

Internal Investigations and Compliance Programs

When a company learns of potential improprieties that could create civil or criminal liability, it faces crucial questions about how to best understand and mitigate its risk. How broad an investigation is warranted? Should it involve data collection or witness interviews? Are the company's training and compliance programs sufficient to address the problems or should they be strengthened? Are the issues systemic or limited to individuals? Should the company disclose the matter to the government? How the company answers these questions can determine whether and to what extent it is subject to a government investigation, enforcement action, or lawsuit, and whether any improprieties are corrected or might recur.

Our White Collar Defense and Government Investigations Practice has extensive experience helping companies navigate these issues to understand and minimize potential liability. Our lawyers routinely conduct internal investigations for a wide range of companies—from small businesses to Fortune 500 companies, and for companies in a variety of industries, including government contracts, food and drug, telecommunications, and many others. We have expertise advising on potential liability under an array of regulatory, civil, and criminal regimes, including the False Claims Act, the Foreign Corrupt Practices Act (FCPA), the Anti-Kickback Act, securities laws, antitrust laws, procurement integrity laws, export control laws, and drug pricing regulations. We excel at conducting investigations that are deep and wide-ranging, but also properly tailored and cost-efficient. We regularly assist companies in crafting appropriate responses to improprieties unearthed in internal investigations, including reporting to corporate leadership or audit committees, disclosing to the government, and enhancing employee training and compliance policies.

Our long track record of performing effective internal investigations, and developing compliance programs and improvements, includes:

- Conducting an internal investigation for a Fortune 500 company on behalf of the audit committee of the board of directors in response to shareholder allegations of accounting and other irregularities. Following the investigation, we presented findings to the audit committee and made recommendations regarding internal controls and external disclosures.
- Conducting worldwide internal investigations related to FCPA issues for a global client; conducting due diligence on international agents, joint venture partners, and other third parties; and designing corporate anti-corruption compliance and training programs.

- Conducting a series of internal investigations for a major government contractor related to an array of procurement integrity and other concerns, and developing appropriate compliance programs, training, and other enhancements.
- Conducting an internal investigation for a major generic pharmaceuticals company related to a range of government pricing issues.
- Conducting an internal investigation for an industry-leading satellite company into alleged violations of federal communications regulations.
- Conducting an internal investigation for a Fortune 500 professional services company related to potential gratuities to a program manager in connection with the award and performance of a contract for the U.S. military.
- Conducting an internal investigation for a major health care services company relating to representations made in procuring a contract to build a state health care exchange.
- Conducting an internal investigation for a company that supplies high-tech parts to the U.S. military concerning whether it had manipulated quality assurance test results and submitted inaccurate certifications to government inspectors.
- Counseling a Fortune 500 hotel company on potential liability under a state's government ethics, gift, and lobbying laws and regulations, including a range of possible enforcement and disclosure consequences.
- Conducting an internal investigation for a major government contractor relating to allegations of government contract performance issues.
- Conducting an internal investigation for a software engineering and analytic services provider in response to media reports of intelligence operations used against political activists.
- Conducting an internal investigation into a whistleblower's claims of mischarging and retaliation by a company that provides storage and logistics to the military.
- Conducting multiple internal investigations for an intelligence community contractor regarding concerns about procurement integrity and mischarging on government contracts.
- Conducting an internal investigation for a technology company regarding compliance with small business regulations during channel sales to the federal government.
- Conducting an internal investigation for a major government contractor in connection with gifts and hospitality received from a vendor.
- Conducting an internal investigation for a medical device company related to potential off-label promotion of its products.
- Conducting an internal investigation for a joint venture concerning a whistleblower's allegations of improper small business subcontracting practices and immigration fraud.

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