



White Collar and Corporate Crime

Regulatory bodies and law enforcement agencies globally are now more powerful than ever before. They are showing greater willingness to use the powers made available to them, encouraged by government initiatives, to persuade companies that regulation must be taken seriously.

The ensuing investigations can result in serious consequences. It is vital that companies take a holistic approach to the legal and regulatory environments in which they operate.

Our global team can help clients manage a crisis, provide guidance through an investigation (whether national or international) and provide advice on becoming fully compliant with specific regulations wherever in the world you operate.

CAPABILITIES

Risk and compliance

Our team works with clients to ensure they are aware of developments in the law, their regulatory environment and the powers of the regulators. We have a proven track record of developing compliance programs tailored to industry and company needs. These are designed to inform, instruct and embed in all employees the complexities of governing laws, particular compliance vulnerabilities and the value of ethical behaviour.

Internal and regulatory investigations

Our team handles all types of regulatory investigations including those involving tax and accounting irregularities, financial misconduct, fraud, bribery, corruption, cartels and price fixing as well as independent internal company investigations and referrals from audit committees.

We are one of the few international law firms with a dedicated and substantial global team that is capable of dealing with the powers that underline regulatory investigations and enforcement in today's increasingly harsh regulatory environment. Our team comprises specialist investigators, experienced criminal defence lawyers and former regulators.

We also regularly undertake internal investigations advising on the appropriate scope

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and identifying any systemic weaknesses and potential remedial actions. We assist clients with self-notification issues, responses to supervisory enquiries and investigations by the enforcement division of regulatory bodies, appearing before the various regulatory Tribunals, Committees and Panels when action is taken.

Our approach to managing investigations allows us to provide clients with an efficient and cost effective service without failing to understand your legal obligations and manage the sensitive risk issues that are involved. We understand that the first 48 hours are key and are able to act swiftly taking into account local and cross-border issues.

Our approach to investigations includes being acutely aware of and efficiently managing confidentiality, data management and control, collaborative working effective reporting and communication, cost containment and reputation management.

Prosecution and enforcement

Investigations by a regulator can lead to prosecution or other enforcement action. We defend companies and individuals offering legal advice and representation at all stages of proceedings including court appearances.

Crisis management

We have extensive experience in defending raids conducted by many different regulators and investigating authorities. Many of our staff who have worked for the various regulators and investigating authorities have practical experience of various raid situations. The team has been involved in raids by the European Commission, Office of Fair Trading, Serious Fraud Office and HM Revenue & Customs.

Our 'Rapid Response' global crisis management hotline service provides 24-hour, 365-day access to regulatory legal advice and crisis assistance.

Training

We are able to provide training on various subject areas to help mitigate your risk including on fraud, anti-bribery and corruption (FCPA / UK Bribery Act / EMEA Anti-Corruption legislation), raids, and director's risk. One of our tools is the award winning 'At What Cost' film.

EXPERIENCE

- Assisting a number of global life science companies in respect of various internal investigations and business conduct reviews across their operations across the globe, particularly in developing and emerging markets such as China, South East Asia, Middle East, and South America.
- Advised the Qatari State Audit Bureau and the National Committee for Integrity and Transparency on the implementation of the UN Convention against corruption and the drafting of a new anti-corruption law and related regulations.
- Conducting an international investigation in China, Hong Kong, Nigeria and Japan for a Japanese company concerning allegations of bribery and corruption.
- Acting for a worldwide logistics company in connection with a major Serious Fraud Office investigation in relation to allegations of facilitation payments made in a large number of countries worldwide.
- Advising a healthcare provider with a global due diligence review of distributors to ensure compliance with international anti-bribery laws. This included designing, providing and reviewing responses to due diligence assessments completed by distributors.
- Advising on a corporate manslaughter investigation arising from a fatal accident of an employee at a plant decommissioning service.
- Representing a NASDAQ-listed-South African based technology company that is the subject of a joint investigation regarding

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- Media, Sport and Entertainment
- Technology
- Industrials

allegations of bribery and corruption by the SEC and DOJ into potential violations of the FCPA and securities laws.

- Representing Jesse Litvak, a former RMBS trader, who has been charged by the United States Attorney's Office for the District of Connecticut with securities fraud, TARP Fraud, and making false statements to the United States government.
- Advising a multinational consumer products company regarding the implementation of numerous global compliance initiatives through to completion as it attempted to resolve an FCPA investigation.
- Represents an international investment bank in investigations being conducted by the US Attorneys' Office in the Southern District of New York and the Securities and Exchange Commission into potential insider trading activity.
- Representing the Audit Committee of a publicly-traded telecommunications company in connection with its internal investigation of whistleblower complaints regarding potential violations of the securities laws.
- Representing two employees of an international bank that participated in submitting rates for the LIBOR calculation. This bank has received widespread press attention concerning the LIBOR investigation and its related activities during the relevant time period.
- Represented the Lebanese Canadian Bank (LCB), one of the largest banks in Lebanon, in a civil forfeiture and money laundering lawsuit brought by the United States Attorney's Office for the Southern District of New York, which sought the forfeiture of the entirety of LCB's assets. The Government's action alleged a widespread, international scheme in which LCB allegedly used the US financial system to launder narcotics trafficking and other criminal proceeds through West Africa and back into Lebanon.

INSIGHTS

Publications

Blockchain and Digital Assets News and Trends

24 MAY 2019

In this issue, consortium blockchain governance, plus the latest legal developments in blockchain technology, smart contracts and digital assets.

Court finds that failure to comply with cybersecurity obligations can create False Claims Act liability

20 MAY 2019

Key takeaways about this significant finding.

Bellwether trials in MDL proceedings – guidance for transferee judges

16 MAY 2019

Practical considerations for transferee judges establishing and implementing bellwether protocols in MDL proceedings.

First Circuit reverses course on its first-to-file rule

9 MAY 2019

First Circuit law on the first-to-file rule is evolving in a way that could have significant consequences for False Claims Act defendants.

Department of Justice unveils guidelines for cooperation credit in False Claims Act matters

9 MAY 2019

The new DOJ guidelines are an effort to formalize guidance and credit mechanisms for corporate cooperation in civil cases, especially False Claims Act cases.

***US v. Connolly* and the potential pitfalls of cooperation in internal investigations**

8 MAY 2019

A warning shot to government lawyers against delegating core investigative functions to outside counsel for targets or subjects of their investigations.

DOJ revises its guidance on corporate compliance programs

2 MAY 2019

DOJ has made tangible the benefits a company can receive for designing and implementing an effective compliance program, and the newly revised Compliance Guidance reinforces those principles.

Blockchain and Digital Assets News and Trends

24 APR 2019

The inaugural issue looks at the SEC's Digital Guidance Framework and No Action Letter and covers the latest legal developments in blockchain technology, smart contracts and digital assets.

Unpacking the SEC's Digital Assets Guidance Framework and No Action Letter

16 APR 2019

The Framework describes factors for assessing whether digital assets are "investment contracts" subject to federal securities laws; the No Action letter applies those factors.

Proposed amendments to Canada's anti-money laundering regulations aim to close loop holes

15 APR 2019

Long-awaited amendments to Canada's anti-money laundering regulations are set to come into effect this coming fall. A number of deficiencies in the regulations had been previously identified in reports by inter-governmental agency, the Financial Action Task Force, and the US State Department.

Northern District of Illinois dismisses False Claims Act case against Pfizer and Hospira: key takeaways

19 MAR 2019

The DLA Piper team expects this case will be cited frequently by qui tam defendants in future cases.

FBI's new Miami International Corruption Squad sends clear message to South Florida businesses

18 MAR 2019

This development offers companies the opportunity to improve their corporate compliance programs and their operations in South Florida, Latin America and the Caribbean.

DOJ relaxes stance on personal communications and ephemeral messaging platforms in enforcement policy amendment

13 MAR 2019

While allowing greater flexibility, this change requires enhancements to compliance programs.

Fifth Circuit Court of Appeals affirms CMS demand for return of \$8 million from failed care management demonstration project

12 MAR 2019

In a demonstration project, the provider's rights and remedies must be expressed in the grant agreement.

CFTC issues advisory incentivizing market participants to self-report foreign corrupt practices

12 MAR 2019

The first time that the CFTC is publicly incentivizing market participants.

Keeping watch on smartphone app payments in China

7 FEB 2019

Now could be a good time to think about the level of transparency your company may have in connection with smartphone app payments by your employees.

False Claims Act – Year in Review: 2018

4 FEB 2019

In this handbook, we look back on 2018 as a year of shifting enforcement policies and continuing jurisprudential uncertainty in the wake of *Escobar*.

Granting certiorari in *Varjabedian*, Supreme Court will address circuit split over disclosure claims in tender offers

7 JAN 2019

The decision could have a significant impact on the prevalence of federal lawsuits challenging disclosures made with a tender offer, an area of increasing focus.

Supporting the health of your health system

3 JAN 2019

Guidance to help tend to healthcare system wellness throughout the business life cycle.

DOJ moves to dismiss 11 qui tam lawsuits filed by professional relator concerning patient-support programs

20 DEC 2018

The DOJ acts on its commitment to seek dismissal of *qui tam* suits it views as not serving the public interest.

Failed Tesco trial shows that when it comes to evidence, every little helps

13 DEC 2018

The Serious Fraud Office's case against two former Tesco senior executives has been thrown out for lack of evidence. This has highlighted the difficulties faced by prosecutors in proving individual and corporate criminal liability for misconduct committed within the context of a large corporation.

DOJ tells SCOTUS it plans to seek to dismiss a major *qui tam* action because burdensome FCA discovery would not be in the public interest

6 DEC 2018

The DOJ's filing is a significant development for FCA defendants and may portend more dismissals to come.

Global Anticorruption Newsletter

5 DEC 2018

DLA Piper's *Global Anticorruption Newsletter* offers practical guidance on complying with international bribery laws.

What now for the SFO: New director, new direction?

5 DEC 2018

There look to be exciting times ahead for the Serious Fraud Office (SFO), with a new head, a higher budget, the imminent appointment of a new general counsel and several important cases coming to their denouement. Will Lisa Osofsky's appointment as the SFO's director change the status quo? The authors consider the likely answer to be yes.

DOJ announces changes to Yates Memo: companies seeking cooperation credit need not identify every person involved in misconduct, just those "substantially involved"

4 DEC 2018

The changes will allow companies seeking cooperation credit to focus their resources on identifying people who were the most central to the misconduct at issue.

SEC fires warning shot against "short and distort" schemes

18 OCT 2018

If successful, this case will pose a significant deterrent to would-be short-selling "analysts" seeking to manipulate the market.

To monitor or not to monitor? DOJ Criminal Division issues new policy guidance regarding the imposition of corporate monitorships

17 OCT 2018

Corporations concerned about the costs and burdens associated with the imposition of independent corporate monitors should find solace in the Monitorship Memorandum.

Fortress ruling helps temper overzealous SEC enforcement

16 OCT 2018

The court found that, to support an enforcement action, the SEC is required to go beyond mere suspicion and identify the alleged tipper, and at least some information tying the trader to the tipper, rather than rely on mere suspicion.

Sharpen the nails: 8 ideas for empowering jurors in complex trials

24 SEP 2018

We can and should work to develop jurors who are better equipped to carry out the difficult tasks we place before them.

Four tips for an effective eDiscovery plan in China

19 SEP 2018

A timely and well-documented eDiscovery plan, comprehensively addressing compliance with local laws, can also go a long way to address potential post-collection inquiries.

EDNY: US securities laws can be used to prosecute ICO fraud

18 SEP 2018

While the order allows the criminal prosecution to advance, it does not settle the investment contract debate.

Top of Mind: Litigation

6 SEP 2018

Here is a look at big topics that businesses have been thinking about this quarter, and how DLA Piper has been covering those stories.

Announcing COMPASS – our newly automated compliance assessment tool

4 SEP 2018

COMPASS, DLA Piper's newly automated compliance assessment tool, helps to ensure that your company's compliance program meets or exceeds all legal and regulatory requirements as well as industry best practices.

The Second Circuit rules against DOJ's aggressive assertion of extraterritorial FCPA jurisdiction over foreign accessories

29 AUG 2018

The ruling stands to limit DOJ's ability to bring FCPA charges against foreign nationals who do not travel to the US.

First judicial finding that digital tokens are securities

16 JUL 2018

But the precedential value of this finding remains an open question.

The GDPR's impact on internal investigations

10 JUL 2018

The impact of the European Union's General Data Protection Regulation on corporate internal investigations and criminal and civil litigation – both within the EU and abroad – has received little attention. Here, we take a look at the GDPR's privacy requirements through the lens of internal investigations and litigation.

International HR and employee discipline issues in FCPA matters

10 JUL 2018

Local laws, practices and cultural differences mean that the differences between investigations from one country to another, and the consequences of failing to understand them, can be significant. Here are some of the key considerations for multinational employers when they are conducting cross-border investigations.

Lawyers as targets: how attorneys get ensnared in FCPA misconduct

10 JUL 2018

The recent prosecutions of veteran lawyers at two multinationals offer a sobering truth: those responsible for protecting their companies from corruption-related risks can be held criminally accountable for their lapses in judgment. Here, we examine the conduct that led to their prosecutions.

Super-apps complicate corporate compliance, pose heightened risks under FCPA Corporate Enforcement Policy

10 JUL 2018

Super-apps allow seamless interaction between colleagues, customers, suppliers and other business parties. In some jurisdictions, local employees communicate exclusively via such apps – but this conduct presents grave legal, compliance and risk-management challenges.

Declinations for self-reporting on the rise under FCPA Pilot Program and Corporate Enforcement Policy

10 JUL 2018

The DOJ appears to be following through on its pledge to increase declinations in exchange for self-reporting potential FCPA violations.

New changes to California's Automatic Renewal Law

5 JUL 2018

The newly amended ARL puts into effect additional requirements to what is arguably the country's stiffest consumer-protection law focused on subscription-style plans.

The rise of the "Crypto Czar," the fall of a "blockchain evangelist," and other crypto developments

12 JUNE 2018

Three legal developments and their implications for the blockchain and cryptocurrency communities.

How one New York court is shaping the future of cryptocurrency regulation

17 MAY 2018

Cases with far-reaching implications for the cryptocurrency regulatory landscape.

Crypto industry sweep: ICOs and token offerings under increasing scrutiny by US regulators

18 APR 2018

Recent enforcement developments targeting the cryptocurrency community, and the opportunities and challenges that lie ahead.

Major developments in class action litigation: 2017 in review and what to watch in 2018

8 MAR 2018

This review and forecast looks at recent major developments in class action litigation and key issues to watch.

False Claims Act year in review: 2017

28 FEB 2018

Our new handbook looks at 2017, a year of significant recoveries, government enforcement reform and shifting jurisprudence post-*Escobar*, then considers the trends we anticipate in the months ahead.

Supreme Court holds whistleblowers must report to SEC to gain anti-retaliation protection under Dodd-Frank – corporate action steps

22 FEB 2018

In the wake of *Digital Realty*, corporate compliance teams should reevaluate their whistleblower programs to ensure that employees perceive those programs as protecting them if they report an issue.

Smartphone apps pose heightened compliance risks under new US FCPA Corporate Enforcement Policy

7 FEB 2018

Smartphone users in China and many other emerging economies increasingly rely on so-called super-apps, which integrate features otherwise accessible through multiple applications under a single user interface and account.

Lawyers as targets: how attorneys get ensnared in FCPA misconduct

24 JAN 2018

Those responsible for protecting their companies from corruption-related risks can be held criminally accountable for their lapses in judgment.

Middle District of Florida reverses \$350 million verdict and joins other courts in enforcing Escobar's strict materiality standard

17 JAN 2018

The Middle District of Florida joins an increasing number of courts that have applied the heightened materiality standard identified in *Escobar*.

Supporting the health of your health system - our most popular guidance

2 JAN 2018

HEALTH SYSTEMS ALERT SERIES

Treat the health of your entire healthcare system. DLA Piper's lawyers provide guidance to help you tend to your system's wellness throughout the business life cycle.

New FCPA Enforcement Policy presumes declination for companies that voluntarily disclose, cooperate and remediate

30 NOV 2017

This significant development in FCPA enforcement is meant to encourage voluntary disclosures by providing greater certainty about the benefits of cooperation.

Key takeaways from the 2017 SEC Whistleblower Report

21 NOV 2017

The US Securities and Exchange Commission has published its Annual Report to Congress on the Whistleblower Program, announcing over 4,480 tips, approximately \$50 million in payments and 700 matters under review or investigation for fiscal year 2017.

Facilitation payments no longer permissible under Canadian anti-corruption law

16 NOV 2017

Widening the rift between the US, which permits facilitation payments, and the majority of other countries, which prohibit them.

China gets tough on commercial bribery, IP and commercial secrets infringements with significant fines under revised law: 5 key changes

16 NOV 2017

China's revised Anti-Unfair Competition Law expands the scope of commercial bribery offenses and introduces offenses for IP, bribery, commercial secrets and other market conduct-related violations.

Sticking to the Bargain: The DC and Second Circuits Uphold Limits on Courts' Authority to Supervise, Modify, or Challenge DPAs

10 NOV 2017

Three DLA Piper attorneys discuss the distinct differences between deferred and nonprosecution agreements. The authors examine the nuances of both agreements, using recent court cases to elaborate on details that businesses should be aware of as they're facing criminal investigations.

Good news for FCA defendants: Seventh Circuit abandons long-standing precedent in response to *Escobar*

27 OCT 2017

A positive development for FCA defendants, who may rely on *Luce* to combat expansive theories of liability from the whistleblower bar.

Second Circuit clarifies law of insider trading in reversing convictions of remote tippees

11 DEC 2014

The decision is likely to have implications for the type of insider trading prosecutions that are brought in the future and how the litigants will prosecute and defend those cases

Supreme Court limits SEC disgorgement: what next?

7 JUN 2017

The SEC can still obtain disgorgement but is subject to a five-year statute of limitations. The impact of *Kokesh*, may, however, go much further.

Universal Health Services: contractors take note – Supreme Court approves implied certification theory of False Claims Act liability

22 JUN 2016

The Court's recognition of "implied certification" theory resolves a circuit split in favor of a more expansive view of the Act.

CFTC announces its largest whistleblower award to date – key takeaways

2 MAY 2016

CFTC sends a clear message to commodities futures traders that it means to aggressively court tipsters who have information about possible violations of the CEA.

Third parties: 4 FCPA takeaways for working with distributors

24 SEP 2014

Four key challenges and related "cures"

Tackling the realities of due diligence in a global setting

24 OCT 2013

For even the most conscientious of companies, hurdles exist to conducting fulsome due diligence in a global setting

United States v. Vilar: new limits on extraterritorial securities enforcement

9 SEP 2013

CFTC approves final cross-border guidance of the swap provisions of the Dodd-Frank Act

12 JUL 2013

The Final Guidance aims to set forth the CFTC's policy on the application of the swap provisions of the Commodities Exchange Act to cross-border activities

Congress, Administration move forward to secure critical US infrastructure

11 JUL 2013

Cybersecurity and US federal public procurements: what contractors need to know

11 MAR 2013

Practical considerations for US federal contractors

Conflict mineral reporting rules impact many public companies: *new supply chain requirements and new Form SD*

19 Sep 2012

Understanding the new reporting requirements.

Federal agencies, Congress accelerate defense against cyber attacks – every private company will be affected

21 Mar 2012

Risks and consequences in the new whistleblower landscape

2 Feb 2011

Will proposed SEC whistleblower rules prevent the undermining of corporate compliance programs?

9 Nov 2010

The extraterritorial reach of the new Dodd-Frank whistleblower law

9 Sep 2010

Growing liability risk to foreign financial institutions from tax disclosure cases

16 Feb 2010

[*FINANCIAL FRAUD LAW REPORT*](#)

Easing the burden to prove tax evasion while stiffening the penalties

5 May 2009

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White Collar CLE Series: Take 5

24 APR 2019

Webinar

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DLA Piper announces partnership promotions for 2019

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

DLA Piper hosts leading business and diplomacy conference

14 MAR 2019

DLA Piper's London office has hosted the Annual Conference of the International Diplomatic and Business Exchange (IBDE).

Paul Tiburzi named to the *Daily Record's* 2019 Influential Marylanders list

1 FEB 2019

DLA Piper is pleased to announce that Paul Tiburzi, chair of the firm's Maryland Public Policy and Administrative Law practice, was named to the *Daily Record's* 2019 Influential Marylanders list.

Dean Fealk named honorary senator of German economy

6 DEC 2018

DLA Piper is pleased to announce that Dean Fealk has been named an honorary senator of the German economy (Senat Der Wirtschaft) in recognition of his efforts to strengthen transatlantic relations by leading trade, investment and innovation initiatives between Germany and California.

Former Congressman Charlie Dent to join DLA Piper as Senior Policy Advisor

30 MAY 2018

DLA Piper announced today that former US Representative Charlie Dent will join the firm's Government Affairs practice in June as a Senior Policy Advisor based in Philadelphia and Washington, DC.

DLA Piper announces partnership promotions for 2018

3 APR 2018

DLA Piper is proud to announce that 62 lawyers have been promoted to its partnership. The promotions are effective as of 1 April 2018 in the United States and 1 May 2018 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 42 different offices throughout 20 countries.

Jeff Tsai joins DLA Piper's Litigation, White Collar and Investigations practices in California

26 MAR 2018

DLA Piper announced today that Jeff Tsai has joined the firm's Litigation, White Collar and Investigations practices as a partner in

California, based out of the San Francisco and Los Angeles offices.

DLA Piper advises Timor-Leste on historic maritime treaty

6 MAR 2018

DLA Piper has been advising the Government of Timor-Leste, for more than four years, on its historic maritime treaty with the Australian Government, signed today at the United Nations Headquarters in New York, following the successful outcome of a compulsory conciliation process.

DLA Piper announces healthcare enforcement response team

26 SEP 2017

To better serve the healthcare sector, DLA Piper has established a team of experienced professionals to address governmental enforcement proceedings arising from activity by HEAT and other regulators.

DLA Piper lawyers and practices ranked in latest Chambers edition

31 MAY 2017

DLA Piper today announced that 161 of the firm's lawyers and 62 of its practices were ranked in *Chambers USA's* 2017 guide.
