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GIR 100

2021 A GUIDE TO THE WORLD'S
LEADING FIRMS FOR
CORPORATE INVESTIGATIONS

GIBSON DUNN & CRUTCHER

The firm has one of the top investigations practices in the world. And in 2021, Gibson continued to show why, guiding the likes of Deutsche Bank, Wood Group and Kraft Heinz to major corporate settlements.

The firm

Gibson Dunn & Crutcher is the premier firm in the investigations space and has an unrivalled FCPA practice. Most law firms might resolve one major FCPA case once or twice in a decade. Gibson Dunn often handles several settlements in any given year. In 2021, the firm worked on negotiating the Deutsche Bank and Wood Group FCPA settlements. The year before that it resolved foreign bribery cases for Novartis and Herbalife.

But the FCPA is just one part of Gibson Dunn's investigations work. The firm is home to five ex-US attorneys and over 50 former prosecutors and other enforcement officials around the world. Among them are former top national security officials and white-collar prosecutors. That's why the firm is frequently seen advising on major sanctions, money laundering and accounting fraud cases too.

Spearheading the firm's efforts is F Joseph Warin, who was recognised as a Top FCPA Practitioner by GIR in 2021. The co-chair of Gibson Dunn's white-collar defence and investigations practice, Warin 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 six are nominees to Who's Who Legal: Business Crime Defence.

The other co-chairs of the team are Joel Cohen in New York, Charles J Stevens in San Francisco, Stephanie Brooker in DC and Nicola Hanna in Los Angeles.

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. Brooker, who also co-chairs the financial institutions practice, is a former federal prosecutor and served as chief of staff and director of the enforcement division of the US Treasury's financial crimes enforcement network. Hanna, meanwhile, returned to Gibson Dunn in January 2021 after a stint as US attorney in LA.

The five 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.

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 is a former acting deputy assistant attorney general at the DOJ's criminal division. 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, who oversaw major foreign bribery settlements with Dutch telecoms company VimpelCom and French conglomerate Alstom.

In 2021, David Burns returned to Gibson to co-lead the firm's national security practice after a stint at the DOJ. Burns was a senior prosecutor in the National Security Division before he temporarily took charge of the Criminal Division during the transition to the Biden administration. He adds to Gibson Dunn's national security offering, which also includes Washington, DC-based partner Judith Alison Lee, a co-chair of the firm's international trade practice group who advises clients on sanctions and export controls matters, and Adam Smith, a former official at the Office for Foreign Assets Control who featured in GIR's 'DC sanctions lawyers to have on speed dial' in 2019.

Another name to know 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 SEC's enforcement division. He's joined by Michael Diamant, who as well as acting on FCPA matters regularly advises clients on cases before the World Bank. Former SFO 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 Schwarz.

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.

Then in January 2021, GIR reported that Gibson Dunn guided Deutsche Bank to a \$130 million settlement resolving foreign bribery and spoofing charges, and six months later, the firm advised Wood Group on the US portion of a \$177 million global settlement concerning bribery in Brazil.

In all four settlements the companies avoided a monitor and the parent companies were not required to plead guilty.

Away from the FCPA, the firm advised food and beverage company Kraft Heinz in September 2021 on a \$62 million accounting fraud resolution with the SEC, in which it neither admitted nor denied the charges, GIR previously reported.

Day and Smith, meanwhile, guided Indonesian paper products manufacturer Bukit Muria Jaya in January 2021 to a \$1.6 million DPA with the DOJ over charges that it violated sanctions on North Korea. The company also settled with OFAC.

Network

The firm's top investigations partners are 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

Gibson Dunn has advised on so many major cases in its history that we've decided to focus here only on the last five years.

In 2018, Gibson Dunn advised Israeli bank Mizrahi-Tefahot Bank (MTB) on a US\$195 million settlement over charges that it helped US citizens evade tax. The final amount was significantly less than what prosecutors had previously sought, US\$342 million.

That same year, Gibson Dunn helped Brazil's state oil company Petrobras in 2018 resolve bribery allegations with US and Brazilian authorities for US\$853 million, in what was only the second state 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.

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.