
Crisis Management and Strategic Response

When legal, public policy and media challenges converge and an institution's reputation and business are at stake, no firm rivals WilmerHale's ability to navigate fast-moving events and craft lasting solutions.

Based in Washington DC, with lawyers seasoned in all three branches of government, WilmerHale's Crisis Management and Strategic Response Group is known for helping companies through the highest-profile corporate crises. Drawing on our lawyers' deep government experience and industry insights, we mobilize to help clients take charge of even the most challenging situations. Our multi-strand response combines an immediate governance, communications and procedural roadmap to ensure that the steps an organization takes in the first 24 or 48 hours of a crisis are the right ones. We then pursue longer-term legislative, regulatory or litigation strategies to address every dimension of an issue in a coordinated way.

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About

Our Approach

What is Strategic Response?

The biggest challenges for an organization can take varying forms. A grand jury or congressional subpoena arrives, heralding an investigation into industry practices. A cyber breach exposes customer financial information. An environmental accident unfolds, sparking immediate congressional hearings. An omission in corporate disclosure triggers regulatory enforcement action. A police shooting in a major US city sparks civil unrest and becomes a catalyst for reform. A business-critical objective becomes the focus of intense scrutiny by the media and antitrust regulators. Whatever the issue, these challenges require a strategy that goes beyond the immediate legal problem, and an understanding of how strategies in one venue affect developments in others. These matters share a set of core characteristics:

- **A government dimension.** Whether they generate Executive Branch attention, congressional scrutiny, federal investigations and enforcement actions, or global and

multi-state political dimensions, the most significant challenges have—or can suddenly invite—government involvement and demand multi-branch strategies.

- **Rapidly shifting parameters.** The original locus of a problem may appear specific and discrete, but high-stakes challenges have the tendency to expand in the media spotlight or migrate into new government arenas.
- **A high level of complexity and sensitivity.** These situations pose challenges that go beyond anything an organization will face in the usual course of business and demand a coordinated response that addresses complex political, legal and media crosscurrents in order to prevent the problem from lingering or recurring.

Our bipartisan team—led by a former Deputy Attorney General of the United States and a former Deputy Secretary of the US Treasury, and populated with dozens of lawyers with senior-level government experience across multiple administrations—has a singular ability to address virtually any significant corporate challenge that touches the Executive Branch, Capitol Hill or the courts. Our deep, bipartisan insights into the workings of government and the legal and regulatory frameworks that govern our clients' industries enable us to see around corners to identify issues before they ignite, and develop multi-branch strategies to advance our clients' positions and achieve critical business objectives.

Our Team

With a pedigree that stretches back to firm founder and former White House advisor Lloyd Cutler's seamless ability to navigate all three branches of US government, we field a diverse, bipartisan team with senior-level experience spanning more than a dozen federal agencies, the Department of Justice, the White House and Congress—as well as European government bodies, including the European Commission and the German Parliament. Our team is widely recognized for its deep insight into the legal frameworks, policies and regulations that govern our clients' industries.

When a sensitive corporate disclosure issue arises or the SEC threatens enforcement action, we draw on the insight of a recent SEC Director of Corporation Finance or the experience of the SEC's longest-serving Director of Enforcement. When a cybersecurity incident unfolds, we leverage the knowledge of senior intelligence officials with vast experience in privacy and data security matters. When a congressional investigation looms, we deploy the resources of a team that has represented clients in more than 125 investigations by House and Senate committees in the past five years alone.

In sensitive and high-stakes situations, there is no substitute for the credibility of lawyers who have practiced for decades at the top of their fields and have earned deep respect across both government and the private sector for their judgment and experience.

Government positions formerly held by members of our team include:

- Deputy Attorney General

- Head of the DOJ's Civil Division, Office of Legal Counsel and Office of Legal Policy
- US Attorney
- Deputy Secretary of the Treasury
- Under Secretary of the Treasury for Terrorism and Financial Intelligence and Assistant Secretary of the Treasury for Terrorist Financing
- SEC Director of Enforcement
- SEC Director of Corporation Finance
- General Counsel of Defense Department, Treasury Department, National Security Council, FBI, CIA, and Office of the Director of National Intelligence

Our team also includes more than 20 lawyers with US Attorney's Office experience, 10 with White House experience, and multiple former staff from key congressional committees, including the Senate Permanent Subcommittee on Investigations. [View a detailed list of our experience in government service.](#)

Our Capabilities

WilmerHale's extensive experience in the Executive Branch, on Capitol Hill and at all levels of the justice system has equipped us to meet virtually any exigency or pursue any objective for our clients. Our lawyers have the experience to navigate any forum, with a track record that includes any combination of the following:

- Directing sensitive internal investigations
- Responding to enforcement proceedings by US and international regulators
- Advancing legislative and policy objectives through bipartisan outreach to leadership in the House and Senate
- Defending household-name companies in high-stakes litigation
- Preparing clients for congressional investigations
- Providing strategic support for proposed business transactions
- Navigating multi-state and global challenges

With a deep understanding of our clients' business objectives and the legal and regulatory frameworks that govern their industries, we have assisted clients in multiple sectors, including biotechnology and pharmaceuticals, defense, education, energy, financial services, healthcare, media and communications, professional sports, retail, and technology.

We are accustomed to partnering seamlessly with in-house and external service providers—including public relations, communications and governmental affairs teams and grassroots or social media organizations—to determine and orchestrate a communications strategy that minimizes reputational risk and advances our clients' position.

Our reach extends to Europe, Asia and beyond, enabling us to act quickly when legal, business and reputational challenges originate outside the United States or involve international political or economic considerations.

A brief cross-section of some of the issues we have addressed reveals the breadth of our capabilities. Our experience includes:

- White-collar investigations and litigation
- Securities disclosure issues
- Cyber breach response, prevention, and follow-on civil and class actions
- National security investigations
- Government contracting disputes
- Merger control clearance and antitrust probes
- Biotechnology patent appeals that reach the US Supreme Court
- Subprime mortgage lending and foreclosure investigations and litigation
- Environmental accident response
- International sanctions and export controls
- Global diplomatic outreach on behalf of US citizens detained in nations hostile to the United States
- Police use of force investigations
- Title IX and civil rights compliance reviews and investigations at major universities
- Tax issues
- Foreign Corrupt Practices Act enforcement
- Dodd-Frank and False Claims Act whistleblower cases
- Organizational responses to domestic violence and sexual misconduct
- Litigation, regulatory and public policy challenges to transformative technologies

Experience

BP AMERICA

Retained by BP in the wake of the Deepwater Horizon offshore drilling accident in the Gulf of Mexico, we led the company's response to unprecedented congressional inquiries—including 15 hearings and investigative demands by more than 90 committees and members—and investigations by the DOJ, the SEC, the National Oil Spill Commission, the Chemical Safety Board and the National Academy of Engineers.

TARGET

When Target became the victim of one of the largest data breaches ever reported, we led the company's governance and communications response, prepared a company officer for congressional testimony, and directed the focus of the public debate back to the critical objective of holding the perpetrators to account and preventing future intrusions.

JPMORGAN CHASE

After the "London Whale" incident, in which a trader in JPMorgan Chase's London-based Chief Investment Office acquired large positions in synthetic credit derivatives, leading to losses of approximately \$6 billion, we mounted a multifaceted response that

involved crafting a communications strategy, assisting the bank in its management task force review, and responding to inquiries from regulators and enforcement authorities from all over the world. We helped resolve investigations by the US Securities and Exchange Commission, the Office of the Comptroller of the Currency, the Federal Reserve, the UK's Financial Conduct Authority and the US Senate Permanent Subcommittee on Investigations.

WASHINGTON POST/JASON REZAIAN

When *Washington Post* correspondent Jason Rezaian was arrested by Iran's Islamic Revolutionary Guard Corps and imprisoned in Tehran's notorious Evin Prison, we led a comprehensive outreach to private intermediaries and government officials from approximately 40 countries and international organizations, including the UN Secretary-General, to help secure Rezaian's release. Our multifaceted response included obtaining an OFAC license for payments necessary to his legal defense, helping local counsel develop defenses under international law, filing a successful petition with the United Nations, developing and executing a Capitol Hill strategy and preparing Rezaian's brother for congressional testimony, coordinating with a PR firm to maintain media and public pressure on Iran, and working with Islamic scholars to craft and deliver a letter directly to the Chief Justice of Iran. After 544 days in confinement, Rezaian was ultimately released by the Iranian government on January 16, 2016.

BALTIMORE AND CHICAGO POLICE REFORM

Following the deaths of Freddie Gray and Laquan McDonald, the cities of Baltimore and Chicago asked our team to use its extensive Justice Department insight, civil rights experience and investigations capabilities to assist in responding to the DOJ's investigations into police practices. The team is leading a multi-strand response that has included facilitating DOJ review, assisting police department reform through retraining and force mitigation strategies, and helping the cities bolster public safety by working with the community.

DUKE UNIVERSITY

In the aftermath of the improper indictment of members of the university's lacrosse team, we helped Duke University address the civil litigation and governance issues related to the matter.