

FEDERAL GOVERNMENT INVESTIGATIONS

When the Government begins a corporate investigation, it investigates your company, your officers and your employees. Targets are people and corporate entities that the feds believe they can charge and successfully prosecute. The decisions you make in the initial stages of an investigation can have a huge impact on the process, leading to either an outcome that minimizes exposure, or to one that leads you and your company into the quicksand of the grand jury and the perils of federal court.

In criminal investigations, the U.S. Department of Justice (“DOJ”) often proceeds with “dawn raids” where they can execute warrants at the office, at your home, and at the homes of your officers and employees. Usually, they will conduct simultaneous raids at multiple locations in an effort to gather all of the evidence at one time. Years ago, when agents executed warrants they knocked on the door and entered with notice given to the occupants. Today, the FBI regularly executes warrants for electronic documents by entering through the internet, and without giving any notice to the target. Therefore, it is imperative that companies that have been targeted by federal agents seek counsel for the company and for each officer who has potential exposure.

After reviewing the seized information, the DOJ will likely begin interviewing corporate agents, either in the grand jury or by “drop in interviews” at the corporate employees’ homes. This is in an effort to find witnesses who can corroborate the information that the DOJ has already obtained or to lay a foundation for the electronic evidence that has been seized. The net result of this methodology is that a very complex and far-reaching investigation can be implemented in a fairly short period of time.

Our goal is to assist you in strategic decision making – based on the facts, the evidence as it relates to the relevant facts, and the realistic exposure in the case. It’s also important to recognize that exposure in a white collar investigation can be either civil or criminal. The Dillon Law Group has decades of experience in conducting white collar investigations on behalf of the DOJ and similar experience in defending clients who have been targeted by the feds.

It is important to have experienced and knowledgeable counsel when responding to a federal grand jury investigation. If corporate agents make incriminating statements to the investigators, then they may be exposing themselves, and the company, to criminal and civil liability. The investigating agents can put tremendous pressure on employees and officers for early cooperation. Often, it is a mistake to talk to the investigators without counsel present because anything that is said can be held against the individual and the

company. The better course of action is to review the issues, assess which personnel are involved (including former and current employees), and decide upon a fact-based strategy where exposure is minimized and contact with the Government is controlled by counsel.

In order to successfully respond to a federal investigation, able counsel should be consulted immediately. Counsel and the client need to work together to determine the breadth of the investigation and who the potential targets might be. Counsel should obtain copies of all data and documents seized by the authorities and review that material with the client. Our goal is to develop the best defense and to avoid liability wherever possible. We will aggressively represent you against the DOJ and seek to end the investigation without charges, if at all possible. We have substantial experience in avoiding prosecutions, either through having the cases dismissed outright or cooperating against more serious targets. Examples of our experience include:

- Represented beverage company CEO in DOJ matter, no charges filed
- Represented CEO in bid rigging of concrete industry, target letter withdrawn, no charges filed
- Represented alleged bribe payor in construction kickback case, no charges filed by DOJ
- Represented pharmaceuticals national sales executive in criminal investigation, no charges filed
- Represented Division President of pulp and paper company in antitrust case, no charges filed
- Represented investor in SEC and DOJ fraud investigations, no charges or fines filed
- Represented hospital CEO in healthcare investigation, no charges filed
- Represented CFO in FCPA investigation for foreign bribery, no DOJ charges filed
- Represented CEO in travel and entertainment industry, no charges filed
- Represented pharmaceutical sales representative in \$1B fraud investigation, no charges filed
- Represented physician in health care fraud investigation, no charges filed
- Represented target in wire fraud investigation, no charges filed

Successful conclusion of a federal investigation in a given client matter requires prompt and effective decision-making by the corporation and its agents. Cooperative efforts on all sides often lead to better outcomes, particularly in closely-held entities. Recent changes in DOJ policy make it more difficult for officers and corporate agents to escape prosecution than in years past. For instance, the 2015 Yates Memorandum, made it much harder for a corporation to insulate its officers from prosecution by merely paying a fine and expecting that this would satisfy the DOJ.

See Yates Memo: <https://www.justice.gov/archives/dag/file/769036/download>

At the Dillon Law Group, we represent executives and individuals in a wide array of investigations and stand ready to assist you in addressing the matter that concerns you now.

To discuss your case with the Dillon Law Group, call our office at **404.713.3283**.

We are glad to discuss your situation, in a free consultation, to see if we can be of assistance. If you prefer, contact us at william@dillonlawgroup.com.