

# FOREIGN CORRUPT PRACTICES ACT (FCPA) GROUP

## Reducing the Risks of Doing Business Overseas

The U.S. Foreign Corrupt Practices Act (FCPA) presents numerous challenges to U.S. companies operating outside the U.S., as well as to foreign companies with a U.S. business nexus. As the scope and intensity of FCPA enforcement activity continues to expand, so do the implications of failing to keep up with evolving enforcement trends and increasing compliance expectations.



Our first-class team of FCPA attorneys includes former senior government officials from both the U.S. Department of Justice and the SEC. It is led by the former Assistant Attorney General in charge of the Criminal Division of the Department of Justice. Handling significant FCPA matters from both sides of the table has given our team a strong and current command of how this important statute is being enforced in today's business environment.

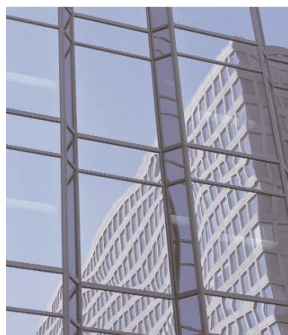
### FCPA Challenges

The FCPA is extremely difficult to navigate. There are few court opinions, and U.S. authorities have provided only limited public guidance regarding application of the statute. Moreover, the enforcement community has pointedly refused to establish any "safe harbors" or otherwise identify a simple course of conduct which, if followed, would allow companies and individuals to avoid or remedy FCPA violations. Given the sea change in FCPA enforcement activities and compliance expectations over the past 5 years, as well as the dramatic increase in sanctions associated with FCPA cases, the importance of keeping abreast of FCPA developments cannot be overstated. Accordingly, practitioners in this area must interact regularly with enforcement officials to elicit practical guidance about evolving enforcement trends.

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### Alleviate FCPA Risks with King & Spalding

You need attorneys with experience and established relationships throughout the enforcement community in order to alleviate risks associated with the FCPA. Our team has a significant edge in both regards. We know what the enforcement authorities expect -- in conducting internal investigations, taking remedial actions, designing compliance programs, etc.; we have sufficient depth to handle numerous, simultaneous investigations around the world; we have the experience to recognize where investigative lines may be appropriately drawn; and, we have a high level of credibility with the enforcement authorities which allows them to be confident regarding our findings and representations.



## Foreign Corrupt Practices Act (FCPA) Group

*To provide our clients with the most experienced FCPA professionals, King & Spalding has assembled a team that includes the former Assistant Attorney General in charge of the U.S. Justice Department's (DOJ) Criminal Division, other former senior DOJ officials, several former Assistant U.S. Attorneys and a former senior SEC enforcement official. The following comprises our team of partners in FCPA matters:*



**Chris Wray** recently rejoined King & Spalding after serving as the 33rd Assistant Attorney General in charge of the U.S. DOJ Criminal Division. He now chairs our firm's Special Matters & Government Investigations

Practice Group. As the Criminal Division's head from 2003 to 2005, Mr. Wray led investigations, prosecutions, and policy development in nearly all areas of federal criminal law, including securities fraud, FCPA enforcement, export violations, and international cooperation. He also served on the President's Corporate Fraud Task Force and played an integral role in the DOJ's response to the 9/11 terrorist attacks. Before his nomination by President Bush, he served from 2001 to 2003 as the Principal Associate Deputy Attorney General. He also served for many years as an Assistant U.S. Attorney for the Northern District of Georgia, where he handled a wide variety of federal jury trials, grand jury investigations and appeals.



**Zack Harmon** Zack Harmon rejoined King & Spalding in 2003 after serving as Counsel to U.S. Deputy Attorney General Larry D. Thompson, as a trial attorney on the Enron Task Force, as a Special Assistant U.S.

Attorney in the District of Columbia, and as a prosecutor in DOJ's Tax Division. Currently, he focuses on litigation, investigations and compliance counseling involving the FCPA. He has represented numerous Fortune 500 companies in far-reaching global investigations, in dealings of all kinds with the SEC and DOJ, and in the development of comprehensive FCPA compliance programs. These matters have involved Europe, China, India, Turkey, Malaysia, Indonesia, Brunei, Kazakhstan, Russia and Latin America. In addition to speaking on panels concerning FCPA enforcement trends and compliance expectations, he recently co-authored an article in *Medical Device & Diagnostic Industry* entitled, "Risk Areas for Overseas Sales and Marketing,"

contributed to the 2008 International Medical Device Compliance Code Compendium and was interviewed regarding FCPA trends and developments by UK publication *Strategic Risk*.



**Russ Ryan** focuses on representing clients in enforcement investigations conducted by the SEC and other securities regulators, litigating securities cases, conducting corporate internal investigations, and advising clients on related corporate governance issues. Mr. Ryan joined King & Spalding after a 10-year career in the SEC's Division of Enforcement, including three years as Assistant Director of the Division. While at the SEC, he investigated, litigated and supervised a broad range of enforcement matters involving public company accounting and financial disclosure, auditor independence, FCPA compliance, insider trading, broker-dealer regulation and supervision, Internet fraud, microcap stock manipulation, and "prime bank" fraud. Just before joining King & Spalding, Mr. Ryan oversaw the SEC's investigation and settlement of FCPA charges brought against Syncor International Corporation.



**Wick Sollers** Managing Partner of the Washington, D.C. office, specializes in FCPA cases, internal corporate investigations, representation before congressional committees, federal criminal trials and general civil litigation, including *qui tam* cases. His experience includes representation of Lockheed Martin Corporation involving allegations of bribes to a member of the Egyptian Parliament. He has argued cases before the U.S. Supreme Court and various federal courts. Mr. Sollers represented former President George Bush in the Iran-Contra and Clinton Passport Independent Counsel investigations. Before rejoining King & Spalding, Mr. Sollers served as an Assistant U.S. Attorney for the District of Maryland.



**Gary Grindler** focuses on white collar criminal defense, internal corporate investigations and complex civil litigation, including FCPA matters. Before joining King & Spalding, he served as Principal Associate Deputy Attorney General and as Counselor to the Attorney General. He has worked on issues relating to white collar investigations and prosecutions, law enforcement, national security, Independent Counsel investigations, FCPA matters, money laundering, and computer crimes. From April 1995 through May 1998, Mr. Grindler served as Deputy Assistant Attorney General in the Civil Division where he represented the Secret Service in the investigation conducted by Independent Counsel, Kenneth Starr. He also represented the President of the United States, Bill Clinton, in depositions regarding two Independent Counsel prosecutions arising out of the Whitewater Investigation. From 1982-1984, Mr. Grindler served as an Assistant United States Attorney.



**Steve Cowen** focuses on white collar criminal defense, complex civil litigation, and internal corporate investigations. His experience includes defense of corporations and individuals in white collar criminal and civil fraud matters including: health care, government procurement, securities, tax, antitrust, foreign payments and campaign finance investigations. Before joining King & Spalding, he was First Assistant and Chief of the Criminal Division in the Atlanta U.S. Attorney's Office and Chief of the Civil Division. He was also a prosecutor in the U.S. Attorney's Office in Tampa and was in the Civil Division of the U.S. Attorney's Office for the District of Columbia with responsibility for a wide variety of civil matters on behalf of the government.



**Grace Rodriguez** focuses on internal investigations, white collar criminal defense, and complex civil litigation. Her experience includes numerous internal investigations for public and private companies regarding financial reporting and securities issues, whistleblower issues, manufacturing, environmental, health and safety issues, and the FCPA. Ms. Rodriguez received her B.A., *cum laude*, from Harvard University in 1983 and her J.D. from Columbia University in 1986. She served as Editor of the *Columbia Law Review* and was a Harlan Fiske Stone Scholar. Prior to joining King & Spalding, Ms. Rodriguez was with Davis Polk & Wardwell, where she represented clients in civil and criminal matters

involving securities and antitrust issues. She is a member of the New York and District of Columbia bars.



**Paul Murphy** focuses on white collar criminal defense, internal corporate investigations, and complex civil litigation, including FCPA matters. He rejoined the firm in 2004, after seven years with the Department of Justice. Most recently, he served as the U.S. Attorney for the Southern District of Georgia, under appointments by Attorney General John Ashcroft and then later by the District Court. Prior to that, he served in Washington, D.C. as Associate Deputy Attorney General and Chief of Staff to the Deputy Attorney General. He also was an Assistant U.S. Attorney in the Southern District of Georgia.



**Drew Hruska** focuses on criminal and regulatory litigation and investigations, complex civil litigation, and internal investigations. His experience includes securities, commercial banking, insurance, insurance brokerage, hedge funds, and major industrial companies concerning criminal and civil enforcement in the areas of securities, antitrust, false claims, foreign corrupt practices, taxation, international trade sanctions, and immigration restrictions. Before joining King & Spalding, Mr. Hruska served as the Chief Assistant U.S. Attorney for the Eastern District of New York as well as Senior Counsel to United States Deputy Attorney General Larry Thompson and Assistant District Attorney in the Manhattan District Attorney's Office's Frauds Bureau. Mr. Hruska graduated, *cum laude*, from Yale College and received his law degree from Yale Law School.



**Ken Reisenfeld** focuses on international arbitration and litigation, FCPA matters, export controls and economic sanctions advice, antiboycott regulations, internal investigations and enforcement proceedings, compliance training, and Exon-Florio reviews. He is included in Nationwide Band 1 for FCPA expertise in *Chambers USA* 2008. Mr. Reisenfeld received his B.A., with Honors and Phi Beta Kappa distinction, from Oberlin College in 1975 and his J.D. from Harvard Law School in 1978.

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# Proven Success

*King & Spalding has defended numerous FCPA clients in a variety of industries, including medical device, energy, pharmaceutical, technology, and defense. We have represented companies in regions around the world, including Europe, Africa, Latin America, the Middle East, and the Far East.*

## Recent Civil and Criminal FCPA Matters

- Representing a Fortune 500 medical device company in a significant multi-national investigation in Europe, in coordination with the SEC and DOJ.
- Represented a Fortune 10 company in a far-ranging investigation involving the Far East which was disclosed to the SEC and DOJ. No action taken by the government.
- Represented the Audit Committee of a global corporation regarding conduct in the Far East. Self-reported to DOJ and the SEC. No action taken by the government.
- Represented individuals in numerous matters involving DOJ's Fraud Section and various U.S. Attorney's offices.

## Recent Internal Investigations and Consulting

- Represented the Audit Committee of a company that issued publicly traded bonds. Reviewed FCPA allegations involving payments to government officials in China. Made recommendations to Audit Committee and worked with the company's counsel. Decision made not to self-report. No investigation initiated.
- Conducting an internal investigation of alleged FCPA violations for a global company, including advice on disclosure and other Sarbanes-Oxley issues.
- Guiding the responses of numerous companies to potential FCPA concerns discovered in the course of corporate acquisitions, including advice on disclosure and preparedness for government investigations.
- Conducted an internal investigation of potential FCPA issues in the Far East, Europe and Latin America for a major multinational company.

## FCPA Compliance Programs

- Assisting numerous Fortune 500 companies in the development of comprehensive FCPA compliance programs.
- Assisting a global services company, a major energy company, an international manufacturing company and several others in vetting and contracting with non-U.S. consultants and agents.
- Providing training to numerous companies regarding compliance with the FCPA.

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# Contacts

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