SpencerFane®

White Collar Defense and Investigations

Staying out of trouble. Step 1: take the advice of a former prosecutor.

When crisis happens – executives and companies are threatened with a high-stakes investigation or indictment – the Spencer Fane White Collar Defense and Investigations team acts quickly. We identify issues and risks, make strategic decisions, and enable clients to minimize or avoid serious penalties or incarceration.

Overview

Keeping you out of the courtroom. . .

When clients are faced with an investigation, our attorneys work to resolve issues before formal judicial proceedings when that best aligns with the client's business interests.

. . . or fighting hard at trial.

If necessary, we bring decades of experience in the courtroom and fierce advocacy to achieve meaningful outcomes. We have a track record of successfully representing companies and individuals at every stage of the investigation and enforcement process in both state and federal courts.

We provide representation through all aspects of investigations and litigation when corporate leadership, high-level managers, and rank-and-file employees face potentially devastating legal issues. We have the depth to handle serious criminal and regulatory investigations while providing effective and cost-efficient service.

Areas of Focus

Crisis Response

Our goal is your goal: to protect you and your business every step of the way. Whether it is discovery of an internal situation or an unexpected external event, a crisis situation requires immediate and strategic focus on the issues and communications with industry and public constituents.

Our Crisis Response team:

- **Responds to legal crisis situations** involving law enforcement and government agencies.
- **Manages and guides our clients** through legal, practical, and communications challenges.
- **Protects our clients' relationships** with stakeholders, the public, and the media.
- **Assesses how to minimize any legal liability and potential damages** – both in the immediate term and later during potential litigation or enforcement proceedings.

- **Partners with outstanding crisis communications firms** to manage the flow of information, maintain stakeholder confidence, and protect the company.

We also work with clients, especially those in heavily regulated industries, to:

- **Draft best practices and policies** aimed at avoiding the potential for crisis situations.
- **Design incident response plans** that help leaders act quickly and deliberately in the face of a high-profile matter, from the first moments of a crisis through resolution.
- **Assess potential improvements** in best practices, policies, procedures, and incident response plans – once the immediate needs of a crisis incident have been met.

Government Investigations

Managing dynamic situations, working for favorable outcomes and quick resolution. Effective investigation counsel requires strategies that respond to and communicate with the government, mitigate damage, determine the critical facts, and support a client's near-term and long-term interests.

We intentionally and thoughtfully put together teams to analyze the facts and legal issues, collaborating closely with subject matter experts in our Health Care, Financial Services, Intellectual Property, Education, and Labor and Employment practices.

Working at every stage to mitigate risk to our client, we:

- **Handle contacts** with regulatory agencies and law enforcement.
- **Advise clients about continued operations** during the investigation process.
- **Assist clients in communicating internal and external messages** with an eye on the markets and our client's reputation and credibility.

Our team, which includes former federal and state prosecutors experienced in all phases of complex criminal practice, represents clients in criminal and civil enforcement actions and regulatory matters brought by authorities across the enforcement spectrum:

- U.S. Department of Justice
- U.S. attorney's offices
- State attorneys general
- Federal Bureau of Investigation (FBI)
- Drug Enforcement Agency (DEA)
- U.S. Secret Service
- Securities and Exchange Commission (SEC)
- Internal Revenue Service (IRS)
- U.S. Environmental Protection Agency (EPA)
- Occupational Safety and Health Administration (OSHA)
- U.S. Department of Health and Human Services (HHS)
- Centers for Medicare and Medicaid Services (CMS)

Internal Investigations

Protecting reputations, avoiding disruption to operations. When organizations face legal challenges arising from internal misconduct, it's critical to get to the truth to advise leaders how to mitigate damage and preserve the good name of a company, a brand, and individual leaders.

With a team including litigators who have served as prosecutors and in leadership roles with federal or state law enforcement, we bring credibility to internal investigations, working to:

- **Determine the core facts**.
- **Examine legal risks and responsibilities**.
- **Advise on the law and regulation of an array of areas**, including finance, securities, health care, employment law, environmental law, sports and education law, and other areas.
- **Handle both internal and external communications** related to the investigation matter. We assist in communications to employees, constituents, and the media that are consistent and concise.
- **Help clients avoid risks** by identifying best practices, developing policies and handbooks, and providing prevention-based training and education.

White Collar Defense

Addressing a client's legal, financial, and reputational concerns while minimizing stress and distractions. Government policies regarding criminal prosecution and civil enforcement are aggressive, often resulting in high-stakes situations. We understand the government's strategy, tactics, and mindset for trials and appeals, and we use our prior experience to the advantage of our clients.

With a team that includes former federal prosecutors and enforcement lawyers who have extensive experience with criminal and enforcement cases, we:

- **Represent clients from inception to conclusion**, from the first contact with a government or law enforcement agent through trial and any appeals.
- **Partner with clients at every stage**, involving them in developing strategy and keeping them informed of all developments as a case proceeds.

Our team has helped clients facing investigation of alleged:

- Fraud-based violations
- Federal and state antitrust violations
- Criminal trade secret violations
- PPP loan fraud
- Computer and intellectual property crimes
- Deceptive practices enforcement and crimes
- Environmental regulation, enforcement, and crimes
- False Claims Act enforcement and crimes
- Financial institution and mortgage fraud
- Food safety and drug labeling enforcement and crimes
- Foreign Corrupt Practices Act (FCPA) crimes
- Gaming industry regulation, enforcement, and crimes
- Health care fraud and abuse
- Insurance fraud

- Mail and wire fraud
- Money laundering and Bank Secrecy Act enforcement and crimes
- Public corruption and Racketeer Influenced and Corrupt Organizations (RICO) Act enforcement and crimes
- Securities fraud and insider trading
- Tax enforcement and crimes