

Webcast: FCPA Trends in the Emerging Markets

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Throughout 2023, regulators around the world continued to face corruption challenges as part of an increasingly competitive—and politically tense—global market. Economic downturns, continued armed conflict, and rising tensions between global superpowers both drove corruption risk, and complicated cooperative enforcement of anti-corruption laws. This webcast will explore the approach taken by emerging markets in addressing these challenges and examine the trends seen in FCPA and local anti-corruption enforcement actions. Tensions between China and the United States continue to complicate cross-border cooperation, but have not slowed the pace of global and domestic anti-corruption enforcement in the region. China continues to impose new laws and regulations aimed at both bribe payors and recipients, while expanding its anti-corruption sweep in the finance and healthcare sectors. In India, there have been a slew of legislative and regulatory developments that impact compliance requirements and investigative procedures in the country. Widely heralded reforms in Latin America have failed to result in meaningful enforcement actions to curb corruption. In Africa, while recent years have seen encouraging anti-corruption enforcement trends both through local agencies and prosecuting agencies abroad, these advances are threatened by an uptick in non-democratic political transitions and continuing risks of armed conflict. While Russia-focused sanctions have lead many U.S. and European businesses to discontinue operations there, some of Russia's neighboring markets have thrived by creating a new map of trade flows, many with new and challenging risk profiles that require significant attention. Join our team of experienced international anti-corruption attorneys to learn more about how to do business in Asia, Latin America, Europe, CIS and across Africa without running afoul of anti-corruption laws, including the Foreign Corrupt Practices Act ("FCPA"). Topics to be discussed:

1. An overview of FCPA enforcement statistics and trends for 2023;
2. The corruption landscape in key emerging markets, including recent headlines and scandals;
3. Lessons learned from local anti-corruption enforcement in Asia, Latin America, Europe, CIS, and across Africa;
4. Key anti-corruption legislative changes in Asia, Latin America, Europe, CIS, and Africa; and
5. Mitigation strategies for businesses operating in high-risk areas

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PANELISTS: **Kelly S. Austin** leads Gibson Dunn's White Collar Defense and Investigations Practice Group in Asia and is a global co-chair of the firm's Anti-Corruption and FCPA Practice Group. Kelly is ranked annually in the top-tier by *Chambers Asia Pacific* and *Chambers Global* in Corporate Investigations/Anti-Corruption: China. Her practice focuses on investigations, regulatory compliance and international disputes. She has extensive expertise in government and corporate internal investigations, including those involving the Foreign Corrupt Practices Act (FCPA) and other anti-corruption laws, and anti-money laundering, securities, and trade control laws. Kelly is a member of the bars of Colorado, Virginia and the District of Columbia, and is admitted to practice in a variety of district and appellate courts in the United States. She is admitted to practice as a

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solicitor in Hong Kong. **Patrick Doris** is a partner in Gibson Dunn's Dispute Resolution Group in the London office, where he advises financial sector clients and others on OFAC and EU sanctions violations, responses to major cyber-penetration incidents, and other matters relating to national supervisory and regulatory bodies. Patrick's practice also includes transnational litigation, cross-border investigations, and compliance advisory for clients including major global investment banks, global corporations, leading U.S. operators in the financial sectors, and global manufacturing companies, among others. Most recently, Patrick was recognised by *The Legal 500 UK 2024* in the field of Regulatory Investigations and Corporate Crime. Patrick speaks English, Spanish, French and Catalan, with recent experience of conducting investigations in each of those languages. He is admitted to practice as a solicitor in England & Wales. **Katharina Humphrey** is a partner in Gibson Dunn's Munich office. She advises clients in Germany and throughout Europe on a wide range of compliance and white collar crime matters. Katharina regularly represents multi-national corporations in connection with cross-border internal corporate investigations and government investigations. She has significant expertise in the areas of anti-bribery compliance – especially regarding the enforcement of German anti-corruption laws and the U.S. Foreign Corrupt Practices Act (FCPA) –, technical compliance, as well as sanctions and anti-money-laundering compliance. She also has many years of experience in advising clients with regard to the implementation and assessment of compliance management systems. *The Legal 500 Deutschland 2023* and *The Legal 500 EMEA 2023* name her the Rising Star in the field of compliance. Katharina speaks German, English, French and Italian. She is admitted to practice in Germany (*Rechtsanwalt*). **Benno Schwarz** is a partner in Gibson Dunn's Munich office and co-chair of the firm's Anti-Corruption & FCPA Practice Group, where his practice focuses on white collar defense and compliance investigations. Benno is ranked annually as a leading lawyer for Germany in White Collar Investigations/Compliance by *Chambers Europe* and was named by *The Legal 500 Deutschland 2023* and *The Legal 500 EMEA 2023* as one of our Leading Individuals in Internal Investigations, and also ranked for Compliance. He is noted for his "special expertise on compliance matters related to the USA and Russia." Benno advises companies on sensitive cases and investigations involving compliance issues with international aspects, such as the implementation of German or international laws in anti-corruption, money laundering and economic sanctions, and he has exemplary experience advising companies in connection with FCPA and NYDFS monitorships or similar monitor functions under U.S. legal regimes. Benno speaks German and English and is a state-certified translator (IHK) for Russian, which makes it possible for him to carry out internal investigations and regulatory proceedings in all three languages. He has practiced as an admitted German lawyer (*Rechtsanwalt*) since 1993. **Patrick F. Stokes** is a litigation partner in Gibson Dunn's Washington, D.C. office, where he is the co-chair of the Anti-Corruption and FCPA Practice Group and a member of the firm's White Collar Defense and Investigations, Securities Enforcement, and Litigation Practice Groups. Patrick's practice focuses on internal corporate investigations, government investigations, enforcement actions regarding corruption, securities fraud, and financial institutions fraud, and compliance reviews. He has tried more than 30 federal jury trials as first chair, including high-profile white-collar cases, and handled 16 appeals before the U.S. Court of Appeals for the Fourth Circuit. Patrick regularly represents companies and individuals before DOJ and the SEC, in court proceedings, and in confidential internal investigations. Most recently, *Best Lawyers in America®* recognized Patrick as a "Best Lawyer" in Criminal Defense: White-Collar (2024). Patrick is a member of the bars of Maryland and the District of Columbia. **Oliver D. Welch** is a resident partner in Gibson Dunn's Hong Kong office and a partner in the Singapore office. Oliver has extensive experience representing multi-national corporations throughout the Asia region on a wide variety of compliance and anti-corruption issues. He focuses on internal and regulatory investigations, including those involving the Foreign Corrupt Practices Act and regularly counsels clients on their anti-corruption compliance programs and controls, including the drafting of policies, procedures, and training materials designed to foster compliance with global anti-corruption laws. Oliver also frequently advises on anti-corruption due diligence in connection with corporate acquisitions, private equity investments, and other business transactions. He speaks Korean and is a member of the bars of New York and the District of Columbia. **Ning Ning** is an of counsel in the Hong Kong office. Ning's practice focuses

on advising clients on government and internal investigations compliance counseling, and compliance due diligence matters across the Asia-Pacific region. She has represented clients before the U.S. Department of Justice (DOJ) and the U.S. Securities and Exchange Commission (SEC) involving potential violations of the U.S. Foreign Corrupt Practices Act, securities laws, and other white collar defense matters. Ning is a native Mandarin speaker and has extensive experiences in China-related investigations and compliance matters. Ning is a member of the bar of Illinois. She is admitted to practice as a solicitor in Hong Kong. **Karthik Ashwin Thiagarajan**, an of counsel in the Singapore office, assists clients with investigations in the information technology, fin-tech, telecommunications, logistics and fast-moving consumer goods sectors in India and Southeast Asia. He advises clients on internal investigations and anti-corruption reviews in the region. A client praised him for being “on top of his trade” in the India Business Law Journal’s 2019 “Leaders of the pack” report. Karthik speaks English, Hindi, Tamil and Kannada. He is admitted to practice in India and New York.

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