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## *Investigations*

Guiding clients through high-stakes and sensitive investigations.

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Fortune 500 companies, corporate executives and public officials rely on WilmerHale's deep experience and significant capabilities to counsel them through internal, government and cross-border investigations, as well as related criminal, civil and administrative litigation and enforcement proceedings. Our lawyers—many of whom have held high-level government positions—combine critical subject matter knowledge and a relentless devotion to helping clients achieve their business and reputational goals. In the United States, our team regularly handles investigations involving the Department of Justice (DOJ), Congress, the Securities and Exchange Commission (SEC), the FBI and CIA, Inspectors General, and virtually every other federal agency with investigative authority. We also have broad capabilities and extensive experience handling matters at the state level, including investigations by state attorneys general and enforcement agencies. Outside the US, we have represented clients before numerous law enforcement and regulatory bodies in matters including competition/cartel issues, securities trading, corruption, anti-money laundering and fraud.

WilmerHale defined how a law firm should conduct a credible, thorough and efficient internal investigation with its work on matters for Enron, BP, WorldCom, Qwest, JP Morgan Chase and UnitedHealth Group, among others. Our team conducts internal investigations on matters ranging from whistleblower complaints and conduct, governance and ethics reviews to anti-bribery and corruption, export/import controls and other violations of law. We have also handled healthcare fraud cases, accounting and disclosure matters, securities trading reviews, and code-of-conduct and compliance inquiries.

Lawyers in our global investigations practice represent clients in internal reviews and government investigations around the world in cases that span criminal, civil, legislative and regulatory regimes and disciplines. Many of our most prominent cross-border representations involve alleged cartels, corrupt payments, money laundering and fraud. Our work spans six continents and stretches across our offices in the United States, the United Kingdom, Belgium,

Germany and China. Over the past few years alone, our lawyers have conducted investigations-related work in more than 100 countries.

When the government comes calling, we defend clients against major enforcement actions through litigation. We have a strong record of successfully defending clients at trial and in appeals against the Securities and Exchange Commission, the Department of Justice, and many other federal and state authorities. Our familiarity with the applicable regulatory programs, enforcement practice and the courtroom allows us to advance our clients' interests through every stage of a matter.

Our investigations team includes lawyers who formerly served in senior government positions, including as Deputy Attorneys General of the United States; Undersecretary of the Treasury for Intelligence and Terrorist Finance; United States Attorneys; Director and Associate Director of Enforcement and Chief Litigation Counsel for the Division of Enforcement at the SEC; General Counsels of the FBI, SEC, Department of Defense and CIA; Principal Associate Deputy Attorney General; and Assistant United States Attorneys and state prosecutors.

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## *Areas of Focus*

### *Congressional Investigations*

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

### *Cross-Border Investigations and Compliance*

Fortune 500 companies, corporate executives and public figures rely on WilmerHale's experience to counsel them through cross-border investigations, as well as related criminal litigation and civil and administrative enforcement proceedings.

### *Federal Inspector General Investigations*

Inspectors general investigate fraud, waste and abuse in the federal government and present a significant enforcement risk for companies and other organizations that receive federal funds or interact with federal agencies. In fiscal year 2021, 75 federal offices of inspectors general closed more than 17,000 investigations, leading to more than 4,000 indictments and criminal informations, 1,000 civil actions, 2,000 suspensions or debarments of government contractors, and \$12 billion in funds recovered. WilmerHale has a long and successful track record representing clients from myriad industries in complex, high-stakes inspector general investigations.

### *Government Contract Investigations*

Offering solutions to the unique challenges of investigations involving government contracts.

## *Independent Investigations*

We regularly conduct independent investigations for companies of all sizes and advise executives and boards of directors on how to handle the repercussions that follow accusations of misconduct. Clients engage us on their most sensitive matters, to conduct inquiries and often to advise them on related crisis management.

## *Internal Investigations*

Clients benefit from our broad experience conducting wide-ranging and complex internal investigations, including those in highly public matters for the boards of directors and management of some of the largest, most recognized companies in the world. We understand the challenges and opportunities that internal investigations provide to influence and affect both corporate strategy and potential government action.

## *Law Enforcement Investigations*

WilmerHale has been active for many years in defending companies, financial institutions and individual officers and directors threatened with enforcement action. In the past year alone, we have represented clients before the Department of Justice; US Attorneys' Offices; the SEC; the CFTC; the CFPB; the New York Department of Financial Services; federal inspectors general; and many states' Attorneys General. In the UK, we appear regularly before the Financial Conduct Authority (FCA) and the Serious Fraud Office (SFO). In Europe, our lawyers regularly represent clients before the European Commission; national government departments and parliamentary committees; national state prosecutor authorities; data protection authorities; national federal cartel offices; German telecommunications regulators; and the German Financial Services Supervisory Authority.

## *Monitorships*

WilmerHale provides independent, trusted supervision on compliance and remediation matters. We are experienced in representing companies under monitorships and work to build successful compliance programs while both minimizing the burdens and inefficiencies of the process and promoting the company's interest in successfully completing the monitor's tenure. We have a practical, strong and efficient approach to both sides of corporate monitorships that is built on a deep understanding of the process, as well as extensive experience in counseling major multinational companies on all aspects of building and maintaining effective compliance programs.

## *Multi-Jurisdictional Matters*

We regularly advise clients in connection with multi-jurisdictional law enforcement matters in

Europe, Latin America and Asia. We have close relationships with local lawyers in the jurisdictions in which we do not have offices, and work closely with local counsel to ensure that our representations are sensitive to both domestic concerns and our work's global implications. By bringing together our substantive regulatory and enforcement experience and our familiarity with litigation involving the government and other regulatory regimes, we enhance our ability to obtain the best possible outcomes for our clients.

### *Regulatory Investigations*

Our team represents financial institutions and other regulated entities of all types in their highest priority and most challenging regulatory investigations and relationships. In our financial services work, we appear regularly before the Office of the Comptroller of the Currency, the Federal Reserve Board, the UK FCA, the Consumer Financial Protection Bureau, and state regulatory agencies. We also represent clients in investigations by the Commodity Futures Trading Commission, the Securities and Exchange Commission, the Small Business Administration, the Office of Foreign Asset Control, the Committee on Foreign Investment in the United States, the Public Company Accounting Oversight Board, and innumerable other federal and state regulators. We counsel clients on compliance with the rules, regulations and guidance of a variety of government agencies, and clients regularly turn to us to handle high-stakes government investigations; to devise and implement policy and political strategies in anticipation of future government activity; or to litigate before agencies, the courts and international institutions in the United States.

### *UK White Collar Defense and Investigations*

Multinational companies, corporate executives, high-ranking public officials and in-house counsel rely on our preeminent practice and depth of experience when facing complex and challenging criminal and regulatory investigations.

### *White Collar Defense and Investigations*

Clients facing enforcement actions and inquiries into their business practices draw on the extensive government, boardroom and courtroom experience of our versatile team. WilmerHale is an internationally recognized and respected leader in white-collar defense and investigations, having been ranked at the top of *Global Investigations Review's* list of the world's 30 leading investigations and compliance practices for 2017.

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## *Related Solutions*

AML and Economic Sanctions  
Compliance and Enforcement

Consumer Protection Defense  
and Compliance

Environmental, Social and  
Corporate Governance (ESG)

Blockchain and  
Cryptocurrency

Crisis Management and  
Strategic Response

Foreign Corrupt Practices Act  
and Anti-Corruption

Business and Financial  
Integrity

Cybersecurity and Privacy

Securities Enforcement

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## Experience

Representing a technology company in parallel investigations by over a dozen State Attorneys General, the FTC, the US Congress, and numerous international regulators regarding data privacy and consumer protection issues.

Representing a major multinational company in a DOJ/SEC investigation of alleged Foreign Corrupt Practices Act violations in Brazil and Colombia, which was closed when both agencies declined to bring charges.

Representing a 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.

Mounting a multifaceted response 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. The response 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.

Taking over as counsel to a Palo Alto-based health technology and medical laboratory services company in federal and state law enforcement and regulatory investigations, private civil litigation in federal and state courts, and corporate restructurings, following explosive media exposés about the company in national publications.

Representing a Japanese auto parts manufacturer and its US subsidiary in the largest Department of Justice antitrust investigation in US history and in more than 50 different class actions (each involving different products and sets of plaintiffs) in one of the most complex multi-district litigations in the United States.

Representing a major financial institution in cross-border tax evasion investigations initiated by regulators across four continents, overseeing local counsel in multiple countries and providing strategic advice.

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## Recognition

- Chambers and Partners— Ranked WilmerHale among the nation’s best crisis management law firms in the 2022 and 2023 editions of *Chambers Crisis and Risk Management Guide*.

- *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 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.