



Congressional Investigations

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



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 that is fundamentally different from the approach required in court or in the boardroom.

Clients trust WilmerHale to help them navigate these inquiries because of our extensive knowledge of regulatory structures and our deep familiarity with government procedures and priorities. Our team has handled hundreds of congressional inquiries across a wide variety of industries and issues, which means we 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 undisputed record in this distinct forum 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

150

congressional representations in 2019

44

executives prepped for congressional hearings since 2019

250+

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
- Consumer Products
- Defense
- Education
- Energy
- Engineering and construction
- Financial services
- Government contracting
- Healthcare
- Media
- Nonprofits
- Pharmaceuticals
- Private Equity
- 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
- Senior military officials

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, COVID-19 pandemic, international human rights, 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

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.

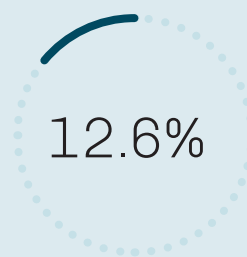
We understand that a strong performance in congressional testimony is an essential part of leading a company. A top-level executive's performance can directly impact a business's financial health. It also carries significant risk for the executive's standing within the company and before regulators in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

Preparation Highlights

- Assemble a diverse team of lawyers and subject-matter experts, 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 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.

Congressional inquiries can greatly impact a company's reputation:



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

WilmerHale Congressional Investigations Team



Alyssa DaCunha

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Over the past decade, Alyssa has prepared dozens of witnesses for testimony before congressional and legislative bodies across three continents, including hearings before all of the major House and Senate investigative committees. She has advised many more clients on navigating the congressional inquiry process, including document requests, informational briefings, interviews and investigative reports.

More broadly, Alyssa's practice focuses on government and internal investigations and crisis management assistance. She also represents major corporations and individuals in congressional, white collar and civil matters. Alyssa has extensive experience representing companies facing parallel proceedings, including cross-border investigations, regulatory compliance matters, civil and criminal litigation, and state attorney general inquiries.

Alyssa's clients are in a wide variety of industries, including pharmaceutical and healthcare companies, technology and media companies, banks, hedge funds, private equity firms, energy companies, professional sports leagues, and others facing complex regulatory, legal and policy issues in the glare of the media spotlight.

Alyssa also regularly provides strategic counsel to companies and individuals on governmental controversies, ethics and Senate confirmation issues, and crisis management matters.



Joel S. Green

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Joel represents individuals, public companies, financial institutions, technology firms and other entities in a broad range of regulatory investigations and enforcement proceedings, litigation, and civil and criminal investigations. He also has extensive experience representing senior executives and organizations in high-profile congressional investigations and hearings, including several recent prominent CEO-level hearings before the Senate Judiciary and Commerce Committees and House Financial Services Committee.

Joel has led numerous high-stakes internal investigations in the United States, China, India and other countries around the world, typically involving allegations of fraud, financial reporting or accounting improprieties and Foreign Corrupt Practices Act violations.

He also has an active pro bono practice. Joel regularly represents a Washington DC-based nonprofit mental healthcare provider in various litigation and other matters, including filing suit to recover millions of dollars that the nonprofit lost through a Ponzi scheme. Joel also represented three individuals challenging their life-term prison sentences on Constitutional grounds and successfully obtained their release.

WilmerHale Congressional Investigations Team *continued*



Jamie Gorelick

PARTNER
Chair, Regulatory and Government Affairs Department and
Co-Chair, Crisis Management and Strategic Response Group

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Jamie is one of the few people who has prepared witnesses for congressional hearings, questioned witnesses at hearings and served as a witness herself, in various governmental roles. She now handles congressional hearings as an integral part of her *Chambers*-recognized crisis management practice. In the last two years alone, she has helped prepare senior executives for hearings involving a broad range of subjects including, for example, industrial accidents, telecommunications mergers, technology issues and environmental concerns.

As one of the longest-serving Deputy Attorneys General of the United States and as General Counsel of the Defense Department, Jamie addressed congressional inquiries as a principal and was a frequent witness in hearings herself. As member of the 9/11 Commission, she questioned witnesses in a dozen televised hearings.

Jamie has been recognized as one of Washington's best-known litigators and was named a 2018 "Lifetime Achiever" by *The American Lawyer*. She has represented corporations and individuals in a wide array of matters, particularly in the regulatory and enforcement arenas, and she regularly helps companies address crises that involve all branches of government as well as reputational concerns. Her diverse experience in both the public and private sectors—as well as in the corporate boardroom—enables her to help organizations navigate through complex shoals.



Debo P. Adebile

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Debo's work focuses on litigation, investigatory, advisory and congressional matters at the intersection of law, business, government enforcement and policy. His clients include corporations, trade associations, municipalities and agencies, and colleges and universities, as well as other nonprofit institutions. Debo has testified before congressional committees on multiple occasions and advises clients in connection with congressional inquiries and testimony.

Debo has twice defended the constitutionality of two core provisions of the Voting Rights Act in oral arguments before the US Supreme Court. He was also part of the team that successfully defended Harvard University's admissions policies against a federal challenge in *SFFA v. Harvard University* in both the trial and appellate courts. Previously, Debo co-led the team that negotiated the Baltimore DOJ policing consent decree, and he regularly advises clients in connection with sensitive internal or government-facing investigations, including in the areas of workplace culture and discrimination and the intersection of algorithms and anti-discrimination law.

Currently, Debo serves as a commissioner on the US Commission on Civil Rights, appointed by President Obama in 2016. He previously served as Senior Counsel to Senator Patrick Leahy (D-VT), then-Chairman of the US Senate Judiciary Committee, and as acting president, and before that, director of litigation, for the NAACP Legal Defense and Educational Fund, Inc.

WilmerHale Congressional Investigations Team *continued*



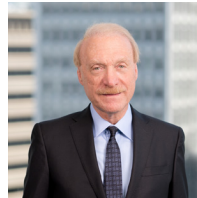
Rob Lehman

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Rob focuses on government relations and developing and implementing strategies to help clients achieve their objectives in Congress and in federal agencies. With more than 20 years of experience on Capitol Hill, he is well equipped to address critical issues ranging from trade, tax, energy, homeland security, congressional investigations, transportation and financial services to healthcare and competition. Additionally, Rob has prepared numerous senior executives for testimony before congressional panels.

Prior to joining the firm, Rob served as Chief of Staff to Senator Rob Portman (R-OH). In that position, he led policy and the strategic development and implementation of Senator Portman's legislative priorities, including the introduction of 65 bipartisan bills. Rob also previously served as Chief of Staff for the Office of Management and Budget, Chief of Staff for the United States Trade Representative and as a senior leadership aide to a member in the US House of Representatives.

In addition, Rob previously managed federal and state government relations for a top international law firm, where he represented Fortune 100 companies, trade associations and nonprofit organizations before the executive and legislative branches of government.



Jonathan R. Yarowsky

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Jon was recently named a Government Relations Trailblazer by *The National Law Journal* for his “almost singular” ability to combine congressional investigations, crisis management and public policy into a comprehensive Washington DC legal practice. His high-level public service in both the White House and Congress has fostered abiding relationships in all branches of government that are essential to managing communications flow in the midst of an investigation or crisis. Clients seek out Jon for his multi-branch experience and deep understanding of how law, media and public policy shape investigative and enforcement priorities in Congress and federal agencies.

Informing all of Jon’s private-sector work is the insight gained from his service in senior federal government positions, including Special Counsel to President Clinton, General Counsel of the House Judiciary Committee, Chief Counsel to the House Economic and Commercial Law Subcommittee, and as a leader in two joint Presidential-Congressional Commissions. In his roles at the White House and House Judiciary, he handled all stages of investigations.

Jon frequently prepares senior executives to testify in response to inquiries ranging over a diverse set of sectors, from aviation, financial services and agriculture to telecommunications, media and healthcare. He draws upon his public policy background—honed in both government service and the private sector—to provide essential context for a particular investigative inquiry within the political and policy environment.

WilmerHale Congressional Investigations Team *continued*



Edward C. O'Callaghan

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Ed's distinguished career in senior government roles and his significant private practice experience position him to successfully advise and defend public companies, global financial institutions, asset management firms and executives in an array of matters, including congressional investigations and international and domestic regulatory and criminal investigations and enforcement proceedings.

For the past two decades, Ed has worked regularly with various committees, leadership members and staffers in both chambers of Congress. In his most recent Department of Justice (DOJ) leadership role, Ed supervised the department's responses to constant Hill inquiries, including daily negotiations with committee leadership and staffers, and the preparation of DOJ leadership for hearings and briefings before Senate Judiciary, Senate Finance, Senate Permanent Select Committee on Intelligence, Senate Committee on Homeland Security and Government Affairs, the "Gang of Eight," House Judiciary, House Oversight and Government Reform, and House Permanent Select Committee on Intelligence.

In private practice, Ed has represented global financial institutions, US-headquartered Fortune 100 companies, and executives and officers in inquiries before several congressional standing committees and special commissions, including the Senate Permanent Subcommittee on Investigations and the Financial Crisis Inquiry Commission, and most recently before the House Select Subcommittee on the Coronavirus Crisis and House Judiciary Subcommittee on Antitrust, Commercial and Administrative Law. Many of these congressional inquiries overlapped with parallel regulatory or criminal investigations being conducted by other US government departments and regulatory bodies, state attorneys general, and foreign regulatory bodies.



Brian K. Mahanna

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Brian counsels clients facing high-profile and complex investigations, corporate crises, regulatory scrutiny and other significant challenges, particularly when law and public policy converge. Drawing on years of government experience, he advises companies facing public controversies in multiple arenas, such as when state attorneys general and other state regulators launch investigations along with Congress and federal agencies.

Brian served at the head of the New York Attorney General's office, one of the nation's largest and most active state attorney general's offices, and as senior advisor to the mayor of New York. This experience makes him uniquely positioned to assist clients with complex regulatory issues at all levels of government.

In both his public- and private-sector roles, Brian has litigated across multiple jurisdictions and overseen highly publicized corporate investigations and white collar cases. His extensive policy and litigation experience give him a deep understanding of how government agencies approach issues within their purview and critical insight into the regulatory frameworks that govern his clients' industries. He possesses the specific skillset needed to address the wide-ranging and complicated legal and reputational challenges presented by the increasingly commonplace investigations, litigation and enforcement actions launched by regulators in areas as diverse as consumer privacy and data security, sports gaming, broadband, alternative lending and crypto products, and non-traditional modes of transportation.

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