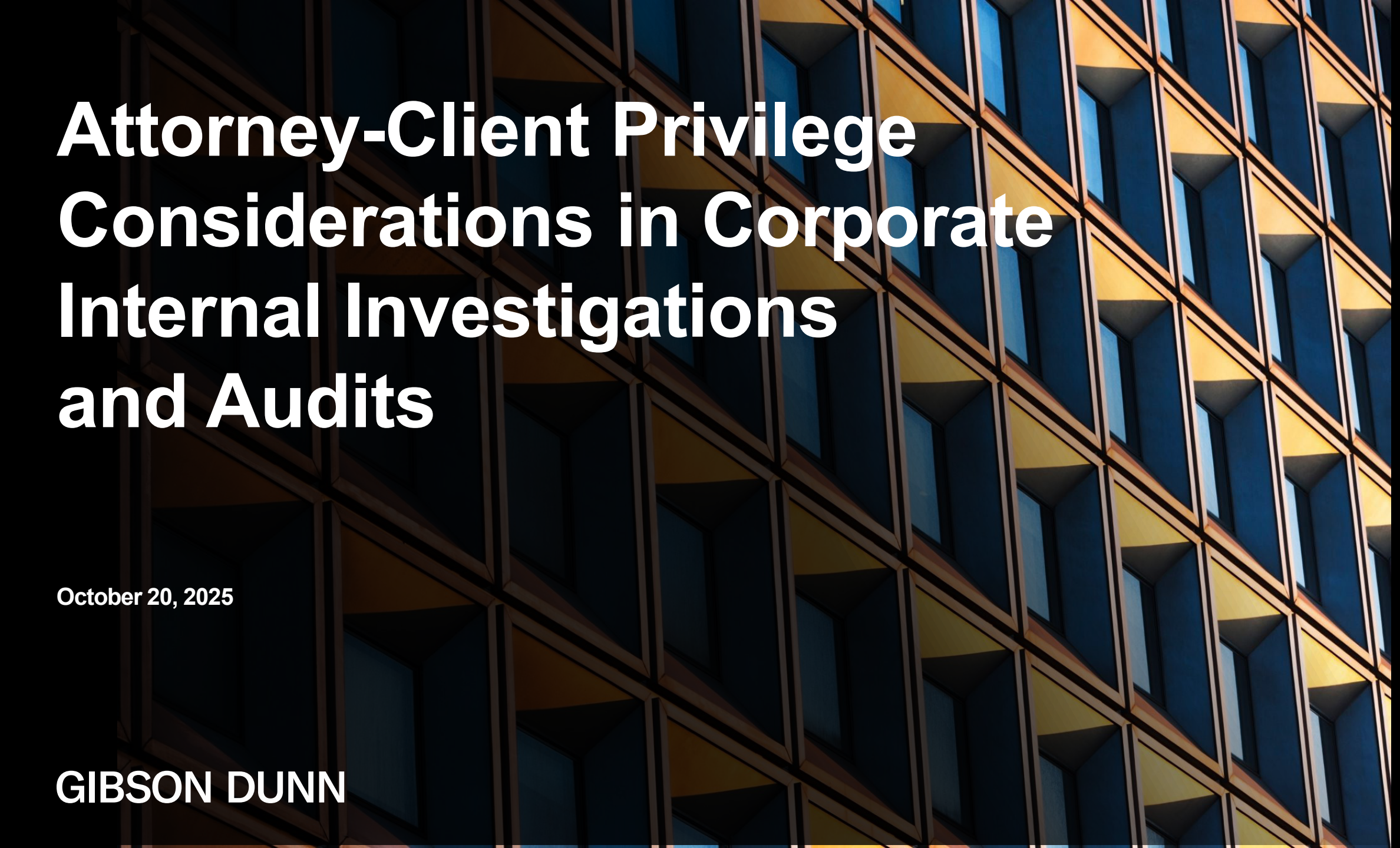

Attorney-Client Privilege Considerations in Corporate Internal Investigations and Audits

October 20, 2025

GIBSON DUNN

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MCLE Certificate Information

- Approved for 1.0 hour General PP credit.
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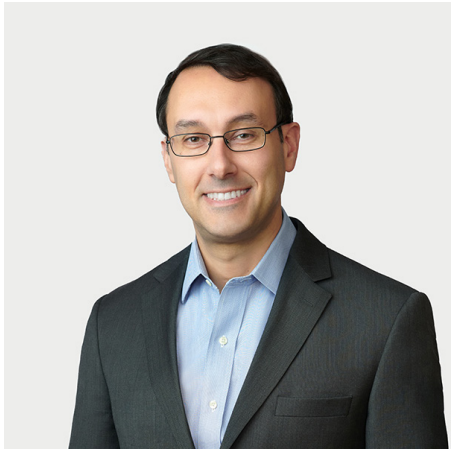

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Attorney-Client Privilege Basics

Elements:

- (1) A communication,
- (2) made for the purpose of obtaining or providing legal advice,
- (3) between client and counsel, that
- (4) was intended to be and was in fact kept confidential.

History and Purpose:

- Purpose to encourage "full and frank communication" between attorneys and clients.

Scope:

- Applies with equal force when the client is a corporation.
- Includes written and oral communications.
- Does not protect business advice.
- Does not protect facts.
- Is not absolute and can be lost or waived.

Work Product Basics

Elements:

- (1) Document or tangible thing,
- (2) Prepared in anticipation of litigation,
- (3) By or for the party or for the party's representative.

History and Purpose:

- Purpose to preserve the adversarial system by preventing opposing counsel from "borrow[ing]" the work done by their adversary.

Scope:

- May cover factual information, but that information is generally accorded lower protection by courts.
- May be overcome by a showing of substantial need and hardship.
- May be waived in limited circumstances, as dictated by a fact-intensive analysis of applicable principles of confidentiality and fairness.

Attorney-Client Privilege in Internal Investigations and Audits

02

Attorney-Client Privilege in Investigations and Audits

- **Internal investigations and audits, no matter how sensitive, are not privileged by default.**
- In appropriate cases, companies can extend privilege over investigations and audits by conducting them **at the direction of counsel** and **observing privilege formalities**.
- **In this segment, we will discuss:**
  - What internal investigations or audits can be privileged.
  - What communications may be privileged, including "dual purpose" communications.
  - Who, during a privileged investigation or audit, can be considered an "attorney" for purposes of engaging in privileged communications, including:
    - Whether it matters if the investigation or audit is led by outside or inside counsel.
    - Whether non-lawyer auditors and investigators can be cloaked in privilege.

Privileged Audits and Investigations: Legal Purpose

For an investigation or audit to be conducted under privilege, at least one purpose of the audit or investigation **must be to facilitate an attorney's provision of legal advice to the company**.

Examples of legal advice include:

1. **Interpretation of laws** or **application of law to facts** – e.g., relating to potentially significant civil, criminal, regulatory, or administrative exposure.
2. Advice regarding **compliance with a legal obligation** – e.g., relating to implementation of legally mandated compliance measures.
3. **Litigation-related** advice – e.g., relating to ongoing or likely lawsuits, government investigations, or enforcement actions.

Not legal advice:

1. Business advice (including advice that could have just as easily been provided by a non-lawyer).
   - *Example*: Investigation re employee performance (generally not privileged) vs. investigation of employee criminal misconduct (can be privileged, in appropriate circumstances).

Privileged Communications: Legal Purpose

Not all communications involved in a privileged audit or investigation are privileged.

- A covered communication can be **written or oral**, must be for the purpose of **seeking or providing legal advice**, and may include discussions with company employees to obtain information to facilitate the provision of legal advice (e.g., interviews).
  - Same rules apply for assessing whether a communication involves "legal advice."

Communications not generally treated as privileged include:

- Fact documents;
- Scheduling and other administrative communications;
- Communications where an attorney is simply copied or included but does not participate;
- Statements intended to be transmitted to third parties;
- Minutes of business meetings and other business correspondence, including business meeting agendas, inter-office reports, and file memoranda;
- Summaries and general updates, without legal analysis.

Privileged Communications: Dual Purpose

A single communication may serve more than one purpose, such that business and legal purposes are so inextricably linked as to make it impossible or impractical to extract only non-privileged content.

- Communications relating to internal investigations are a quintessential example of dual-purpose communications.

Courts apply different tests to evaluate whether dual-purpose communications are privileged:

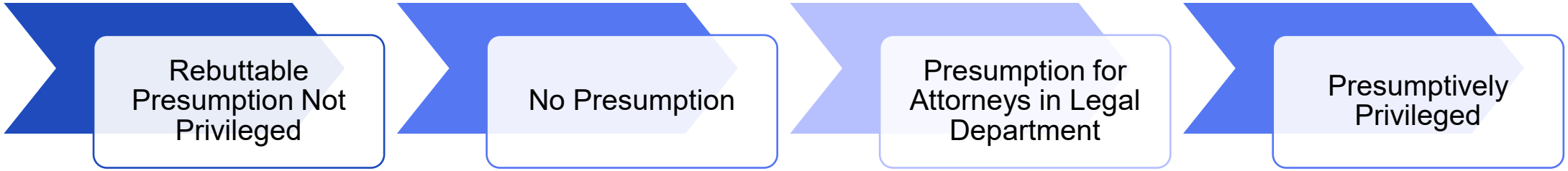
D.C. Circuit: Seeking or providing legal advice must be **"a" primary purpose** of the communication.	***Can*** have ***more than one*** *primary or* "significant purpose."
9th Circuit: Seeking or providing legal advice must be **"the" primary purpose** of the communication.	Can have ***only one*** primary purpose.
7th Circuit: **No privilege** over dual-purpose communications.	Legal advice must be the ***only*** purpose.

In re Kellogg Brown & Root, Inc., 756 F.3d 754 (D.C. Cir. 2014) (Kavanaugh, J.).
In re Grand Jury, 23 F.4th 1088, 1092, 1094 (9th Cir. 2021).
United States v. Frederick, 182 F.3d 496, 500–501 (7th Cir. 1999) (Posner, J.).

Privileged Communications: The "Attorney" – Counsel

In the United States, communications with in-house counsel can be privileged to the same extent as communications with outside counsel, but only if counsel is acting in a professional legal—not business—capacity.

- The **burden of proof** of establishing that privilege applies falls on the party asserting the privilege, and the burden is generally "stricter" or "heightened" when the lawyer is in-house counsel because these lawyers almost always wear two hats (business and legal).
- Courts take different approaches to whether any presumption applies to communications with *either* outside or in-house counsel, but courts are more likely to apply a presumption favoring privilege to communications with outside counsel – e.g., *United States v. Chen*, 99 F.3d 1495 (9th Cir. 1996).
- For in-house counsel, there are a spectrum of positions on whether the communication is presumptively privileged.



Privileged Communications: Legal Purpose – In Practice

***In re: FirstEnergy Corp.*, No. 24-3654 (6th Cir. Oct. 3, 2025).**

In 2020, FirstEnergy undertook two internal investigations following the indictment of former Ohio House Speaker Larry Householder for an alleged bribery scheme that implicated First Energy.

- In particular, within one week of Householder's indictment and DOJ's parallel issuance of related subpoenas to FirstEnergy, FirstEnergy and its Board engaged two outside law firms to conduct internal investigations into the allegations and advise on FirstEnergy's response to the subpoenas.
- The indictment and subpoenas triggered an array of legal and regulatory actions against FirstEnergy, including a securities class action. During discovery, claimants demanded access to all materials from outside counsel's investigations.
- The District Court granted the motion, finding that FirstEnergy's internal investigations were initiated for business, not legal, advice because FirstEnergy had later used the fruits of the investigation to inform business decisions.

On appeal, **the Sixth Circuit reversed**, finding that FirstEnergy's internal investigations were still primarily for legal purposes even though it used those findings to inform business decisions.

> "[FirstEnergy] primarily sought and received legal advice from its attorneys throughout the investigations." "[These] communications—including outside counsels' analyses about what acts occurred, whether those acts were illegal, and what criminal and civil consequences might ensue—all involved requested legal advice."

> "What matters under the attorney-client privilege is **whether a company seeks legal advice** . . . **not what it later does with that advice** . . . That FirstEnergy made business decisions based on this legal advice does not change matters."

> "In the context of the legal threats that FirstEnergy faced—high-stakes criminal and civil allegations—it will be the **rare** company that **will not also have business purposes** for seeking essential legal advice. The attorney-client privilege nonetheless **plainly applies**."

Privileged Communications: The "Attorney" – Non-Lawyer Investigators / Auditors

- In *In re Kellogg Brown & Root, Inc.*, 756 F.3d 754 (D.C. Cir. 2014) (Kavanaugh, J.) ("*KBR*"), the D.C. Circuit held that the privilege extends to non-attorneys serving as agents of attorneys in internal investigations.

- No other circuit has gone as far as the D.C. Circuit, but there is a strong body of law founded in *KBR* and in the Second Circuit's decision in *United States v. Kovel*, 296 F.2d 918 (2d Cir. 1961) (Friendly, J.), supporting that non-attorney third parties may be cloaked in the attorney-client privilege when acting as agents of lawyers.

  - *Kovel* extended privilege to an accountant necessary to interpret complicated tax information for an attorney, and has since been adopted or cited approvingly by every circuit and has been extended to third parties beyond accountants.

- **General test:** Whether the third party is necessary to interpret or translate information coming from the client to the attorney.

United States v. Kovel, 296 F.2d 918 (2d Cir. 1961).

Investigative Communications as "Legal" Communications

Courts sometimes differ in their approach to privilege, but in general . . .

- **Attorney-Investigators:** When conducting an interview or otherwise obtaining information from employees, attorney investigators communicate with the company (acting through its employees) to collect information necessary to provide legal advice to their client, the company, resulting in privileged communications.

- **Non-Attorney Investigators or Auditors:** When conducting privileged investigations or audits, non-attorney investigators and auditors can act as agents of attorneys and "step into the shoes of" those attorneys for purposes of the attorney-client privilege.

  - Attorney-client privilege can therefore extend to communications between the company (the client) and non-attorney investigators or auditors acting at the direction of the company's attorneys if:

    - (1) confidentiality requirements are met, and

    - (2) the non-attorney investigators are communicating with company employees to gather facts to support attorney legal advice to the company.

Waiver Considerations: Attorney-Client Privilege

03

Waiver Overview

Attorney-client privilege can be waived either **intentionally** or **unintentionally** by almost any disclosure to a party – **inside or outside an organization** – who does not have a need to know the contents of the communication.

Key Concepts:

- **Scope of Privilege** – Who falls within the circle of protected communications, and when disclosure outside that circle operates as a waiver;
- **Intentional Waiver** – Impact of intentional disclosures;
- **Inadvertent Disclosure** – Impact of inadvertent disclosure of privileged information to an adversary and risk of unintentional waiver; and
- **Implied Waiver** – Impact of using privileged material in a way that is "inconsistent with maintaining the confidential nature" of the privilege, and considerations for mitigating the risks associated with waiver.

"Any disclosure inconsistent with maintaining the confidential nature of the attorney-client relationship waives the attorney-client privilege."

United States v. Jones, 696 F.2d 1069, 1072 (4th Cir. 1982).

Scope of Privilege – *Upjohn Co. v. United States*

Before *Upjohn Co. v. United States*, many courts applied a **"control group"** test that extended privilege **only** to upper-level management with organizational control. In *Upjohn*, the Supreme Court adopted the **"subject matter" test**, which recognizes that low- and mid-level employees may possess information relevant to a legal issue.

Attorney communications with lower-level corporate client employees at issue in *Upjohn* were privileged because:

1) The communications were made **"at the direction of corporate superiors in order to secure legal advice from counsel"**;
2) The information was "**needed to supply a basis for legal advice** concerning" corporate compliance and potential litigation;
3) The communications "concerned matters **within the scope of the employees' corporate duties**"; and
4) The employees were "**aware** that they were being **questioned in order that the corporation could obtain legal advice**."

After *Upjohn*, the **vast majority**, **but not all**, of federal and state courts extend the scope of privilege coverage beyond the "control group" to:

- Persons "whose general management and supervisory responsibilities include wide areas of organizational activities"; and
- "[L]ower-echelon agents of the organization whose area of activity is relevant to the legal advice or service rendered."

Upjohn Co. v. United States, 449 U.S. 383, 394 (1981).

Intentional Waiver

Intentional waivers of privilege risk waiving privilege: (1) as to the **entire world** and (2) over **related communications on the same subject**, even if they have not yet been disclosed.

The cautionary tale of *United States v. Coburn*:

- In 2019, a company resolved allegations that its employees had authorized agents to pay a $2M bribe to government officials in India in violation of the Foreign Corrupt Practices Act.
- The company had conducted a privileged internal investigation, led by outside counsel, who made multiple **presentations to the government** summarizing investigation findings and providing **detailed accounts of 42 interviews of 19 employees**, including the company's former President and former Chief Legal Officer.
- DOJ brought charges for the same conduct against these former executives. The executives subpoenaed materials related to the company's internal investigation.
- The court found that **the company had waived privilege over materials and information it gave to the government** that disclosed specific details of the investigation and interviews. The court also held that by sharing these materials and information, the company had waived attorney-client privilege over materials that "concern[ed] the same subject matter" as those shared with the government.
- ***Result***: Defendants gained access to extensive investigative documents that would have otherwise been privileged.

Inadvertent Disclosures

Inadvertent disclosures of privileged communications to adversaries **do not typically result in waiver** of the privilege where the privilege holder took **reasonable steps** to prevent such disclosures **and,** once he/she identified the error, **took reasonable steps to remedy it**.

- **Federal Rule of Evidence 502(b):** Inadvertent disclosures made **in federal courts** or to **a federal office/agency** will not operate as a waiver in a **federal or *state*** proceeding if:
  - (1) the disclosure is inadvertent;
  - (2) the holder of the privilege or protection took ***reasonable steps*** to prevent disclosure; and
  - (3) the holder promptly took ***reasonable steps*** to rectify the error.
- **Federal Rule of Evidence 502(c):** When an inadvertent disclosure is made **in a state court or proceeding**, that disclosure will **not constitute a waiver** in a subsequent ***federal*** proceeding if the disclosure either:
  - (1) meets the requirements for non-waiver under Rule 502(b), ***or***
  - (2) does not qualify as a waiver under the law of the state where the disclosure took place.

However, the **accidental release** of privileged information to a large number of people or failure to sufficiently protect privileged information from third-party access can result in an **unintentional waiver**.

Inadvertent Disclosures – *Harleysville* Case Study

Harleysville Insurance Company sought a declaration that it had no duty to pay fire insurance coverage benefits to Holding Funeral Home, Inc., following a fire at the funeral home. During discovery, Holding Funeral Home inadvertently gained access to an email with a link to a share file that contained Harleysville's privileged investigation file.

- Holding Funeral Home argued that this waived privilege because, **by failing to password protect the file or generate a different link**, Harleysville **failed to take "reasonable steps"** to protect the privilege.
- The district court **reversed a magistrate judge's decision finding waiver** as clearly erroneous. The court reasoned:
  - Although anyone with internet access could access the link and view the documents, doing so required knowledge of the URL.
  - The URL itself was "dispositive as to the question of reasonableness" because it consisted of 32 randomly generated alphanumeric characters.
  - This had been the employee's first time using the share file, and the employee genuinely believed he generated a new link when sharing the file with Harleysville counsel.
  - Privileged materials were properly marked "privileged and confidential."

Harleysville Ins. Co. v. Holding Funeral Home, Inc., 2017 WL 4368617 (W.D. Va. Oct. 2, 2017).

Implied Waiver

Implied waiver of privilege over attorney-client communications may also be found "**where the privilege holder 'asserts a claim that *in fairness* requires examination of protected communications.'**"

- This "fairness" consideration arises when the privilege holder attempts to use the privilege tactically, seeking to further its case by disclosing otherwise privileged material on the one hand, but then seeks to withhold that same information (or related information) in other circumstances—i.e., using the privilege both as "a shield and a sword."

Common scenarios include:

1) When a party places the content of a privileged communication **"at issue"** in litigation but then seeks to assert privilege over that communication; and

2) When a party's **express disclosure requires waiver** of privilege over undisclosed materials that should in fairness be considered together, also known as **"subject matter" waiver**.

Implied Waiver – Subject Matter Waiver

Subject matter waiver is when a "voluntary disclosure of privileged attorney-client communication constitutes waiver of the privilege as to all other communications on the same subject."

- In addition, "disclosure of any significant portion of a confidential communication waives the privilege as to the whole."
- For disclosures made in federal court or to a federal office or agency, **Federal Rule of Evidence 502(a)** provides that voluntary disclosure **will trigger** a subject matter waiver as to other non-disclosed communications on the same subject if:
  1. the waiver is ***intentional***;
  2. the disclosed and undisclosed communications or information concern the ***same subject*** matter; and
  3. they ought in ***fairness*** to be considered together.

Implied Waiver – Spotlight on Government Enforcement

- **Subject matter waiver** concerns often arise during **government investigations**, in which companies under investigation may be incentivized to tactically disclose information learned during their own internal investigations, in an effort to secure more lenient treatment.
  - Any disclosure of information subject to attorney-client privilege or work product protections **voluntary disclosure risks waiver**.
    - It makes no difference whether the voluntary production is made in response to a voluntary request, formal subpoena duces tecum, or civil investigative demand; none **compel** production of privileged information, all risk waiver.
  - Any such disclosures should be made with an expectation that the company **may be found to have waived privilege** over the disclosed communications as to **all third parties**.
  - Companies should also anticipate that deemed waiver may extend beyond the disclosed communications to related and referenced materials.

Considerations for Limiting Scope of Waiver

In cases, such where a company intends to affirmatively waive privilege as to another party, there are options for **potentially limiting the scope of any waiver**—as to the receiving party and world at large, and in terms of subject matter. These include:

- **Selective/limited waiver agreements:** These can be used to prevent the parties to the agreement from further disseminating disclosed privileged material or alleging subject matter waiver over disclosed materials, but in the vast majority of cases will be enforceable only against the parties. In limited jurisdictions, they *may* also be used to document the existence of an enforceable intent of the privilege holder to not waive as to third parties.
  - *See also* **Federal Rule of Evidence 502(e)**, which provides that parties may enter into "[a]n agreement on the effect of disclosure in a federal proceeding," but that such an agreement is "**binding only on the parties to the agreement**, unless it is incorporated into a court order."
- **Fed. R. Evid. 502(d) orders:** This mechanism, available only in cases where the disclosure is made in connection with active litigation, allows parties to seek a court order expressly limiting the scope of any waiver (including as to third parties).

Considerations for Limiting Scope of Waiver – FRE 502(d)

In **federal litigation proceedings**, parties have the option of seeking a court order that the attorney-client privilege and work product protection are not waived by disclosures in connection with litigation pending before the court.

- **Rule 502(d):** "A federal **court may order** that the privilege or protection **is not waived** by disclosure connected with the **litigation pending** before the court – in which event the disclosure is **also not a waiver** in any other **federal or state proceeding**."
  - This can give effect to a nondisclosure or limited waiver agreement reached between two parties and limit further disclosure as to third parties.
  - For litigation to be "pending," courts typically require that there be an issue for resolution before the court, such as a motion to suppress or quash a subpoena, or an ongoing grand jury investigation. The mere act of responding to a subpoena will likely not qualify.
- When making the decision to disclose information in federal court to an opposing party, companies should attempt to reach an agreement with the opposing party and **seek a court order under Rule 502(d) before making any disclosures**.

Work Product Protection in Investigations

04

Work Product Overview

Work product shields from discovery "documents and tangible things that are prepared in anticipation of litigation" by a party or its representative.

Key questions to determine if a document was prepared in anticipation of litigation:

- ✓ Would the document have been created in substantially the same form without the prospect of litigation?
- ✓ Is there something beyond a "remote possibility" of litigation associated with a particular investigation?
- ✓ Is the anticipated "litigation" a court proceeding or some other "adversarial" proceeding?

Work Product Overview

- A proceeding must be **"adversarial"** to qualify as "litigation."
- **Adversarial proceedings include:**
  - A civil or criminal judicial proceeding;
  - Arbitration, mediation, or other alternative dispute resolution;
  - Certain administrative proceedings;
  - Grand jury proceedings;
  - Investigative legislative hearings; and
  - Coroner's inquiries.
- Investigations by a government agency do not in and of themselves constitute "litigation," but "investigation by a governmental agency often represents 'more than a remote possibility of future litigation and provides reasonable grounds for anticipating litigation,'" e.g., *In re Trasylol Prods. Liability Litig.*, 2009 WL 2575659, at *5 (S.D. Fla. Aug. 12, 2009).

Defining "Adversarial"

Although courts have slightly different tests that they apply when making this determination, all are highly fact-specific and focus on what motivated the creation of the work product.

- **"Because of" Test:** Asks whether the document was "prepared or obtained **because of** the prospect of litigation." This is the test applied by most federal Circuit courts.
- **"Primary Purpose" Test:** Document is protected work product "as long as the **primary motivating purpose** behind the creation of the document was to aid in possible future litigation."
  - Generally considered a stricter standard than the "because of" test: a document can be created "because of" more than one purpose, but it can only have one "primary" purpose, but in practice.
- **Key factor in both tests:** Whether the document in question would have been created in substantially the same form without the prospect of litigation (such as where a document is prepared pursuant to company policy or regulatory requirements or for some other business purpose).
- In the investigative context, courts have said, "investigation[s] of corporate wrongdoing are routine, expected and necessary for many reasons, including protecting shareholders, assessing losses, and the prevention of future corporate wrongdoing" and therefore not conducted in anticipation of litigation, e.g., *Electronic Data Sys. Corp. v. Steingraber*, 2003 WL 21653414, at *5 (E.D. Tex. July 9, 2003).
- Internal investigations are more likely to be considered as performed "in anticipation of litigation" when they are conducted **in response** to something that creates a **reasonable expectation** of legal risk, e.g., *In re: FirstEnergy Corp.*, No. 24-3654 (6th Cir. Oct. 3, 2025).

Waiver Considerations: Work Product

05

Work Product Waiver

Work-product protection is not as easily waived as the attorney-client privilege.

- Work-product protection is about **fairness**, not confidentiality. It is designed to protect the integrity of the adversarial process, as opposed to encouraging open communications between attorneys and their clients.

What can trigger waiver of work product protection?

- Disclosure is made to a third-party **adversary**; or
- Disclosure has increased the likelihood that a **potential adversary** could obtain the protected information.

Waiver **can extend** to **undisclosed work product** if letting an adversary see only the disclosed materials would create **unfairness** in the adversarial process.

Even without waiver, adversaries in litigation can gain access to protected work product by showing a **substantial need** for the information.

Work Product Waiver: Case Study – *In re Martin Marietta Corp.*

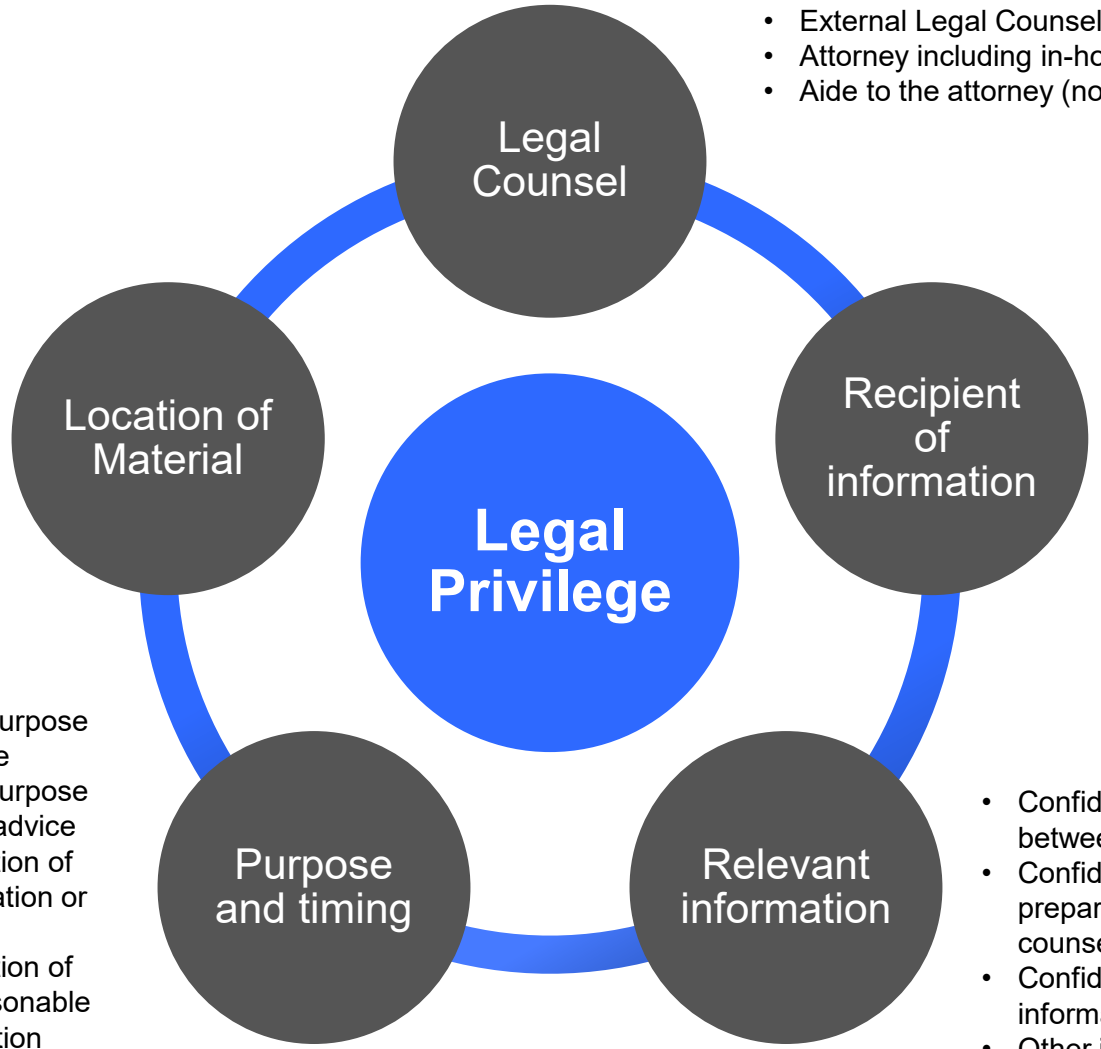
- A former employee of Martin Marietta was under indictment for fraud against the government. Martin Marietta had separately entered into a settlement agreement with the government related to the same conduct for which the employee was indicted.
- As part of his defense, the former employee subpoenaed Martin Marietta for **production of documents related to the internal investigation** it conducted and its settlement agreement with the government. This included **witness interview notes and memoranda**, and the **settlement agreement materials**.
- The Fourth Circuit found that the company **waived work-product protection as to materials "on the same subject matter as that disclosed"** to the government, including work product related to Martin Marietta's internal investigation. In doing so, the court emphasized that (1) Martin Marietta and the government were adversaries at the time of the disclosure; (2) Martin Marietta had expressly assured the government that its disclosures to the government were "complete"; and (3) Martin Marietta made the disclosures "in a direct attempt to settle active controversies."
- Because "the disclosures were made under promise of completeness to induce an adversary to settle," **the principle of fairness** mandated that the waiver extended to the **full scope** of the subject matter at issue.

In re Martin Marietta Corp., 856 F.2d 619 (4th Cir. 1988).

Privilege Considerations: Global Investigations

06

International Considerations



- Criminal Defense Attorney
- External Legal Counsel
- Attorney including in-house-counsel
- Aide to the attorney (non-lawyer)

- Client
- Person covered under common privilege
- Third party under JDA
- Third party with reasonable right to know
- Enforcement authorities
- Other third parties

- Confidential communications between client and counsel
- Confidential information prepared at the request of counsel
- Confidential business information
- Other information

- Prepared for the purpose of criminal defense
- Prepared for the purpose of receiving legal advice
  - In anticipation of actual litigation or trial
  - In anticipation of trial in reasonable contemplation

- Criminal defense lawyer's custody
- Aide to criminal defense lawyer's custody
- In-house lawyer's custody
- Clients' custody
- Other person's custody

Privilege Laws Worldwide

United States

- Federal Question: In cases where the question is the application of **federal or foreign** privilege law, the vast majority of, if not all, federal courts apply the "**touch base test**" regarding questions of attorney-client privilege.
- Federal Diversity Jurisdiction or State Law: Federal courts sitting in diversity will apply the choice of law rules of the state in which they sit, rather than federal choice of law rules.
- Which test a diversity court applies will depend on the test adopted by the courts of the state in which it sits.
- Work Product Considerations: Federal courts are **split**. Some apply a choice of law analysis while others hold that federal law **always** governs questions related to work product.

England

- English courts apply English law to determine privilege, regardless of where the allegedly privileged communications occurred. This rule applies to privilege from domestic and cross-border investigations.
- Privilege is treated as a matter of procedural law.

EU

- The scope of legal professional privilege varies significantly between member states, particularly concerning in-house counsel and non-EU lawyers.
- EU law grants privilege for communications between EU-qualified external lawyers and their clients, while communications with non-EU lawyers are often not protected.

Preserving Privilege in International Investigations

In addition to the general principles that apply to all investigations, for international investigations, it is important to:

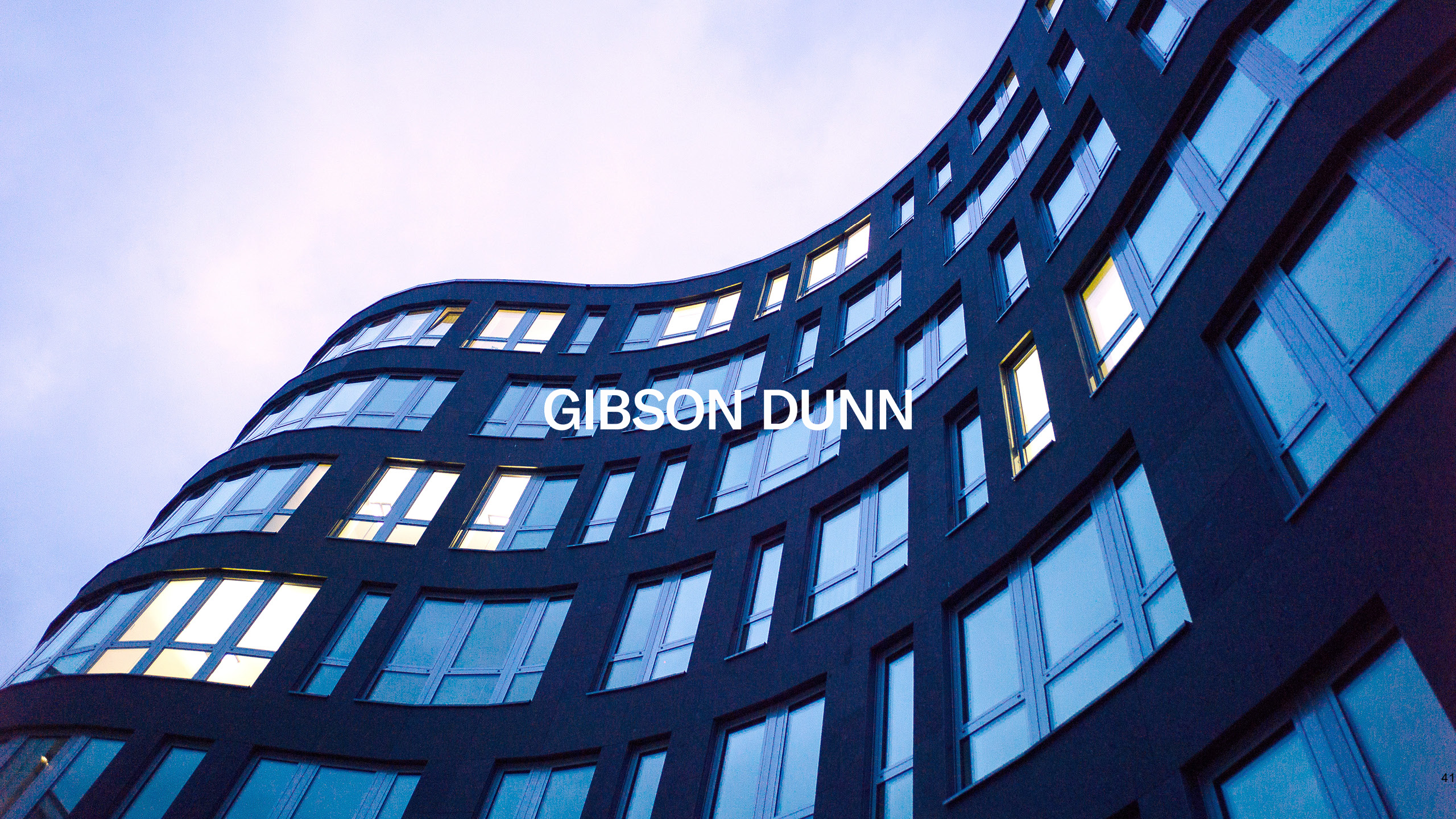
- Avoid a situation when implementing remedial actions in which the **sufficiency of the investigation** could be at issue.
    - For example, if certain individuals' employment is terminated as a result of an investigation, do not put the investigation at issue (or potentially at issue down the road) by offering a termination reason that necessarily implicates privileged materials in the reason for termination.
- Preserve or **create sufficient documentation** that provides the factual bases for company actions, but that does not include privileged materials and/or attorney work product.
    - Following an investigation, a company should separately preserve key documentary evidence supporting termination decisions (e.g., emails from a terminated employee evidencing their misconduct, etc.).
- For certain jurisdictions outside of the U.S., **consider relying on outside, not in-house counsel,** because the EU and other jurisdictions limit the extent to which communications with in-house counsel are privileged.

Questions?

Upcoming October Programs

2025/2026 White Collar Webcast Series

Date and Time	Program	Registration Link
Wednesday, October 22, 2025 **8:30 AM – 10:00 AM PT** **11:30 AM – 1:00 PM ET**	**Food and Drug Administration Developments: Key Updates and Compliance Strategies** Join us for an in-depth discussion of recent developments at the Food and Drug Administration, including FDA's crackdown on direct-to-consumer drug advertising and the impact of the Make America Healthy Again initiative, and their implications for the food, drug, device, and cosmetics industries. Our panel of seasoned attorneys will provide practical insights and strategies for navigating emerging FDA policy, regulatory, and enforcement trends. **Presenters**: Gustav Eyler, Katlin McKelvie, John Partridge, Jonathan Phillips	Event Details
Thursday, October 23, 2025 **9:00 AM – 10:00 AM PT** **12:00 PM – 1:00 PM ET**	**An Examination of Whistleblower Regimes** In this webinar, we will explore the evolution of global whistleblower regimes across the world, including across the United States and Europe. We will discuss new initiatives we have seen in 2025, the protections that have been afforded whistleblowers and companies under these regimes, and how companies can take steps to ensure they are complying with their statutory obligations while mitigating enforcement risk. **Presenters**: Michael Diamant, Sophia Hansell, Katharina Humphrey, Poonam Kumar, Greta Williams	Event Details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