
Recent Trends in Foreign Corrupt Practices Act Sentencing

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In recent years, there has been a significant and purposeful increase in the number of Foreign Corrupt Practices Act (FCPA) cases brought against individuals. As part of its effort to deter individual misconduct, the government has urged courts to impose significant prison sentences, but the judicial response has been mixed. In many cases, judges have imposed sentences far less severe than those sought by the US Department of Justice (DOJ). However, there have been notable exceptions, including the longest prison sentence in the history of the FCPA. Indications are that some judges are not convinced that an FCPA conviction merits a prison term as long as those typically sought by the DOJ, though, as enforcement focus on prosecuting individuals continues, there will be ample opportunity to see whether a clear trend emerges.

In an article originally published by LexisNexis, WilmerHale Litigation Partners Roger M. Witten, Kimberly A. Parker and Jay Holtmeier analyze the recent increase in the prosecution of individuals in FCPA cases and sentencing in such cases.

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