



Congressional Investigations

WilmerHale offers comprehensive solutions for clients facing the reputational, political, policy and collateral implications of congressional investigations.

WILMERHALE® 

Experience. It's how we protect your business and your reputation.

Investigations launched by Congress pose a unique set of considerations and risks for companies and individuals under scrutiny—with extremely high stakes. These inquiries can unfold quickly, often in the glare of the media spotlight, and call for a strategic response fundamentally different from the approach required in the courtroom or before regulators.

Clients trust WilmerHale to help them navigate these inquiries because of our record and our deep experience in this distinctive forum. We have handled hundreds of congressional inquiries across a wide variety of industries and issues and are adept at navigating the culture, protocols and politics of Congress.

Our lawyers have also led congressional investigations from the other side of the table and have responded to countless congressional inquiries on behalf of the executive branch while serving in senior positions at the White House, Department of Justice and many independent federal agencies.

While our experience includes handling many of the most complex and high-profile congressional investigations of recent years, we also count among our successes the many times our clients did not have to testify and the stories that never made headlines.

PRACTICE AT A GLANCE

84

congressional
representations in 2019

34

executives prepped for
congressional hearings
in the past 18 months

200+

congressional
representations over
the past five years

100+

lawyers with experience
handling at least one
congressional investigation

INDUSTRIES

Our work across industry sectors includes:

- Accounting
- Communications and internet services
- Defense
- Education
- Energy
- Engineering and construction
- Financial services
- Government contracting
- Healthcare
- Media
- Nonprofits
- Pharmaceuticals
- Retail
- Technology
- Transportation

INDIVIDUALS

Individuals who have turned to us to manage the reputational impact of congressional matters include:

- CEOs
- Corporate board members
- Senior executive branch officials
- Cabinet officials
- Judicial nominees
- Members of Congress
- Senior foreign officials
- A four-star Army general
- An IRS commissioner



Partners Jamie Gorelick and Reginald Brown

OUR APPROACH

- **We craft a strategy that accounts for the political realities and media climate.** A request letter or interview demand from Congress is an exigency unlike any faced by a company or individual in the normal course of business. The process unfolds in the spotlight and is driven by political imperatives that WilmerHale is singularly well positioned to navigate.
- **We hit the ground running.** Our strategy and preparation begin well before the first letter arrives, and our vigilance on behalf of clients continues up to and beyond the investigative hearing or report, often encompassing litigation or regulatory inquiries that are ongoing or that arise in response to the congressional inquiry. Thanks to our experience, we are prepared to tackle hearing preparations and other projects with very little notice.
- **We see clients through the full congressional investigations process.** We respond to informal inquiries and formal committee requests and subpoenas, manage discovery, draft testimony and guide witnesses through intensive preparation for hearings, oversee the public relations dimension of the matter, and seamlessly coordinate a multi-branch strategy to address overlapping inquiries by the Department of Justice or other federal executive departments and administrative agencies.
- **Our every step is informed by a deep understanding of the inner workings of Congress.** We see around corners and anticipate subjects and targets of investigations, determine the nature and scope of an inquiry, address committee concerns before a subpoena or request is written, gauge the potential consequences of cooperation in its various forms, work with committee members and staff in preparation for the hearing, address executive branch decision makers, and help clients avoid damaging missteps.
- **We are equally well equipped to assist clients in fast-moving, reactive hearings and in-depth investigations of the greatest complexity.** Our work has ranged from investigations in which senior executives had less than a week to prepare to testify, to investigations with multiple broad subpoenas and enormous collateral consequences, where we have helped clients weather sustained congressional, media and public scrutiny over multiple months or years. With a deep bench of lawyers who have experience with congressional investigations, we can scale teams to meet the demands of any task with efficiency.





OUR EXPERIENCE

Our experience spans both chambers of Congress, every major committee, field hearings at the state level and virtually every industry sector.

- **US Senate Committees:** Aging; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Ethics; Finance; Foreign Relations; Health, Education, Labor, and Pensions; Homeland Security and Governmental Affairs; Select Committee on Intelligence; Judiciary; Permanent Subcommittee on Investigations
- **US House of Representatives Committees:** Armed Services; Education and the Workforce; Energy and Commerce; Ethics; Financial Services; Foreign Affairs; Homeland Security; Permanent Subcommittee on Intelligence; Judiciary; Natural Resources; Oversight and Government Reform; Science, Space, and Technology; Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi; Small Business; Ways and Means
- **Issues:** Corporate finance, business processes, natural disasters, potential national security/electoral interference, political appointees, new product launch questions, antitrust/market concentration, issues related to trust with various communities, privacy, drug pricing inquiries, climate change, government contractors, classified businesses, data breaches, cybersecurity incidents, the full range of banking and cyber issues, explosions and other incidents with casualties and loss of life, alleged product malfunctions, political controversies, online hate speech and bias, bank accountability, social media regulation

Top: Alyssa DaCunha and Jonathan Yarowsky; Bottom: Jason Chipman and Benjamin Powell; Previous page: (top) Benjamin Powell, Caitlin Mandel and Nicole Rabner; (bottom) Jeremy Dresner, Rachel Dober and Matt Jones

CEOs and other high-level executives rely on us to protect their companies and their reputations.

We have helped many executives prepare for their appearances before Congress and have honed strategies that let them focus on their most important job: running the business.

We understand that a strong performance in congressional testimony is an essential part of leading a company. A top-level executive's performance can directly impact a business's financial health. It also carries significant risk for the executive's standing within the company and before regulators in concurrent or subsequent proceedings.

Preparation Highlights

- Assemble a diverse team, tailored with experience in the client's industry and issues.
- Partner with in-house legal, business unit, investor relations, corporate communications and government affairs experts to devise a prep schedule that uses executive time efficiently.
- Prep executives on the topics most likely to arise during testimony and how to present effective answers. This includes in-depth guidance on how to navigate the most sensitive issues, such as executive compensation.
- Work through these topics to identify gaps in knowledge and weaknesses in answers, using a sophisticated process to test messaging and refine testimony where appropriate.
- Simulate hearings or appearances before regulatory bodies, often using outside panelists who have extensive experience before Congress, to get as close to reality as possible.
- Strategically submit additional information for the record to quell collateral inquiries.
- Continue to guide executives after hearings on any issues that arise.

With a number of partners who serve or have served on corporate boards, we also know what running a company looks like from the inside. We bring a deep understanding of how boards make decisions and what they value. This insight

Congressional inquiries can greatly impact a company's reputation:

12.6%

proportion of sudden stock drops that are related to reputation, image pricing and presence in the market

80 weeks

average time for the company stock price to recover after a sudden drop



extends to other key corporate teams: we work seamlessly with in-house counsel and we partner with communications teams to streamline complex messaging for all stakeholders, from investors to customers to employees.



Partners Reginald Brown and Jonathan Yarowsky

Connect with us   

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