

Federal Judge Acquits Ex-Alstom Executive on FCPA Charges Post Jury Verdict

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On February 26, a long-running legal battle over the scope of the Foreign Corrupt Practices Act (“FCPA”) took another turn when a federal trial court judge ordered that former Alstom executive Lawrence Hoskins be acquitted of the FCPA charges against him, finding insufficient evidence that Hoskins had been acting as an agent of Alstom’s U.S. subsidiary.

While the Court’s opinion is heavily fact-based, it shows the real impact of the Second Circuit’s 2018 decision narrowing the reach of the FCPA to nonresident foreign nationals, and the potential difficulties DOJ may have prosecuting non-U.S. persons for FCPA violations on an agency theory.

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