

White Collar Crime



HIGHLIGHTS

■ Experienced Defense Counsel

Wilson Sonsini's litigators have experience defending clients facing numerous types of allegations, including fraud claims; price-fixing, bid-rigging, and other antitrust claims; corruption and bribery charges; consumer fraud claims; anti-kickback and whistleblower statute violations; and export controls and FCPA violations.

■ Federal Enforcement Agency Experience

Wilson Sonsini's white collar defense attorneys have represented clients before all federal enforcement agencies, including the DOJ, SEC, FTC, CFTC, IRS, and FINRA, as well as in conjunction with criminal probes led by various state attorneys general.

■ Proven, Experienced Counsel

Wilson Sonsini's team includes attorneys who previously served in U.S. Attorneys' Offices, the SEC, the DOJ, the NSD, and other prosecutor or regulatory enforcement posts, as well as former senior officials at major regulatory and judicial bodies in the areas of governance, securities laws, stock exchange rules, compliance, and corporate best practices.

■ Recognized Practitioners

The firm's white collar defense attorneys have been recognized for their work on behalf of clients in business and legal media outlets, such as *The American Lawyer*, *Chambers USA*, and *Law360*.

OVERVIEW

Practice Dimension and Scope

Wilson Sonsini has an experienced team of attorneys, including former federal prosecutors and agency enforcement lawyers, who have represented companies and individuals under investigation for, or charged with, alleged violations of business-related federal and state criminal law.

Our attorneys have assisted clients facing all types of inquiries. For example, we have represented clients in informal inquiries involving purported errors and omissions and compliance matters, advising on initial fact-finding efforts, including responding to letters of inquiry or subpoenas. We have also represented clients in formal, official investigations, including parallel criminal and civil proceedings involving potentially significant financial penalties, loss of freedom, or other severe consequences.

We have defended clients facing various types of allegations, including:

- Fraud (including accounting, securities, tax, healthcare, immigration, and mortgage fraud)
- Price-fixing, bid-rigging, or other antitrust claims
- Corruption and bribery charges
- Consumer fraud claims
- Anti-kickback and whistleblower statute violations
- Academic fraud claims

- Export controls violations
- Foreign Corrupt Practices Act (FCPA) violations
- National security-related matters

Collectively, our attorneys have represented clients before all federal enforcement agencies, including the Department of Justice (DOJ), the Securities and Exchange Commission (SEC), Federal Trade Commission (FTC), Commodity Futures Trading Commission (CFTC), Internal Revenue Service (IRS), and Financial Industry Regulatory Authority (FINRA). Our attorneys have also represented clients in conjunction with criminal probes led by various state attorneys general.

Generally, the types of clients who retain our representation in white collar criminal matters include corporate officers and executives, board directors, and other principals. In many cases, we have represented individuals who conduct business in highly competitive industries, including the technology, financial, pharmaceutical, energy, consumer, food, and retail sectors.

Investigations Experience

Wilson Sonsini has an experienced team of attorneys who have represented individuals in conjunction with government and internal investigations, including inquiries related to criminal allegations. We have assisted clients during all phases, from initial inquiries through the completion of investigations, as well as during any post-investigation proceedings or compliance obligations.

For more information about our investigations experience, please see our [Government Investigations practice summary](#), or our [Board and Internal Investigations practice summary](#).

Highly Relevant Subject-Matter Experience

Throughout its existence, Wilson Sonsini has had a sustained, robust transactional practice. That factor, combined with the heightened level of regulatory scrutiny, has given the firm's attorneys the opportunity to amass particular expertise in the following areas:

Financial and Accounting Fraud Matters and Investigations

Wilson Sonsini's attorneys have represented companies and their officers and directors in financial and accounting fraud matters and investigations, including inquiries related to accounting fraud allegations, restatements, financial reporting errors, disclosure issues, potential insider trading violations, and potential Foreign Corrupt Practices Act (FCPA) violations. In a majority of cases, matters involved the SEC and/or DOJ; however, Wilson Sonsini's attorneys have also represented clients during inquiries led by other enforcement agencies.

Foreign Corrupt Practices Act

The firm's investigations attorneys have gained significant experience representing clients in FCPA matters. In addition to designing and implementing comprehensive compliance programs, as well as training company representatives on FCPA compliance, our attorneys conduct internal FCPA investigations and risk assessments, advise on possible FCPA violations, and analyze related laws in foreign jurisdictions. When required, we also represent clients in enforcement actions and litigation involving FCPA and corruption issues. Finally, our investigations attorneys also conduct FCPA and anti-corruption due diligence investigations in conjunction with mergers, acquisitions, financings, and initial public offerings.

Antitrust - Civil Enforcement Investigations (FTC and DOJ)

Our attorneys have represented clients before the FTC and DOJ in connection with civil non-merger investigations for several years. We represent companies' interests before both agencies, either in connection with investigations into business practices or in assisting the agencies when investigating the conduct of others. For more information, please see our [list of representative matters](#) in this area.

Antitrust - Criminal Enforcement Investigations

We have successfully counseled clients on criminal antitrust issues and represented numerous companies and individuals in investigations and grand jury proceedings. Our team of antitrust and investigations practitioners have substantial experience handling international investigations, and we routinely represent foreign companies and executives before the DOJ and other competition bodies. For more information, please see our [list of representative matters](#) in this area.

Agency and Regulatory Experience

Criminal enforcement efforts and government investigations cause individuals defendants substantial disruption and pressure, regardless of the veracity of allegations. There is also the prospect of significant damage to one's reputation and overall well-being. The consequences of civil or criminal liability are infinitely serious for individual defendants. In short, individuals charged with allegations of wrongdoing depend heavily on proven, experienced legal counsel throughout the course of civil and/or criminal proceedings.

Wilson Sonsini's white collar criminal practice consists of senior-level practitioners who are subject-matter experts in highly relevant areas.

For example, Wilson Sonsini's attorneys have previously held significant roles in U.S. Attorneys' Offices, the SEC, the DOJ, the NSD, and other prosecutor or regulatory enforcement posts. Members of the team include:

- A former federal prosecutor in the Criminal Division of the U.S. Attorney's Office for the Eastern District of New York
- A former assistant U.S. attorney in the Criminal Division of the U.S. Attorney's Office for the Southern District of New York
- A former federal criminal prosecutor for the Northern District of California
- A former two-term member of the Advisory Committee on the Federal Rules of Criminal Procedure for the U.S. Judicial Conference, appointed by Chief Justice Roberts
- A former enforcement attorney from the SEC's Division of Enforcement
- A former assistant chief of the National Criminal Enforcement Section in the DOJ's Antitrust Division
- A former special assistant to the directors of enforcement in the DOJ's Antitrust Division's Office of Operations
- A former special counsel for international trade in the DOJ's Antitrust Division

Wilson Sonsini's team also includes current and former senior officials at major regulatory and judicial bodies in the areas of governance, securities laws, stock exchange rules, compliance, and corporate best practices, including:

- A former Chancellor of the Delaware Court of Chancery
- A former Vice Chancellor of the Delaware Court of Chancery
- The current chair of the NYSE Commission on Corporate Governance
- A current member of the IPO (JOBS Act) Task Force created by the U.S. Treasury Department
- A current member of the Advisory Board of the Securities Regulation Institute
- A member of the SEC Advisory Committee on Smaller Public Companies
- The current co-chair of the NASDAQ Listing and Hearing Review Council
- The current chairman of the NYSE Enforcement and Listing Standards Committee

Other attorneys in Wilson Sonsini's white collar criminal practice are closely familiar with the board and board committee composition and independence considerations often tied to government investigations and criminal proceedings.