

Going Global: Defending Clients in the 2020 World of Multijurisdictional Prosecutions and Investigations

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In this article, Timothy O'Toole and Margot Laporte discuss how prosecutions and investigations have become increasingly global, particularly in white collar cases involving allegations of corruption, money laundering, or violations of economic sanctions. Today, multiple countries and government agencies are empowered to investigate and prosecute conduct that takes place halfway around the world, which makes the defense of such cases complex and presents a new set of challenges for counsel. "Prior to the last few years, even in cases involving cross-border conduct, coordination among enforcers in different countries was relatively rare," the authors wrote. But more recently, "massive global enforcement actions, coordinated among multiple U.S. and non-U.S. government agencies, have been on the rise," creating questions about jurisdiction, conflicting criminal and civil laws, the collection of evidence, and the protection of attorney-client and investigation privileges, among other issues.