

# Foreign Corrupt Practices Act Litigation

## Overview

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For companies doing business abroad, the Foreign Corrupt Practices Act (FCPA) prescribes rules of behavior that can be neither ignored nor flouted. Katten's FCPA group represents such companies across the full spectrum of FCPA-based engagement, from proactive compliance counsel up to and including the criminal defense of alleged wrongdoing by organizations or their employees. Our team consists of former prosecutors and investigators thoroughly familiar with the priorities and tactics of government enforcement agencies.

### Addressing the risks

Our clients rely on us to advise them on FCPA-related due diligence obligations, with an eye toward preventing violations that can result in legal exposure and reputational harm. We help create customized compliance programs that include training modules, codes of conduct and protocols to address the risk of foreign bribery. If a company has concerns about potential violations, we conduct internal investigations to identify suspicious practices and report suspected wrongdoing to the board and, if appropriate, the government. If the company comes under investigation by government agencies, we provide a vigorous defense at every stage.

### Individual defense

As the US Department of Justice (DOJ) increasingly focuses on employees in the context of an FCPA investigation, we are regularly called on to defend individual targets against criminal allegations. Often we can prevent charges from being filed, but failing that, we work to resolve the case favorably, whether through cooperation, immunity or plea deals. In this way, we have defended numerous corporate executives, board members and in-house counsel in FCPA actions.

### A prestigious monitorship

In recognition of our skills and experience in FCPA matters, we were recently appointed by the DOJ and the Securities and Exchange Commission to serve as independent compliance monitor for an international pharmaceutical manufacturer. Part of a deferred prosecution agreement, this appointment gives us oversight of the largest FCPA-based resolution ever imposed on a drug company.

## Our Experience

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- Represent multiple companies and corporate officers in connection with investigations by SEC and US Attorney's Office involving allegations of violating FCPA.
- Represent former member of the board of directors of a pharmaceutical corporation in an FCPA and accounting investigation of the company by the SEC and the DOJ. Issues involve the FCPA regarding drug approval and price reimbursement in China, as well as various restatements of the company's financials unrelated to any alleged FCPA violations.
- Represented former executive of a multinational retail chain in a joint investigation by the DOJ and SEC into alleged FCPA violations in Brazil.
- Independent FCPA compliance monitor for one of the world's largest manufacturers of generic pharmaceuticals.
- Lead counsel to online coupon company in connection with FCPA internal investigation.
- Represent head of compliance of an industrial manufacturer in FCPA investigation.
- Represented global head of compliance of manufacturing firm in FCPA investigation in which we dealt with SEC and DOJ, and company's board of directors.
- Represented in-house attorney at major international spirits distributor in grand jury investigation of alleged FCPA violations in India.

## Key Contacts

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