

WHITE COLLAR DEFENSE

WILMER CUTLER PICKERING HALE AND DORR

IN WILMER CUTLER PICKERING HALE and Dorr partner Ronald Machen's mind, the best offense is a good defense. The former U.S. Attorney for the District of Columbia and white collar defense litigator abided by this axiom while representing Panasonic Corp. during an investigation into the company's business practices by federal agencies.

"We had a pretty strong mandate that [Panasonic] wanted to figure out what was going on and cooperate. ... And try to remediate any issues," Machen said. He and fellow WilmerHale attorneys Matthew Jones, Kimberly Parker and Erin G.H. Sloane were retained by the Japanese corporation after it fell under the scrutiny of the U.S. Justice Department as well as the U.S. Securities and Exchange Commission. According to court filings entered with the U.S. District Court for the District of Columbia, federal prosecutors alleged subsidiary company Panasonic Avionics Corp. violated provisions of the Foreign Corrupt Practices Act between 2007 and 2013. Specifically, the company was charged with falsifying its books and retaining foreign consultants in the Middle East and Asia "for improper purposes other than for providing actual consulting services."

Machen said his team immediately set to guiding their client, "not only from an investigative standpoint, but in cooperation with government and remediation."

"Having been in the government, we kind of know what we're looking at," Machen said, noting many at WilmerHale are former DOJ and SEC officials. One of the remedial steps taken by Panasonic was the implementation of a new and comprehensive compliance program in addition to "a number of late-phase investigations, a number of meetings and presentations to the government to make sure that they were aware of all the facts ... and knew the company was committed to doing the right thing."



MATTHEW JONES, RONALD MACHEN AND KIMBERLY PARKER

Despite the serious and daunting nature of the charges, Panasonic's attorneys were able to guide the company to a favorable outcome. On April 30, 2018, it was announced Panasonic had negotiated \$137.4 million and \$143 million settlements with the DOJ and SEC, respectively, in addition to submitting to at least two years of compliance monitoring. Although the \$280 million penalty proved steep, it was far from the harshest consequence Panasonic stood to face from the charges.

Machen attributed the amenable conclusion of the case to WilmerHale's skills as "a strong investigative firm."

"We specialize in handling high stakes crisis situations for corporations and individuals that require complex solutions that cut across public policy," he said. "We're routinely dealing with all the issues you're reading about in the paper. Everything you read about, there's likely a WilmerHale role in those cases. We don't get rattled ... and we're able to advise the client in a calm and strategic way."

—ZACH SCHLEIN

firm facts

Firm Name: WilmerHale
Founded: Boston and DC
Total number of attorneys: 1,103
Litigators as percentage of firm: 62.78%
Litigation partners firmwide: 148.69
Litigation associates firmwide: 363.92
D.C. litigation partners: 61.19
D.C. litigation associates: 99.22

keys to success

- Get on the ground quickly, understand the facts and advise the client.
- Know the language of the government, know what they're looking for and be able to explain that to the client. ... Cooperation a lot of the time is about remediation.

—Ronald Machen