

BUCKLEY

Monitorships Practice

Compliance monitorships depend upon the credibility, integrity, and independence of the individual and team selected to carry them out. Whether appointed pursuant to a resolution with a government agency or court, or by a company seeking to improve its compliance program ahead of an investigation, the goal is the same: to help the monitored entity resolve the concerns that led to the action and remediate potential compliance issues, and ultimately satisfy monitorship obligations in a way that supports the company's safe, legal, and profitable operation. Buckley attorneys have decades of experience executing monitorships and advising companies on sensitive compliance issues. We know what it takes to drive monitorships to successful completion, get companies back on track, and alleviate the compliance concerns of agency officials and courts.

We offer a comprehensive approach to handling monitorships throughout a wide range of industries. We have experience building cooperative and effective coalitions — both internally at the monitored entity and externally through our global network of relationships. Buckley is prepared to handle the full life cycle of monitorships from detailed examination of the monitoring agreement and submission of a cost-effective work plan to developing and executing compliance reviews, compliance testing, reporting, and if necessary, technical assistance, all in an effort to assist the entity in satisfying the requirements of the monitorship.

Daniel R. Alonso leads our team, which includes former federal and state prosecutors and former senior enforcement officials from members of the International Association of Independent Corporate Monitors. Mr. Alonso has substantial experience in corporate monitorships and similar independent roles, reviews, and investigations, and during his career has served as Chief of the Criminal Division of the United States Attorney's Office for the Eastern District of New York, where he oversaw the selection of monitors, as Chief Assistant District Attorney in the Manhattan District Attorney's Office, and as a corporate compliance consultant. He served as the primary integrity monitor for a \$3 billion construction project for New York City, was appointed the independent monitor of Sanitation Salvage Corp., at the time one of the largest private waste haulers in New York, and was the court-appointed receiver of IATrading.com in a Commodity Futures Trading Commission enforcement action. He also had a leading role in the largest monitorship in U.S. history, which involved a global banking company, and later served by appointment of a U.S. district judge as the Independent Disciplinary Authority for the Maricopa County Sheriff's Office.

Other members bring a wealth of relevant experience to the team and have served in senior government positions. David Krakoff, a former Assistant United States Attorney for the District of Columbia, is a leading white-collar litigator and a Fellow of the American College of Trial Lawyers who, during a career with primary trial responsibility in more than 50 cases, has represented clients in criminal and civil actions brought by

the Department of Justice and SEC in a wide variety of matters, including numerous Foreign Corrupt Practices Act and financial fraud cases. Andrew Schilling served as Chief of the Civil Division of the U.S. Attorney's Office for the Southern District of New York, and was a member of that office's Monitorship Committee. James Parkinson and Laurie Randell have substantial experience in designing and implementing effective anti-corruption compliance programs for Fortune 500 and other international corporations in a wide range of business areas.

In addition to the agencies noted above, our attorneys' experience extends to the Federal Trade Commission, Federal Reserve, state attorneys general, New York State Department of Financial Services and other state banking regulators, Port Authority of New York and New Jersey, New York City Department of Investigation, and New York City Business Integrity Commission.

Our team's overall compliance work is a key feature of our monitorship capabilities, which include:

- Advising companies on supporting outside monitorships with appropriate in-house resources and structures
- Advising companies undergoing enforcement actions on strategies for anticipating monitorship requests and in some cases, building in-house compliance programs to obviate them
- Developing audit protocols implemented in conjunction with routine audits — or implemented as standalone compliance reviews — and supporting clients' implementation and evaluation of the results, including remedial controls
- Helping clients with audit and risk assessment procedures, designing and implementing protocols, and evaluating results
- Revising codes of conduct, FCPA policies, and related policies and procedures
- Developing or enhancing policies and procedures for companies in the financial services, retail, insurance, manufacturing, pharmaceutical, real estate, logistics, and chemicals sectors; key to these efforts is integrating the requirements of local laws — whether from the UK, France, Germany, Russia, India, China, Brazil, Korea, Turkey, or other countries — within the anticorruption policies
- Working with companies on global data protection and privacy policies, which are an important component of an overall compliance program

- Conducting on-site training sessions for clients in multiple sectors, tailored to the specific risks of the industry, and for a full range of employees and management — from the CEO and other C-suite executives to line-level employees in high-risk non-U.S. jurisdictions

- Supporting assessments of enterprisewide training programs, including delivery and recordkeeping systems

- Designing third-party diligence processes, including initial OFAC screening, relevant on-boarding processes, threshold-level diligence for publicly available reputation information, and follow-on diligence for high-risk circumstances

- Advising on an ongoing basis to evaluate specific risks and compliance controls, including assessment and control of joint ventures, joint venture partners, and distributors, some involving extremely challenging conflict zones