

# BUCKLEY

## Whistleblower Practice

Whistleblower claims can result in complicated compliance problems and serious damage to a company's reputation and brand. With a marked, across-the-board increase in whistleblowing, it is more important than ever to handle these matters with the utmost care and the support of experienced professionals. Buckley counsels and defends businesses and individuals facing serious allegations and complex claims. Our team navigates clients through and beyond internal investigations, government enforcement actions, and whistleblower and qui tam actions arising from the False Claims Act (FCA); Sarbanes-Oxley Act of 2002 (SOX); Dodd-Frank Wall Street Reform and Consumer Protection Act; Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA); and other whistleblower statutes.

Our attorneys work with clients to draft and implement whistleblower policies and procedures, as well as establish internal reporting mechanisms such as hotlines and ombudsmen. Our team reviews existing whistleblower programs and revises existing policies and procedures to prevent issues giving rise to whistleblower reports in the first place — and effectively resolve those reports when raised.

When claims do arise, our experienced team has the tools to lead internal investigations in response to whistleblower allegations. We assist in responding to enforcement and regulatory obligations from government agencies, including Securities and Exchange Commission (SEC) disclosure requirements, and render appropriate internal recommendations for remediation, as well as advise on related employment retaliation claims.

Our team includes former government prosecutors and seasoned litigation defense counsel. One of our team members served as Chief of the Civil Division of U.S. Attorney's Office for the Southern District of New York, and established and supervised the SDNY's Civil Frauds Unit, which handles whistleblower investigations and lawsuits under the FCA and FIRREA.

### Representative matters:

- Led an internal investigation for a publicly traded bank into whistleblower claims of anti-money-laundering noncompliance
- Handled an internal investigation for a publicly traded bank into whistleblower claims of improprieties in suspicious activity reports (SARs)
- Directed investigation for a publicly traded mortgage originator into allegations of appraisal fraud

- Led an internal investigation for a publicly traded company into allegations of noncompliance with rules and regulations governing when costs could be sought from the federal government
- Handled a retaliation investigation for a top 10 financial institution relating to numerous allegations of improper mortgage practices
- Successfully represented a top mortgage loan servicer in an FCA qui tam investigation into servicing and loss mitigation activities, in which the government declined to intervene in the case; the district court granted our motion to dismiss, and the Sixth Circuit upheld the dismissal
- Successfully represented a national financial services firm in an FCA qui tam investigation by the U.S. Attorney's Office for the SDNY, in which the government declined to intervene in the case and the relator's case was voluntarily dismissed

## **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.

**Learn more »**

## **News & Blogs**

- SEC issues whistleblower awards totaling nearly \$2.6 million
- SEC awards \$9.5 million to whistleblowers
- SEC considers revision of two amendments
- SEC issues whistleblower awards totaling nearly \$4 million
- District Court finds that investors qualify for SEC whistleblower protections

- SEC announces whistleblower awards totaling approximately \$4 million
- SEC awards \$1 million to whistleblower
- SEC issues whistleblower awards totaling nearly \$5.3 million
- SEC awards \$3 million in whistleblower awards
- SEC awards \$27 million in whistleblower awards

## Partners



Preston Burton



Benjamin B. Klubes



David S. Krakoff



Christopher F. Regan



Michelle L. Rogers



Andrew W. Schilling



Veena Viswanatha

**Counsel**



Bradley A. Marcus