

McGuireWoods

ANTI-BRIBERY AND ANTI-CORRUPTION (FCPA)



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While many law firms now have experience in corporate integrity, few have counseled companies in connection with the complex range of matters that McGuireWoods has both inside and outside the United States. Our experience has created a high level of credibility and relationships with enforcement decision-makers at the DOJ, SEC, SFO and other key law enforcement and regulatory agencies. We have:

- Direct experience with government policymakers and decision-makers, including intimate knowledge of prosecutorial processes.
- A full-service cross border investigations team that is fully integrated with a robust ethics and compliance counseling and investigation practice.
- Experience with Foreign Corrupt Practices Act (FCPA), UK Bribery Act and other anti-corruption and corporate integrity matters in more than 150 countries on six continents;

Over the last fifteen years, there has been an unprecedented rise in the number, severity and scope of FCPA and other anti-bribery and anti-corruption (ABAC) enforcement actions by the U.S. government. At the same time, foreign and international anti-corruption laws and standards are proliferating, along with close cooperation amongst U.S. and non-U.S. law enforcement. We have experienced these developments from the front lines, advising a broad spectrum of clients – including some of the largest multinational companies in the world – as they navigate internal and external investigations, compliance program development and enhancement, and other critical facets of FCPA and other ABAC matters.

With more than 50 lawyers in our world-class Government Investigations and White Collar Litigation practice, McGuireWoods has decades of experience serving as primary FCPA and anti-corruption compliance counsel for Fortune 500 companies across the globe.

Our lawyers regularly conduct internal investigations and defend external investigations across major substantive areas relevant to international trade, including the FCPA, UK Bribery Act, False Claims Act and related *qui tam* matters, sanctions regulations (OFAC), Export Administration Regulations (EAR) and International Traffic in Arms Regulations (ITAR). We conduct internal audits and investigations focused on identifying suspected violations, prepare voluntary self-disclosures for submission to the government and work to negotiate with the government for the best possible result. We represent clients at every stage of these government investigations — from informal inquiries through disciplinary proceedings and appeals.



UK BRIBERY ACT OF 2010

The UK's Bribery Act has been described as the toughest anti-corruption legislation in the world being seen as requiring a higher standard from corporates than the U.S. Foreign Corrupt Practices Act. It captures the criminality of individuals and corporates both in the UK and overseas. It puts positive obligations on corporates to actively prevent bribery.

Our lawyers are regularly instructed to defend companies and individuals in high profile prosecutions brought under the UK's Bribery Act.

HOW WE HELP

Clients in the financial services, energy, aerospace, defense and government services, manufacturing, software, and life sciences industries look to us to:

CORPORATE INTEGRITY PROFILES

Anti-bribery and anti-corruption, internal fraud, financial reporting and recordkeeping, and international trade compliance are especially important for companies:

- **Exploring expansion opportunities in foreign jurisdictions**
- **With foreign manufacturing and/or distribution centers**
- **With exposure to state-owned entities as customers and business partners**

Conduct risk assessments, develop operational "heat maps" designed to rank higher risk areas, and otherwise help clients to understand, quantify and prioritize the risks they face

Deploy a robust and effective anti-corruption compliance program to avoid or mitigate the potential damage from a DOJ, SEC or non-U.S. investigation

Develop and provide general, operation, function or region-specific compliance training

Conduct third-party due diligence and help to develop and deploy third-party due diligence protocols and programs

Conduct compliance audits, reviews, and assessments

Develop a hotline or other issue reporting and escalation procedures, and assist in the review and resolution of reported issues

Conduct pre-merger and post-acquisition M&A due diligence, and assist with follow-on business and compliance integration efforts

Conduct internal investigations and defend external investigations



REPRESENTATIVE MATTERS

- Assisted a global Fortune 500 consumer products company with development of a comprehensive anti-corruption compliance program in connection with its expansion into non-U.S. business activities, most notably in Latin America and China.
- Conducted an internal investigation for a publicly-traded specialty chemicals company to address whistleblower allegations of corrupt payments being made by company personnel to government officials in China, including a risk analysis and review of the company's entire global ABAC compliance program.
- Providing regular FCPA counseling to an international telecommunication and wireless company, including monitoring and updating related compliance policies.
- Represented a UK technology company and its U.S. parent in relation to an investigation and subsequent self-report to the Serious Fraud Office in relation to improper payments made through agents to secure contracts in China, Korea and India and successfully secured the second Deferred Prosecution Agreement to be approved in the UK.
- Defended a Company Officer facing prosecution in the UK and advising the linked company with clients in U.S. and Europe, in relation to the UK Bribery Act prosecution and interconnected money laundering. The seven year cross border investigation alleges assets have been moved from London to India, Singapore and Hong Kong.
- Conducting periodic FCPA program reviews and audits for a Fortune 500 company, covering its businesses in North America, Europe and Asia, including site reviews of operations throughout Latin America, and Eastern and Western Europe.
- Ongoing representation of a multinational automaker in an FCPA investigation by the SEC involving extensive internal investigations in several European countries, interviews with more than 100 individuals and analysis of tens of thousands of documents.
- Conducted an internal investigation regarding violations of the UK Bribery Act by an agent in China for a UK company in the steel industry.
- Conducted a series of FCPA reviews and investigations for a Fortune 10 company regarding business operations in countries throughout the world, including site reviews in Central and South America (Mexico, Argentina and Brazil).
- Represented a global steel manufacturing company in connection with a monitorship imposed as part of settlements with the DOJ and SEC involving FCPA issues in China and South Korea.
- Conducted pre-merger FCPA due diligence reviews throughout the world, including Europe, South America and Asia, as part of a multibillion-dollar acquisition by a Fortune 500 pharmaceutical and medical device company.



- Advising a privately-held multinational commodities trader on ABAC compliance matters on an ongoing basis throughout its global operations, with a focus on its operations in Central and South America.
- Conducting compliance program gap analyses for multiple Fortune 500 clients.
- Assisted a global Fortune 500 mixed industrial company with a corporate risk assessment as part of a global risk assessment initiative across the company's operations in dozens of countries around the world.
- Representing numerous individuals as witnesses and targets in dozens of anti-corruption matters.
- Providing regular FCPA-related M&A due diligence reviews for multiple clients, including a Fortune 500 company, including business units subject to the terms of DOJ and SEC settlement agreements related to violations of the United Nations' Iraq Oil-for-Food program.
- Assisting a global Fortune 500 mixed industrial client with the management of a comprehensive third-party due diligence program covering hundreds of third parties across multiple lines of business operating in dozens of countries on six continents.

OUR TEAM

McGuireWoods is home to an elite government investigations and white collar defense practice. Our lawyers are experienced in all major substantive areas relevant to international trade, including the FCPA, UK Bribery Act, False Claims Act and related qui tam matters, sanctions regulations (OFAC, BIS and State), EAR and ITAR. Our corporate integrity team includes former high-level government enforcement officials including:

- **Assistant Attorney General for National Security**
- **UK's Serious Fraud Office and Financial Services Authority**
- **Former high-level government enforcement officials at the SEC and DOJ**
- **U.S. and Assistant U.S. Attorneys; and**
- **Roles within the White House, FBI and FINRA.**

As such, our team members are considered thought-leaders in the FCPA field and routinely contribute to articles on ABAC-related topics, including regular publication on [The FCPA Blog](#), [Law 360](#) and the firm's blog, [Subject to Inquiry](#). They have been recognized as leading practitioners in FCPA by *Chambers USA* and *Chambers Global*.

KEY CONTACTS

WASHINGTON DC



EMILY SONG
ASSOCIATE
+1 202 857 2484
esong@
mcguirewoods.com



EDWIN O. CHILDS JR.
PARTNER
+1 202 857 1723
echilds@
mcguirewoods.com



E. ANDREW SOUTHERLING
PARTNER
+1 202 857 1772
asoutherling@
mcguirewoods.com



LOUIS D. GREENSTEIN
PARTNER
+1 202 857 2415
lgreenstein@
mcguirewoods.com



TODD R. STEGGERDA
PARTNER
+1 202 857 2477
tsteggerda@
mcguirewoods.com



ELIZABETH J. HOGAN
PARTNER
+1 202 828 2818
ehogan@
mcguirewoods.com



J. PATRICK ROWAN
PARTNER
+1 202 857 1758
prowan@
mcguirewoods.com



BENJAMIN A. O'NEIL
PARTNER
+1 202 857 2466
boneil@
mcguirewoods.com

LONDON



WILLIAM J. BODDY
PARTNER
+44 20 7632 1625
wboddy@
mcguirewoods.com



MATTHEW HALL
PARTNER
+44 20 7632 1611
mhall@
mcguirewoods.com



FRANCESCA TITUS
PARTNER
+44 20 7632 1685
ftitus@
mcguirewoods.com



ANDREW P. THORNTON-DIBB
INTERNATIONAL
ATTORNEY - *Not engaged
in the practice of law in
D.C.; admitted only in
England and Wales*
+1 202 857 1724
athornton-dibb@
mcguirewoods.com

CHICAGO



CHRISTINA M. EGAN
PARTNER
+1 312 750 8644
cegan@
mcguirewoods.com



ANGELO M. RUSSO
PARTNER
+1 312 849 8168
arusso@
mcguirewoods.com



AMY B. MANNING
PARTNER
+1 312 750 8904
amanning@
mcguirewoods.com



SARAH A. ZIELINSKI
PARTNER
+1 312 849 8288
szielinski@
mcguirewoods.com

CHARLOTTE/NEW YORK



JASON H. COWLEY
PARTNER
+1 704 343 2030
+1 212 548 2138
jcowley@
mcguirewoods.com

NEW YORK



NOREEN KELLY
DEPUTY MANAGING
PARTNER FOR LITIGATION
+1 212 548 7025
nkelly@
mcguirewoods.com



ERIC SNYDER
PARTNER
+1 212 548 2133
esnyder@
mcguirewoods.com

RICHMOND



JOHN D. ADAMS
PARTNER
+1 804 775 4744
jadams@
mcguirewoods.com



LAURA COLOMBELL MARSHALL
PARTNER
+1 804 775 4311
lmarshall@
mcguirewoods.com



ALEX J. BRACKETT
PARTNER
+1 804 775 4749
abrackett@
mcguirewoods.com



RYAN D. FREI
PARTNER
+1 804 775 1134
rfrei@
mcguirewoods.com



BRANDON M. SANTOS
PARTNER
+1 804 775 4745
bsantos@
mcguirewoods.com



JEFFREY M. HANNA
PARTNER
+1 804 775 1001
jhanna@
mcguirewoods.com

NORFOLK



BENJAMIN HATCH
PARTNER
+1 757 640 3727
bhatch@
mcguirewoods.com



MOLLY M. WHITE
PARTNER
+1 310 956 3423
mwhite@
mcguirewoods.com

LOS ANGELES

Countries Where We Have Provided Government Investigations Advice and Assistance in Recent Years



We not only defend clients facing allegations of violating the FCPA, but also work proactively to help clients ensure compliance with these laws. Our recent work has included conducting anti-corruption gap/risk analyses and related on-site compliance reviews in several countries in Europe and South America for two multinational Fortune 500 clients (a manufacturer and a food product company), and assisting a Fortune 500 bank with an anti-corruption gap/risk analysis and related revision of its compliance policies and procedures. Similarly, we assisted a Fortune 500 energy client with several related matters: we conducted an anti-corruption, sanction compliance and related trade restriction gap/risk analysis, focusing on its foreign sourcing of fossil fuels; revised the company's compliance policies and procedures; and conducted training for a targeted employee population.

ABOUT OUR GOVERNMENT INVESTIGATIONS & WHITE COLLAR LITIGATION DEPARTMENT

The Government Investigations & White Collar Litigation Department at McGuireWoods is a nationally recognized team of more than 80 attorneys representing Fortune 100 and other companies and individuals in the full range of civil and criminal investigations and enforcement matters at both the federal and state level. Our senior team is comprised of a deep bench of former federal officials, including former U.S. Attorneys, more than a dozen federal prosecutors, and an Associate Counsel to the President of the United States. Strategically centered in Washington, our Government Investigations & White Collar Litigation is proud to be recognized as an elite practice, most recently honored by Chambers USA with a highly regarded nationwide ranking for Corporate Crime & Investigations, honored twice as White Collar Practice Group of the Year by Law360, and consistently ranked among the world's leading investigations firms on the Global Investigations Review 100 guide to top cross-border investigations practices. The Legal 500 United States, a premier list of the country's best law firms, also commended McGuireWoods for the "exceptional quality" of our powerhouse white collar litigation practice.

For more information about the breadth of the capabilities of the Government Investigations & White Collar Litigation Department, please contact department chair Jason H. Cowley at jcowley@mcguirewoods.com or at +1 704 343 2030

ABOUT MCGUIREWOODS

McGuireWoods has 1,100 lawyers in 21 offices across the United States and other countries. Over its 187-year history, we have earned the loyalty of our many longstanding clients with deep understanding of their businesses and broad skills in complex regulatory and compliance matters, high-stakes disputes, and transactional matters. For more than a decade, McGuireWoods has been ranked on BTI Consulting Group's "Client Service 30" list of law firms serving Fortune 1,000 companies — elite firms singled out for client service excellence based on unprompted feedback from corporate counsel. Its full-service public affairs arm, McGuireWoods Consulting LLC, offers infrastructure and economic development, strategic communications and grassroots advocacy, and government relations solutions. For more information, visit www.mcguirewoods.com.



Nationwide highly regarded ranking for Corporate Crime & Investigations



Named a Practice Group of the Year



Nationwide ranking for corporate investigations and white collar criminal defense



Recommended in the “Washington D.C. FCPA Bar Guide,” which recognizes the top DC firms that handle Foreign Corrupt Practices Act matters.



Ranked among the world’s top 100 firms for four consecutive years for our “heavyweight team of white-collar investigators that bring decades of high-stakes work experience”

Multiple partners named “White Collar, Regulatory & Compliance Trailblazers”



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