

BUCKLEY

Escheatment Practice

Revenue opportunities make compelling compliance priorities for states as they increase their overall regulatory supervision and enforcement efforts. Escheat or unclaimed property laws provide states with both a pressure test for sound compliance management as well as windfall income. They also present third-party audit firms with opportunities to assist states in identifying failures to escheat, and qui tam plaintiffs with opportunities to pursue significant judgments for such failures. Many institutions, however, leave unclaimed property to their finance departments and do not approach it with the same comprehensive rigor and vigilance as other compliance risks. In addition, their policies have not stayed current with respect to regulatory expectations and novel obligations, such as those relating to stored-value cards and electronic payments.

Buckley's Escheat Compliance and Unclaimed Property Enforcement and Litigation working group is an inter-disciplinary team of lawyers advising clients across a range of industries, including banking and financial services, manufacturing, education, defense, retail, technology, transportation, healthcare, and utilities, on legal and compliance challenges impacting holders of abandoned property, including audit design, audit defense, and related litigation.

Our work in this area includes:

- Leveraging our extensive experience in the effective design of compliance management systems and controls to assist clients in conducting risk assessments, implementing unclaimed property programs that help mitigate the risk of adverse regulatory outcomes or civil litigation, and diligencing acquisition targets
- Utilizing our regulatory relationship management experience in assisting clients with federal and state examinations across a range of industries and products to work with state treasurers and unclaimed property administrators with voluntary compliance and remediation programs addressing escheatment reporting requirements, as well as failures to escheat or late escheatment
- Bringing decades of experience conducting internal investigations across a variety of industries to the investigation of potential unclaimed property law violations
- Using our extensive whistleblower experience to defend our clients should such challenges arise

- Offering practical approaches to the multitude of legal, regulatory, and operational issues that arise in managing and responding to state audits, including the use of artificial intelligence to identify abandoned property and contingent fee audits conducted by third-party firms
- Drawing on deep complex civil litigation experience, to defend clients in state unclaimed property enforcement actions, including multi-state actions