



GIR 100

2020

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

GIR 30

Gibson Dunn & Crutcher

The firm has some of the world's leading corporate defence lawyers; it continues to hire the best talent from government agencies; and its attorneys are always working on the biggest cases of the day. Though others come close, Gibson Dunn's investigations strength is proving very hard to match.

The firm

Gibson Dunn & Crutcher is the premier firm in the investigations space and has an unrivalled Foreign Corrupt Practices Act practice. In the past year, the firm worked on negotiating the Novartis and Herbalife FCPA settlements.

But that's just one part of Gibson Dunn's investigations work. The firm has a particularly strong data privacy and cybersecurity team, and regularly works on major accounting and tax fraud cases. Clients say the firm is meticulous in navigating companies through an investigation.

Spearheading the firm's efforts is F Joseph Warin. The co-chair of Gibson Dunn's white-collar defence and investigations practice, Warin – whom clients rate as impressive – oversees a formidable team of 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 five 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.

The three practice heads are supported by a plethora of former government officials. If a company is under investigation by a government agency, Gibson Dunn probably has a partner who used to work at the relevant authority.

The co-chairs oversee a practice of top investigations lawyers. Among them is New York-based partner Zainab Ahmad. It's hard to find a lawyer with more impressive government experience: she's served as a senior prosecutor in the office of Special Counsel Robert Mueller and as deputy chief of the national security and cybercrime section in the Brooklyn US attorney's office. Ahmad was so successful in prosecuting terrorist cases while in Brooklyn that *The New Yorker* wrote an entire feature about her.

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

The DC team can also count on Patrick Stokes, a former head of the FCPA unit at the US Department of Justice (DOJ), who

oversaw major foreign bribery settlements with Dutch telecoms company VimpelCom and French conglomerate Alstom.

Former Serious Fraud Office prosecutor Sacha Harber-Kelly is the name to know in London. As an investigative lawyer and case controller in the SFO's corruption and bribery divisions, Harber-Kelly handled the investigation and subsequent deferred prosecution agreement negotiations with Rolls-Royce, which resolved foreign bribery violations by the engineering company as part of a trilateral settlement.

In Germany, the firm is home to Frankfurt-based Finn Zeidler and Munich-based Benno Schwartz.

Another name to know at Gibson Dunn is Richard Grime, who originally worked as a lawyer in the UK before moving to the US where he would spend over a decade in the US Securities and Exchange Commission's (SEC) enforcement division. Grime is part of a team of Gibson Dunn lawyers advising mining company Rio Tinto as it fights a high-profile SEC enforcement action, GIR has previously reported. The SEC claims that Rio Tinto overstated the value of its Mozambique coal mine in several financial statements before taking a US\$3.2 billion profit write down in 2014. Rio Tinto and its former top executives deny wrongdoing.

Washington, DC-based partner Judith Alison Lee, a co-chair of the firm's international trade practice group advises clients on sanctions and export controls matters. Adam Smith, a former official at the US Office for Foreign Assets Control, also advises clients on sanctions from his DC base, and was among the 25 practitioners that featured in GIR's 'DC sanctions lawyers to have on speed dial' in 2019.

Stephanie Brooker, meanwhile, is co-chair of the firm's financial institutions practice group, and advises clients in multi-agency enforcement matters. She is a former federal prosecutor and served as chief of staff and director of the US Treasury's Financial Crimes Enforcement Network's enforcement division.

Recent events

One of the firm's major strengths is its well-roundedness. 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 continued to excel throughout the years.

Gibson Dunn, together with Morrison & Foerster, advised life sciences company Novartis and its spin-off business Alcon on a wide-scale FCPA investigation. In June 2020, the companies settled charges that they violated the FCPA in countries such as Greece and Vietnam for \$345 million.

Two months later, the firm guided nutrition and multi-level marketing company Herbalife to an FCPA resolution with US authorities. The company paid \$123 million in penalties for conduct in China. Both Novartis and Herbalife avoided a monitor – a possibility companies dread.

Moving away from the FCPA, Gibson Dunn guided social media company Facebook in July 2019 to a major US\$5 billion settlement with the US Federal Trade Commission (FTC). The agency punished Facebook for misleading users about the company's privacy practices. The case was related to allegations that a UK political consulting company misappropriated millions of Facebook users' data to target political advertising campaigns. Although the fine was the largest ever imposed by a US agency for privacy violations, the resolution was seen as a win for Facebook, which faced major legal exposure but emerged at the end relatively unscathed.

In 2018, US prosecutors offered Israeli bank Mizrahi-Tefahot Bank (MTB) a US\$342 million DPA to settle charges that it

helped US citizens evade tax, GIR previously reported. The bank reportedly declined the offer, and in 2019 ultimately paid substantially less in a US\$195 million settlement. The lawyer on MTB's settlement documents? Gibson Dunn's F Joseph Warin.

Network

The firm has 10 offices in the US, and another 10 in Europe, Latin America, the Middle East and Asia. But the firm's main investigations partners are primarily in: New York, San Francisco, Washington DC, Denver, Frankfurt, Hong Kong, Los Angeles, Munich, Palo Alto, Paris, São Paulo and Hong Kong.

Clients

Some of the biggest names in the corporate world from every major industry have turned to Gibson Dunn, such as Swiss bank UBS, Brazilian state oil company Petrobras, life sciences company Bristol Myers-Squibb and information technology company Hewlett-Packard.

Track record

If there was no word limit to the GIR 100, this section could rival a PhD thesis in length. But even in a condensed version there's no denying Gibson Dunn's impressive track record. In 2018, Gibson Dunn helped Brazil's state-controlled oil company Petrobras in 2018 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 with the DOJ, and the first to maintain its right to argue that it is immune from prosecution.

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.

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.

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