

GIBSON DUNN



Securities Enforcement Update

September 22, 2026

Back to Basics, But Not Business as Usual: Earlier Testimony, Faster Subpoena Enforcement, and a Shorter Escalation Ladder at the SEC Division of Enforcement

The operative theme across two speeches by the SEC's Director of Enforcement is visibility: fewer, more consequential cases, brought and resolved faster.

On September 18, 2026, SEC Division of Enforcement Director David Woodcock delivered remarks before the 12th Annual Government Enforcement Institute in Dallas. These are Director Woodcock's second published remarks since taking the role in May 2026; the first were delivered at the MFA Legal & Compliance 2026 Conference on May 13, 2026, during his first week on the job.

Read side by side, the two speeches trace a program moving from statement of principle to statement of practice. In particular, the Dallas remarks devote an entire section—pointedly titled “Removing Roadblocks to Efficient Enforcement”—to how the Enforcement Division intends to advance investigations efficiently and how the Division expects counsel and clients to respond.

Key Takeaways

1. Testimony before document productions: Director Woodcock said he is encouraging Enforcement Staff to take testimony before productions are finished where appropriate and described this as “not a negotiable concept” but a procedural tool the Division will use when appropriate.
2. Increased subpoena enforcement: The Division intends to file subpoena enforcement actions “sooner, rather than waiting years,” and Director Woodcock highlighted an August 2026 N.D. Tex. action in which the court granted the application within one day, ordering testimony within 21 days and documents within 30.
3. A meeting with a Deputy Director is a meeting with the Front Office: Director Woodcock stated that meeting with a Deputy “satisfies any request to elevate concerns,” expressly to prevent what he called strategic appeals that delay investigations.
4. Emphasis on self-reporting: The Enforcement Staff is monitoring 8-Ks, media reports, and tips, complaints, and referrals (TCRs); Director Woodcock’s message was that it is better to come in first “because you will get a call from us.”
5. Use of AI: Director Woodcock noted that the Enforcement Division has a new Office of Artificial Intelligence & Analytics, and stated that the Enforcement Staff is “laser focused” on the use of AI to enhance efficiency.
6. FY2026 statistics are not a proxy for the presence of enforcement: Woodcock preemptively addressed expectations for diminished enforcement actions this fiscal year, attributing the year’s figures to the government shutdown and a deliberate recalibration that included closing matters out of step with Commission priorities.

The Message to Defense Counsel — What Changed

The MFA remarks closed with a collegial word to practitioners: zealous advocacy is “wanted and expected,” the Division would treat counsel with respect and expected the same, and the era when “a subpoena was our primary tool of communication” was over. Four months later, Director Woodcock provided guidance on specific defense counsel expectations.

Sequencing of testimony.

Director Woodcock told the audience that not every investigation requires the traditional arc of voluminous document requests followed by months of coordinating testimony. He is encouraging Staff to take testimony before productions are complete, citing benefits that include sharpening focus early, narrowing scope, capturing testimony while memories are fresh, assessing cooperation quickly, and preventing slow-rolling or strategic delay. The practical consequence for counsel is significant: witnesses may be examined before the documentary record is assembled.

Subpoena compliance.

The tone here is the sharpest in either speech. Director Woodcock said the Division will have “little patience” for slow-rolled productions, excuses for missed deadlines, and, in extreme cases, refusals to produce — and that counsel should expect subpoena enforcement actions filed earlier rather than after years of negotiation. The N.D. Tex. example, decided within a day of filing, was

plainly included as a demonstration of speed. (Note, however, that the Commission filed the action to enforce subpoenas dating back to 2024, and after months of efforts to schedule testimony.) He paired this with an affirmative list of what cooperation looks like: responding quickly and clearly, scheduling testimony promptly, avoiding serial extensions without cause, and raising issues early.

Escalation.

Director Woodcock clarified that Deputy Directors are senior leaders fully empowered to hear counsel's arguments, evaluate escalated issues, and exercise judgment, and a meeting with one satisfies any request to elevate. For counsel accustomed to treating a Front Office meeting as a distinct and higher rung above the Deputy level — particularly on Wells submissions and charging recommendations — this shortens the ladder.

Self-reporting.

Both speeches contain the same core formulation: a company that self-reports, cooperates fully, and remediates will not be treated the same as one that conceals, delays, or obstructs. The Dallas remarks additionally emphasized a surveillance framing focused on 8-Ks, media, and TCRs.

Enforcement priorities.

Both speeches emphasize fraud, insider trading, accounting fraud, compliance failures, and investment adviser conflicts and misrepresentations, with continued emphasis on retail harm, individual accountability, returning money to investors, and foreign actors targeting U.S. markets. Private fund advisers should also be cognizant of Director Woodcock's prior remarks in which he highlighted the Enforcement Division's continued focus on potential violations by managers of hedge funds and private equity funds.

Looking Ahead

Director Woodcock characterized fiscal year 2026 as a transition year and signaled that the recalibrated pipeline, the new Financial Reporting and Accounting Unit, Retail Fraud Working Group, Office of Artificial Intelligence & Analytics, and the process changes described in Dallas will drive activity going forward. The operative theme across both speeches is visibility: fewer, more consequential cases, brought and resolved faster.

We will continue to monitor developments in the Division of Enforcement and are available to discuss what these changes mean for pending or anticipated investigations.

The following Gibson Dunn lawyers prepared this update: [Jina Choi](#), [Tina Samanta](#), and [Mark Schonfeld](#).

Gibson Dunn lawyers are available to assist in addressing any questions you may have about these developments. Please contact the Gibson Dunn lawyer with whom you usually work, or the following leaders of the firm's Securities Enforcement practice group:

[Jina L. Choi](#) – San Francisco (+1 415.393.8221, jchoi@gibsondunn.com)

[Tina Samanta](#) – New York (+1 212.351.2469, tsamanta@gibsondunn.com)

[Mark K. Schonfeld](#) – New York (+1 212.351.2433, mschonfeld@gibsondunn.com)

Attorney Advertising: These materials were prepared for general informational purposes only based on information available at the time of publication and are not intended as, do not constitute, and should not be relied upon as, legal advice or a legal opinion on any specific facts or circumstances. Gibson Dunn (and its affiliates, attorneys, and employees) shall not have any liability in connection with any use of these materials. The sharing of these materials does not establish an attorney-client relationship with the recipient and should not be relied upon as an alternative for advice from qualified counsel. Please note that facts and circumstances may vary, and prior results do not guarantee a similar outcome.

If you would prefer NOT to receive future emailings such as this from the firm,
please reply to this email with "Unsubscribe" in the subject line.

If you would prefer to be removed from ALL of our email lists,
please reply to this email with "Unsubscribe All" in the subject line. Thank you.

© 2026 Gibson, Dunn & Crutcher LLP. All rights reserved. For contact and other information, please visit our [website](#).