

The logo features the text 'GIR' in a large, bold, white sans-serif font, with 'Global Investigations Review' in a smaller font below it. Below that is the number '100' in a very large, bold, white sans-serif font. The entire logo is enclosed within a white, stylized bracket-like shape. The background of the top half of the page is a dark blue sphere composed of a network of white dots and lines, with a gradient of yellow and orange dots on the right side.

# GIR

Global Investigations Review

# 100

# WilmerHale

***#1 on the list of the 100 leading law firms with the biggest and best investigations practice in the world***

***One of the biggest and best investigations practices in the world, WilmerHale in 2016 brokered five FCPA settlements and secured three FCPA-related declinations from the DOJ.***

#### ***The firm***

WilmerHale's investigations practice has a breadth and sophistication that few competitors can match. It stretches back to the firm's name-partner, Lloyd Cutler, who served as counsel to two US presidents. The firm played a role in investigations in the 1970s into corrupt payments by US companies. When FCPA enforcement exploded in the 2000s, WilmerHale was ready. The firm's anti-corruption practice was shaped by Robert Witten, a partner who by then had authored the first edition of a comprehensive guide to FCPA compliance.

WilmerHale places a high value in government experience, and currently fields more than a hundred former government officials, including those from the SEC, the DOJ and numerous US attorneys' offices. Among the stars in its global investigations practice are two former deputy attorney generals of the DOJ, two former general counsel for the US Department of Defense, a former general counsel of the FBI, a former general counsel of

the CIA and former US attorneys for the District of Columbia and Colorado.

Until recently, the firm was also home to former FBI director Robert Mueller III. When Mueller left in May to serve as special counsel investigating Russia's interference in the 2016 election, he brought three WilmerHale partners with him.

Former deputy attorney general Jamie Gorelick is chair of the regulatory and government affairs department. David Ogden, who served as both deputy attorney general and as assistant attorney general for the DOJ's civil division, is chair of the government and regulatory litigation group. The firm's FCPA practice is co-lead by GIR Editorial Board Member Kimberly Parker in Washington, DC, and former Federal Prosecutor Jay Holtmeier in New York.

Five of the firm's attorneys are named in *Who's Who Legal: Business Crime Defence*, and eight are recognised by *Who's Who Legal: Investigations*. Among the nominees are Stephen Pollard in London and Sharon Cohen Levin in New York. Levin is a recent alumnus of the US Attorney's Office in Manhattan who specialises in anti-money laundering, the Bank Secrecy Act and asset forfeiture. In London, counsel Alison Geary was named a *GIR 40 under 40* lawyer in 2017.

Recent hires include Ronald Machen, the former US attorney for the District of Columbia, and Brendan McGuire, who served as chief of the terrorism unit at the US Attorney's Office for the Southern District of New York. With McGuire's arrival, WilmerHale now has five partners who served as former senior chiefs for the US Attorney's Office in Manhattan. The firm has also added Alejandro Mayorkas, the former deputy secretary of the Department of Homeland Security, and John Walsh, the former US attorney for Colorado.

WilmerHale brings all this firepower to bear on high-stakes matters facing its clients. The firm's representation of JPMorgan Chase is one recent example. When the bank retained WilmerHale after the notorious "London Whale" scandal broke, the firm deployed a team of 300 attorneys from eight offices to handle parallel investigations by the DOJ, the SEC, the Federal Reserve and the UK's FCA.

### Recent events

WilmerHale has been busy over the last two years. In 2016 alone, the firm brokered five FCPA settlements and secured at least three FCPA-related declinations from the DOJ for its clients, including one of the first reached under the DOJ's new foreign bribery leniency programme.

The firm has also represented bio-tech start-up Theranos amid a firestorm of scrutiny focusing on the company's blood-testing kit. A 25-member team of WilmerHale lawyers is handling DOJ and SEC probes, as well as related civil lawsuits that exceed more than US\$100million in value.

In another high-profile healthcare matter, partners Ogden and Machen were selected to act as independent monitors for the Dallas-based Tenet Healthcare Corporation. The hospital chain in October 2016 agreed to pay US\$513million in a settlement with the DOJ over allegations that it created a kickback scheme to net patient referrals.

The firm's latest FCPA settlement is also one of the smallest fines on record for a foreign bribery matter. Key Energy Services, a Houston-based oilfield services company, paid only US\$5 million in disgorgement to resolve charges that it violated the FCPA's accounting provisions. The DOJ issued a declination after completing a parallel investigation into the company.

The Key Energy Services agreement capped off a string of FCPA settlements with LATAM Airlines Group, medical device manufacturer Analogic and software company PTC.

The firm also negotiated the third declination under the DOJ's FCPA pilot programme. The DOJ in June 2016 declined to prosecute heating and air conditioning company Johnson Controls under its FCPA pilot programme, citing the company's voluntary self-disclosure, internal investigation and full cooperation in a publicly disclosed letter. Meanwhile, the company paid US\$14million to settle SEC charges that it bribed employees of Chinese state-owned shipyards in July 2016.

WilmerHale was also part of a multi-firm team to advise information technology Cisco on joint FCPA probes by the DOJ and SEC. In September 2016, the company announced that

authorities had closed their investigations without taking an enforcement action. In more recent matters, the firm currently represents Panasonic Avionics Corporation, which designs inflight entertainment and communications systems, on dual FCPA probes by the DOJ and SEC.

Meanwhile, the firm's US investigations expertise has been called upon in several high-profile domestic scandals. Stepping into a politically explosive debate around race and policing in the US, Gorelick was brought on to represent the cities of Chicago and Baltimore as their police departments were probed by the DOJ's civil rights division following the fatal shooting of 17-year-old Laquan McDonald and the death of Freddie Gray in police custody. Until recently, Gorelick also advised senior White House adviser Jared Kushner on an ongoing probe into Russia's interference in the 2016 presidential election.

### Network

WilmerHale has six offices in the US, including in Boston, Denver, Los Angeles, New York, Palo Alto and Washington, DC. Internationally, the firm is situated in Beijing, Berlin, Brussels, Frankfurt and London.

### Track record

WilmerHale has played a part in many of the past decades' biggest cross-border enforcement actions, conducting major internal investigations throughout the 2000s for Enron, Worldcom, Qwest and Ahold.

Notably, the firm shepherded JPMorgan through dual US and UK settlements for the infamous "London Whale" trading losses. In September 2013, the bank paid US\$920million to settle US and UK investigations into misconduct surrounding a US\$6.2billion trading loss. The firm has counselled HSBC on a number of matters, including global scrutiny of the bank's role in assisting with tax evasion via its Swiss banking arm and a US congressional investigation into allegations of money laundering in Mexico and the US.

In the FCPA arena, WilmerHale has played a part in a number of landmark cases. In 1997, it took a leading role in an SEC settlement with oil and natural gas company Triton Energy. At the time, the case was considered unusual for advancing a now-familiar theory: companies could be liable under the FCPA for making payments to government officials in return for reducing taxes. In 2005, the firm helped explosive-detection machine manufacturer InVision Technologies settle charges by the DOJ in which the agency for the first time interpreted "agents" under the FCPA to include distributors.

More recently, the firm helped to negotiate the first settlement arising from a long-running US government probe into the hiring practices of banks operating in the Middle East and Asia. The firm's client, BNY Mellon, paid US\$14.8million to settle with the SEC to resolve charges it violated the FCPA by providing internships to relatives of government officials affiliated with an unnamed Middle Eastern sovereign wealth fund.