



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.

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

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.

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Partner

We also regularly undertake internal investigations advising on the appropriate scope 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.

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- Mergers and Acquisitions
- Tax Controversy and Disputes

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- Financial Services
- Energy and Natural Resources
- Government Contracting
- Hospitality and Leisure
- Media, Sport and Entertainment
- Technology
- Industrials

- 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 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

23 May 2022

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

OECD releases public consultation document on crypto tax reporting in effort to increase transparency.

Environmental justice takes a permanent place at the Department of Justice

12 May 2022

Companies with environmental interests should consider several dynamics arising from these policy developments and resource allocations.

Fast fraud facts: News from *Occupational Fraud 2022: A Report to the Nations*

7 April 2022

Did you know that organizations worldwide lose five percent of their revenue each year, for an estimated total of \$4.7 trillion dollars, to occupational fraud on an annual basis? In the recently published 2022 version of the *Occupational Fraud Report*, the most comprehensive global study by The Association of Certified Fraud Examiners to date, the true cost of fraudulent schemes for organizations is addressed.

Blockchain and Digital Assets News and Trends

18 March 2022

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

Biden EO aims to protect digital asset consumers; UK authorities seize NFTs; Ukraine receiving crypto donations.

US continues to escalate sanctions against Russia and Belarus

4 March 2022

GLOBAL SANCTIONS ALERT

White House announces new sanctions while putting in place extensive new export control measures against Russia and Belarus; DOJ announces Task Force KleptoCapture; OFAC closes some loopholes.

Real estate transactions are FinCEN targets: far-reaching impact of two proposed rules

2 March 2022

GLOBAL SANCTIONS ALERT

A reminder of the Biden Administration's commitment to the fight against corruption and illicit finance in the US real estate market.

District Court confirms that noncompliance with cybersecurity requirements may lead to False Claims Act liability

16 February 2022

Key details and implications for contractors.

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.

Being extorted? DOJ issues new FCPA guidance on the duress defense – but questions remain

17 February 2022

Considerations for companies operating in high-risk environments.

US Department of Justice, aided by cryptocurrency exchanges, seizes over US\$3.6 billion in stolen Bitcoin

15 February 2022

This landmark seizure highlights law enforcement's growing ability to recover digital assets obtained in cybercrimes, and the importance of the private sector's role in helping to thwart unlawful activities involving cryptocurrencies.

SEC's "shadow trading" theory defeats motion to dismiss insider trading complaint

1 February 2022

A significant expansion of the potential scope of insider trading enforcement under federal securities laws.

US Strategy on Countering Corruption and recent FinCEN announcements expand AML reporting obligations to new actors and transactions: key takeaways for professionals and service providers

20 January 2022

The Strategy intends to implement heightened reporting obligations and penalties for professionals and service providers who serve as gatekeepers to the US financial system.

Why I Lawyer: Q&A with Scott Wilson

6 January 2022

WHY I LAWYER

I love being in the trenches with a client who is facing a crisis on multiple fronts—in litigation, with government investigators, and in the media—and charting a path through all the uncertainty.

Supporting the health of your health system: 2022

3 January 2022

Helping you tend to healthcare system wellness throughout the business life cycle.

White House issues first ever Strategy on Countering Corruption: Key highlights

6 December 2021

Under this comprehensive approach, the US government will organize efforts around five interrelated pillars.

Blockchain and Digital Assets News and Trends

22 November 2021

BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

Infrastructure bill, including crypto "broker" rules, becomes law.

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

April 2022

Third Circuit deepens circuit split on government's ability to dismiss qui tam complaints over relator's objection

11 November 2021

When is the government entitled to dismiss a relator's complaint over the relator's objection? The split among the circuits deepens.

Deputy AG announces changes to DOJ corporate criminal enforcement policy

4 November 2021

These initiatives may well have significant effects on how companies protect themselves from and during a criminal investigation.

With Civil Cyber-Fraud Initiative, government sharpens focus on cybersecurity obligations for government contractors

1 November 2021

Acting Assistant Attorney General Brian Boynton recently discussed how the Civil Cyber-Fraud Initiative would use the False Claims Act to pursue cybersecurity-related fraud.

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.

Cybersecurity obligations for government contractors – focus on them before the government focuses on you

22 September 2021

Liability under the False Claims Act can be financially debilitating, particularly for small and mid-size contractors.

Split Seventh Circuit lowers the bar for pleading a False Claims Act violation

14 September 2021

Defendants are again at risk for False Claims Act liability for what appear to be mere breaches of contract or technical regulatory violations.

Seventh Circuit adopts objective reasonableness standard for False Claims Act liability

1 September 2021

Key details and takeaways.

***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.

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.

President Biden's Anti-Corruption Memo – key highlights

8 June 2021

The memo directs government agencies, through an inter-agency review process, to develop an anti-corruption strategy in the next 200 days.

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.

Supreme Court significantly limits the scope of the Computer Fraud and Abuse Act

4 June 2021

The decision will largely gut the CFAA as a tool for addressing insider data theft.

FTC's \$9.8 million settlement holds firm and its principals liable for "consumer protection" violations in transactions with small businesses

6 May 2021

The settlement is notable for two reasons.

Expanding the scope of deception? Key questions and takeaways from the CFPB's recent settlements with SettleIt and Nationwide Equities Corporation

5 May 2021

The settlements shine a light on the Bureau's potential strategy for enforcing the Dodd-Frank prohibition against deception.

Out with the new, in with the old: FCPA enforcement under the Biden Administration

5 April 2021

2020 not only saw record-shattering Foreign Corrupt Practices Act fines and settlements, but multiple revisions to the Department of Justice's guidance.

Representing individuals in interviews – the US perspective

30 March 2021

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

Power Players: Investigations & White-Collar Crime 2021 - Distinguished Advisers

19 March 2021

Courtney Saleski has been recognized by *Financier Worldwide* as a Distinguished Adviser in the category of Investigations & White Collar Crime.

Away with anonymous shell companies for good?

12 March 2021

On 24 February 2021, Transparency International submitted a global petition to the UN General Assembly preparing for the United Nation's first ever Special Session against Corruption, UNGASS 2021, which will take place in June 2021.

Expectations for white collar enforcement under the Biden Administration

18 February 2021

Six key areas where the Biden Administration may focus its enforcement efforts.

Court of Appeals affirms broad government authority to conduct warrantless searches of electronic devices at the border

16 February 2021

The court's opinion offers a reminder that personal privacy is at significant risk when traveling abroad or returning home.

Defensible deletion: The proof is in the planning

5 February 2021

A framework for making defensible deletion an attainable goal.

Disputes, Issue 2

28 January 2021

DISPUTES

In this issue, we look at the split among the federal circuits over what it means to "exceed authorized access" in violation of the Computer Fraud and Abuse Act; the ways in which the federal courts apply the Supreme Court's recent limitations on equitable disgorgement; ways to mitigate liability risk in unauthorized financial transfers; considerations for employers as they develop policies regarding use of cannabis in their workforce; and the critical importance of escalation protocols in corporate whistleblower programs.

Six months after *Liu*: The SEC and disgorgement

28 January 2021

In the wake of *Liu*, several open questions are only now starting to work their way through the courts.

The missing link in whistleblower programs – the escalation protocols

28 January 2021

A fixed set of escalation protocols helps ensure that a whistleblower program functions efficiently.

SEC invites comment on newly revealed 2011 proposal to conduct undercover investigations of criminal violations of securities laws

20 January 2021

Such an undercover program could be a game changer, increasing criminal prosecutions of securities fraud.

SCOTUS suggests expansive reach of "Bridgewater" ruling in directing Second Circuit to reconsider insider trading convictions

14 January 2021

Yet another example of the Supreme Court's continuing effort to trim the government's overly expansive theories of criminal liability in certain cases under the federal fraud statutes.

The new Anti-Money Laundering Act of 2020: A potential game-changer for enforcement and compliance

11 January 2021

The passage of the AMLA signals the start of a new era in money laundering enforcement in the US.

Congress expands SEC enforcement authority, broadens disgorgement powers and doubles statute of limitations periods

6 January 2021

Buried deep in the annual defense bill is an important group of securities law amendments that strengthen the SEC's enforcement powers.

Supporting the health of your health system

4 January 2021

Helping you tend to healthcare system wellness throughout the business life cycle.

When a threat actor strikes: Legal considerations and challenges in a ransomware attack

21 December 2020

Evidence suggests that having employees working remotely significantly increases the risk of a successful ransomware attack.

Silver linings for FCA defendants in new HHS Working Group

11 December 2020

The US Department of Health and Human Services is launching the Working Group to better protect taxpayer funds and deter "would-be

fraudsters."

SEC 2021 and beyond: What to expect

7 December 2020

Some likely areas of SEC focus, from both the regulatory and enforcement perspectives, in 2021 and beyond.

CMS, OIG finalize Stark and AKS overhaul – paving the way for value-based care

25 November 2020

We highlight some of the most important ways in which HHS followed through on its ideas from 2019, as well as the instances where they pivoted in reaction to public comments.

HHS-OIG issues alert warning pharmaceutical and device manufacturers about the kickback risks of speaker programs

24 November 2020

Key details and takeaways.

Blockchain and Digital Assets News and Trends

23 November 2020

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

IMF issues report on regulatory framework for CBDs and GSCs, SEC invites feedback on application of custody rule to digital assets.

SEC invites feedback on application of Custody Rule to digital assets

23 November 2020

Specifically, Staff is asking whether non-depository firms such as state-chartered trust companies can act as qualified custodians for digital assets.

Blockchain and Digital Assets News and Trends

21 October 2020

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

SDNY finds Kin token is a security; unpacking the DOJ's cryptocurrency guidance – plus latest legal, regulatory and case law developments.

SEC wins summary judgment that Kin token is a security

21 October 2020

The decision underscores that many of the proposed arguments that digital tokens are not securities will be unsuccessful.

Unpacking the DOJ's cryptocurrency guidance: Enforcement priorities and industry implications

15 October 2020

A warning to offshore cryptocurrency exchanges and other money services businesses operating outside of the reach of US authorities.

Blockchain and Digital Assets News and Trends

23 September 2020

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

The court finds that a valid arbitration agreement exists in the ongoing WAX tokens dispute – plus latest legal, regulatory and case law developments.

Four years later, federal court upholds convictions but harshly criticizes off-label prosecutions

23 September 2020

The decision will likely draw attention both in the First Circuit and beyond.

Seventh Circuit hews new path regarding False Claims Act dismissals; DOJ registers its disagreement

21 September 2020

A surprising result from the US Court of Appeals for the Seventh Circuit.

Blockchain and Digital Assets News and Trends

21 August 2020

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

California appellate court affirms judgment for Coinbase in lawsuit over Bitcoin Gold – plus latest legal, regulatory and case law developments.

Rule 26(g) certification means more than guide and advise: Key takeaways

12 August 2020

Sanctions were imposed on an attorney for failing to properly oversee the client's discovery process.

For the healthcare industry, seeking to incentivize restocking of elective surgery supplies may lead to civil and criminal risk

6 August 2020

Discounts and incentives may have unforeseen consequences under certain federal anti-bribery laws.

SEC announces Event and Emerging Risks Examination Team

3 August 2020

The Event and Emerging Risks Examination Team will engage proactively with financial firms regarding current market events and emerging threats.

Blockchain and Digital Assets News and Trends

20 July 2020

BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

Court upholds New York AG's Martin Act authority to investigate virtual currency fraud – plus latest legal, regulatory and case law developments.

Reputation management during investigations: ZXC v Bloomberg LP

16 July 2020

The Court of Appeal has upheld the decision of Nicklin J which found that Bloomberg had breached the privacy rights of a US businessman when it published an article containing confidential details about a UK criminal investigation which he was subject to.

Supreme Court approves SEC disgorgement with limits

9 July 2020

The decision appears to be a victory for the SEC 's ability to obtain disgorgement, but the Court recognized limitations on equitable disgorgement which may offer defendants some potential relief.

FCPA Resource Guide revisions signal DOJ focus on books and records and internal controls charges

8 July 2020

A key resource for companies and individuals operating internationally.

***US v. Napout*: Second Circuit affirms convictions in FIFA foreign corruption case**

24 June 2020

A timely reminder that the risk of investigation and prosecution for foreign commercial bribery is very real and that the FCPA is not the only game in town.

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.

SEC settles *Lucia* enforcement action

22 June 2020

Questions remain following Supreme Court decision concerning the Appointments Clause of the Constitution and who constitutes an “Officer of the United States” for the purposes of complying with that constitutional provision.

Blockchain and Digital Assets News and Trends June 2020

18 June 2020

BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

World Economic Forum announces Presidio Principles as a foundation of blockchain ecosystem design – plus latest legal, regulatory and case law developments.

DOJ updates guidance on evaluation of corporate compliance programs: three takeaways

4 June 2020

Three key takeaways to keep in mind when updating compliance policies for 2020.

Expert Q&A on insider trading law after *United States v. Blaszczak*

27 May 2020

Jonathan Haray participated in a Q&A in the April/May issue of *Practical Law*.

Mexico: New reporting regulations aim to combat financing of terrorism and illicit activities

27 May 2020

The resolution is part of Mexico's effort to combat terrorist financing and transactions based on resources that have illicit origins.

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 unanimously overturns public corruption conviction of former Virginia governor: routine political courtesies such as setting up meetings or hosting events, standing alone, do not constitute “official acts” for the purposes of the bribery statute

29 JUN 2016

In a highly anticipated decision, SCOTUS narrowed the definition of “official acts,” making it substantially more difficult for DOJ to prosecute bribery and other public corruption.

***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

[Events](#)

[Previous](#)

Whistleblowing laws of Europe

14 March 2022

Webinar

White Collar Crime, Investigations and Compliance Symposium

5 October 2021

Webinar

Boston Bar White Collar Crime Conference

4 February 2021
Webinar

DLA Piper White Collar Series: Take 5

14 January 2021 | 1:00 - 2:00 ET
Webinar

DLA Piper White Collar Series: Take 5

4 June 2020 | 1:00 - 2:00 ET
Webinar

NEWS

DLA Piper's Deborah Meshulam and Michael Fluhr co-edit ABA book on Cryptocurrency and Digital Asset Regulation

12 April 2022

DLA Piper is proud to announce that Deborah Meshulam and Michael Fluhr have co-edited the book *Cryptocurrency and Digital Asset Regulation: A Practical Guide for Multinational Counsel and Transactional Lawyers*.

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.

DLA Piper lawyers and practices ranked in latest edition of *The Legal 500*

17 June 2021

DLA Piper announced today that the firm received 42 individual lawyer rankings and 49 firm rankings in *The Legal 500 United States 2021* guide.
