



***GIR 100***  
**2018**

**A GUIDE TO THE WORLD'S LEADING FIRMS  
FOR CORPORATE INVESTIGATIONS**

# GIR 100

The **GIR 100** is an annual guide to the world's leading cross-border investigations practices. Based on extensive research, we have selected 100 law firms and 10 investigations consultancies from around the world able to handle sophisticated cross-border government-led and internal investigations.

For corporate counsel, knowing which firm, or firms, to turn to during a crisis – sometimes at a moment's notice – is of the utmost importance. In the most extreme cases, getting the right external counsel – with experienced people in the necessary locations – can mean the difference between sinking and swimming for a company under government scrutiny.

Hence the need for a publication such as the GIR 100.

Our research is essentially a vetting process: we review the data supplied to us by each firm with the aim of selecting firms from around the world that we can recommend for handling corporate internal investigations and government investigations.

In preparation for the GIR 100, we asked numerous firms the same question: when pitching for work to potential clients, how do you persuade a general counsel that your firm is a better choice than your competitors?

Because of course, one can regale a potential client with a multitude of facts about the firm: the number of partners and associates at one's disposal; the ex-government enforcers with inside knowledge; the multitude of offices in far-flung locations; the in-house forensic accounting team.

These are all-important – perhaps vital, especially on larger matters.

But ultimately, we were told by many different firms, of all shapes and sizes, that it boils down to two things: experience and trust. First, experience. Knowing how an investigation

is supposed to work is one thing, but getting out there and actually doing it is something else.

Take witness interviews. We've heard anecdotes of how being a female lawyer can work to one's advantage when interviewing male witnesses in some jurisdictions, but has quite the opposite effect elsewhere. And should one play good cop, bad cop? Or a little of both, depending on the interviewee? What about bringing in local counsel to pick up on details and nuances in conversation that even a seasoned DC lawyer, for example, might fail to spot?

And when dealing with prosecutors, do you go, tail between your legs, with the results of a corporate internal investigation neatly packaged up, and drop it into the government's lap? Or do you go in teeth bared? Do you go in at all? And if it gets to the stage where you're negotiating a financial settlement with the government, do you follow the advice of one lawyer who said, "Whatever you do, never be the first to name a number." Or do you try to frame the debate right from the word go?

This isn't something learned at law school: this comes from hard work and experience on the ground. Has a firm carried out an investigation in country x before? Has it carried out multiple investigations there, over many years – meaning it would have substantial institutional memory when it comes to handling probes in that jurisdiction? Has that firm handled a cross-border investigation with multiple government agencies each looking for a scalp, with competing interests, conflicting laws, overlapping jurisdictions? How many such matters has it handled? Where? Which industries? What were the outcomes?

And then there's trust. The trust of the client, certainly – particularly those with whom the firm has worked for many years, perhaps in many different areas of law. Also, trust from



other law firms: trust in a firm's ability to handle an investigation and to deal with the outcome of that investigation; and to work side by side with that firm positively and productively, whatever issues may arise. And, finally, trust from enforcers – an incalculable but supremely valuable asset when it comes to negotiations with government agencies.

When we were researching each of the firms that appear in this publication, that's what we placed most emphasis upon: experience and trust.

We're confident that each firm appearing in this guide – whether it's a multinational law firm with an army of investigations specialists, or a regional firm whose lawyers know the local legal terrain inside out – has substantial experience in handling corporate internal investigations and government-led investigations. And, accordingly, each has earned the trust of its clients, of other law firms and, importantly, of the government agencies in the jurisdictions in which it operates.

Our conclusions are based largely upon submissions we received – every firm herein supplied a full, comprehensive submission detailing every aspect of its investigations practices – and from the dozens of phone calls and meetings we have carried out with partners from the firms we list.

Results are also based on our own specialist, in-house knowledge. Our team of reporters, based in London and Washington, DC, cover the work of the selected firms and others all day, every day. What's more, we were also able to draw upon – and contribute to – the work of colleagues on our sister publications, not least *Who's Who Legal*, whose research for its *Investigations* and *Business Crime Defence* editions has been invaluable in undertaking this project.

Finally, Global Investigations Review is sincerely grateful to all the firms who provided information for the GIR 100. We

appreciate it was no mean feat, and in many cases saw firms burning the midnight oil to get the submission in on time. We hope you will agree that the results are well worth it.

### **Methodology**

We invited firms across the world to make a GIR 100 submission to Global Investigations Review. To do so, each firm was asked to complete a detailed questionnaire on its investigations and white-collar crime practice.

The questionnaire comprised two parts. The first aimed to gather information on the characteristics of a firm's investigations practice. Here, we requested public, on-the-record information that would enable us to write a profile of the firm. We wanted to know about the firm's clients, its star partners, its most noteworthy investigations, together with the achievements and developments the firm's investigations practice is proud of – and able to tell the world about.

The second part takes a look below the surface. We wanted to provide firms with an opportunity to demonstrate their experience and current activity levels, without breaking any ethical rules. For this section, we gave firms the opportunity to submit information confidentially. This has enabled us, first, to recommend a firm to readers on the basis of its current practice (rather than past, public successes), and, second, to rank firms using objective data for the GIR 30. We asked for detailed information on the investigations and monitorships the firm has carried out over the past two years. We also looked at partner travel, government experience and more.

# GIR 30

## Gibson Dunn & Crutcher

*Gibson Dunn & Crutcher continues to attract former top enforcers to its white-collar practice. That's down to its reputation as one of the world's best firms for investigations, as evidenced by its work for Och-Ziff, Wood Group, Petrobras and more.*

### **The firm**

Gibson Dunn & Crutcher is a magnet for former high-level government enforcers.

Kendall Day, former acting deputy assistant attorney general at the DOJ's criminal division, joined the firm's Washington, DC, office in April 2018. As well as supervising more than 200 prosecutors and investigators, Day oversaw every Bank Secrecy Act and money-laundering charge, DPA and NPA relating to financial institutions.

Earlier in the year, ex-SFO prosecutor Sacha Harber-Kelly joined the firm's London office. As an investigative lawyer and case controller in SFO's corruption and bribery divisions, Harber-Kelly handled the investigation and subsequent DPA negotiations with Rolls-Royce, which remains the UK's largest-ever enforcement action for bribery and corruption and its first tripartite global resolution.

In July 2016, the firm hired Patrick Stokes, the former head of the FCPA unit at the US Department of Justice and the man responsible for overseeing major foreign bribery settlements with Dutch telecoms company VimpelCom and French conglomerate Alstom.

It was a coup for the firm, bringing together the recent head of the Justice Department's FCPA unit with one of the leading defence lawyers in the foreign bribery space: F Joseph Warin. The co-chair of Gibson Dunn's white-collar defence and investigations practice, Warin – himself a former federal prosecutor in the DC Attorney's Office – oversees a formidable team. The firm has more than 125 lawyers with investigative, anti-corruption and compliance experience. No fewer than 11 of them are nominees to *Who's Who Legal: Investigations*, and another seven are nominees to *Who's Who Legal: Business Crime Defence*.

The other co-chairs of the team are Joel Cohen in New York and Charles J Stevens in San Francisco. Cohen previously served as a federal prosecutor in Brooklyn, where he prosecuted Jordan Belfort and Stratton Oakmont, the subjects of the 2013 Hollywood blockbuster *The Wolf of Wall Street*. Stevens served as a US Attorney for the Eastern District of California from 1993 to 1997, appointed by former president Bill Clinton. He was also a federal prosecutor in the US Attorney's Office in Los Angeles.

In July 2018, the firm hired Keker Van Nest & Peters partner Michael Celio in its Palo Alto office. During his 17-year tenure as a trial lawyer at his former firm Celio was seconded to the San Francisco District Attorney's Office, where he prosecuted dozens of cases.

In May 2017, Gibson Dunn added white-collar specialist Finn Zeidler, previously of Latham & Watkins, to its Frankfurt office.

### **Recent events**

Gibson Dunn has extensive experience across the white-collar spectrum, in matters ranging from sanctions violations to benchmark manipulation and money laundering. But it's in the foreign bribery space that the firm has really pushed ahead of its competitors.

According to reports in GIR and elsewhere in the press, Gibson Dunn partner Richard Grime is representing oil services group

Wood, which acquired rival Amec Foster Wheeler in 2017. The latter company remains under investigation by UK and US authorities after it self-reported concerns over its dealings with certain agents, including embattled Monaco-based oil consultancy Unaoil.

In 2017, Gibson Dunn obtained declinations from both the DOJ and the SEC for its client MTS, a company that makes positioning sensors and test systems for vehicles. US authorities were investigating possible FCPA violations related to the company's Asia operations.

In 2016, the firm guided hedge fund Och-Ziff Capital Management to a US\$412 million criminal and civil settlement with the DOJ and SEC over bribery schemes in the Democratic Republic of Congo and Libya. The settlement was one of the most significant FCPA resolutions in recent years, involving a novel prosecution theory that investment advisers are liable for actions occurring at companies or ventures in their investment portfolio. The case stemmed from an SEC sweep of the financial services industry's business dealings with sovereign wealth funds.

Gibson Dunn continues to act for Brazil's state-controlled oil company Petrobras on the fallout from one of the largest corruption scandals in history. As well as chasing damages from the companies accused of bribing its former officials, the firm has helped the company resolve bribery allegations with US and Brazilian authorities for US\$853 million, in what was only the second state-controlled company to enter into an FCPA settlement, and the first to maintain its right to argue that it is immune from prosecution.

Meanwhile, outside of the FCPA, Gibson Dunn advised Swiss bank UBS on overlapping regulatory and criminal probes stemming from the global fallout over the Forex manipulation scandal. UBS was the only bank targeted by US authorities to avoid criminal antitrust charges, as well as the only bank to receive full protection from prosecution in the DOJ criminal division's investigation of conduct related to the precious metals market.

### Network

The firm has nine offices in the United States, with a particularly strong presence in California where it was founded. It also has offices in Beijing, Brussels, Dubai, Hong Kong, London, Munich, Paris, São Paulo and Singapore.

### Clients

Gibson Dunn served as counsel to Hilton on FCPA matters during the US hospitality company's US\$1.95 billion sale of the Waldorf Astoria New York to Beijing-based Anbang Insurance Group. It represented Swiss bank UBS in a global probe of the financial services industry, and was retained by the New Jersey Governor's Office

to conduct an internal investigation into the state's "Bridgegate" scandal.

### Track record

Since late 2008, Gibson Dunn has advised on at least five FCPA-related declinations and seven FCPA-related settlements, according to data collected by GIR. And of course that's only what's public. In addition, Warin has been a monitor twice, served as counsel to a third and advised companies who have been appointed monitors.

The firm has advised companies such as Hewlett-Packard, Weatherford International, Allianz and General Electric on foreign bribery matters.

For Hewlett-Packard, Gibson Dunn negotiated a favourable joint settlement with the DOJ and SEC. The 2014 settlement included a number of notable features: in particular, Gibson Dunn was able to convince the DOJ to charge only those subsidiaries of the company that were involved in the bribery misconduct. The SEC settlement included only accounting charges and no substantive bribery allegations, did not require an admission of liability, and imposed no fine. Gibson Dunn continued to advise the company during its post-resolution reporting period and on several connected matters concerning its overseas subsidiaries.

Also in 2014, Gibson Dunn secured a dual FCPA-related declination for technical equipment manufacturing company Agilent Technologies, following an internal investigation conducted by the firm that included extensive employee interviews and document review in the United States and China.

In July 2010, the firm was retained by Allied Defense Group to handle a grand jury subpoena and criminal FCPA probe. Earlier that year, a former company executive had been arrested along with 21 others before a trade show in Las Vegas, in what became known as the "SHOT Show" sting operation. The firm brought the company to the table with US authorities, in an effort to support their prosecution of its former executive. In October 2012, it was able to secure a decision not to pursue the case from the SEC, followed in August 2013 by a declination from the DOJ.

In 2011, Gibson Dunn convinced both the DOJ and the SEC to suspend investigations into Houston-based oilfield services company Schlumberger in connection to allegations of bribery in Yemen.

The firm represented Stuart Carson, a former CEO of the California-based industrial valve maker Control Components, in one of the few FCPA cases to go to federal court. Carson faced up to 15 years' imprisonment based on the charges in a DOJ indictment. But after four years of vigorous litigation by Gibson Dunn, Carson secured a settlement that resulted in only four months in custody.