

SUBJECT *to* INQUIRY



GOVERNMENT REGULATORY &
CRIMINAL INVESTIGATIONS

RESOURCE GUIDE

Second Edition

ABOUT THIS GUIDE

This guide contains a condensed selection of important insights and guidance from the attorneys in our Government, Regulatory and Criminal Investigations (GRCI) Department, compiled for our clients and friends. We trust you will find it valuable.

With offices in 19 U.S. cities and throughout the world, McGuireWoods is ready to deliver the experience our clients need to handle any GRCI matter their organizations may face.

Feel free to call any of us regarding issues related to government, regulatory and criminal investigations, or other areas of law in which you believe McGuireWoods can be helpful. In addition, if there is anything you would like to see in future editions of this guide, please let us know. Contact information for contributing attorneys is inside the back cover.

Disclaimer: The McGuireWoods Government, Regulatory and Criminal Investigations Resource Guide is intended to provide information of general interest to the public, and is not intended to offer legal advice about specific situations or problems. McGuireWoods does not intend to create an attorney-client relationship by offering this information, and anyone's review of the information shall not be deemed to create such a relationship. You should consult a lawyer if you have a legal matter requiring attention.

For further information, please contact a McGuireWoods lawyer

Government, Regulatory & Criminal Investigations RESOURCE GUIDE

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Do you have a strong handle on Foreign Corrupt Practices Act issues within your international operations?

Do you have a plan for handling an Immigration and Customs Enforcement raid on a manufacturing plant?

Is your compliance organization handling red flag issues appropriately?

Do you have a plan for responding to government audits of your use of TARP and other economic recovery funds?

Are your employees up to speed on export controls?

Are you prepared to handle multi-pronged investigations by the SEC, FINRA, state attorneys general and criminal authorities?

Do you understand the legal issues associated with participating in the political process or lobbying the government?

If a government agency contacted you about these kinds of issues tomorrow, would you know how to respond?

INTRODUCTION

When your organization faces a threat to its reputation, its financial well-being, and perhaps even its existence, every decision matters. Timing is critical. McGuireWoods' Government, Regulatory and Criminal Investigations Resource Guide is designed as a user-friendly reference for in-house attorneys, compliance officials and executives across any industry – no matter the size or scope.

This guide provides overviews for key areas of law related to internal investigations, as well as suggestions for proper responses to the general risks posed in each area. It also includes at-a-glance contact information for McGuireWoods attorneys. This guide will help you identify potential problems and issues, and prepare you for conversations with an attorney. Other McGuireWoods resources – such as the blogs SubjectToInquiry.com and BriberyLibrary.com – may also be helpful in this regard. None of these resources, however, can eliminate the need for consultation with an attorney. The law in many of these areas is rapidly changing. Specific questions can only be answered by professionals with experience.

We hope you will need this guide infrequently – if ever. However, we recommend keeping it near your desk, just in case.

- Pervasiveness of wrongdoing within the corporation.
- Corporation’s history of similar conduct.
- Corporation’s timely and voluntary disclosure of wrongdoing, and its willingness to cooperate in the investigation of its agent.
- Existence and adequacy of the corporation’s pre-existing compliance program.
- Corporation’s remedial actions.
- Collateral consequences of an indictment or conviction.
- Adequacy of the prosecution of individuals responsible for the corporation’s malfeasance.
- Adequacy of other, non-criminal, remedies such as civil or regulatory enforcement actions.

HOW MCGUIREWOODS CAN HELP

Each white collar matter is unique, but McGuireWoods has represented many corporate and individual clients for DOJ investigations, SEC and corporate compliance investigations, congressional inquiries, grand jury investigations, regulatory or administrative investigations, criminal investigations, and inquiries by state attorneys general.