



**Lisa Tenorio-Kutzkey**

**Partner**

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Lisa Tenorio-Kutzkey ("LT-K" to colleagues) represents clients in bet-the-company litigation and high-profile, high risk criminal prosecutions and internal investigations. She is the US Chair and Global Co-Chair of DLA Piper's Antitrust & Competition Group and the US leader of DLA Piper's Global Cartel Practice, where she oversees nearly 60 partners in 40 countries.

Her more than 20 years' experience as a seasoned litigator – coupled with her background as a former federal prosecutor – has established her as the "go-to" lawyer for companies and individuals facing government scrutiny. Known as "smart, tactical, and experienced," clients and peers have described Lisa as a "brilliant" attorney with "deft cunning" who "know[s] how to get to the real issue."

Lisa is a former prosecutor with the US Department of Justice, Antitrust Division; and with the US Attorney's Office for the Northern District of California. She was appointed by US Attorney Bob Mueller to the elite Enron Task Force to investigate potential criminal manipulation of the California energy market and related crimes.

Lisa also leads DLA Piper's Workplace Disputes and Crisis Management team, specializing in employer- and board-led #metoo internal investigations and defense. Her experience includes sensitive employee and culture reviews, sexual misconduct and harassment in the workplace, and whistle-blower and retaliation claims.

- White Collar and Corporate Crime
- Investigations
- Antitrust and Competition

## RECENT ANTITRUST REPRESENTATIONS

Fortune and Global Fortune 100, 200 and 500 companies and their executives routinely turn to Lisa for assistance in price-fixing, bid rigging and market allocation conspiracy matters. For over two decades, she has successfully prosecuted or defended clients in nearly every major criminal cartel investigation by the US Department of Justice, Antitrust Division. Lisa has represented companies and individuals in a variety of sectors, including the automotive, aircraft and ocean transportation, telecommunications, semi-conductors, pharmaceuticals, construction, chemicals, industrial products, real estate and technology, and other electronic components industries. Representative antitrust matters include:

- Pfizer and its subsidiary Greenstone in a massive criminal investigation by the US Department of Justice, Antitrust Division, as well as sprawling litigation brought by 48 State Attorneys General and private civil plaintiffs, in connection with the generic pharmaceutical industry
- A US company in coordinating a global defense in a price-fixing investigation by the US Department of Justice, Antitrust Division, the European Commission and Brazil's Administrative Council of Economic Defense
- A German automotive parts manufacturer in a criminal cartel investigation by the US Department of Justice, Antitrust Division and the European Commission
- A UK-based technology company in a criminal customer allocation and no-poaching investigation by the US Department of Justice, Antitrust Division, the Canada Competition Bureau and the UK Serious Fraud Office
- Multiple Japanese manufacturers and individuals in criminal price-fixing investigations by the US Department of Justice, Antitrust Division in the automotive parts industry

## RECENT CRISIS MANAGEMENT REPRESENTATIONS

Companies in crisis look to Lisa to provide proactive, business-focused counseling that anticipates and manages issues in the court of public opinion, the board room, or a government investigation. Recent representations include:

- Co-lead counsel in the representation of the US professional women's soccer club in an internal investigation, culture and compliance review; and defense of the termination of a former head coach for sexual harassment and other misconduct in connection with parallel investigations by the US Soccer Federation, the Players Association, and the National Women's Soccer League
- Co-lead counsel in the representation of a co-founder and former CEO of farm-to-table meat company in connection with a US Department of Justice grand jury investigation and civil litigation relating to allegations of workplace harassment, sexual abuse, and fraudulent behavior
- Lead counsel in the representation of a global financial technology company in an internal investigation of its Spanish and Lithuania subsidiaries relating to allegations of workplace bullying, retaliation, and regulatory noncompliance
- Co-lead counsel in the representation of the Special Committee for Workplace Responsibility for an international video and technology company in connection with a series of allegations relating to sexual harassment, toxic working environment, and poor compliance practices
- Co-lead counsel in the representation of a Special Committee for a New York and London technology company relating to an internal investigation of its CEO for gender discrimination and creating a culture of silence

## RECENT WHITE COLLAR & FCPA REPRESENTATIONS

Lisa defends clients and conducts internal investigations in a number of other substantive areas, including accounting manipulation, commercial bribery, foreign labor practices, healthcare, insider trading, off-label marketing, securities fraud, tax and other federal and state regulatory matters. Lisa also has extensive experience in all facets of the FCPA investigations, defense and compliance. She has directed and conducted cross-border investigations of FCPA and other anti-corruption and related compliance matters. Her practice is global in scope, with experience in Argentina, Belize, Brazil, Canada, Chile, China, Costa Rica, India, Israel, Ghana, Honduras, Hong Kong, Korea, Lithuania, Mexico, Philippines, Russia, Spain, Thailand and Venezuela. Representative matters include:

- Several current and former employees of a major pharmaceuticals company in connection with the criminal prosecution of Theranos founder and CEO Elizabeth Holmes and Sunny Balwani for alleged wire fraud
- A global pharmaceuticals company in connection with the criminal prosecution of a third party for fraud and conduct relating to unauthorized distribution of certain drugs in the Northern District of California
- A foreign individual in a high-profile criminal investigation by the US Department of Justice and the US Attorney's Office for the Southern District of New York
- A US nuclear power company relating to its compliance program for joint ventures and third-party agents throughout Africa
- A top US food company in an FCPA assessment of its global operations in Mexico, Venezuela, China, and Thailand and evaluation of FCPA compliance program

## CREDENTIALS

### Admissions

- California

## Prior Experience

- Former Trial Attorney, United States Department of Justice, Antitrust Division
- Former Special Assistant United States Attorney, United States Attorney's Office for the Northern District of California

## Recognitions

- *Chambers USA*
  - Band 3, California Antitrust (2017-2018, 2021-2022)
  - Band 4, California Antitrust (2015-2016, 2019-2020)
- *The Legal 500 United States*
  - Leading Lawyer, Cartel (2021-2022)
  - Recommended, Civil Litigation/Class Actions: Defense (2020-2022)
  - Recommended, Cartel (2016-2020)
  - Recommended, White-Collar Criminal Defense (2016-2017)
- Recognized among the Top 100 Women in Investigations by *Global Investigations Review*
- Recognized as a Top Women in Northern California by *San Francisco magazine*
- Recognized as a Super Lawyer by *Northern California Super Lawyers*

## Education

- J.D., School of Law, University of California, Berkeley, School of Law
- B.A., Economics, Stanford University

## INSIGHTS

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## Publications

### 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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Lisa is frequent speaker and author on antitrust and white collar issues.

- "Representing Individuals in Interviews – The US Perspective" by J. Hillebrecht, L. Tenorio-Kutzkey & E. Christopherson, *Global Investigations Review, The Practitioner's Guide to Global Investigations, Volume I: Global Investigations in the United Kingdom and the United States*, March 2021
- Co-Author, "Suspending antitrust limitations periods during the COVID-19 pandemic: Constitutional and practical implications," *WestLaw*, May 19, 2020
- Author, "US Sentencing Guidelines," chapter in *Corporate Criminal Defense: Compliance, Investigation, and Trial Strategies*, Aspen Publishers
- Co-Author, "Anti-Corruption: A British, American and Japanese Perspective," *Japanese Competition Journal*
- Co-editor, *Cartel & Criminal Practice Committee Newsletter*, ABA Antitrust Section

## Events

- Panelist, "Antitrust For All Ages," 32nd Annual National Institute on White Collar Crime, San Diego, California, March 2017
- Panelist, "The Antitrust/IP Interface: A Moving Frontier," 4th Annual DLA Piper Global Intellectual Property Symposium, Tokyo, Japan, October 2017
- Panelist, "Global Cartel Enforcement: Risks for Asian Companies," 4th Annual International Arbitration, Compliance & Competition Law Summit, Tokyo, Japan, September 2017
- Panelist, "The DOJ's Cartel Enforcement Actions: What You Need to Know in 2017," Webcast, June 2017
- Panelist, "Conducting Global Antitrust Internal Audits in an Era of Heightened Enforcement," Webcast, May 2017
- Panelist, "Where Cartels Meet Corruption: Mitigating Compliance Costs of Global Regulation," GCR Live 2nd Annual Cartels Conference, Washington, DC, March 2017
- Panelist, "Antitrust Enforcement," 31st Annual National Institute on White Collar Crime, Miami, Florida, March 2017
- Panelist, "Navigating Global Antitrust Cartel Investigations," Japan Legal Technology Conference, Tokyo, Japan, October 2016
- Panelist, "US Criminal Cartel Enforcement & Trials From Both Sides of the Table," Webinar to the Australian Competition and Consumer Commission, August 2016
- Panelist, "Eleventh International Cartel Workshop," Tokyo, Japan, February 2016
- Panelist, "Global Trends in Corporate Regulatory Investigations in 2015 and Beyond LIVE," Webcast, June 2015
- Panelist, Annual Transnational Crime Conference, Berlin, Germany, May 2015