
Congressional Investigations

Offering comprehensive solutions for companies and individuals facing the legal, reputational, political and collateral implications of a congressional investigation.

Investigations launched by Congress pose a unique set of considerations and risks for companies and individuals under scrutiny, with extremely high public, political and collateral 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. With experience representing clients in more than 235 congressional investigations in the past decade—spanning both chambers of Congress, every major committee and virtually every industry sector—WilmerHale is adept at navigating the culture, protocols and politics of this distinctive forum.

Our Practice

No law firm has handled as many and varied a range of congressional inquiries across industries and issues as WilmerHale. Our experience spans more than two dozen congressional committees and subcommittees, and has included more than 125 congressional investigations in the last five years.

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

While our experience includes many of the most complex and high-profile congressional investigations of recent years, we count among our successes the many times our clients did not have to testify and the story never made it onto the front page of a newspaper.

Our Approach

We craft a strategy that takes into account 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 subpoena 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 arise in response to the congressional inquiry.

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.

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Experience

UNITED STATES SENATE

Our experience includes investigations by more than a dozen Senate committees and subcommittees, including the following:

- Senate Special Committee on Aging Senate Committee on Armed Services
- Senate Committee on Banking, Housing, and Urban Affairs
- Senate Committee on Commerce, Science, and Transportation
- Senate Committee on Energy and Natural Resources
- Senate Committee on Environment and Public Works
- Senate Select Committee on Ethics
- Senate Committee on Finance
- Senate Committee on Foreign Relations
- Senate Committee on Health, Education, Labor, and Pensions
- Senate Committee on Homeland Security and Governmental Affairs
- Senate Committee on Intelligence
- Senate Permanent Subcommittee on Investigations
- Senate Committee on the Judiciary

UNITED STATES HOUSE OF REPRESENTATIVES

Our experience in House investigations has spanned more than a dozen committees and subcommittees, including the following:

- House Committee on Armed Services
- House Committee on Education and the Workforce
- House Committee on Energy and Commerce
- House Committee on Ethics
- House Financial Services Committee
- House Committee on Foreign Affairs
- House Committee on Homeland Security
- House Permanent Select Committee on Intelligence
- House Committee on the Judiciary
- House Committee on Natural Resources
- House Committee on Oversight and Government Reform
- Committee on Ways and Means
- Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi

