
Foreign Corrupt Practices Act and Anti-Corruption

Named an “FCPA Powerhouse” and “Practice Group of the Year,” we have been involved in some of the most notable public and non-public cases and key developments related to FCPA and anti-corruption issues.



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Companies facing high-stakes government and internal investigations, as well as those seeking anti-corruption risk assessments, M&A guidance and ad hoc counseling, rely on WilmerHale. Clients benefit from the advice of more than 60 experienced anti-corruption lawyers with extensive knowledge in all aspects of the field. We represent companies and individuals in DOJ, SEC, UK Serious Fraud Office, and Chinese Administration for Industry and Commerce investigations; perform internal investigations on the ground in Asia, Africa, the Middle East, Eastern Europe, Latin America and elsewhere; conduct risk assessments and benchmarking; advise on strategic transactions; develop and enhance compliance programs; offer ongoing and real-time counseling; and draft and conduct anti-corruption training. In addition to our strong US-based team, clients benefit from our lawyers with extensive anti-corruption experience based in our UK, Germany and China offices. *Global Investigations Review* consistently ranks us at or near the top of its list of the leading investigations and compliance practices.

Our team, which has been practicing in this area since the enactment of the FCPA, ranks among the top in the industry and is tied with one other firm for advising on the most FCPA public settlements since late 2008. In 2016 alone, WilmerHale handled five DOJ and/or SEC settlements, along with a publicly announced DOJ/SEC declination. The firm has also obtained numerous non-public declinations for clients who were under investigation by enforcement authorities.

We regularly counsel more than 80 public and other companies on anti-corruption compliance

issues, including helping to build and enhance compliance programs and advising on specific transactions and third-party relationships. We have more than a dozen matters currently pending with the DOJ, SEC and/or other enforcement agencies and have deep relationships with the enforcement attorneys at those agencies. We have also advised clients on successful submissions under the DOJ's Opinion Procedure Release process.

Our work in the FCPA arena spans a vast range of industries, including financial and professional services; technology; pharmaceutical, medical devices and healthcare; energy, oil and gas, and natural resources; media; defense and aerospace; manufacturing; and consumer goods.

Practice leaders Kimberly Parker, Jay Holtmeier, Erin Sloane and Roger Witten also author the leading treatise in the field, *Complying with the Foreign Corrupt Practices Act*, now in its 10th edition.

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Experience

Helped a major foreign technology conglomerate achieve a settlement with the DOJ/SEC that resolved federal allegations that the company violated the FCPA and advised regarding compliance enhancements during post-settlement reporting period.

Serving as a DOJ/SEC appointed independent FCPA compliance monitor for a German-based supplier of global dialysis products and services in connection with the company's \$231 million resolution of charges that it violated the FCPA.

Represented Analogic in settlements with the DOJ and SEC related to conduct in Russia and elsewhere and advised on compliance enhancements during post-settlement reporting period.

Represented Johnson Controls in settlement with SEC and one of first declinations under DOJ's Pilot Program (now Corporate Enforcement Policy).

Represented PTC, Inc. in settlements with the DOJ and the SEC related to conduct in China.

Represented Key Energy in an SEC settlement and DOJ declination related to alleged conduct in Mexico, including advising on anti-corruption compliance policies, procedures and training.

Represented Latam Airlines (formerly LAN Chile) in settlements with the DOJ/SEC, including ongoing assistance to the company in its obligations under the monitorship imposed under those settlements.

Represented three different global financial services corporations in investigations by the SEC and/or DOJ, including the first-ever FCPA case based on the theory of hiring relatives of government officials, as well as an additional settlement with the SEC for one of the other banks and a declination by the SEC for the other.

Represented over a dozen individual executives and other employees in connection with DOJ/SEC investigation of Alcon.

Obtained an SEC declination for a client in an FCPA investigation involving alleged payments to PDVSA officials in Venezuela.

Represented a major multinational company in a DOJ/SEC investigation of issues in Brazil and Colombia, which was closed when both agencies declined to bring charges.

Represented a client in an SEC enforcement matter involving alleged bribery and fraud at a financial institution, which originated with the arrest of individuals in Germany.

Represented a Fortune 100 client relating to the ongoing investigation by the Eastern District of New York involving FIFA confederation officials, international sports marketing firms and other unnamed co-conspirators.

Represented a multinational software company in the Mexico portion of an FCPA case that was settled with the DOJ and SEC.

Represented a major multinational company in an SEC investigation of seven different projects in China, which was closed when the SEC declined to bring charges.

Represented several financial institutions in connection with the SEC's "sweep" relating to interactions by financial institutions with sovereign wealth funds, and represented a number of oil companies in connection with the SEC's "sweep" relating to business dealings in Libya.

Represented a major European industrial company in connection with a DOJ investigation of payments in the Middle East and Africa related to the Unaoil scandal.

Represented a Germany-based aircraft services company and its US subsidiary in settlements with the DOJ of FCPA issues relating to payments to government officials in Mexico and elsewhere.

Represented oil driller Helmerich & Payne in its settlement with the DOJ and SEC of FCPA matters involving payments to customs officials in Argentina and Venezuela.

Represented Armor Holdings, Inc. in its FCPA settlement with the DOJ and SEC relating to the actions of a former company employee who later became the informant in the DOJ's 22-defendant FCPA sting case.

Represented numerous individuals, including two who settled civil FCPA charges with the SEC, and others who were not charged.

Recognition

- *Chambers USA Guide* – Recognized our FCPA practice among the best in the nation again in 2023 and recognized Partners Jay Holtmeier (Band 1), Kimberly Parker (Band 1) and Erin Sloane (Band 3) as national leaders in the FCPA field. *Chambers* has cited clients and commentators who said, "WilmerHale is phenomenal in the FCPA space" and praise the firm's "exceptional practice," adding that "they're very knowledgeable about how to handle investigations" and "highly strategic and plugged into what is going on in the government."
- *Chambers Global* – Recognized WilmerHale as a leader in FCPA and Corporate Crime & Investigations in its 2015–2024 editions. *Chambers Global* has also consistently recognized Partners Jay Holtmeier, Kimberly Parker and Erin Sloane and Senior Counsel Roger Witten as FCPA leaders.
- *Global Investigations Review* – Named WilmerHale the winner of the 2022 "Most Impressive Investigations Practice of the Year" and a finalist in its 2021 "Most Impressive Investigations Practice of the Year," "Most Important Court Case of the Year" and "Most Important Development of the Year" contests. Since 2015, the firm has been ranked at the top of *GIR*'s list of the world's most accomplished investigations practices. *GIR* also gave WilmerHale a 2016 nod as "Most Impressive Investigations Practice of the Year" for its cross-border work in both high-profile internal and government-led investigations.
- *Global Investigations Review* – Honored Senior Counsel Roger Witten with its 2019 Outstanding Career Award recognizing his work on landmark cases from the start of his career and his role in developing a new generation of top investigations lawyers.
- *Global Investigations Review Just Anti-Corruption* – Gave WilmerHale's Washington DC office an "elite" ranking for its Foreign Corrupt Practices Act Practice, placing the firm among the top in the nation's capital.
- *New York Law Journal* – Honored Senior Counsel Roger Witten with its 2019 Lifetime Achievement Award, in part for his work in building and leading WilmerHale's FCPA practice.