

## Law360 Names 10 FCPA Powerhouse Firms

By **Max Stendahl**

*Law360, New York (May 24, 2013)* -- Many savvy law firms boast their expertise in Foreign Corrupt Practices Act matters, but an elite group of 10 firms have emerged as true leaders in the fast-growing field, earning them a spot on Law360's inaugural list of FCPA Powerhouses.

Over the next two weeks, Law360 will profile these firms whose pioneering FCPA work and formidable practice groups set them apart:

Cahill Gordon & Reindel LLP  
Crowell & Moring LLP  
Davis Polk & Wardwell LLP  
Debevoise & Plimpton LLP  
Gibson Dunn & Crutcher LLP  
Kirkland & Ellis LLP  
Reed Smith LLP  
Venable LLP  
Willkie Farr & Gallagher LLP  
WilmerHale

The factors considered in selecting the winners included the number of attorneys at the firm working on FCPA matters and contributions to this developing area of law, including working on landmark FCPA cases, as well as client representations and outcomes.

On its face, the FCPA sounds simple. The 1977 law bars companies from making or offering improper payments to officials of foreign governments in order to secure business.

But unlike other weapons in the government's enforcement arsenal, the FCPA has provided a thin case law, with many investigations never resulting in formal charges and the bulk of cases settling without trial. As a result, many in the defense bar have been forced to react to what can feel like the government's enforcement whims.

The top FCPA firms, though, have remained nimble, steering corporate and individual clients through trouble as the law evolves. They have also been proactive, helping to design and implement narrowly tailored compliance programs and winning favorable results in potentially damaging cases. And they have bolstered international practice groups as foreign countries ramp up anti-bribery enforcement.

"Led by the United States, this is a worldwide effort to tamp down on corruption," said William Devaney, a former prosecutor who co-chairs Venable's FCPA and anti-corruption practice. "As more individuals are charged, there will be more court challenges, and a body of law will develop."

A flurry of cases by the U.S. Department of Justice and U.S. Securities and Exchange Commission have put FCPA issues front and center for corporate clients — and the FCPA Powerhouse firms have seized on the trend.

Between 1977 and 2000, the DOJ and SEC together filed a total of 45 FCPA-related enforcement actions, according to the agencies. Since then, that number has skyrocketed, with the DOJ and SEC launching 185 actions between 2001 and 2013, the agencies report.

While those figures may be overstated — for example, the agencies count all suits within a broader investigation, including those against individuals and subsidiaries — the overall increase in FCPA enforcement activity is undeniable.

"The chart is a straight line, going up," Devaney said.

Many FCPA matters remain secret, but the publicly known clients of the FCPA Powerhouses include a who's-who of corporate giants.

Cahill Gordon & Reindel is representing the audit committee of Wal-Mart Stores Inc. in DOJ and SEC investigations stemming from a series of New York Times exposes on alleged bribery in Mexico. The probe has turned the once-obscure FCPA into a household name.

Another honoree, Davis Polk & Wardwell, represented Siemens AG in the largest FCPA investigation in U.S. history. In 2008, the company struck an \$800 million settlement without pleading guilty. The case could have resulted in nearly \$3 billion in fines under federal sentencing guidelines, according to Davis Polk.

Meanwhile, Crowell & Moring helped secure a landmark dismissal of bribery claims against Lindsey Manufacturing Co. executive Steve K. Lee. Citing prosecutorial misconduct, a California federal judge threw out the convictions of Lee, Lindsey and fellow executive Keith E. Lindsey, marking a major black eye for the DOJ. Attorney Jan Handzlik, now at Venable, represented both the company and Lindsey in the case.

Other powerhouse firms share similar triumphs. They have each capitalized on what Southern Illinois University law professor Mike Koehler calls "FCPA Inc."

"It's not meant to be a derogatory term," Koehler, who writes the popular FCPA Professor blog, told Law360. "It's meant to be shorthand for what is a niche, unique and aggressively marketed practice area."

--Editing by Katherine Rautenberg.

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