

Internal Investigations

Companies and other organizations responding to potential wrongdoing by employees or agents face a number of challenging decisions in designing and conducting internal investigations. Frequently these decisions must be made quickly, with imperfect information, and in high-pressure environments. A client needs steady, measured, thoughtful advice to guide it from initial crisis through resolution.

The attorneys of Miller & Chevalier's Internal Investigations practice are recognized as elite providers of internal investigation services and have substantial experience in guiding our clients through crisis management, the investigative process, dealing with enforcement officials, and any necessary remedial actions.

Global Reach/DC Expertise: Our attorneys speak 14 languages and have conducted investigations on the ground in more than 70 countries. We regularly interact with overseas enforcement agencies and can guide our clients through multiple cross-border inquiries and issues. Despite our global reach, our location in Washington, DC means we are nearby and regularly practice before federal law enforcement offices and regulatory agencies. As a result we know how to position our clients in the best way possible with U.S. law enforcement officials.

Planning an Internal Investigation: We work with our clients to evaluate initial reports of wrongdoing, weigh the potential consequences and outcomes, and design and implement an internal investigation that is proportionate to the issues and risks presented. We recognize that electronic data collection and review is an integral part of any investigation but can present numerous risks (and costs) for the unwary. In addition to designing tailored and focused electronic data review protocols for each internal investigation, we are attuned to local data privacy and protection laws to ensure that our data collection review remains in accordance with local law.

Conducting an Internal Investigation: An internal investigation is a disruptive event for a business and a stressful one for its employees. We start by understanding the business of our clients and then conduct an internal investigation in a thorough yet efficient manner to minimize impact on day-to-day business but nonetheless result in a complete and credible investigative process. We regularly communicate with our clients during the course of an internal investigation, providing interim findings and reports as appropriate and ensuring the investigation remains properly scoped.

Working with the Regulators: In some instances internal investigations must be conducted in parallel with regulatory or law enforcement investigations. Our attorneys are deeply experienced in navigating the pitfalls and dangers of such parallel inquiries and ensuring the success of an internal investigation while appropriately responding to government inquiries.

Recognized Excellence: Miller & Chevalier attorneys have guided clients through some of the largest internal investigations and corporate resolutions in recent history, and many equally large investigations that remain confidential. Our internal investigations practice was recognized as the "Boutique Firm of the Year" by *Global Investigations Review* in 2016, and ranked as one of the top global investigations practices in the world in the same survey.

Representative Engagements

- Conducted an internal investigation of a client's operations in Nigeria and Kazakhstan in response to a U.S. Department of Justice (DOJ) notification of an inquiry to our client. The investigation expanded to involve dozens of interviews in multiple countries and the collection of millions of pages of hard copy and electronic data.
- Assisted two major multinational companies with Foreign Corrupt Practice Act (FCPA) due diligence and related investigations regarding two separate multi-million dollar acquisitions, necessitating multidisciplinary teams in simultaneous reviews worldwide, with eventual disclosure and successful resolution of discovered FCPA issues.
- Conducted multiple inquiries into anti-corruption matters on behalf of a large company in an oil-related industry. Investigations were conducted in Libya, Oman, Vietnam, Indonesia, Malaysia, Egypt, Nigeria, China, Uzbekistan, Russia, Algeria, Dubai, Kazakhstan, India, Singapore, Brazil, Argentina, and other countries. The investigations resulted in no new sanctions or enforcement actions against the company and satisfactory evaluations of the company's compliance and enforcement protocols.
- Created a protocol for a client to govern all its internal investigations, including matters involving allegations related to the FCPA and other anti-bribery laws, export controls, accounting and financial fraud, and antitrust violations and will provide on-going advice with respect to investigations conducted under the protocol.
- Conducted an investigation in India on behalf of a healthcare services provider in the midst of being acquired. The investigation focused on internal controls, government contracting, and tax issues identified as the deal was closing. The investigation was completed to the satisfaction of the acquiring company, and the deal closed successfully.
- Engaged to conduct a multinational review of a company's use of a global freight forwarder and customs broker. Firm teams made multiple trips to Kazakhstan, Nigeria, and Europe, conducting dozens of interviews and collecting hundreds of thousands of documents related to the investigation. The matter was resolved with no action against the client.
- Conducted multiple internal investigations on behalf of large U.S. information technology company into allegations of improper payments to government officials by company subsidiaries in Korea, Brazil, Mexico, and South Africa.
- Investigated possible violations of the Syria embargo on behalf of a large multinational healthcare company.
- Represented the Audit Committee of a private large resource extraction company in conducting an internal investigation of the company's activities in a country in West Africa. The investigation expanded to include a review of operations in another half dozen West African countries, including extensive document review and interviews with all third parties retained by the company to assist with business development, including several no longer working for the company. This effort involved coordination throughout with current and potential outside investors and auditors.
- Conducted an internal factual investigation on behalf of a large manufacturer into alleged export control violations by one of its subsidiaries in connection with the shipment of satellite telecommunications equipment to a foreign government's military.
- Conducted an internal investigation in the UAE on behalf of a Fortune 500 manufacturer of industrial pumps, valves, and seals involving allegations of corrupt payments by third-party agents.
- Conducted internal investigations in response to allegations that a company and its U.S. and foreign-based personnel and advisors planned and implemented transactions in multiple countries with the intention of defrauding foreign tax authorities.
- Conducted an internal FCPA investigation on behalf of a client that involved the review and production of pertinent

documentation relating to two projects in Southeast Asia, as well as on-site interviews in the company's global locations and an assessment of the company's potential FCPA liability.

- Conducted an internal investigation on behalf of a client of possible violations of U.S. sanctions and embargoes, as well as provided an assessment of company processes and procedures for compliance.
- Conducted an internal investigation on behalf of a large law firm regarding alleged sexual harassment by a top manager.

Government Experience

- General Counsel, U.S. Department of Commerce
- Assistant to the Solicitor General, U.S. Department of Justice
- Counselor to the Secretary, U.S. Department of Commerce
- Deputy General Counsel, U.S. Department of Commerce
- 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
- Attorney-Advisor, Office of International Trade - Regulations & Rulings, U.S. Customs and Border Protection
- Staff Attorney, Appellate and Trial Divisions, Public Defender Service for the District of Columbia
- Legislative Assistant, U.S. House of Representatives

Rankings and Recognition

- *Chambers Global*: Corporate Crime & Investigations (USA), 2016 - 2022
- *Chambers Global*: Corporate Investigations/Anti-Corruption (Global-wide), 2017 - 2022
- *Chambers Global*: Corporate Investigations (Latin America-International Counsel), 2015 - 2022
- *Chambers Global*: FCPA (United States), 2015 - 2022
- *Chambers Global*: Investigations & Enforcement (International & Cross-Border) (USA), 2020 - 2022
- *Chambers USA*: Corporate Crime & Investigations (Nationwide), 2015 - 2021
- *Chambers USA*: Litigation: White-Collar Crime & Government Investigations (District of Columbia), 2011 - 2021
- *Chambers USA*: FCPA (Nationwide), 2014 - 2021
- *Chambers Latin America*: Corporate Crime & Investigations (Latin America-wide), 2015 - 2021
- *Global Investigations Review*: GIR 30 Top Global Investigations Practice, 2015 - 2020
- *Global Investigations Review*: Boutique or Regional Practice of the Year, 2016
- *Latinvex*: Latin America's Top 10 FCPA & Fraud Firm, 2015 - 2021
- *Legal 500*: Dispute Resolution: White-Collar Criminal Defense – Advice to Individuals (U.S.), 2011 - 2021
- *Legal 500*: Dispute Resolution: White-Collar Criminal Defense – Advice to Corporates (U.S.), 2011 - 2021
- *Legal 500 Latin America*: International Firms: Compliance and Investigations, 2021
- *U.S. News - Best Lawyers*[®] "Best Law Firms": Criminal Defense: White-Collar (National), 2019 - 2021
- *U.S. News - Best Lawyers*[®] "Best Law Firms": Criminal Defense: White-Collar (District of Columbia), 2011 - 2021