

## FCPA and Anti-Corruption

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Wiley is based in Washington, yet our reach is global. Wiley's *Chambers* ranked White Collar, International Trade, and Sanctions attorneys enable our multidisciplinary Foreign Corrupt Practices Act (FCPA) and anti-corruption approach to navigate domestic and international clients through this high-risk area of law and global enforcement. Our attorneys, many of whom are former U.S. prosecutors and Securities and Exchange (SEC) officials, routinely appear before the U.S. Department of Justice (DOJ) Fraud Section and SEC Enforcement Division in FCPA investigations and enforcement proceedings. That depth of experience informs our innovative guidance to clients on structuring and implementing effective corporate compliance programs. Our work on FCPA matters routinely includes:

- Representing companies and senior corporate executives in DOJ criminal and SEC civil investigative matters;
- Counseling public and private clients of all sizes on FCPA compliance;
- Conducting due diligence on target or newly acquired companies, international agents, joint venture partners, and other third parties across the globe; and
- Developing and providing regular FCPA training for publicly traded and privately held companies and private equity firms.

Our FCPA and anti-corruption practice counsels a wide variety of clients, including government contractors; financial institutions; manufacturers; insurers; communications providers; and energy, engineering, private equity, hospitality, technology, and construction companies. We have handled FCPA issues related to our clients' business transactions in Africa, Asia, the Middle East, Europe, and Latin America. Our clients include public and privately held companies of all sizes, trade associations, and senior corporate executives.

### Our Team

Wiley's FCPA and anti-corruption team includes a former DOJ Fraud Section supervisor, former Assistant United States Attorneys specializing in white-collar and cyber-crime, a former DOJ Money Laundering and Asset Recovery Section trial attorney, SEC enforcement attorneys, experienced international attorneys, seasoned compliance counsel, and strategic litigators. These attorneys work with and are supported by a highly sophisticated team of lawyers from our Government Contracts, National Security, Telecom, Media & Technology, Insurance, White Collar Defense & Government Investigations, International Trade, Election Law & Government Ethics, and Food & Drug Law groups, among others.

## **Enforcement Matters**

Wiley's FCPA attorneys handle all aspects of DOJ criminal and SEC civil proceedings, as well as internal investigations and voluntary disclosures for companies and their executives and employees. We conduct cost-effective internal investigations for companies in a wide range of industries with an eye toward minimizing clients' potential exposure. As former SEC and DOJ officials, Wiley's team has the ability to identify recurring SEC and DOJ enforcement patterns in order to provide valuable counsel to clients and determine the best, most efficient, course of action should agency action be threatened. Ultimately, our team has the depth and breadth to vigorously and successfully defend criminal and civil enforcement proceedings against individuals and entities in any industry or country where they might arise.

## **Risk-Based, Cost-Effective Compliance Programs**

Wiley recognizes that a well-conceived and executed compliance program is the single most essential element in preventing corruption-related violations and defending government actions. However, to be effective, a compliance program must be appropriately tailored to a company's actual risk profile. We assist clients in developing individualized compliance programs to minimize both the risk and the adverse consequences of improper conduct. We regularly help companies with:

- Publishing company-wide ethics manuals;
- Conducting training programs and seminars;
- Establishing mechanisms for coordinating/operating the compliance program;
- Conducting due diligence on third parties;
- Assisting with audits;
- Maintaining accurate accounting and record-keeping systems; and
- Setting up anonymous reporting procedures.

## **Mergers & Acquisitions**

Wiley's attorneys methodically analyze mergers and acquisitions on behalf of both buyers and sellers to ascertain the potential for FCPA violations. Our analysis also looks for possible regulatory pitfalls and liability risks that may be assumed by the successor company. Our professionals counsel companies through the merger and acquisition process by:

- Assisting buyers and sellers in conducting FCPA due diligence;
- Handling internal investigations arising out of corporate due diligence;
- Providing for appropriate discipline of all offenders; and
- Implementing rigorous anti-corruption compliance policies and internal controls to avoid future FCPA problems.