

Webcast: Negotiating Closure of Government Investigations: NPAs, DPAs, and Beyond

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Deferred Prosecution Agreements (DPA) and Non-Prosecution Agreements (NPA) are the principal vehicles for bringing government investigations to closure short of a trial. In this annual presentation, a team of experienced practitioners discuss key considerations when evaluating these agreements and what to expect from the government. Topics will include:

- Trends and statistics from 2000 to the present;
- Factors that are likely to result in an NPA rather than a DPA;
- Recent enforcement developments, including the impact of DOJ's 2020 corporate compliance program guidelines;
- Key terms in these agreements and what to watch out for, including updated compliance obligations;
- Cross-border considerations and post-resolution consequences and obligations;
- Brief survey of countries and agencies using DPA-or NPA-like resolution vehicles.

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Related People

[Stephanie Brooker](#)

[Richard W. Grime](#)

[Patrick F. Stokes](#)

[F. Joseph Warin](#)

[Courtney M. Brown](#)

PANELISTS:

Stephanie L. Brooker is co-chair of Gibson Dunn's global White Collar Defense and Investigations Practice Group and Financial Institutions Practice Group and anti-money laundering practice. She is the former Director of the Enforcement Division at FinCEN, and previously served as the Chief of the Asset Forfeiture and Money Laundering Section in the U.S. Attorney's Office for the District of Columbia and as a DOJ trial attorney for several years. Ms. Brooker represents multi-national companies and individuals in internal corporate investigations and DOJ, SEC, and other government agency enforcement actions involving, for example, matters involving BSA/AML; foreign influence; sanctions; anti-corruption; securities, tax, and wire fraud; whistleblower complaints; and "me-too" issues. Her practice also includes compliance counseling and deal due diligence and significant criminal and civil asset forfeiture matters. Ms. Brooker has been named a *Global Investigations Review* "Top 100 Women in Investigations" and *National Law Journal* White Collar Trailblazer.

Richard W. Grime is co-chair of Gibson Dunn's Securities Enforcement Practice Group. Mr. Grime's practice focuses on representing companies and individuals in corruption, accounting fraud, and securities enforcement matters before the SEC and the DOJ, along with advising companies on key aspects of their compliance programs. This year he represented two companies that resolved investigations through DOJ Deferred Prosecution Agreements. Prior to joining the firm, Mr. Grime was Assistant Director in the Division of Enforcement at the SEC, where he supervised a wide range of the

Commission's activities, including many FCPA and financial fraud cases, along with multiple insider trading and Ponzi-scheme cases. He is ranked annually in the top-tier by Chambers USA, and Chambers Global, for his FCPA practice.

Patrick F. Stokes is co-chair of Gibson Dunn's Anti-Corruption and FCPA Practice Group. Mr. Stokes' practice focuses on representing corporations and individuals in a wide variety of white collar investigations, including corruption, accounting fraud, securities fraud, money laundering, and financial institutions fraud. Prior to joining the firm, Mr. Stokes headed DOJ's FCPA Unit, managing the FCPA enforcement program and all criminal FCPA matters throughout the United States covering every significant business sector. Previously, he served as Co-Chief of the DOJ Criminal Division's Securities and Financial Fraud Unit, and was an Assistant U.S. Attorney in the Eastern District of Virginia. Mr. Stokes is highly ranked by *Chambers USA* and *Chambers Global* for his anti-corruption investigations and compliance practice.

F. Joseph Warin is co-chair of Gibson Dunn's global White Collar Defense and Investigations Practice Group, and chair of the 200-person Litigation Department in Washington, D.C. Mr. Warin's group is repeatedly recognized by Global Investigations Review as the leading global investigations law firm in the world. Mr. Warin's practice includes representing corporations in complex civil litigation, white collar crime, and regulatory and securities enforcement – including FCPA investigations, False Claims Act cases, special committee representations, compliance counseling and class action civil litigation. He is a former Assistant United States Attorney in Washington, D.C. Mr. Warin is continually ranked annually in the top-tier in multiple practice categories by *Chambers USA*, *Chambers Global*, and *Chambers Latin America*. In 2021, *Chambers* named him a "Star" in FCPA, a "Leading Lawyer" in the nation in Securities Regulation: Enforcement, and a "Leading Lawyer" in the District of Columbia in Securities Litigation and White Collar Crime and Government Investigations.

Courtney Brown is a senior associate in the Washington, D.C. office of Gibson Dunn, where she practices primarily in the areas of white collar criminal defense and corporate compliance. Ms. Brown has experience representing and advising multinational corporate clients, boards of directors, and individuals in internal and government investigations on a wide range of topics, including anti-corruption, anti-money laundering, sanctions, securities, tax, and whistleblower and workplace matters. Ms. Brown has experience representing clients throughout the lifecycle of a government investigation, from the investigation stage to the completion of the post-resolution reporting period.

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