

Webcast: Compliance Monitors: Everything that you wanted to know but were afraid to ask

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Independent compliance monitors are typically appointed to assess the sufficiency and effectiveness of a company's compliance program and adherence to the terms of a settlement with an enforcement authority, like the SEC or DOJ. Compliance monitors have been a part of the SEC's and DOJ's enforcement arsenal for over two decades, and corporate monitorships are now a mainstay of corporate resolutions. Although monitors have been an oversight vehicle for the SEC and DOJ for years, there has been an explosion of their employment by other governmental agencies.

Monitors are now a feature of enforcement by the Environmental Protection Agency (EPA), the Federal Highway Safety Administration (FHSA), the Federal Trade Commission (FTC), and the Food and Drug Administration (FDA), as well as for non-U.S. authorities, like the World Bank and the United Kingdom's Financial Conduct Authority. Understanding the requirements and expectations of a monitorship, and how to manage the associated costs and burdens on operations, are crucial to achieving a successful monitorship and compliance enhancement process.

Our panelists have served as DOJ-appointed monitors and DOJ-appointed counsel to the monitor, and have counseled numerous companies under external compliance monitors. As former DOJ officials, they also bring unique perspectives regarding prosecutors' and regulators' expectations for various facets of a corporate compliance program.

Please join the panel discussion, which will include:

- Use of monitorships in DOJ and SEC resolutions – statistics and terms (including hybrid monitorships)
 - Benczkowski Memo and monitorship selection
 - DOJ goals in monitorship use and selection
- Being the monitor – goals and strategies
- Strategies for companies that have a monitorship
- Strategies to avoid the imposition of a monitor

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PANELISTS:

F. Joseph Warin is Co-Chair of Gibson Dunn's global White Collar Defense and Investigations Practice Group, and Chair of the Washington, D.C. office's 200-person Litigation Department. He holds the distinguished position as the only person ever to serve as a compliance monitor or counsel to the compliance monitor in three separate

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[F. Joseph Warin](#)

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FCPA monitorships, pursuant to settlements with the SEC and DOJ: Statoil ASA; Siemens AG; and Alliance One International. Mr. Warin also served as post-resolution counsel to Innospec, Weatherford, and Diebold, during their FCPA monitorships.

Michael S. Diamant is a partner in the Washington, D.C. office. He helped to execute two major, multi-year DOJ/SEC-appointed compliance monitorships, each of which ended successfully, on-time, and with praise from DOJ and SEC attorneys for the monitorship team's effectiveness. He also served as post-resolution counsel to several companies during their monitorships, helping them to successfully navigate the process and ensure successful and timely completion of the monitorship. Mr. Diamant's practice focuses on white collar criminal defense, internal investigations, and corporate compliance, and he regularly advises major corporations on the structure and effectiveness of their compliance programs.

Kristen Limarzi is a partner Gibson Dunn's Antitrust Practice Group, based in Washington, D.C. She previously served as the Chief of the Appellate Section of the DOJ's Antitrust Division, where she litigated challenges to the first antitrust compliance monitor imposed following an Antitrust Division civil enforcement action. Leveraging her experience as a top government enforcer, Kristen's practice focuses on representing clients in merger and non-merger investigations before the DOJ, the Federal Trade Commission, and foreign antitrust enforcers, as well in as appellate and civil litigation.

Patrick F. Stokes is Co-Chair of the Anti-Corruption and FCPA Practice Group. Previously, he headed the DOJ's FCPA Unit, managing the DOJ's FCPA enforcement program and all criminal FCPA matters throughout the United States, covering every significant business sector, and including investigations, trials, and the assessment of corporate anti-corruption compliance programs and monitorships. His practice focuses on internal corporate investigations and enforcement actions regarding corruption, securities fraud, and financial institutions fraud.

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