



Enquête et droit pénal des affaires

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.

CAPABILITES

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

PERSONNES-RESSOURCES

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Adam Vause

Associé

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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SERVICES RELIÉS

- Fusions et acquisitions
- Litige fiscal

SECTEURS RELIÉS

- Financial Services
- Energy and Natural Resources
- Government Contracting
- Hospitality and Leisure
- Droit minier
- 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.

ACTUALITÉS

Publications

California bill proposes limits on application of securities laws to tokens

20 May 2020

The proposed changes are likely to be well received by those considering issuing tokens.

Blockchain and Digital Assets News and Trends

20 May 2020

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

California may limit application of securities laws to tokens, French court says bitcoins are fungible assets – plus latest legal, regulatory and case law developments.

What COVID-19 could mean for the future of the Big Tech investigations

24 April 2020

[ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)

Rather than hampering the investigations over the long term, the pandemic may open new lines of inquiry for antitrust investigators.

COVID-19: conducting internal investigations in remote work settings

24 April 2020

For companies conducting internal investigations or responding to an investigation, practical solutions in a time of distancing.

COVID-19: A breeding ground for corruption – monitoring key risks

10 April 2020

US regulators are reminding US businesses that a crisis situation does not excuse a failure to address increased risks of bribery and corruption.

DOJ increases scrutiny of nursing home industry

1 April 2020

DOJ is doubling down on its commitment to investigate and prosecute allegations of elder abuse and of substandard quality of care.

COVID-19 essential businesses: Anti-bribery and anti-corruption risks

31 March 2020

Given the significant impact of being deemed non-essential, businesses and employees are incentivized to ensure their business is deemed essential by local authorities – and this can pose anti-bribery anti-corruption (ABAC) risks to companies.

Coronavirus: Warning from SEC on insider trading highlights importance of disclosure controls during the COVID-19 pandemic

31 March 2020

A statement on March 23 warned that the SEC would be on heightened alert for signs of insider trading and other misconduct that might harm investors.

Coronavirus: State Attorneys General and the New COVID-19 Stimulus

30 March 2020

With the president's signature on March 27, 2020, the government passed into law the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the largest economic stimulus package in American history. Passed in response to the coronavirus disease 2019 (COVID-19) pandemic, the CARES Act will have an enduring impact on the country for years to come, particularly so for the industries and businesses eligible for stimulus relief funds. The massive scale of the CARES Act immediately calls to mind questions about how the government will respond in its attempt to prevent fraud, waste, and abuse in carrying out the stimulus.

Coronavirus: US State AGs ramp up efforts to combat price gouging

29 March 2020

[ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)

State Attorneys General throughout the country are vigorously enforcing state unfair trade practice and price gouging statutes against those alleged to be taking advantage of consumers during the COVID-19 pandemic.

Blockchain and Digital Assets News and Trends

25 March 2020

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

The age of viral outbreaks – key contract considerations in a post-COVID-19 world, plus latest legal, regulatory and case law developments around blockchain and digital transformation.

Former Barclays senior executives found not guilty of fraud

18 March 2020

On Friday a jury cleared three former Barclays senior executives accused of conspiracy to commit fraud in connection with two emergency fundraisings undertaken by the bank at the height of the 2008 financial crisis.

Coronavirus (COVID-19): ten practical steps for global employers, right now (Global)

13 March 2020

These steps are not based on laws of any one jurisdiction but rather are designed to provide a global employer with themes to consider, understanding that what may be suitable for each employer may vary greatly depending on the employer's unique circumstances.

***US v. Hoskins*: in setback for DOJ, court grants post-trial motion for acquittal on all FCPA counts**

27 February 2020

The decision calls into question DOJ's aggressive approach to a narrow but significant class of potential defendants in FCPA cases.

New record keeping obligations under Canada's changing anti-money laundering regime

4 FEB 2020

This article, which is part of an ongoing series discussing changes to Canada's anti-money laundering regime, examines significant amendments to the record-keeping requirements under the New Regulations.

In the crosshairs — New reporting entities caught by changes to Canada's anti-money laundering regime

7 JAN 2020

As part of Canada's move to close loopholes found in the existing anti-money laundering regime, in June 2020, the New Regulations concerning Cross-Border Currency and Monetary Instruments Reporting Regulations and "virtual currency dealers" are scheduled to take effect. This article, which is the second of a series discussing the changes to Canada's anti-money laundering regime, will focus specifically on the new reporting entities captured under the New Regulations, specifically foreign money service businesses, the life insurance sector and dealers in virtual currency.

Preventive Medicine: Official "Antimonopoly Compliance Guidelines for Business Operators" in China

10 December 2019

On 28 November 2019, the State Administration of Market Regulation (SAMR) released for public comment draft "Anti-Monopoly Compliance Guidelines for Operators" (the "Draft Guidelines"). These non-binding guidelines recommend measures for "business operators" subject to the Antimonopoly Law (AML) to develop and implement antitrust compliance programmes. The Draft Guidelines integrate prevailing best practices for international compliance programmes, while reflecting the unique challenges of antitrust risk management in China.

Jury acquits foreign national in apparent rebuke of DOJ's attempt to police overseas corruption

4 December 2019

The result highlights some significant issues that may, in some cases, limit the ability of the DOJ to prosecute foreign nationals for corruption overseas.

Canada's anti-money laundering regime is changing: Chart your course now

24 OCT 2019

On July 10, 2019, Canada's Department of Finance published amendments to the regulations made under the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*.

FTC announces Cambridge Analytica settlement

25 July 2019

A sign that the FTC may be stepping up its pursuit of individual liability in addition to corporate liability.

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.

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.

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.

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.

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.

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.

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.

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.

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

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

Événements

Previous

Settling an enforcement action

June 2019

Webinar

White Collar CLE Series: Take 5

24 APR 2019
Webinar

ACTUALITÉS

DLA Piper announces partnership promotions for 2020

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

DLA Piper lawyers named Acritas Stars

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

Frank Ryan discusses the trade war with Yahoo Finance

9 Sep 2019

Highlight: "Where we are right now is in a political phase in this debate, and... we need to get to a practical phase," says @DLA_Piper's Frank Ryan on the trade war. "The sooner we get stability for major multinationals in China regarding IP protection, the better off we'll be." pic.twitter.com/u0y kzF8m89

— Yahoo Finance (@YahooFinance) September 9, 2019

Les avocats de DLA Piper (Canada) s.e.n.c.r.l. sont reconnus dans l'édition 2020 de *Best Lawyers in Canada*

21 AUG 2019

DLA Piper (Canada) s.e.n.c.r.l. a le plaisir de voir 70 de ses avocats dans 34 domaines de pratique différents reconnus dans l'édition 2020 du guide *Best Lawyers in Canada*.

Bretton Woods Avocats Canada se joint au bureau de DLA Piper (Canada) s.e.n.c.r.l. à Montréal

1 MAY 2019

DLA Piper (Canada) s.e.n.c.r.l. a le plaisir d'annoncer qu'une entente a été conclue avec Bretton Woods Avocats Canada (« Bretton Woods Canada »). À compter du 1er mai 2019, l'équipe de quatre avocats et d'une stagiaire de Bretton Woods Canada se joindra au

bureau de DLA Piper Canada à Montréal. L'équipe apporte un agencement unique de capacité et d'expérience renforçant ainsi le bureau de Montréal et augmentant notre offre de service nationale dans le marché croissant de la conformité aux normes internationales, de la gestion du risqué et des enquêtes visant des sociétés.

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).

DLA Piper (Canada) s.e.n.c.r.l. accueille une nouvelle avocate de litige Michelle Thomarat

28 MAY 2018

DLA Piper (Canada) s.e.n.c.r.l. est heureuse d'accueillir Michelle Thomarat à titre d'avocate au sein du groupe de litiges, arbitrage et enquêtes du bureau de Toronto.
