

Hot Topics in Investigations

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Agenda - Discussion Points (Part I)

- International and Multi-national Investigations Issues

- Worldwide Enforcement
 - Rise in enforcement
 - Cooperation (international, federal, state)
- Investigative Issues
 - Data privacy
 - Privilege
 - Employment laws
 - Local counsel issues
- Local regulations / violations

- Yates Memorandum

- Summary of Yates Memorandum (Sept 2015)
- Implications for Company
 - A/C Privilege
 - Individual Cooperation and Counsel
 - Impact on length of investigations
 - Employee interviews (warnings)
 - Impact of corporate structure
 - Settlement negotiations
 - Applied fairly and uniformly?

Agenda - Discussion Points (Part II)

- FCPA Updates

- Enforcement Update
- FCPA Compliance Counsel
- Increased Staffing
- SEC self-disclosure requirement for NPA / DPA
- Declinations with disgorgement

- FCPA Pilot Program

- Cooperation / Remediation / Disclosure
- Benefits
- Examples of Cases
- Long term impact

Resolutions after FCPA Pilot Program Announcement													
Company	Akamai	Nortek	Johnson Controls	Analogic	LATAM	Key Energy	Astra Zeneca	Nu Skin	AB-InBev	Och-Ziff	HMT LLC	NCH Corp.	GSK
Disclosure	Yes	Yes	Yes	Yes	No	Yes	No	No	No	No	Yes	Yes	No
Cooperation	Yes	Yes	Yes	Partial	Yes	Yes	Yes	Yes	No	Partial	Yes	Yes	Yes
Remediation	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
DOJ	Declin.	Declin.	Declin.	NPA	DPA (3 yrs.)	Declin.	Declin.	Declin.	Declin.	DPA	Declin.	Declin.	Declin.
SEC	NPA	NPA	C&D	C&D	C&D	C&D	C&D	C&D	C&D	C&D	N/A	N/A	C&D
Investig. Length	~17 mo.	~17 mo.	~3 yrs	~5 yrs.	~6 yrs.	~2 yrs.	~10 yrs.	~3 yrs.	~7 yrs.	~5 yrs.	Unk.	Unk.	~7 yrs.
Disbursement	\$652K + \$19.4K int.	\$291K + \$30K int.	\$11.8M + \$1.4M int.	\$7.67M + \$3.81M int.	\$6.74M + \$2.7M int.	\$5M	\$4.325M + \$822K int.	\$431k + \$34.6k int.	\$2.7M + \$292K int.	\$173M + \$25.8M int.	\$2.7M	\$335K	\$0
Penalties	\$0	\$0	\$1.18M (SEC)	\$3.4M (DOJ)	\$12.75M (DOJ)	\$0	\$375K (SEC)	\$300k (SEC)	\$3M (SEC)	\$213M (DOJ)	\$0	\$0	\$20M (SEC)
Monitor	No	No	1-yr. self	3-yr. self	27-mo. indep.	No	No	No	2-yr. self	3-yr indep.	No	No	No
Value of Alleged Misconduct	\$155K	\$290K	\$4.9M	\$20M	\$1.15M			\$431k		~\$5M	\$500K	\$44K	\$482M
Other Factors Cited by DOJ or SEC	Will coop. in indiv. Investig.; will enhance compli.	Will coop. in indiv. Investig.; will enhance compl.	Will coop. in indiv. Investig.; will enhance compl.	No crim. history; will coop. in indiv. Investig.; will enhance compl., serious offense	Crim. history; serious offense; will coop. in indiv. investig.; will enhance compl.	Will coop. in indiv. Investig.; will enhance compli.	Will coop. in indiv. Investig.; will enhance compl.	Coop. and prompt remedial action to enhance compl.	Business dissolved; amend. agmts; add'l training; doc destruct.; delays in coop.	Coop.; internal investig; high value; serious offense	Self-discl; coop.; enhance compl.; action against indiv.	Self-discl; coop.; enhance compl.; action against indiv	Coop.; internal investig.; enhance compl.; changes in business ops