

White Collar Defense & Regulation

- Antitrust and Competition Regulation and Enforcement
- Criminal Defense
- FCPA/Anti-Corruption
- Internal Investigations
- International Trade
- Regulatory Compliance
- Regulatory Enforcement

Attorneys in the *Chambers* and *Legal 500*-ranked White Collar Defense & Regulation group represent corporations and individuals in connection with federal and state regulatory investigations, proceedings before self-regulatory organizations, corporate internal investigations, and white collar criminal cases. Staffed by highly experienced former federal and state prosecutors and defense counsel, this group handles our clients' most sensitive, complex, and time-sensitive regulatory, investigative, and criminal defense matters.

Our attorneys have represented clients in many of the major investigations of recent years. We have defended institutions and senior executives in proceedings involving the United States Department of Justice, the Securities and Exchange Commission, the New York State Attorney General, the NYSE, FINRA, the FSA, and the Federal Reserve, as well as in proceedings before the French financial market authority (AMF - *Autorité des marchés financiers*), the French banking authority (ACPR - *Autorité de contrôle prudentiel et de résolution*), and the French financial prosecutor (PNF - *Parquet national financier*). We have also handled major corporate internal investigations.

Our engagements have involved virtually every major industry, including securities and banking (including U.S., French, and foreign broker-dealers, mutual funds, hedge funds, investment banks, and commercial banks), accounting, aviation, insurance, pharmaceuticals, construction and real estate, e-commerce, energy, hospitality and travel services, and technology.

Antitrust and Competition Regulation and Enforcement

Our Antitrust and Competition Regulation and Enforcement practice includes all aspects of antitrust and competition-related regulatory compliance and defense of clients in antitrust and competition investigations and regulatory enforcement actions.

Our team includes several former federal prosecutors and we regularly assist companies and executives in regulatory investigations relating to allegations of antitrust and competition law violations. Whether responding to a DOJ criminal investigation or an FTC civil investigation, our *Chambers* and *Legal 500*-ranked white collar defense and corporate investigations team has a superb record in achieving favorable results on behalf of our clients. In enforcement actions, we are skilled trial lawyers and are comfortable handling cases in federal courts as well as before FTC administrative law judges.

We have particular strength in helping companies navigate parallel government and civil actions, working with them to determine the most advantageous litigation strategy, including working with economic experts as appropriate, when facing criminal and civil actions relating to the same conduct. We also have significant appellate experience in antitrust and competition matters.

We also regularly counsel clients on regulatory compliance matters for companies across a variety of industries, including representing parties contemplating mergers, acquisitions, and other transactions with competitive implications before the FTC, DOJ, and other regulators. We conduct internal investigations as part of our compliance counseling, when appropriate.

Two of our partners have served in leadership roles within the ABA Antitrust Section for years, and our senior attorneys regularly lecture and write on issues of interest to the antitrust community.

Criminal Defense

Our White Collar Criminal Defense group is frequently retained by corporate and individual clients who have been identified as witnesses in, or subjects or targets of, ongoing investigations. We have had great success in minimizing our clients' exposure, frequently helping them avoid regulatory sanctions and criminal prosecution. We are also experienced trial lawyers and have an excellent track record in criminal trials and appeals.

Our Paris team has extensive trial experience before a wide variety of French courts, and notably the French financial prosecutor (PNF - *Parquet national financier*) regarding white collar criminal cases.

FCPA/Anti-Corruption

Our lawyers have worked on some of the largest and most significant FCPA matters in recent years as counsel to companies, individuals, and independent board committees. The firm's FCPA team is comprised of former prosecutors, including a former Assistant U.S. Attorney for the Southern District of New York who prosecuted a leading FCPA case involving a bribery scheme in Azerbaijan, and several lawyers from top-tier big firms with broad-ranging FCPA experience, including the representation of Siemens AG in the largest-ever FCPA internal and regulatory investigation.

In addition to our extensive experience with FCPA investigations, our lawyers serve as trusted advisors to clients on FCPA matters and related issues. They have led due diligence reviews and provided compliance advice and training for multinational companies across a wide spectrum of industries including engineering, energy, consumer products, financial services, and construction. In FCPA matters, as in our White Collar Defense & Regulation practice generally, our goal is always to advance our clients' objectives through thoughtful and practical counseling, vigorous advocacy, and timely, efficient, and favorable resolution of any investigation.

Our European and U.S. offices frequently work together in assisting clients in cross-border investigations led by the U.S. Department of Justice. Our Paris team also represents clients before the French anti-corruption agency (AFA - *Agence Française Anticorruption*).

Internal Investigations

Our Internal Investigations practice assists corporations, boards of directors, special committees, and audit committees in connection with internal investigations of all sizes. Our work has ranged from discrete investigations in response to an anonymous employee complaint to wide-ranging investigations conducted against the backdrop of ongoing litigation and/or regulatory and criminal investigations.

Our background in criminal and regulatory matters makes us well-suited to conduct all aspects of the investigation, including interviewing employees at all levels, reviewing complex business and financial documents, and working in conjunction with forensic accountants and other experts. In connection with our work, we provide interim and final investigative reports, which may include formal board presentations and detailed written analysis. Our focus is on delivering comprehensive, reliable investigative results while acting efficiently and remaining mindful of client cost considerations.

International Trade

Attorneys in C&G's international trade group guide our clients through the often fraught intersection of global law, policy, and regulations. Our cross-border and multidisciplinary team collaborates efficiently to understand our clients' needs, challenges, and risks in order to provide culturally sensitive and strategically-tailored solutions.

The head of our international trade practice, Miriam González Durántez, has over a decade of experience leading world-class international trade practices and spent seven years at the European Commission as a Senior Member of the Cabinet for two EU External Relations Commissioners, focusing on trade policy and EU relations with the U.S., Middle East, and Latin America. She also served as the EU negotiator for the World Trade Organization (WTO) telecoms agreement and led negotiations for EU bilateral and WTO accession agreements on e-commerce and energy, postal, and construction services.

Our team also includes highly experienced former U.S. federal and state prosecutors, former U.K. and French prosecutors, and defense counsel. Attorneys in our European and U.S. offices work closely together in assisting clients in cross-border investigations, and have extensive experience advising clients on international cooperation, anti-bribery laws, and U.S. and EU economic sanctions.

Some of the areas in which we advise clients are:

- Antidumping
- Anti-money laundering laws and regulations
- Brexit
- EU internal market regulations and infringement proceedings
- Export controls
- Foreign investment proceedings
- International and EU trade policy
- International cooperation and anti-corruption/anti-bribery laws
- International trade agreements
- Trade compliance and investigations
- U.S. economic/OFAC sanctions and EU economic sanctions
- WTO and EU internal market regulations

Regulatory Compliance

Regulatory Compliance

From our offices in New York, London, Paris, and Washington D.C., C&G provides comprehensive compliance advice to our global clients, including public and private companies, and financial institutions. Members of our team include very experienced former U.S. federal and state prosecutors, former U.K. and French prosecutors, and defense counsel. We design and implement effective compliance policies and procedures, minimizing the risk of a government investigation or prosecution. If an investigation does take place, we have established relationships that allow us to engage in open dialogue with the relevant regulatory body and address any perceived deficiencies with controls.

We advise on compliance with all aspects of antitrust, corporate governance, economic sanctions, employment, privacy and cybersecurity, securities, tax, and trade regulations. We have extensive experience counseling on matters requiring cooperation with regulators, including the Securities and Exchange Commission (SEC), Commodities Futures Trading Commission (CFTC), Federal Reserve, Office of Foreign Asset Control (OFAC), Fair Trade Commission (FTC), Federal Communications Commission (FCC), Federal Elections Commission (FEC), and Federal Aviation Administration (FAA), in the United States; the financial market authority (AMF), the banking authority (ACPR), and the National Commission on Informatics and Liberty (CNIL) in France; and the Financial Conduct Authority (FCA) and the Serious Fraud Office (SFO) in the United Kingdom; U.S. state regulators, such as the New York Attorney General's Office and the New York Department of Financial Services (NYDFS); as well as self-regulatory agencies including FINRA and the New York Stock Exchange.

Our attorneys advise clients on best practices for the development, implementation, and operation of compliance and business ethics programs, and provide training programs to ensure employee understanding. We assist in the development of procedures to facilitate anonymous reporting to audit committees and prepare for the possibility of whistleblower reporting to international and domestic regulatory bodies.

Our cross-border team is well-versed in overseeing and conducting compliance investigations and due diligence on our clients' behalf, for corporations, boards of directors, special committees including demand committees, and audit committees.

Our Paris team is recognized in *Legal 500* EMEA's Compliance category, and our U.S. White Collar Defense & Regulation team is consistently ranked in both *Chambers* and *Legal 500*. Cohen & Gresser was recognized as the *Regulatory Law Firm of the Year* at the Women in Compliance Awards in 2019.

Regulatory Enforcement

Our Regulatory Enforcement group represents corporate and individual clients in connection with investigations conducted by various federal and state regulatory agencies.

We have represented clients in investigations conducted by virtually every significant federal agency, including the Securities and Exchange Commission (SEC), Commodities Futures Trading Commission, Federal Reserve, Fair Trade Commission, Federal Communications Commission, Federal Elections Commission, and Federal Aviation Administration. We also have extensive experience with state regulators, including the Offices of the New York, Massachusetts, and Connecticut Attorneys General, as well as self-regulatory organizations, including FINRA and the New York Stock Exchange.

Our Paris team has significant experience in investigation, control, and sanction proceedings before French authorities, such as the French financial market authority (AMF), the banking authority (ACPR), and the French National Commission on Informatics and Liberty (CNIL - *Commission nationale de l'informatique et des libertés*).

Our U.S. and French offices seamlessly work together to provide assistance on matters relating to international cooperation procedures between regulators, including the SEC and AMF, and in cross-border investigations led by the U.S. Department of Justice.

When representing our clients in active regulatory investigations, we have effectively employed varying strategies. These include aggressive advocacy to avoid litigation, including extensive experience with the SEC Wells process and AMF-type settlement agreements, the comprehensive defense at trial of civil litigation brought as a result of a regulatory investigation, and, where appropriate, providing active cooperation with and assistance to regulators.

We are also engaged in compliance counsel roles, in which we are available to address real-time securities law compliance concerns, and we frequently offer advice in connection with securities issues.

