

The Rise of Deferred Prosecution Agreements

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For a public company in the crosshairs of a federal criminal probe into securities law violations, the stakes cannot get much higher. Mere indictment— which can trigger onerous reporting requirements, civil lawsuits, loss of government contracts and drastic business losses can be a virtual corporate death sentence. Yet a scorched earth defense can sometimes be an unduly risky course where actual wrongdoing has taken place.

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