



## Investigations

With the world's largest network of dedicated investigative professionals and dispute lawyers, DLA Piper's Global Investigations team provides guidance on all criminal, regulatory and crisis scenarios.

"Our experience and presence in the world's key regions enables us to deploy multi-disciplinary, cross-border teams to deal with every shade of corporate, regulatory and internal investigation." *Senator George J. Mitchell, Partner and Senior Advisor, DLA Piper*

Comprising white collar crime and regulatory defense lawyers, dedicated investigative lawyers, and former regulators, government attorneys and prosecutors, our multi-disciplinary and cross-border team can deal with all kinds of investigation, in particular relating to audit inquiries, bribery and corruption, fraud, money laundering, market abuse, tax evasion, product liability, labor law issues, sanctions breaches and anti-competitive behavior; we regularly manage complex cross-border investigations and asset recovery exercises and we can assist to prepare for and respond to cyber-attack.

We can respond to challenges of any size, tailoring individual teams to the needs of our clients. We commit to providing services of the highest quality and integrity (including data management) and to do so efficiently and cost effectively.

We are one of a few international law firms with a dedicated and substantial global Investigations team with proven ability to share expertise and resources across our global platform. Our local advisors in the US, the UK, Europe, Middle East, Asia and Australia have deep experience and resources in handling criminal, regulatory and internal investigations for multinational companies with operations and businesses spread across the globe.

Our team also works side-by-side with our compliance specialists to assist multinational companies to conduct innovative proactive compliance reviews, develop effective compliance programmes to control risk, train employees, create monitoring and auditing procedures, and devise strategies for remedial action. This innovative approach sets us apart from traditional investigation practices.

Our core investigatory and compliance services include:

- Subject matter, sector based or country orientated investigations
- Internal investigations, regulatory investigations and criminal investigations
- Risk reviews, regulatory risk gap analysis and proactive compliance strategy audits
- Expert insight into the latest regulatory developments, investigation 'hot spots' and enforcement

### KEY CONTACTS

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- Compliance strategies that keep exposure to a minimum
- Response to contentious and non-contentious regulatory and contractual issues
- Crisis management
- Mitigating business interruption, economic loss and reputational damage
- Training global teams to respond effectively to regulatory intervention, including raid training.

We are proud to be recognized by the *Global Investigations Review 2021* as a Top 30 Investigations firm globally.

## EXPERIENCE

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- Served as counsel to former Senator and Secretary of Defense William S. Cohen and worked alongside staff from The Cohen Group in support of his independent review of the US EPA's evaluation of the environmental risks potentially posed by mining in Alaska's Bristol Bay watershed. The investigation culminated in a 346-page public report which details the investigative process, sets out a factual record, and provides Secretary Cohen's recommendations for policymakers.
- Acting for a global healthcare organisation on an internal investigation into two business units regarding the suspicion of antitrust violations (price arrangements, internal market issues) and criminal offences (bid rigging, fraud to the detriment of doctors and hospitals), and disclosure to and contact with the Cartel authorities and Public Prosecutor's Offices. The investigation included reviewing of employees' email accounts, dealer arrangements, employee incentive arrangements, interviewing numerous employees and management, taking remedial actions including dismissal of management and other disciplinary actions.
- Advising a Consultancy firm on an investigation into kidnapping in Sudan, allegations that the kidnap and rescue negotiators acted negligently, involved interviews conducted in multiple locations throughout Africa, including Sudan, South Africa, and additional interviews in London, North Carolina and Washington DC, with court hearings in New York.
- Advising two senior officers of an Australian-based regional provider of engineering services across Asia in respect of allegations of inappropriate payments in tender processes for major infrastructure projects in Vietnam in the period 2006-8 and in the Philippines in the period 2006-2010.
- Advising a publically listed Chinese fertiliser company regarding investigations in Canada, China and Mongolia related to accounting irregularities. Also represented the client in responding to the related investigation by the Ontario Securities Commission and the TSX.
- Representing a multinational conglomerate in two criminal antitrust investigations by the US Department of Justice, Antitrust Division and involved in follow-along civil litigation in Japan, the UK, and the United States.
- Investigating and advising on sanction proceedings for a leading European independent investment bank before the AMF regarding compliance issues and insider dealing.
- Representing a major Australian bank in large scale and complex investigations by both the Australian Competition and Consumer Commission (ACCC) and the Australian Securities and Investments Commission (ASIC) concerning trading practices in the \$5.3 trillion dollar per day international foreign currency exchange market, over a 6 year period.
- Advising an international insurance and financial services organisation and conducting a global internal investigation covering all of its subsidiaries across more than 30 countries in Europe, Middle East, Asia and Africa, to determine whether or not there were any potential OFAC investigations.
- Investigating on behalf of a food manufacturer, whistle-blower reports about alleged irregularities surrounding a tender in an African country and the possibility of corrupt payments to government officials. The internal investigation covered six jurisdictions.
- Advising a listed global provider of consumer products in respect of integrity and compliance issues raised by a UAE-based whistleblower and conducting the related investigation. Additionally advised on all Middle East aspects of a wide-ranging global compliance and integrity review across multiple jurisdictions.
- Assisting a major Asia based global transportation company in relation to a series of regulatory and criminal interventions that have regulatory impact in markets within and outside of Asia, including assisting with their internal investigations and responding to regulator inquiries.

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## RELATED SERVICES

- Litigation, Arbitration and Investigations

## INSIGHTS

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## Publications

### **The Global Anti-Corruption Perspective, Q1 2022**

23 February 2022

Welcome to *The Global Anti-Corruption Perspective*. In this quarterly, we provide our perspective on the latest anti-corruption developments around the world, along with practical insights for those operating in the space.

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### **Norwich Pharmacal jurisdiction does not extend to disclosure by a ‘mere witness’**

20 December 2021

The Court of Appeal has retained the scope of the Norwich Pharmacal jurisdiction, refusing to move beyond established principles, and shutting down what could have been a flood of similar applications.

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### **The EU's new whistleblowing regime – why it matters to UK businesses**

15 December 2021

Friday 17 December 2021 marks a moment of divergence between the whistleblowing frameworks in the UK and EU, with the official implementation of the European bloc's new Whistleblowing Directive (Directive (EU) 2019/1937) (the Directive).

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### **EU Whistleblower Directive: Implementation Tracker - Whistleblowing Laws in Europe: An international guide**

April 2022

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### **The Global Anti-Corruption Perspective, Q4 2021**

5 October 2021

Welcome to *The Global Anti-Corruption Perspective*, offering practical thoughts on complying with international bribery laws.

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### **Whistleblowing Laws in Europe: An international guide**

February 2022

On September 25, 2019, the EU formally adopted the new EU Whistleblower Protection Directive (the Directive) designed to enhance protection for whistleblowers within the EU. The Directive is designed to provide common minimum standards across the Union and requires Member States to transpose it into national law by October 2021.

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### **The challenges of compliance in a modern world: The changing landscape of cartel enforcement**

7 September 2021

#### **ANTITRUST MATTERS**

With the rise of technological developments, we also have seen increased risks. In this new digital world, we are creating more data

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year on year. Data storage, ease of communications (including the use of email and chat), along with the ease of photos and videos means that data volumes are increasing exponentially.

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### **US v. Bescond addresses "fugitive disentitlement": Potential game changer for foreign-based defendants facing US charges**

30 August 2021

The Second Circuit found that a French citizen who had been in France throughout the period of the alleged crimes was not a "fugitive" and that the district court abused its discretion by applying the fugitive disentitlement doctrine.

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### **The UK Bribery Act: A Perfect 10 or an uninspired 5/10?**

1 July 2021

From its conception, the UK Bribery Act 2010, which came into force on 1 July 2011, presented itself as a radical and comprehensive overhaul of UK anti-bribery and corruption law. So, a decade on, what does the score card look like?

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### **Norway - Whistleblowing Laws in Europe: An international guide**

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### **EU Whistleblower Directive: Key provisions, SOX comparison and Actions for business**

December 2021

Recent scandals such as the Luxembourg Leaks financial scandal and the Panama Papers have highlighted the important role that whistleblowers can play in exposing breaches of EU law.

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### **Supplementary – Australia – Whistleblowing Laws in Europe: An international guide**

This article will focus primarily on whistleblowing protections in the private sector, but it also provides an overview on the systems in place in the public sector below.

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### **Sweden - Whistleblowing Laws in Europe: An international guide**

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### **Russia - Whistleblowing Laws in Europe: An international guide**

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### **Supplementary – United States – Whistleblowing Laws in Europe: An international guide**

There are many US federal statutes that prohibit employers in the private sector from retaliating against whistleblowers, many of which are sector or industry specific.

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## **Anti-money laundering registration for art market participants: What you need to know**

7 June 2021

The deadline for all "art market participants" to register with HMRC is 10 June 2021. This article explains the key obligations imposed by the MLRs 2017.

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## **Is the SFO fit for purpose?**

4 June 2021

Following the conclusion of an eight year investigation, the Serious Fraud Office (SFO) suffered a blow last month as its case against two former Serco directors collapsed. This has drawn focus to the SFO's use of deferred prosecution agreements (DPAs), through which companies acknowledge criminal liability based on alleged wrongdoing committed by their employees, whilst those employees, who have subsequently been prosecuted for the same offence, have escaped liability at trial. This raises the question of whether companies under a DPA should have taken their chances with a formal prosecution hearing, and has commentators questioning the wider benefits of DPAs, as well as the SFO's recent performance.

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## **Belgium - Whistleblowing Laws in Europe: An international guide**

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## **Czech Republic - Whistleblowing Laws in Europe: An international guide**

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## **Denmark - Whistleblowing Laws in Europe: An international guide**

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## **Finland - Whistleblowing Laws in Europe: An international guide**

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## **France - Whistleblowing Laws in Europe: An international guide**

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## **Germany - Whistleblowing Laws in Europe: An international guide**

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## **Ireland - Whistleblowing Laws in Europe: An international guide**

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**Italy - Whistleblowing Laws in Europe: An international guide**

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**Luxembourg - Whistleblowing Laws in Europe: An international guide**

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**Netherlands - Whistleblowing Laws in Europe: An international guide**

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**Poland - Whistleblowing Laws in Europe: An international guide**

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**Portugal - Whistleblowing Laws in Europe: An international guide**

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**Slovak Republic - Whistleblowing Laws in Europe: An international guide**

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**Spain - Whistleblowing Laws in Europe: An international guide**

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**UK - Whistleblowing Laws in Europe: An international guide**

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**The Serco episode concludes: where to next for the SFO?**

10 May 2021

The SFO has failed to prosecute two former Serco executives. This marks the SFO's fourth failure to successfully prosecute individuals (senior employees) for their involvement in Deferred Prosecution Agreements ("DPAs"). This article examines the facts of Serco, Sarclad and Tesco and considers some of the underlying concerns with the DPA process.

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**Locking down market abuse**

14 April 2021

The FCA has recently taken action against a number of individuals for market manipulation and insider dealing. This is a clear sign of the regulator re-focusing its attention on these offences, and is something that readers need be aware of to ensure they stay on the right side of the rules.

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## **Representing individuals in interviews – the US perspective**

30 March 2021

Determining whether to consent to an interview, and any interview itself, can be pivotal.

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## **Compulsory Document Production Notices – Normal Service Resumed**

11 February 2021

The UK Supreme Court has handed down a judgment in R (on the application of KBR, Inc) (Appellant) v Director of the Serious Fraud Office (Respondent) [2021] UKSC 2 that now states the SFO will not be able to cut corners in obtaining evidence located overseas nor make it any easier to prosecute companies.

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## **Corruption Perceptions Index 2020 - a regional perspective**

11 February 2021

Last week Transparency International launched the 2020 edition of its Corruption Perceptions Index (CPI), which ranks 180 countries and territories by their perceived levels of public sector corruption, according to experts and business people, using a scale of zero to 100 (100 being very clean and zero being highly corrupt).

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## **Regulatory Enforcement and Privilege – Waiver, Content, Cherry-Picking**

7 October 2020

Disclosing privileged documents under a limited waiver to regulators has the potential to attract cooperation credit when regulators decide on level of penalty or, indeed, whether to undertake enforcement proceedings or prosecution. There may also be benefits in relying on privileged material in any defence to regulatory enforcement or prosecution.

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## **Protecting the attorney-client privilege while under quarantine: Five tips for protecting attorney-client privilege when using online collaboration tools**

22 June 2020

With the increase in remote working comes an increased opportunity for attorney-client privilege issues to surface.

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## **Top five factors for firms to consider when conducting remote investigations: new realities?**

8 June 2020

The COVID-19 pandemic has forced many businesses to overhaul their working practices, as normal modes of working once taken for granted. These new modes of working raise novel practical issues with traditional investigative methods such as document collection/review and interviewing witnesses.

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## **Top five UK anti-bribery and corruption risks to be aware of during the COVID-19 pandemic**

22 May 2020

COVID-19 has created an unprecedented business landscape at a local, national and international level. Few businesses, if any, will

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escape unscathed. As with any economic crisis, the current situation presents an opportunity for bribery and corruption to thrive.

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### Top ten UK frauds to be aware of during the COVID-19 pandemic

22 May 2020

The COVID-19 outbreak has had an unprecedented effect on the world economy. The UK government has quadrupled its borrowing plans over the next three months with HM Treasury seeking to raise GBP180 billion in order to meet its spending needs as tax revenues plunge.

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### Third parties: 4 FCPA takeaways for working with distributors

24 SEP 2014

Four key challenges and related “cures”

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## Events

### Previous

#### White Collar Crime, Investigations and Compliance Symposium

5 October 2021

Webinar

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## NEWS

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### DLA Piper named to *Global Investigation Review's* GIR 30 list of leading investigations practices

11 November 2021

DLA Piper is pleased to announce that the firm has been named to *Global Investigations Review's* annual list of the 30 top investigations practices worldwide, reflecting its reputation as one of the top global law firms with broad experience in complex investigations.

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### Laura Ford recognised in GIR Women in Investigations 2021

20 May 2021

DLA Piper is pleased to announce that Laura Ford, a partner in the firm's Litigation and Regulatory practice, has been named by Global Investigations Review in its list of Women in Investigations, 2021.

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### DLA Piper launches Aiscension to help detect and prevent cartel activity in collaboration with Reveal

15 March 2021

- New offering delivers cutting-edge technology from *Reveal* alongside DLA Piper's first-class legal know-how



- Time and cost savings allow for companies to focus on detection
  - Faster, more effective and better value than traditional technology assisted and manual reviews
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