

Foreign Corrupt Practices Act (FCPA)

Vigorous enforcement of the U.S. Foreign Corrupt Practices Act (FCPA) has resulted in large scale investigations that span the globe, with record-setting sanctions. Individuals are a priority target for criminal prosecution—and whistle-blowing incentives contained in the Dodd-Frank Act make FCPA-related legal, financial and reputational risks for multinational businesses greater than ever. In this environment of heightened enforcement, ensuring a best practices approach to FCPA compliance is essential.

Our cross-functional, multi-office FCPA legal team counsels some of the largest public and privately held businesses on their FCPA matters worldwide, including:

- creating customized global compliance programs based upon individual company risk, profiles (including FCPA risk assessments, codes of conduct, gift, travel and entertainment policies, internal/external training and monitoring for compliance);
- developing a suitable framework for third party intermediary diligence;
- performing comprehensive FCPA diligence in acquisitions, joint ventures and other strategic transactions;
- conducting multi-jurisdictional internal investigations;
- when necessary, making voluntary disclosure to the SEC and DOJ; and
- defending civil and criminal FCPA enforcement actions.

We collaborate with clients to develop a customized approach to FCPA compliance and in the investigation of "red flags" and potential violations. We deliver defensible compliance and remediation plans based on your business needs and budgetary realities. Our multidisciplinary team provides the rigor required to satisfy U.S. enforcement authorities, but with efficiency, and the sensitivity necessary when dealing with individuals, including foreign nationals, that allows us to elicit the facts. We work with the Big 4 accounting firms, complementing and utilizing their forensic accounting reviews and internal controls assessments. When investigating, we have a strong track record of success in discerning the facts, generating cooperation from key witnesses and developing an objective and comprehensive assessment of allegations—with a command of the legal implications of our findings. We recommend appropriate disciplinary actions and remedial steps to enhance compliance programs and satisfy expectations of the enforcement agencies. This includes advising on the pros, cons, timing and tactics of potential voluntary disclosures to those U.S. enforcement authorities.

Our 15 FCPA practitioners include international transactional lawyers in the U.S., China and London with deep emerging markets experience, and seasoned white-collar litigators. Our experience extends throughout Asia, Eastern Europe, Russia, India, and the Middle East. Contact George Martin at 612-766-7055 (George.Martin@faegrebd.com) or Jim Volling at 612-766-7758 (James.Volling@faegrebd.com) for additional information.