

DOJ Investigations: Is Sharing Unavoidably Hazardous?

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In this article, Andrew Wise and Katherine Pappas discuss a company's options regarding disclosure of information to individual employees facing Department of Justice (DOJ) interviews after the company has chosen to cooperate. "The DOJ's announced focus on individual culpability and accompanying benchmarks for corporate cooperation have changed the considerations for companies exposed to prosecution due to acts of their employees," Wise and Pappas wrote. "But companies can, and should, still ensure that its employees are properly protected and adequately advised in advance of interactions with enforcement officials. With the proper care and attention, companies can balance these needs while ensuring a robust investigation is not used to later harm the company that commissioned it."