from October 24, 2010, until April 12, 2016. During that time, he worked on qui tam actions pursuant to which the government investigated companies suspected of breaking the law. By statute, qui tam complaints are filed under seal and therefore kept from public view until the court orders that the complaints may be made public. In his plea agreement, Wertkin admitted that during the last month of his employment as a trial attorney with the Department of Justice, he began secretly reviewing and collecting sealed qui tam complaints that were not assigned to him. Further, Wertkin has admitted that after he left the Department of Justice, he used the stolen information to improperly solicit clients that were the subject of the sealed complaints. Wertkin acknowledged that in one instance, he was successful in using the information from a sealed complaint to convince the subject of a lawsuit to retain him as an attorney to represent it in the lawsuit. Wertkin also acknowledged he lied to the Department of Justice in documents he completed during his exit process regarding whether he stole the complaints.

The plea agreement also describes two occasions in which Wertkin attempted to sell information to companies that were the subject of government investigations. On November 30, 2016, Wertkin offered to sell a complaint to the corporation named in the lawsuit. Then, between November 30, 2016, and January 31, 2017, Wertkin engaged in multiple conversations with a representative of the corporation to negotiate the sale of the sealed complaint for \$310,000. Similarly, on January 23, 2017, Wertkin contacted a second corporation and offered

to mail to the representative a copy of the face sheet of the complaint. Wertkin actually mailed a redacted copy of the face sheet and promised that, for a fee, he would provide the entire complaint.

Wertkin was arrested on January 31, 2017, after traveling from the Washington, D.C. Area to the San Francisco Bay Area with a copy of a sealed complaint. On that day, Wertkin believed he was meeting at a Cupertino hotel with a representative from a company with whom he would exchange the complaint for a duffel bag filled with \$310,000. In truth, Wertkin was meeting with an undercover employee of the FBI.

Further, Wertkin admitted that after his arrest, he took steps in an effort to obstruct the ongoing investigation. Specifically, after being released from custody, Wertkin returned to his office, purportedly to retrieve his personal belongings, and removed and destroyed documents from his office that he knew could further incriminate him. Wertkin acknowledged he took these and additional other steps in an effort to corruptly obstruct the ongoing investigation and proceedings against him.

In sum, on November 1, 2017, Wertkin was charged by information with two counts of obstruction of justice, in violation of 18 U.S.C. § 1505, and one count of interstate transportation of stolen goods, in violation of 18 U.S.C. § 2314. Pursuant to the plea agreement, Wertkin pleaded guilty to all counts.

Judge Chesney scheduled a hearing for sentencing Wertkin for March 14, 2018, at 2:15 p.m. The maximum statutory sentence for each count of violating 18 U.S.C. § 1505 is five years in prison and a \$250,000 fine. The maximum statutory sentence for a violation of 18 U.S.C. § 2314 is 10 years in prison and a \$250,000 fine. Additional fines, victim restitution, and a term of supervised release also may be imposed. However, any sentence following conviction would be imposed by the court only after consideration of the U.S. Sentencing Guidelines and the federal statute governing the imposition of a sentence, 18 U.S.C. § 3553.

Assistant U.S. Attorneys Robin L. Harris and William Frentzen are prosecuting the case. The prosecution is the result of an investigation by the FBI and the Department of Justice Office of the Inspector General.

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