

## Congressional Investigations & Campaign Finance

### Congressional Investigations Take Center Stage

The intense public spotlight of a congressional investigation can damage reputations and erode investor confidence. An investigation also can lead to criminal prosecution, civil enforcement actions by federal or state agencies, and severe administrative penalties. Any of these can quickly turn the proceedings into "bet-the-company" matters that can have ruinous consequences. Recent high-profile investigations of U.S. financial institutions, the volatility of global markets, and a major emphasis on ethics compliance, among other developments, are expected to increase the level of congressional oversight and build momentum for significant legislative initiatives.

Companies or individuals navigating the unique landscape of congressional investigations need highly experienced counsel with a critical combination of skills. Miller & Chevalier has the distinctive blend of experience and credibility on Capitol Hill that these proceedings demand. For decades, our lawyers and other professionals have advised some of the world's largest corporations and prominent public figures in high-stakes congressional investigations and related proceedings. We have successfully represented clients before the array of House and Senate committees with jurisdiction in these types of investigations, including:

- the House Committee on Ways and Means and its Subcommittee on Oversight;
- the Senate Committee on Finance;
- the Senate Committee on Homeland Security and Governmental Affairs and its Permanent Subcommittee on Investigations;
- the House Committee on Standards of Official Conduct;
- the Senate Select Committee on Ethics;
- the House Committee on Science and Technology and its Subcommittee on Investigations and Oversight;
- the House Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations;
- the House Committee on the Judiciary; and
- the Senate Committee on the Judiciary.

We have advised clients in investigations focused on a wide range of issues, including energy credits, promotion of tax shelters, financial statement disclosure of tax matters, repatriation of foreign earnings, the use of offshore subsidiaries, and the tax treatment of churches and other nonprofit organizations. We also have advised members of Congress in sensitive Senate and House ethics inquiries.

In light of the many serious potential consequences of a congressional investigation, when clients are called upon to provide documents or testimony to Congress, we focus on protecting their reputational and other interests while minimizing potential exposure in concurrent or future government actions. Our Congressional Investigations group has the capabilities and resources to advise clients from the inception of a committee's request for information through any regulatory enforcement and judicial proceeding that may follow. We have significant experience representing clients in parallel congressional, criminal, civil, and regulatory investigations, and then through litigation, trial, and appeal.

### Critical Multidisciplinary Experience

Few firms can boast the combination of substantive and political skills that Miller & Chevalier brings to our Congressional Investigations practice. Our bipartisan, multidisciplinary group includes lawyers and other professionals with substantial experience

on Capitol Hill, including a former Majority Tax Counsel for the House Committee on Ways and Means; a seasoned team of leading white collar criminal defense lawyers – including former prosecutors and public defenders – who collectively have tried more than 300 criminal cases to juries in jurisdictions across the U.S.; and recognized authorities in key topical areas that are subject to congressional interest and oversight.

In particular, Miller & Chevalier's tax practice (ranked among the tax practices in the U.S. by *Chambers USA*) and our international trade practice (acknowledged among the best by *Chambers USA* and *Chambers Global*) are a distinct benefit to clients as Congress, federal prosecutors, and government agencies increase their investigatory activity with respect to tax, trade, and other financial issues.

## Strategic Counsel

Our Congressional Investigations lawyers use their extensive practical knowledge of "how things work" and their long-standing working relationships with Committee staff and members of Congress to guide clients strategically through congressional subpoenas and government requests, informal and formal interviews, and public hearings. We create documents that are responsive to staff, while preserving evidentiary privileges that may be crucial in other proceedings and protecting proprietary information. We look for early signs that an investigation may lead to a legislative response, and in the case of financial issues, that it may result in a public disclosure of sensitive information or lead to an investigation or audit by the Securities and Exchange Commission (SEC), Internal Revenue Service (IRS), or other administrative agency.

In an environment where media coverage can be a critical consideration in the overall strategy with regard to these types of investigations, our lawyers have significant experience handling a wide variety of high-profile, media-intensive matters. We have worked closely with clients' communications advisors to ensure that their work supports the overall agreed upon strategy, contributes to a successful outcome, and fully protects the client.

## GOVERNMENT EXPERIENCE

- General Counsel, U.S. Nuclear Regulatory Commission
- Assistant to the Solicitor General, U.S. Department of Justice
- Assistant United States Attorney, District of Columbia
- Assistant United States Attorney, Civil Division of the U.S. Attorney's Office for the District of Columbia
- Director, Office of International Affairs, U.S. Securities and Exchange Commission
- Trial Chief, Public Defender Service for the District of Columbia
- Senior Investigative Counsel, Special Committee on Investigations, U.S. Senate
- Chief, Special Litigation Division, Public Defender Service for the District of Columbia
- Senior Adviser for International Issues to SEC Chairman Arthur Levitt, U.S. Securities and Exchange Commission
- Deputy Director, Office of International Affairs, U.S. Securities and Exchange Commission
- Assistant Director, Office of International Affairs, U.S. Securities and Exchange Commission
- Assistant Chief Litigation Counsel, Division of Enforcement, U.S. Securities and Exchange Commission
- Assistant Federal Public Defender, Las Vegas, Nevada
- Appellate Deputy Public Defender, Nevada State Public Defender's Office
- Tax Assistant to the Solicitor General, U.S. Department of Justice

- Trial Attorney and Director of Training, Public Defender Service for the District of Columbia
- Supervising Attorney, Trial Division, Public Defender Service for the District of Columbia
- Staff Attorney, Appellate and Trial Divisions, Public Defender Service for the District of Columbia
- Legislative Director, U.S. Senator
- Legislative Assistant, U.S. House of Representatives and U.S. Senate

#### **RANKINGS AND RECOGNITION**

- *Global Investigations Review*: GIR 30 Top Global Investigations Practice, 2015 - 2020
- *Global Investigations Review*: Boutique or Regional Practice of the Year, 2016