

# Internal Investigations

## Overview

Carlton Fields lawyers defend businesses, senior executives, public officials, and other individuals in a wide range of investigations and prosecutions, and facilitate internal investigations for clients as part of risk management. We have extensive experience in conducting internal investigations for individual and corporate clients and other entities, rooting out fraud and abuse, and providing advice and counsel in helping design programs to prevent and detect fraud. We don't just identify problems; we find solutions.

### Why conduct an internal investigation?

Internal investigations are a key risk management tool to protect you and your business. Businesses, organizations, and their managers are under regular scrutiny from the government, the media, shareholders, and even employees. That scrutiny can present itself in many forms, including whistleblower allegations, shareholder demands, external audits, government subpoenas, negative media reporting, and inquiries by the government or civil litigants. When those risks arise, it makes sense to collect and assess the facts. Our team, which includes more than 10 lawyers with high-level experience as federal prosecutors, assistant state attorneys, and federal and state public defenders, can launch an internal investigation overnight and begin working to resolve the issues.

- Gain insight into problematic practices within an organization and implement corrective action
- Develop an appropriate response to regulators or prosecutors
- Assess the potential benefit of self-disclosure to regulatory authorities
- Assess the strengths and weaknesses of an organization's current control processes
- Develop a case for civil litigation or a referral to the government, if your organization is the victim of misconduct or a crime
- Send a positive message to stakeholders
- Document compliance in preparation for a regulatory exam
- Determine whether to make a voluntary disclosure or repayment
- Minimize any potential criminal or civil liabilities
- Respond to whistleblower claims and grand jury subpoenas

- Conduct a civil rights or corporate culture audit to address or remedy discriminatory practices or issues involving culture and racial equity
- Avoid costly litigation

In the context of responding to grand jury subpoenas, we work with businesses and executives to not only respond to the subpoena but also learn about the investigation and open a dialogue with investigating and prosecuting authorities to address their concerns. The internal investigation allows us to take action proactively, before you are confronted with allegations of wrongdoing, and help steer the direction of the case. We get ahead of the investigation by reviewing documents and interviewing witnesses to determine if there is any merit to the allegations.

### **A Coordinated, Collaborative Approach**

We draw on the expertise of more than 10 of our members with extensive government experience as former U.S. federal prosecutors and state prosecutors. Our team also includes former SEC, FINRA, and DOJ attorneys, including several former high-level SEC enforcement trial attorneys. In particular, as former federal prosecutors, we know how federal investigators think, we know their investigative tactics, and we have credibility and rapport in dealing with federal agents and prosecutors.

Our lawyers use firsthand knowledge of how government agencies conduct investigations and prosecutions to assist our clients in navigating those processes successfully. When clients have difficult and sensitive challenges, we provide coordinated, efficient, and actionable advice.

Many cases involve simultaneous civil, criminal, and regulatory actions arising out of the same events. To handle them, we draw on the full range of our skills and resources and collaborate with lawyers in other practices, allowing us to work with clients in almost every business sector in a wide array of substantive areas, including:

- Anti-money laundering
- Antitrust
- Bank and wire fraud
- Computer and intellectual property crimes
- Environmental violations and compliance
- Export/import violations
- False Claims Act
- Foreign Corrupt Practices Act and U.K. Bribery Act
- Health care fraud
- Human trafficking

- Privacy and cybersecurity
- Procurement fraud
- Securities, financial institution, and accounting fraud
- Tax offenses

When additional expertise is needed, we enlist our colleagues within the firm — many of whom are board certified specialists in their respective practices — to counsel on specific issues and subjects, including labor and employment, tax, health care, and election law.

Our areas of service include:

- Representation in grand jury and other government investigations by agencies such as the Department of Justice (and individual U.S. attorney's offices), the SEC, CFTC, FINRA, HHS, state attorneys general, New York State Department of Financial Services, among others
- U.S. federal and state trials
- Criminal appeals (federal and state)
- Internal investigations
- Representation in U.S. congressional and other legislative investigations
- Regulatory defense
- Compliance and internal controls reviews and audits
- Monitorships

## **How We Serve Clients**

When a government investigation looms, our team is available to immediately and strategically assist clients in responding to such inquiries. In doing so, we interact with federal or local prosecutors and regulatory/law enforcement agencies, as well as concerned corporate counsel, investors, and directors. We are cognizant that this area of practice must be sensitive to clients' confidentiality and concerns. Further, we give legal and strategic advice for responding to crises both inside and outside the courtroom, and we have substantial experience operating in the public relations arena — a skill that has become essential to resolving the most serious and fast-moving white collar legal challenges.

Carlton Fields also represents governmental or quasi-governmental entities in conducting internal investigations. We have substantial experience with internal investigations that are the result of criminal or civil actions brought by the U.S. Department of Justice, U.S. attorney's offices, the U.S. Securities and Exchange Commission, the U.S. Department of Labor, the Defense Criminal Investigative Service, the Internal Revenue Service, the Florida Attorney General's Office, including the economic crimes division, and other federal and state agencies.

## Victim Advocacy

We routinely engage in victim advocacy on behalf of our corporate clients and make presentations to both federal and state prosecuting authorities for the purpose of referring for criminal prosecution individuals or corporations who have defrauded our clients.

## Our Team

### Key Contacts



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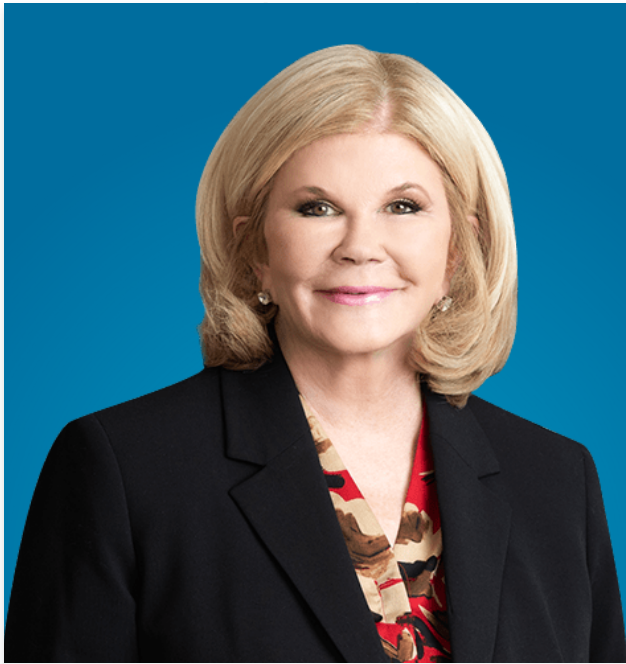
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## Related Capabilities

### Practices

- Banking, Commercial, and Consumer Finance
- Corporate Law and Governance
- Construction
- Health Care
- Insurance
- Technology
- Telecommunications
- Cybersecurity and Privacy

### Industries

- Banking, Commercial, and Consumer Finance
- Construction
- Health Care
- Insurance
- Property & Casualty Insurance
- Securities & Investment Companies
- Technology
- Telecommunications

- Education
- White Collar Crime & Government Investigations
- Global Anti-Corruption
- False Claims Act, Qui Tam, and Whistleblower Defense
- FINRA Enforcement, Arbitration, and Appeals
- Intellectual Property
- Labor & Employment
- Tax
- SEC Enforcement