

Brenda Lee Discusses #MeToo Investigations at GIR Event in New York

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Roughly 80 legal professionals gathered in New York for the fifth annual Global Investigations Review (GIR) Live conference on September 27. The event featured speakers from the government, in-house positions and private practice, including WilmerHale Partner Brenda Lee.

Alongside four other lawyers with experience handling investigations from the in-house, defense or plaintiff's perspective, Lee participated in the panel "How to navigate a Me Too investigation." The discussion happened to take place during the US Senate Judiciary Committee hearing in which Dr. Christine Blasey Ford testified about an alleged sexual assault by US Supreme Court nominee Brett Kavanaugh—what panel moderator and conference co-chair Bruce Yannett of Debevoise & Plimpton called "the ultimate #MeToo investigation."

Lee and her fellow panelists discussed when companies should bring in outside counsel versus handling sexual misconduct investigations internally, how to maintain impartiality in such investigations, and how companies can improve policies and corporate culture surrounding sexual misconduct. Panelists also offered practical advice on developing trust with interviewees, structuring reporting lines and other procedural concerns.

"When we are hired to conduct a factual investigation, our work is impartial," says Lee. "That's true across all types of investigations but is especially important when dealing with such a sensitive topic like sexual misconduct—you have to see where the facts take you."

At WilmerHale, Lee has worked on a number of sexual misconduct investigations for universities and corporate clients. The former occupied more of her time during the previous administration, she notes, when the Department of Education Office for Civil Rights opened hundreds of Title IX investigations, and the latter has become more common since the #MeToo movement began to spotlight workplace sexual misconduct last year.

The GIR Live event, which WilmerHale sponsored, also featured a discussion of emerging trends in securities enforcement and prosecutions and keynote speeches from Matthew Miner, the deputy assistant attorney general of the US Department of Justice's Criminal Division, and Robert Khuzami, the deputy US attorney for the US Attorney's Office for the Southern District of New York.

WilmerHale regularly sponsors and hosts live events for GIR and its sibling publications, Global Arbitration Review and Global Competition Review. Last year, GIR ranked WilmerHale in first place on its annual list of the world's 30 leading investigations and compliance firms.