

# Anti-Corruption and FCPA



**Davis Polk**

ATTORNEY ADVERTISING. Prior results do not guarantee a similar outcome. Description of a matter herein does not indicate one way or the other whether Davis Polk regularly represents the named client.

Davis Polk litigators represent corporate and individual clients in some of the largest and most significant anti-corruption matters.

Our elite global enforcement and investigations practice includes lawyers in the United States, Europe and Asia. We have extensive experience in advising clients on compliance with the FCPA and the Bribery Act, acquisition due diligence, internal investigations, and governmental investigations and enforcement actions.



## Investigations and Enforcement Actions

Davis Polk has vast experience in conducting internal investigations and guiding companies through the risks they face with global operations. We help clients anticipate and comply with the evolving and heightened standards of government enforcement agencies.

### Representative Matters

**Telia** in one of the largest FCPA resolutions, involving allegations that employees paid bribes to enter the Uzbekistan market. The global settlement included resolutions with the DOJ, SEC and Dutch and Swedish authorities.

**Siemens** in one of the largest FCPA investigations in U.S. history, which resulted in a landmark settlement with DOJ and the SEC. We also coordinated the company's global defense to investigations in multiple jurisdictions and a settlement with the World Bank.

**Numerous global financial institutions** in connection with FCPA investigations by the DOJ, SEC and other local and international regulatory agencies into hiring practices in Asia, the so-called princelings investigations. We recently secured no enforcement action from the SEC for three separate financial institution clients in these matters.

**A financial institution** in connection with investigations by the DOJ, the Monetary Authority of Singapore and other agencies relating to the 1Malaysia Development Berhad (1MDB) scandal.

**Several clients**, including a financial institution, an oil and gas company, an engineering firm and a real estate firm, in connection with the massive *Operação Lava Jato* (Operation Car Wash) corruption investigations arising out of the Petrobras scandal in Brazil. This is currently one of the largest FCPA cases in the world.

**AstraZeneca** in an investigation by the SEC and DOJ of the pharmaceutical industry across seven countries. The broad-ranging inquiry, which spanned several years, focused on activities, including sales practices, internal controls, distribution, and interactions with health care providers, institutions and government officials. We are also providing advice and assistance in the implementation of enhancements to the company's anti-corruption compliance controls worldwide.

**A former senior executive of British defense contractor BAE** in the much-publicized investigations by the U.S. and U.K. governments into alleged corruption violations by that company.

**IBM Corporation** in a publicly disclosed investigation by DOJ and SEC of FCPA issues in several countries including Poland, Bangladesh, Argentina and Ukraine. Both the agencies declined to bring enforcement actions.

**Cisco Systems** on investigations conducted by the SEC and DOJ into potential breaches of the FCPA related to business activities in Russia and elsewhere in the Commonwealth of Independent States. Both the SEC and DOJ declined to bring enforcement actions.

**Smith & Nephew plc** and its U.S. subsidiary, Smith & Nephew Inc., in connection with the DOJ and SEC settlements of their joint FCPA investigation. We have also advised Smith & Nephew in connection with FCPA-related matters before the SFO.

**A U.K. company** in the first-ever SFO corruption case and in dealings with the World Bank on corruption issues.



## Anti-Corruption Compliance

Clients turn to us for compliance and best practices advice and creative solutions in a multitude of areas, including:



Designing and developing anti-bribery compliance programs and drafting agent agreements, anti-bribery guidelines and compliance policies tailored to multiple corporate operations, structures, locations and cultures



Conducting intensive training programs at all levels for employees and executives of U.S. companies and their overseas subsidiaries in many parts of the world, and for foreign issuers of U.S. securities



Performing risk assessments and compliance reviews through desk audits and site visits



Advising on gift, hospitality and employment issues



Responding to and investigating whistleblower allegations



Advising on best practices with respect to strategic partners and M&A transactions

## Recognition

Davis Polk “impresses the market with its export controls and FCPA expertise... It has been involved in some of the most significant DOJ, SEC and international corruption investigations and advises clients on all facets of FCPA compliance.”

– *Chambers USA*

“The firm, which has a longstanding reputation in the market, is an undisputed leader for FCPA work.”

– *Legal 500 U.S.*

Davis Polk sets an “[e]xcellent standard of FCPA counsel in relation to defending major government enforcement proceedings and advising on compliance programs.”

– *Chambers USA*

## By the Numbers

In the last 24 months...

70+

corruption related assignments



## Acquisition Due Diligence

Companies are expanding their legal due diligence to avoid acquiring or otherwise creating exposure to potential corruption liability, due to the increasing awareness and enforcement of anti-corruption laws worldwide.

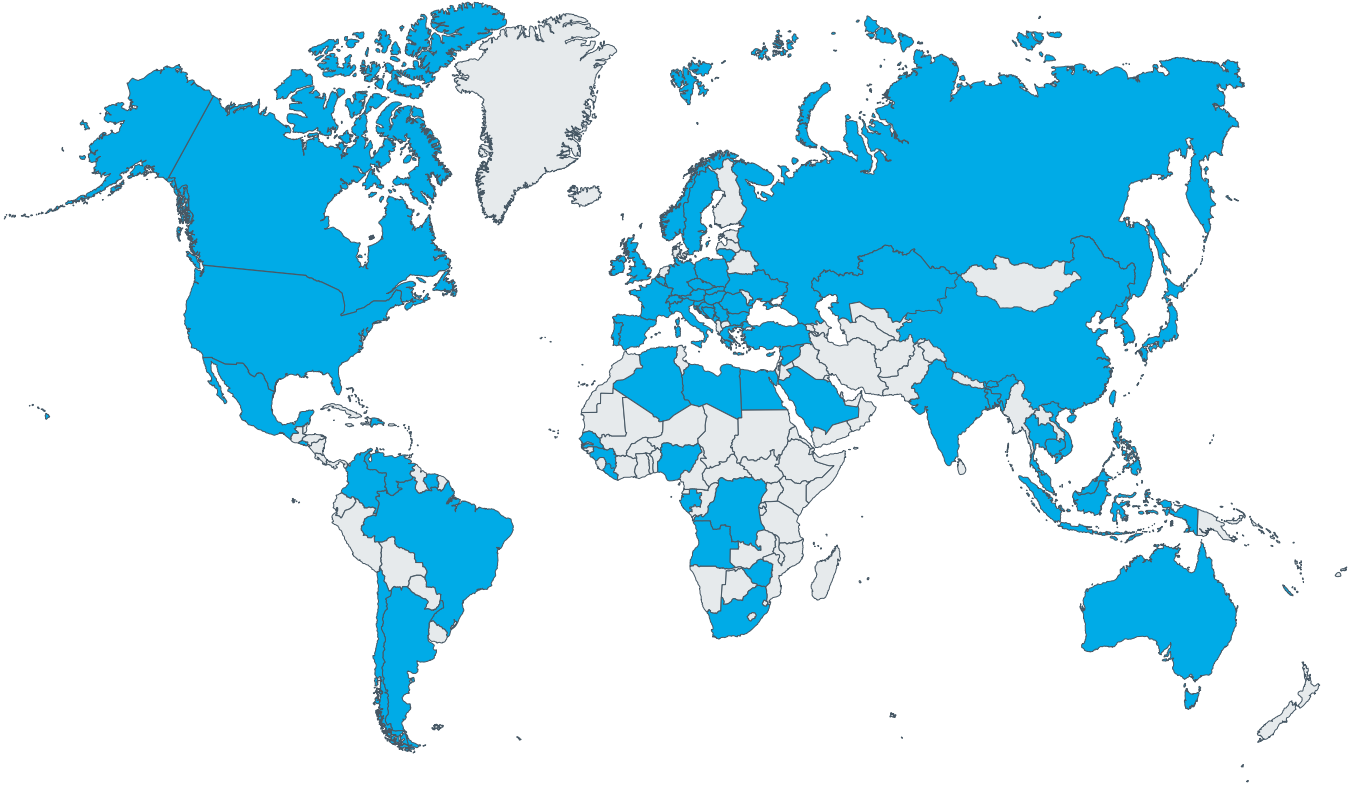
Davis Polk routinely advises clients on how to protect themselves under the FCPA and other transnational anti-corruption measures when engaging in mergers and acquisitions and other corporate transactions.

When conducting due diligence in connection with an acquisition or investment, our FCPA lawyers can identify issues that pose the highest risks for potential violations by a target company, and review their relevant business practices, including those of agents or foreign subsidiaries.



## Global Reach

Davis Polk has conducted confidential corruption-related matters all over the world.



- Algeria
- Angola
- Argentina
- Australia
- Austria
- Bangladesh
- Belgium
- Bosnia & Herzegovina
- Brazil
- Bulgaria
- Cambodia
- Canada
- Chile
- China
- Colombia
- Croatia
- Czech Republic
- Democratic Republic of the Congo
- Dominican Republic
- Egypt
- El Salvador
- France
- Gabon
- Germany
- Greece
- Guinea
- Hong Kong
- Hungary
- India
- Indonesia
- Ireland
- Israel
- Italy
- Japan
- Kazakhstan
- Korea
- Liberia
- Libya
- Lithuania

Davis Polk's anti-corruption and compliance practice in Asia is one of the largest in the region.



## Thought Leadership

Our lawyers have substantial government experience and routinely advise on cutting-edge FCPA developments.



**Seven** of our litigation partners have served in **senior roles**, including four former United States attorneys,” at the **Department of Justice**, several with oversight of the DOJ’s **FCPA program**.



As the SEC’s **Director of Enforcement**, one of our partners supervised the **SEC’s global FCPA program**. Another partner supervised the **DOJ’s global FCPA program** as the **Head of DOJ’s Fraud Section**.



Three of our litigation partners have held supervisory positions in the **corruption units of the most high-profile federal districts in the U.S.** – the Southern District of New York and the Eastern District of Virginia.



Davis Polk lawyers have **served as monitors** for the **SEC and DOJ in connection with FCPA investigations**.

We pioneered the use of deferred prosecution agreements, monitorships and hybrid monitorships – tools frequently used as alternatives to criminal prosecution in resolving FCPA investigations.

- Luxembourg
- Malaysia
- Mexico
- Morocco
- Nigeria
- Norway
- Pakistan
- Philippines
- Poland
- Portugal
- Qatar
- Romania
- Russia
- Saudi Arabia
- Serbia
- Singapore
- Slovakia
- Slovenia
- South Africa
- South Korea
- Spain
- Suriname
- Sweden
- Switzerland
- Syria
- Taiwan
- Thailand
- Turkey
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- Venezuela
- Vietnam
- Zimbabwe

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