

BUCKLEY

Internal Investigations Practice

Employees, customers, competitors, and vendors have more avenues and incentives than ever to report suspected misconduct. When a company becomes aware of concerns that its employees, executives, or third parties may have violated the law, it must lean on attorneys with the experience and judgment to conduct a focused, comprehensive internal investigation and provide careful guidance to the board or management. Companies especially need qualified and experienced outside counsel to investigate allegations and assess risks when the company may have to disclose results to regulators and other government agencies.

Our team of seasoned litigators — white collar and regulatory defense attorneys, former prosecutors, regulators, and senior officials and advisers from numerous federal agencies — brings a substantial depth of experience to a wide range of investigations. Our lean approach to client teams and our industry-leading e-discovery practice, FORTÉ, positions Buckley to meet the needs of our clients with high quality work in an efficient and cost-effective matter.

We have conducted internal investigations, both anticipatory and in response to government inquiries or civil allegations, in a wide range of industries. These include multinational corporate internal investigations relating to the Foreign Corrupt Practices Act, as well as internal investigations involving potential accounting and tax fraud, mail and wire fraud, antitrust violations, environmental crimes, workplace misconduct, discrimination and harassment, and violations of banking regulations, including relating to racial discrimination. Our team provides unbiased assessments of the facts and the law, and advises on taking a pragmatic approach in remedial action plans, when necessary.

Buckley attorneys regularly advise clients on:

- Scoping investigations
- Collecting and preserving documents
- Assessing employment decisions relating to misconduct
- Responding to whistleblower complaints
- Self-reporting obligations
- Cooperating with government investigations
- Engaging outside consultants

- Managing the dissemination of information (internally and externally)
- Developing and proposing practical solutions tailored to the company's circumstances
- Designing, implementing, and evaluating compliance policies and procedures to drive organizational change and meet regulatory and government expectations

We have conducted internal investigations on behalf of a wide range of clients, including:

- A publicly traded bank related to claims of Suspicious Activity Report improprieties
- A publicly traded company examining allegations of noncompliance with rules and regulations governing when costs could be sought from the federal government
- A major mortgage servicer regarding loss-mitigation practices
- A major national bank assessing potential fraudulent conduct in loan origination
- Affiliated homebuilder and lenders regarding sales, origination, servicing, and collection practices
- A committee of the board of directors of a regional bank involving whistleblower allegations related to anti-money-laundering compliance
- A regional bank regarding sales practices
- A state member bank involving a self-identified loss-mitigation issue
- A university regarding whistleblower allegations of fraudulent vendor payments and bid rigging
- A national tax preparation company on allegations of filing fraudulent tax returns
- A committee of the board of directors of a bank in an internal fraud

investigation involving senior executives

- Oil and gas, energy services, retail, and/or petrochemical companies operating in India, China, Kazakhstan, Russia, Italy, Egypt, Korea, Guatemala, and numerous other non-U.S. jurisdictions involving potential FCPA violations
- The Pennsylvania attorney general regarding alleged inappropriate and unethical email communications by state government officials, including judges and prosecutors

Sub Practices

Topic Spotlight: Inspector general investigations

More than 70 inspectors general throughout federal agencies and other governmental entities have the power to issue subpoenas, coordinate with civil enforcement agencies, make referrals to and work with criminal prosecutors, issue public reports, and liaise with Congress. These investigations and potential enforcement actions can significantly strain resources, impede normal business activity, and cause reputational damage.

Buckley regularly guides clients through these inquiries and investigations, including those triggered by or involving whistleblowers, as well as handles the civil and criminal enforcement actions and congressional inquiries that arise from IG investigations.

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