

# BUCKLEY

## Whistleblower Practice

Whistleblower claims can result in complicated compliance problems and serious damage to a company's reputation and brand. Buckley counsels and defends businesses and individuals facing these often serious allegations and complex claims. Our team navigates clients through and beyond internal investigations, government enforcement actions, and whistleblower and qui tam actions arising out of 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. We conduct reviews of existing whistleblower programs and revise existing policies and procedures. In the event a claim should ensue, we assist with internal investigations in response to allegations of wrongdoing, address Securities and Exchange Commission (SEC) disclosure issues and render appropriate recommendations for remediation and reporting, as well as counsel clients in connection with retaliation claims.

Our team includes former government prosecutors, SEC attorneys, and seasoned litigation defense counsel. Notably, one of our team members is a 20 year veteran of the SEC and former Chief of the Office of Market Intelligence, who was involved in whistleblower rule writing and the organization and launch of the SEC's Whistleblower Office called for by Dodd-Frank. Another served as Chief of the Civil Division of the Manhattan U.S. Attorney's Office (Southern District of New York, SDNY), 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 AML noncompliance
- Handled an internal investigation for a publicly traded bank into whistleblower claims of Suspicious Activity Report improprieties
- 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 dismissed the case on motion, 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