



Hervé Gouraige

Member



Newark, NJ



(973) 643-5989



hgouraige@sillscummis.com

Hervé Gouraige is a Member of the Sills Cummis & Gross Litigation Practice Group. Mr. Gouraige is a civil and criminal litigator/trial lawyer who practices in the areas of white collar and regulatory defense, securities litigation, federal and state RICO actions, health care fraud litigation (False Claims Act and kickback cases), internal corporate investigations, general commercial litigation, including class actions, and antitrust litigation. He has represented corporate and individual clients in all types of civil and criminal matters (from foreclosure to sexual assault) in federal and state courts throughout the country. In his most recent public criminal representation, Mr. Gouraige was counsel to a former president of the United Nations General Assembly.

Mr. Gouraige uses his skills, experience, and legal knowledge to develop innovative strategies to solve client problems without necessarily going to trial.

With more than thirty (30) criminal and civil trials, jury and non-jury, Mr. Gouraige is also an experienced trial lawyer whose courtroom skills have been highly praised. After obtaining an acquittal for his client in a case in Salem, VA, the trial judge complimented his trial skills: "I might say to your counsel sitting next to you that I have been around a long time, some forty-six years at the bar, and I haven't heard a finer argument than he made."

Mr. Gouraige served as an Assistant United States Attorney in the Southern District of New York under U.S. Attorney Rudolph Giuliani (1984-91). He handled criminal cases involving business fraud, tax fraud, health care fraud, and national security. In 1985, Mr. Gouraige was the first Assistant designated to handle health care fraud cases in the Southern District of New York. During his term as Assistant U.S. Attorney, Mr. Gouraige was awarded the Superior Achievement Award by the Department of Health and Human Services for significant contribution in fighting fraud in the Medicare and Medicaid programs, and the Department of Justice Director's Award for Superior Performance for his successful handling of a four-month bank fraud trial.

Sills Cummis & Gross P.C.

Mr. Gouraige is an active member of the bar and the community. He is a former chairperson (and current emeritus member) of the Oxford-Cambridge Boat Race New York City Dinner Committee. He has served as president of the Harvard Law School Association of New Jersey. He is a member of the Litigation Counsel of America, an invitation-only trial lawyer honorary society, and a Trustee Emeritus (and former President) of the Board of Trustees of the Newark School of the Arts. He is a former member of the New Jersey and New York Rhodes Scholarship Selection Committees. Mr. Gouraige has served as a member of the Board of Directors of the Urban League of Hudson County (New Jersey) and The Legal Aid Society in New York (2002-08).

Mr. Gouraige has taught trial advocacy for the National Institute of Trial Advocacy at Hofstra University Law School, where he served as a Team Leader. He has also taught trial advocacy at Widener University School of Law and at Benjamin N. Cardozo School of Law.

Mr. Gouraige lectures for the ABA, ALI-ABA, and PLI on civil and criminal matters. He is an elected member of the American Law Institute, and he has written a number of articles for professional journals, including an article on insider trading published in the *Rutgers University Law Review*.

Practices

Corporate Investigations and Integrity
Health Care
Litigation
Securities Litigation
Antitrust
White Collar Criminal Defense

Court Admissions

U.S. Supreme Court
U.S. Court of Appeals, Second Circuit
U.S. Court of Appeals, Third Circuit
U.S. Court of Appeals, Ninth Circuit
U.S. District Court, District of New Jersey
U.S. District Court, Southern District of New York
U.S. District Court, Eastern District of New York

Representative Decisions

Liu v. Securities and Exchange Commission, 140 S.Ct. 1936 (2020) (Court invalidates SEC disgorgement practices and remands for reconsideration)

June 22, 2020

SEC v. Liu, 754 F. App'x 505 (9th Cir. 2018) (nonpublished memorandum), cert. pet. filed sub nom., Liu v. SEC, No. 18-1501 (U.S. May 31, 2019) (challenging authority of SEC to request and obtain disgorgement in enforcement action)

May 31, 2019

Wachtel v. Guardian Life Ins. Co. of America, 482 F.3d 225 (3d Cir. 2007)

April 2, 2007

UMDNJ v. Corrigan, 347 F. 3d 57 (3d Cir. 2003), cert. denied, 542 U.S. 937 (2004)

October 17, 2003

HVV Corporation v. Jackson Communications, Inc., Adv. No. 94-3104 (Bank. Ct; D. N. J. 1996)

March 29, 1996

Sierra Rutile Ltd. v. Katz, 1995 WL 622691 (S.D.N.Y. 1995)

October 24, 1995

United States v. Chuang, 897 F. 2d 646 (2d Cir. 1990)

December 28, 1990

Arrington v. New York Times, 55 N. Y. 2d 433 (1982), cert. denied, 459 U.S. 1146 (1983)

April 7, 1982

Newsroom

Press Releases

Sills Cummis & Gross Recognized in 2023 Edition of Benchmark Litigation

October 5, 2022

Gourage Named to New Jersey Law Journal 2017 Diverse Attorneys of the Year List

October 18, 2017

In the News

ROI Influencers 2020: People of Color

ROI-NJ

Sills Cummis & Gross P.C.

September 29, 2020

Law Journal Announces Diverse Attorneys of the Year

New Jersey Law Journal

October 17, 2017

Practical Discussion of Issues and Effective Strategies for Internal Investigations

The Metropolitan Corporate Counsel

May 1, 2013

A Unique Perspective Makes for Innovative Defense Strategies

The Metropolitan Corporate Counsel

December 1, 2011

Presentations

Martha's Vineyard Union Chapel Summer Speakers Program

American Democracy and Voter Suppression

August 22, 2019

The New Transactional and Litigation Paradigm 2012 Retail - Real Estate Seminar

ALFA International's Retail - Real Estate Practice Group

June 6, 2012

Litigation Counsel of America Renaissance Symposium IV

Litigation Counsel of America

December 2, 2011

American Health Lawyers Association's 2010 Annual Meeting and In-House Counsel Program

The Intersection of Compliance and Governance: Overcoming the Challenges

American Health Lawyers Association

June 27, 2010

Risks to Directors and Trustees of Health Care & Life Sciences Companies: Corporate Compliance in a Distressed Economy

Seton Hall University School of Law

November 4, 2009

Key Compliance Issues Facing Directors and Trustees of Health Care and Life Sciences Companies

Key Compliance Issues Facing Directors and Trustees of Health Care and Life Sciences Companies

April 22, 2009

Internal Investigations in Law Firms

ALI-ABA

Sills Cummis & Gross P.C.

November 12, 2008

The New Jersey False Claims Act: Perspectives and Insight

September 18, 2008

Responding to and Managing Government Investigations of Medicare and Medicaid Providers

American Conference Institute

March 31, 2008

Publications

Federal Courts Lack Authority to Decide Insider Trading Criminal Cases

New York Law Journal

July 27, 2017

Op-Ed - Decreasing Jury Trials Undermines the Public: Transparency and citizen participation are keys to the fair administration of justice

The National Law Journal

September 5, 2016

Do Federal Courts Have Constitutional Authority to Adjudicate Criminal Insider-Trading Cases?

Rutgers University Law Review

September 1, 2016

A Transformation from Public Law Litigation to Private Arbitration

The Metropolitan Corporate Counsel

July 1, 2014

Pharmaceuticals, Medical Devices & Biologics: Health Care Fraud Enforcement, Strict Criminal Liability, and Responsible Corporate Officials

Bloomberg Law Reports - Health Law

September 6, 2011

No Third-Party Action for Contribution or Implied Indemnification for Equitable Claims in False Claims Act Case

Bloomberg Law Reports - Health Law

July 11, 2011

Summary of United States ex rel Williams v. Renal Care Group

American Health Lawyers Association Practice Group Email Alert

June 14, 2011

Honest Services Law Must Go

National Law Journal

Sills Cummis & Gross P.C.

January 18, 2010

The Newest “Darling of the Modern Prosecutor’s Nursery”: Use of the Federal and State Federal False Claims Acts in the Health Care Industry

2010 Health Law and Compliance Update

January 1, 2010

Defining RICO Enterprise after Boyle

New York Law Journal

September 8, 2009

Client Alerts

Supreme Court Reformulates SEC “Disgorgement” as “Equitable Relief”

Litigation

June 24, 2020

Rankings and Recognition

Selected for inclusion in:

- *The Best Lawyers in America*®* 2013-2023, Commercial Litigation
- *Benchmark Litigation: America’s Leading Litigation Firms and Attorneys*®* 2022-2023
- *ROI-NJ** “ROI Influencers: People of Color” 2020
- *New Jersey Law Journal*®* “Diverse Attorneys of the Year” 2017

* See [Award Methodology](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

Affiliations

Member, American Bar Association, White Collar Crime Committee, Health Care Fraud and Abuse Subcommittee

Member, American Law Institute

Member, Federal Bar Council

Member, National Bar Association

Fellow, American Bar Foundation

Fellow, Litigation Counsel of America

Sills Cummis & Gross P.C.

Member, New Jersey State Bar Association

Member, Garden State Bar Association

Member, New York State Bar Association

Member, Association of the Bar of the City of New York

Member, New York Council of Defense Lawyers

Member, American Health Lawyers Association

Member, Supreme Court Historical Society

Member Emeritus and former Chairperson, Oxford-Cambridge New York City Boat Race Dinner Committee

Trustee Emeritus and former President of the Board of Trustees, Newark School of the Arts

Former President, Harvard Law School Association of New Jersey

Education

M.A., Oxford University

J.D., Harvard Law School

B.A., Oxford University, *Rhodes Scholar*

B.A., Boston University

Bar Admissions

New Jersey

New York