

## Latin America

Matteson Ellis

PRACTICE LEAD

Miller & Chevalier takes practical approaches to problem solving in Latin America. We understand that complex compliance and investigations challenges in the region demand recognized counsel with experience on the ground. Our leading Latin America practice uniquely combines substantive know-how with local cultural fluency.

Our practitioners include more than 20 attorneys with deep experience in Latin America, the majority of whom speak Spanish or Portuguese fluently, and many who have lived and worked in the region for extended periods of time.

Miller & Chevalier has worked on many of the largest corruption, fraud, and other compliance matters in critical markets like Brazil, Mexico, Colombia, Argentina, Chile, and Peru. With frequent presence in Central America and the Caribbean as well, our team understands local particularities, spanning from the U.S.-Mexico border to the Southern Cone. Our attorneys have led in-house legal and compliance departments for the Americas for major global corporations and investigated misconduct in the region as prosecutors for the U.S. government and as investigators for the World Bank and Inter-American Development Bank (IDB).

- **Latin America Corporate Representations.** We represent global companies with presence in Latin America, Latin American-based *multilaterals*, and regional companies engaged in market expansion.
- **Individual Representations.** We defend individuals in criminal inquiries related to corruption and fraud issues involving the region.
- **Independent Compliance Monitorships.** We serve as U.S. government-approved compliance Monitors for FCPA settlements with companies that have extensive Latin American operations.
- **MDB Sanctions Proceedings.** We defend companies in multi-lateral development bank sanctions proceedings involving Latin American projects.
- **External Auditor Dealings.** We represent companies when issues arise related to external auditor expectations on accounting-related questions in the region.
- **Latin American Governments.** We assist Latin American governments in the design of their corporate compliance guidance and expectations.
- **International Financial Institutions.** We advise multi-lateral financial institutions on their management of integrity risks in the region.

### Representative Engagements

- Retained by the Audit Committee of a Latin American national oil company to conduct an internal investigation into allegations of approximately \$4B in cost overruns in connection with the construction of a refinery by one of its subsidiaries. The engagement included management of inquiries from government regulators and the company's external auditor and built upon our years as FCPA compliance and investigations counsel for the company.
- Served as a company's core outside investigative counsel following its parent company's multi-billion-dollar global settlement for foreign bribery. In our role as investigation counsel, we assisted the company in handling sensitive issues throughout the region, utilizing Spanish and Portuguese fluency and coordinating with the company's Independent Compliance Monitors in the United States and Brazil.

- For a \$38 billion global private equity firm focused on oil and gas and alternative energy sectors that has numerous portfolio companies operating in Latin America, we assist the firm with performing internal investigations of alleged misconduct at the portfolio company level and developing and supporting portfolio company compliance programs.
- Represented a major energy company that obtained a declination in a bribery investigation conducted by the SEC and DOJ and focused on Latin America's Southern Cone, with an ancillary investigation by the U.K. Serious Fraud Office (SFO). The investigation, which lasted for seven years, involved extensive document review, forensic imaging, and multiple agency interviews of company personnel, including very senior management. Lawyers involved in the investigation included FCPA lawyers with fluent Spanish language.
- Following extensive vetting by the DOJ and SEC, one of our senior attorneys was appointed to serve as an Independent Compliance Monitor for a major Chilean company listed on a U.S. exchange pursuant to an FCPA disposition arising out of conduct in Latin America. We assessed all aspects of the company's compliance program, including protocols for and execution of internal investigations and responses to external government inquiries, and recommended improvements.
- Represented a cooperating witness in an extensive FCPA investigation related to the participation of international companies in public contracting in Venezuela.
- Conducted a world-wide investigation of potential OFAC violations for international trade insurance provider and defended a related OFAC subpoena arising out of conduct in Panama.
- Defended a corporate client in Brazil's investigation of cartel activity in the freight-forwarding industry. As part of the investigation in Brazil, our attorneys oversaw a team of local lawyers and directed the company's defense to ensure the company was taking a consistent approach globally.
- Retained by an international beverage producer, distributor, and manufacturer to provide anti-corruption compliance advice on an internal review of a newly acquired entity, including advice on post-integration due diligence and related integration activities. Our work included interviewing compliance personnel, identifying and conducting due diligence into high risk third parties, and reviewing documents and samples of relevant transactions.
- Represented a large Venezuela-based oil logistics company in licensing and potential enforcement proceedings related to U.S. sanctions against Venezuela.
- Represented the first private, Mexico-based oil and gas exploration company created after Mexico's historic reform of its energy sector to build its anti-corruption compliance program and manage corruption risks when they arise. The work included conducting formal risk assessments, performing compliance trainings, advising on contractual agreements, and conducting third-party due diligence.
- Represented the Audit Committee of a major Brazil-based multinational company in conducting investigations in Brazil, Argentina and elsewhere with respect to potential improper payments to government officials, money laundering and violations of food quality and safety regulations. Our role in this matter involved extensive interaction with the DOJ and SEC as well as the Brazilian CGU, MPF, and local prosecutors throughout Brazil.

## Government and In-House Experience

- General Counsel, U.S. Department of Commerce
- Counselor to the Secretary, U.S. Department of Commerce
- Deputy General Counsel, U.S. Department of Commerce
- General Counsel, North American and Latin American Division of multinational corporation and global provider of products,

services, and solutions

- Latin America Region Compliance Director and Global Enterprise Risk Counsel of Fortune 500 multinational corporation and provider of direct-sale retail products
- Litigation Specialist/Investigator, World Bank Integrity Vice Presidency
- Chief Economist, Office of Policy, Import Administration (now Enforcement and Compliance), U.S. Department of Commerce
- Trial Attorney, Counterintelligence and Export Controls Section, National Security Division, U.S. Department of Justice
- Counsel, Assistant Attorney General for National Security, U.S. Department of Justice
- Assistant United States Attorney, Northern District of Illinois
- Investigations Consultant, Inter-American Development Bank Office of Institutional Integrity
- Attorney-Advisor, Office of International Trade - Regulations & Rulings, U.S. Customs and Border Protection

## Rankings and Recognition

- *Chambers Global*: Corporate Crime & Investigations (USA), 2016 - 2021
- *Chambers Global*: Corporate Investigations/Anti-Corruption (Global-wide), 2017 - 2021
- *Chambers Global*: Corporate Investigations (Latin America-wide), 2015 - 2021
- *Chambers Global*: FCPA (United States), 2015 - 2021
- *Chambers Global*: Investigations & Enforcement (International & Cross-Border) (USA), 2020 - 2021
- *Chambers Global*: International Trade (United States), 2005 - 2015
- *Chambers Latin America*: Corporate Crime & Investigations (International Counsel), 2015 - 2022
- *Chambers USA*: FCPA (Nationwide), 2014 - 2022
- *Chambers USA*: Corporate Crime & Investigations (Nationwide), 2015 - 2022
- *Chambers USA*: International Trade (Nationwide), 2005 - 2014
- *Global Investigations Review*: GIR 30 Top Global Investigations Practice, 2015 - 2020
- *Global Investigations Review*: Boutique or Regional Practice of the Year, 2016
- *Just Anti-Corruption/Global Investigations Review*: "Elite" in Washington, DC's FCPA Bar, 2016
- *Latinvex*: Latin America's Top 10 FCPA & Fraud Firm, 2015 - 2021
- *Legal 500*: Dispute Resolution: International Trade (U.S.), 2011, 2013 - 2022
- *Legal 500 Latin America*: International Firms: Compliance and Investigations, 2021 - 2022
- *U.S. News - Best Lawyers*® "Best Law Firms": International Trade and Finance Law (National), 2011 - 2022
- *U.S. News - Best Lawyers*® "Best Law Firms": International Trade and Finance Law (District of Columbia), 2011 - 2022

- *Latin Lawyer* Anti-Corruption Survey, Top Law Firm, 2013
- *Main Justice* Best FCPA Lawyers Client Service Award, Distinguished Service Award: Compliance Champions, 2013
- *The Best Lawyers in America*<sup>®</sup>: International Trade and Finance Law, first among Washington, DC law firms for number of lawyers ranked, 2010