Mary E. Carpenito

Partner

Practice Leader | Criminal Defense & Regulatory Compliance

Roseland

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- Representation in white collar criminal defense
- Corporate internal investigations
- Former Assistant U.S. Attorney, Deputy Chief of Criminal Division

Mary is a litigator who maintains a practice focused on white collar criminal defense and corporate internal investigations, especially those involving the U.S. Department of Justice (DOJ). Her work encompasses the defense of clients in criminal matters including those related to wire and mail fraud, healthcare fraud, financial crimes including money laundering, public corruption including bribery and embezzlement claims, RICO claims, and False Claims Act matters.

Mary handles all aspects of litigation, including internal investigations on behalf of financial institutions and other corporate entities, pre-trial motions and plea negotiations, and trials. She has tried numerous cases to verdict and has experience in grand jury investigations, and in guiding clients through the process of responding to subpoenas and investigative demands from state and federal entities, including the DOJ, State Offices of the Attorney General, and local prosecutor offices, as well as federal and state agencies, including the Securities Exchange Commission, the Board of Medical Examiners, and the Office of State Comptroller, Medicaid Fraud Division.

She also represents clients in complex civil litigation involving shareholder disputes, contract, employment, and construction disputes and other commercial matters.

Prior to entering private practice, Mary gained extensive experience as an Assistant U.S. Attorney in the U.S. Attorney's Office for the District of New Jersey for over ten years. In her role as Deputy Chief of the Criminal Division, she managed all aspects of litigation from investigation through conviction, supervising the Office's violent crime, narcotics, organized crime and gang-related caseload and serving as the Office's Grand Jury coordinator. In addition, as Chief of the General Crimes Unit, her responsibilities included the oversight of a variety of cases, including those involving mail fraud, wire fraud, healthcare fraud and tax fraud.

Mary’s background also includes her tenure as a trial attorney in the U.S. DOJ, Criminal Division, where her work encompassed the investigation and prosecution of complex international narcotics, money laundering and narco-terrorism cases.

Areas of Focus

Practice Areas

- Criminal Defense & Regulatory Compliance
- Commercial Litigation
- Fiduciary Relationships
- Healthcare
- Healthcare Litigation
- Federal False Claims Act & Insurance Fraud
- Healthcare Regulatory & Compliance
- Litigation

Credentials

Bar Admissions

- New Jersey, 2018
- New York, 2006
- U.S. District Court, District of New Jersey, 2019
- U.S. District Court, Southern District of New York, 2021
- U.S. Court of Appeals, District of Columbia Circuit, 2008
- U.S. Court of Appeals, First Circuit, 2007

Education

- State University of New York at Buffalo School of Law, J.D., *cum laude*, 2005
- Georgetown University, B.A., *magna cum laude*, 2002

- Seton Hall University School of Law Center for Health & Pharmaceutical Law, U.S. Healthcare Compliance Certificate Program, 2022

Recognition

- Listed in *Chambers USA* (a publication of Chambers and Partners) in the Litigation: White-Collar Crime & Government Investigations practice area (2023 - present)
- Listed in *The Best Lawyers in America* (a trademark of Woodward/White, Inc.) in the Commercial Litigation and Criminal Defense: White-Collar practice areas (2023 - present)
- Selected for inclusion by *NJBIZ* (a publication of Bridge Tower Media) on its 2025 “Leaders in Law” list
- Selected for inclusion by the *New Jersey Law Journal* on its 2022 "Women Lawyers of the Year" list
- Recipient of a U.S. Department of Justice Attorney General's Award for Excellence in Management (2020)
- Recognized via proclamation by Mayor Ras Baraka for Outstanding Achievements in Violent Crime Reduction in the City of Newark (2019)
- Recipient of the Honorable Patty Shwartz Leadership Award (2018)
- Recipient of a Law Enforcement Partnership Award from the Newark Police Department (2018)

Other Experience

- Served as an attorney in the Appellate Division of the New York State Supreme Court (2005-2007)

Languages

- Proficient in spoken and written Spanish

Experience

Representative Matters

- In one of the earliest federal cryptocurrency prosecutions, represented a certified public accountant in a matter arising from a $722 million fraudulent cryptocurrency scheme and alleged tax avoidance of approximately $20 million. Secured a favorable plea agreement before the U.S. District Court for the District of New Jersey that received national media attention and was highlighted at the American Bar Association’s annual Criminal Tax Seminar.
- Representing a Drug Enforcement Administration (DEA) agent charged in the District of Columbia with bribery and visa fraud for allegedly assisting at least one individual in the Dominican Republic with obtaining a U.S. travel visa.
- Representing an individual indicted for honest services fraud involving business entities and a multinational corporate customer. The matter involves an alleged kickback of approximately $7 million. Trial is scheduled for early 2027.

- Representing an employee of a company under investigation for alleged bid-rigging and public corruption in connection with contracts to supply commissary goods to New York City correctional facilities, in a $30 million multi-district federal investigation.
- Representing a former board member of a cannabis company in a False Claims Act investigation concerning statements made in connection with PPP loan applications and forgiveness submissions, in a matter involving approximately $1 million in alleged exposure.
- Represented a physician in an investigation by the U.S. Attorney's Office for the Eastern District of New York concerning alleged Medicaid fraud related to billing for non-medically necessary testing. After successfully navigating this client through the investigation, no charges were brought.
- Representing a witness and subject of a federal investigation arising from alleged misconduct in connection with the Newark lead service line replacement program, a matter involving approximately $10.2 million and significant public scrutiny.
- Successfully defended a company operating a post-acute network of skilled nursing and assisted living facilities in federal court, securing an order to dismiss a complaint alleging $10 million in damages for a range of due process and emotional distress claims.
- Represented an individual defendant in a complex civil action in federal court involving allegations of identity theft, wire and mail fraud, and related RICO claims. The firm successfully challenged the claims, several of which were dismissed with prejudice with others dismissed without prejudice.
- Represented a privately held surety bond provider in connection with a *qui tam* action alleging violations of federal and state False Claims Acts and New Jersey's Abandoned Property Act, including coordination with the New Jersey Attorney General's Office, successfully resolving alleged multi-million-dollar exposure through settlement.
- Represented a defendant charged in a superseding indictment in the U.S. District Court for the Eastern District of New York alleging conspiracy, honest services fraud, and federal program bribery, arising from claims that the client's business was used as a pass-through entity in connection with improper billing by nonprofit employees. Obtained a probationary sentence in this matter, which received significant media coverage.
- Defended a global investment bank in a FINRA arbitration against a leading global wealth management firm concerning alleged solicitation of clients and misuse of proprietary information by former employees. Achieved highly favorable settlement after replacing national counsel.
- Successfully defended a client in an arbitration hearing against allegations of legal malpractice, resulting in all claims being dismissed and no award being issued.
- Co-defended a former employee of a New Jersey-based law school in a state criminal matter arising from alleged embezzlement of school funds, successfully negotiating a plea agreement with New Jersey state prosecutors.
- Represented the owner of a Newark-based drum recycling business accused of conspiring to defraud a Maryland company through alleged false invoicing, successfully negotiating a plea agreement resulting in no incarceration.

- Represented a U.S. Air Marshal in a federal criminal matter arising from an investigation into the unauthorized sale of items bearing the insignia of the U.S. Department of Homeland Security and related false statement allegations. The matter involved proceedings in the U.S. District Courts for the Eastern District of Kentucky and the Eastern District of New York and resulted in a probationary sentence.
- Represented a physician charged with conspiracy to commit healthcare fraud involving fraudulent billing for medically unnecessary compound medications submitted to New Jersey state and local health benefits programs and private insurers.
- Represented a New Jersey franchisee in an investigation by the U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section concerning alleged I-9 and E-Verify compliance violations and secured a declination with no fines, penalties, or charges.
- Represented a business owner under investigation for alleged money laundering and successfully navigated the client through the investigation. The client was never criminally charged.
- Represented a global data and analytics company in complex commercial litigation involving contract disputes and counterclaims following a corporate acquisition, defeating a motion to disqualify and a motion to dismiss before achieving a favorable settlement.

Affiliations

Memberships

- Essex County Bar Association: President-Elect (2026-2027), Vice President (2025-2026), Treasurer, Secretary; Criminal Bench Bar Committee; Criminal Law Committee; former Trustee
- Association of the Federal Bar of New Jersey: Trustee; Chair, Outreach Committee; Vice-Chair, Brown Bag Lunch (Trenton) Committee; Barry Scholarship Committee
- New Jersey State Bar Association: Federal Practice and Procedure Section
- New Jersey Women Lawyers Association
- Association of Criminal Defense Lawyers of New Jersey
- Women's White Collar Defense Association, New Jersey Chapter
- Daniel Anderl Judicial Protection Project; Secretary

Personal

- Newark Police Foundation; Board member
- While attending law school, Mary served as Managing Editor of the *Buffalo Law Review*

Insights & More

Announcements

Chambers USA 2026 Recognizes Greenbaum, Rowe, Smith & Davis Across 10 Practice Areas and 18 Individuals
6.04.26

Mary E. Carpenito Installed as President-Elect of Essex County Bar Association
4.28.26

2026 Edition of Best Lawyers Recognizes 54 Attorneys in 41 Practice Areas: Eight Greenbaum Lawyers Recognized on “Ones to Watch” List
8.21.25

2025 Chambers USA Guide Ranks Greenbaum, Rowe, Smith & Davis in Key Practice Areas and Recognizes 18 Attorneys as Leading Individuals
6.04.25

Mary E. Toscano and Joseph A. Natale Recognized by NJBIZ as 2025 "Leaders in Law" Honorees
2.09.25

2025 Edition of Best Lawyers Recognizes 56 Attorneys in 39 Practice Areas: Ten Greenbaum Lawyers Recognized on "Ones to Watch" List; Three Selected for "Lawyer of the Year" Recognition
8.14.24

2024 Chambers USA Guide Ranks Greenbaum, Rowe, Smith & Davis in Key Practice Areas and Recognizes 20 Attorneys as Leading Individuals
6.05.24

Mary E. Toscano Installed as Treasurer of Essex County Bar Association
5.07.24

2024 Edition of Best Lawyers Recognizes 59 Attorneys in 38 Practice Areas: Twelve Greenbaum Lawyers Recognized on "Ones to Watch" List; Five Selected for "Lawyer of the Year" Recognition
8.16.23

Greenbaum, Rowe, Smith & Davis Welcomes Mary E. Toscano as Partner and Co-Chair of Criminal Defense & Regulatory Compliance Practice Group
3.12.23

Client Alerts

DOJ Announces New M&A Safe Harbor Policy to Provide Further Clarity - But is it Enough?
10.17.23

Publications

Circuit Split Leaves Anti-Kickback Statute Standard Ripe for Guidance from the Supreme Court
Summer 2025

Third Circuit Finds That Plain Language of Section 340B Does Not Require Drug Makers to Provide Discounted Drugs to Unlimited Contract Pharmacies
Summer 2023

'We're All Going to Get There': Litigators See Turnaround in Federal Courts
1.29.23

Mary Toscano on 'Starting Over' as a Defense Attorney
11.06.22

The O'Toole Chronicles: Honoring Daniel Anderl And Protecting Our Judges
8.22.22

Seminars & Events

Forensics on the Front Line: Unmasking Fraud in Civil and Criminal Litigation
12.18.25

48th Annual Judicial Conference
3.11.25

The Challenge of Crisis Lawyering, Part II: When DOJ or other Regulators Come Knocking - What to Do (and What NOT to Do)
10.09.24

6th Annual Corporate Counsel Symposium
10.07.24

Financial Fraud
5.21.24

Fraud in the Bankruptcy Courts
5.02.24

5th Annual Corporate Counsel Symposium
11.27.23

The Challenges of Crisis Lawyering: Ethical and Practical Considerations for Handling Emergency Situations
9.13.23

Hot Tips in White Collar Defense and Government Investigations
5.17.23

Nuts and Bolts of Criminal Law
11.21.22

DOJ and HHS: Perspectives on the Enforcement Priorities in Healthcare from the Defense Bar and In-House Counsel on the First Year of the Biden Administration
5.17.22

Remote and Hybrid Trials and Grand Jury Sessions in the Wake of COVID-19
10.28.20