

Global Anti-Corruption and FCPA Practice

Counseling and Defending
on Multiple Fronts and
Across Borders

A photograph of a city skyline at sunset. The sky is a mix of orange, yellow, and blue. In the foreground, there is a body of water reflecting the sunset. Several tall buildings are visible, including two prominent towers with a lattice-like facade. The overall scene is serene and professional.

KING & SPALDING

Two-time *Law360*
“White Collar Practice Group
of the Year”

A “global powerhouse”
that “strives to deliver
excellence and consistency
in client service”
— *Law360*

BTI Consulting Group
selected King & Spalding as a
“Client Service A-Team” for
13 consecutive years.



FCPA Counsel with Experience, Perspective, and Judgment



The U.S. Department of Justice (“DOJ”) and Securities Exchange Commission (“SEC”) recently obtained nearly \$2.5 billion in financial penalties and disgorgement for FCPA violations in a single year—the highest amount in the history of the statute.

With this strong anti-corruption push expected to continue, increasingly seasoned government investigators, and potentially devastating consequences at stake, having experienced counsel for anti-corruption matters is more important than ever.

King & Spalding’s Global Anti-Corruption and FCPA team is known for its extensive experience on both sides of the table and its strong network of relationships in the global enforcement community. This gives us the perspective, credibility, and judgment to counsel clients on multiple fronts and across borders—and helps reduce business and legal risks when operating overseas.

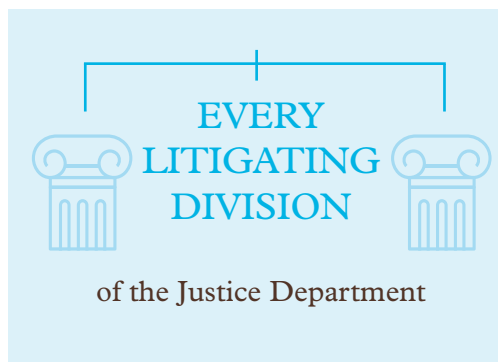
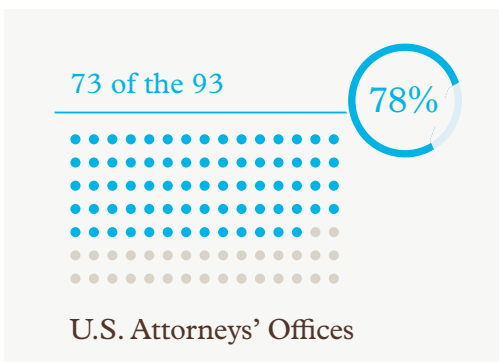
“Clients are kept out of the public eye” by a team “packed with former federal prosecutors.”
— *Global Investigations Review*

King & Spalding's Government Enforcement Team

Our government investigations team includes a former senior prosecutor in the Criminal Division's FCPA unit, an acting Assistant Attorney General in charge of the Civil Division, an acting U.S. Deputy Attorney General, a Chief of Staff to the Attorney General, a Regional Director of the SEC's Northeast Regional Office, an Assistant Director of the SEC's Enforcement Division, an Inspector General of the Department of Defense, the United States Attorneys from four different districts, supervisors from multiple U.S. Attorneys' Offices, including both the Southern and Eastern Districts of New York, and numerous Deputy Assistant Attorneys General from DOJ's Criminal, Civil, and Antitrust Divisions.

These expert professionals are complemented by other seasoned lawyers who have devoted their careers to government and internal investigations, including over 40 former federal prosecutors and other senior enforcement officials. Together, they have earned King & Spalding recognition as "the premier firm in this practice area" (*U.S. News & World Report/Best Lawyers*).

We have handled investigations before:



Strategic Investigations to Protect Your Business

We conduct high-stakes internal investigations and responses to government inquiries that are methodical, thorough, and efficient—with an eye toward achieving the best possible outcome for your business strategy.

- We sequence and prioritize responses to criminal, regulatory, civil, and legislative inquiries—across the U.S. and globally—by weighing how actions on one front impact outcomes on other fronts.
- We design robust document review that is managed closely for consistency and accuracy to avoid re-review and unnecessary expenses.
- We coordinate civil defense strategy with criminal investigation to (1) minimize risks through government cooperation and (2) protect confidential information that could be exploited by plaintiffs.
- We proactively consider any additional disclosures and how they may affect potential SEC or shareholder lawsuit exposure.
- We coordinate among counsel for the company, Board, and Audit Committee.
- We understand a company’s need to communicate in a disciplined and proactive way with the public and internally to manage consumer relationships, employee morale, and public opinion.

“Very strategic,”
“tremendously professional in every respect,” “seamless,” and
“terrific—very collaborative and politically savvy.”

— *Chambers USA*

Proactive Counsel to Prevent Future Issues

Our team of lawyers has extensive experience advising companies on compliance issues and includes former compliance professionals from major international corporations. Armed with this experience, we develop and implement compliance and due diligence plans that help you anticipate, prevent, and resolve issues before they become more serious.

ANTI-CORRUPTION COMPLIANCE CONSULTING

- Comprehensive anti-corruption compliance programs that address evolving enforcement expectations.
- Customized anti-corruption training.
- Exhaustive anti-corruption risk assessments, including fieldwork around the world.

DUE DILIGENCE

- Rigorous due diligence for high-stakes mergers, acquisitions, private equity deals, and other business transactions, both before and after the transactions close.
- Reviews of third parties, including joint venture partners, agents, consultants, vendors, and business introducers.

Representative Matters

Represented a large, multinational restaurant franchisor in the design and implementation of its new FCPA compliance program, which included numerous novel compliance issues presented by the restaurant franchise model.

Assisted in the complete redesign of an anti-corruption compliance program for a major freight forwarding company.

Designed and helped implement an anti-corruption compliance program for a large joint venture in the Middle East that is providing healthcare to employees of one of the largest companies in the region.

Representative Matters

Represents a global energy company with numerous anti-corruption due diligence projects, which generally involve significant mergers, acquisitions, and other business transactions. These due diligence projects are akin to internal investigations in that they involve significant document review and large numbers of interviews throughout the world. K&S teams have been dispatched to numerous countries in Africa, the Middle East, and Europe in connection with these comprehensive anti-corruption due diligence projects.

Conducted due diligence for a major joint venture project in Kazakhstan involving a significant, multiyear infrastructure project for the joint venture.

Effective, Efficient, and Discreet Anti-Corruption Representation When You Need It Most

We closely manage the internal investigations and government inquiries our clients face—no matter how complex and far-reaching they are. Through our experience on both sides of the table in anti-corruption investigations, we have earned a high level of credibility with enforcement authorities that allows us to advise clients to the best possible outcome, and to do so out of the public eye. But if we need to fight, we know how to win.

INTERNAL INVESTIGATIONS

- Internal investigations ranging from surgical examinations of specific issues to comprehensive, multi-national projects.
- Coordinated simultaneous investigations around the world.
- Counsel on related issues that arise in anti-corruption inquiries, including sanctions, money laundering, fraud, and antitrust.

Representative Matters

Represented a state-owned Malaysian company in investigating allegations that it awarded millions of dollars of energy-related contracts in violation of Malaysia's anti-corruption laws.

Represented a global food, energy, and transportation company in a wide-ranging Department of Justice investigation of money laundering, anti-corruption, and OFAC issues in West Africa, Syria, and other locations.

GOVERNMENT INQUIRIES

- Representation in investigations and proceedings brought by FCPA enforcement authorities and their international counterparts.
- Anti-corruption investigations and strategies that identify improper conduct and quickly remediate issues.

Representative Matters

After successfully defending a global insurance broker against a multiyear, multi-jurisdictional FCPA investigation by the DOJ and SEC (declinations were granted by both agencies), we continue to represent the broker in ongoing anti-corruption compliance and due diligence projects in 45 countries on three continents.

Represented three employees of a major pharmaceutical company in connection with FCPA investigations by the DOJ and the SEC. The investigation focused on certain payments and transactions involving vendors and charitable organizations with which the company had done business in Eastern Europe and Latin America.

A Seasoned Anti-Corruption Team with Global Capabilities

When you engage us for your anti-corruption matters, you get a world-class team of seasoned attorneys with decades of investigative experience around the world. When multiple parallel investigations in different countries are required, we have the depth to handle them in close coordination—ensuring every issue is uncovered and addressed efficiently.

Our team practices from nine offices in the U.S. and 11 international offices, and has handled anti-corruption investigations in more than 100 countries.



Global Investigations Review
recognized our FCPA
practitioners as among the
nation’s “Best FCPA Lawyers.”

Select Matters: Latin America

We conducted simultaneous investigations in a dozen Latin American countries as part of post-acquisition anti-corruption due diligence for a major multinational conglomerate.



Select Matters: Europe, Middle East & Africa

In an industry-wide government sweep of medical device companies, we represented a major medical device client in an investigation that resulted in both the SEC and DOJ closing their investigations without pursuing enforcement actions—while most other companies were forced to settle.

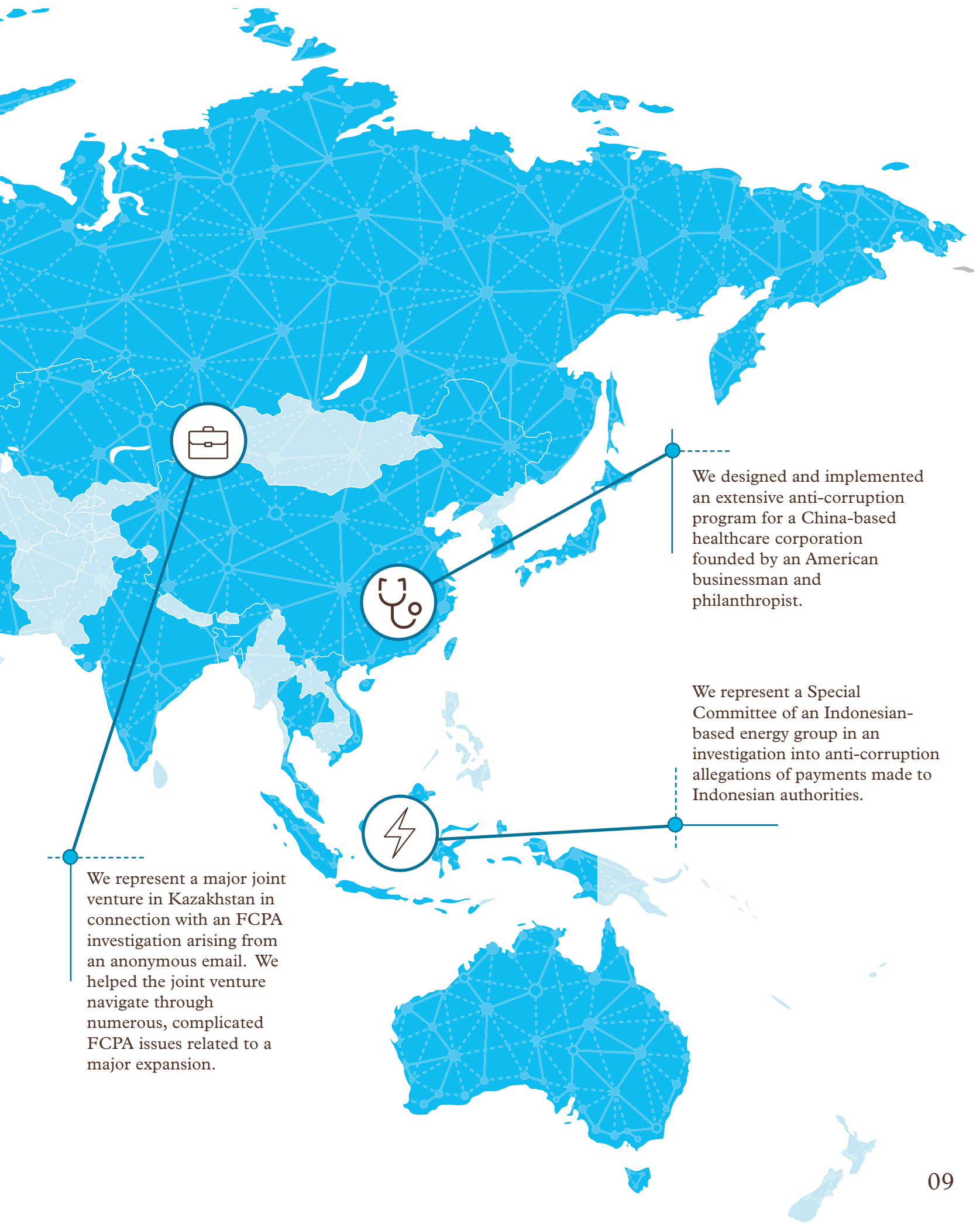
We represent an oilfield service company in its response to inquiries from the DOJ related to interactions between Unaoil and a company whose assets our client purchased.

We represent an oilfield services company in an anti-corruption investigation of its operations in Angola and Iraq, including responding to inquiries from the SEC and the DOJ.

We successfully defended in French criminal court an industrial and environmental machinery supplier against allegations that it paid bribes to Iraqi government officials.



Select Matters: Asia Pacific



We represent a major joint venture in Kazakhstan in connection with an FCPA investigation arising from an anonymous email. We helped the joint venture navigate through numerous, complicated FCPA issues related to a major expansion.



We designed and implemented an extensive anti-corruption program for a China-based healthcare corporation founded by an American businessman and philanthropist.



We represent a Special Committee of an Indonesian-based energy group in an investigation into anti-corruption allegations of payments made to Indonesian authorities.

Coordinated Guidance through Complex Corruption Investigations

Corruption issues are often intertwined with a range of other legal concerns involving many different stakeholders. We work together across practice groups and industries—one area of expertise informing another—to provide you with cost-effective, informed, and well-coordinated counsel.

U.S. Department of Justice

The DOJ Criminal Division in Washington and 93 U.S. Attorneys' Offices around the country investigate and prosecute violations of the FCPA and can impose severe penalties, including jail time, fines, and corporate monitors.

Our team understands DOJ's enforcement priorities and processes from having worked there. Many of us are former prosecutors and investigators, including recent leadership from the DOJ's FCPA unit.

U.S. Congress

High-profile investigations can lead to inquiries from Congressional investigative committees. Congress continues to debate whether the statute should be amended, perhaps to include a compliance defense.

We have extensive experience both conducting Congressional investigations and representing clients before Congressional investigative committees, and can assist you through these complicated and often intense inquiries.

U.S. Securities and Exchange Commission

The SEC is responsible for civil enforcement of the FCPA, and its jurisdiction includes non-U.S. companies whose shares are traded in the U.S. Its whistleblower program provides significant monetary awards to eligible whistleblowers.

Our team includes practitioners with extensive SEC enforcement experience—including former senior SEC officials—who know the SEC's expectations and how to meet them.



U.S. Law Enforcement Agents

The DOJ works with the FBI and other agencies to investigate international corruption. The Department of Homeland Security also has broad authority to investigate cross-border financial crimes, and the IRS has jurisdiction over tax, money laundering, and bank secrecy laws.

We know how to work with agents and investigators in a variety of federal agencies—particularly those that deal with corruption-related crimes.

Foreign Authorities

Myriad foreign enforcement agencies enforce local anti-corruption laws. The OECD requires member countries to enact and enforce bribery laws. Multilateral investment banks investigate corruption and suspend or debar offending companies.

We are experienced with the foreign local anti-corruption laws—such as the UK Bribery Act, the French “Sapin II” law, and the Brazil Clean Companies Act—and how to coordinate issues with the foreign agencies that enforce them.

Shareholders

Shareholders of companies under investigation may bring class action suits that allege and seek damages attributed to management corruption, fraud, negligence, and malfeasance.

We run investigations designed to identify improper conduct while protecting investigative findings to limit harm imposed by related shareholder class action suits.

Departments of Commerce, State, and Treasury

Commerce lists foreign public bribery as a trade barrier and encourages reporting. State engages with U.S. companies doing business overseas to combat corruption and bribery. Treasury administers and enforces economic and trade sanctions.

When necessary, we manage interactions with these government departments whose activities—such as economic and trade sanctions—often intersect with anti-corruption issues.

The Public

Corruption investigations can damage consumer relationships, employee morale, and public opinion of your brand.

We properly scope and manage investigations to protect your reputation and relationships.

Valued Counsel through FCPA Challenges

What our clients and peers are saying:

“particularly strong in government investigations and contested proceedings”

“frequently advises clients facing inquiries into ... FCPA violations, as well as bet-the-company criminal proceedings”

“the team is very impressive”

“they are very thorough and good at keeping us informed”

“a global powerhouse”

“provides timely advice which is practical rather than theoretical”

“they are cost conscious and they respect our economics”

“highly recommended”

“They have a really thorough and expert understanding of the law, and also of the various government departments and how they do things.”

“They give us options instead of just legal analysis ... their communication is very clear; when they write it’s not in cryptic legal notes but can be easily passed on to a board.”

“I couldn’t say enough about their integrity and thoroughness. They were an absolute pleasure to work with.”

“provides a very high level of service and its lawyers display a deep knowledge of their subject matter”

— Excerpted from *Chambers, Legal 500, Law360, Global Investigations Review*

In some jurisdictions, this may be considered “Attorney Advertising.”

King & Spalding consists of King & Spalding LLP, a Georgia, U.S., limited liability entity, and affiliated limited liability entities in the U.S., England, and Singapore.

Noted as “top-notch,” “straight shooters,” “collaborative,” and providing “transparency and candor” to clients in investigative work.

— *Chambers*



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