

## GIBSON DUNN

Recognized for: Distinguished Service Practice Group of The Year Category

Special Recognition: F. Joseph Warin, FCPA Master



The Best FCPA Lawyers Client Service Awards highlight exceptional service in Foreign Corrupt Practices Act and global anti-corruption matters. Awards were determined by Main Justice based on submissions by firms, interviews with firm partners, client feedback and public records

*Main Justice is an independent news organization that covers the U.S. Department of Justice.*

**Gibson Dunn's** rich experience in FCPA and global anti-corruption work has established the firm as a formidable advocate with highly experienced practitioners across the wide spectrum of enforcement matters. The firm employs more than 100 experienced attorneys working on white collar enforcement matters at the intersection of FCPA and other international anti-bribery statutes across 17 offices around the world. Impressively, the large team is highly regarded in the industry for its ability to coordinate resources and its exceptional judgment.

The firm believes in being a one-stop-shop. It understands FCPA and global anti-corruption matters do not exist in a vacuum. Accordingly, the firm regularly works on FCPA matters that also involve anti-money laundering, antitrust, corporate governance, data privacy, export controls, government contracts, mergers & acquisitions, SEC enforcement, litigation, and disclosures, thereby adding to the depth of their experience.

The FCPA and global anti-corruption practice is housed within the firm's Crisis Management and White Collar Defense and Investigations groups, and is organized as an integrated group with a multi-pronged approach including compliance counseling and program design, internal inquiries, and government investigations. The firm says the FCPA group has extensive foreign language capabilities, including fluency in Arabic, German, Mandarin, Portuguese, Russian, and Spanish. Firm attorneys have conducted FCPA work involving more than 35 different countries, including extensive work in high-risk regions and countries like Russia, China, Thailand, India, and the Middle East. Further, they tell Main Justice the group's clients include four of the Fortune 10, and it regularly works with more than 50 companies in both day-to-day FCPA counseling and investigations.



F. Joseph Warin

Partners Joe Warin and Debra Wong Yang co-lead the group and explain they operate globally without geographic barriers. Yang, a former U.S. Attorney for the Central District of California who is resident in the firm's

Los Angeles office, works closely with Warin and others across the firm's offices. They explain they can efficiently have ten people from ten offices on any given matter. Warin tells Main Justice "we all sing from the same hymnal," adding "across the globe we're sharing advice with everyone in the group to keep everyone informed." Warin says this collaboration was done purposely to ensure the firm is consistently delivering the highest quality for clients.

This quality control measure shines through to clients who overwhelmingly tout Warin, Yang, and the firm as exceptional trusted leaders who enjoy a high level of credibility on both sides of the table.

Part of developing this trust with clients has come from their ability to view matters with a keen business eye, minimizing costs and disruption from what they refer to as "the landscape of predictable obstacles." Gibson Dunn explains this in part comes from its ability to understand and scale investigations appropriately. According to the firm: "Rather than looking under every rock, we focus on the most likely sources of information and scope our fieldwork accordingly, which results in quicker resolution and cost efficiencies. Gibson Dunn also believes strongly in leveraging client resources, including internal audit professionals, wherever appropriate."



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The firm further notes it has effectively combined its FCPA and litigation expertise from the first challenge to the FCPA's definition of "foreign official" as it relates to state-owned entities (*USA v. Carson*), to the burden of proof issue in the facilitating payments exception (*SEC v. Ruehlen*).

Gibson Dunn's commitment to pro bono service provides another exceptional example of their leadership. The anti-corruption team has partnered with Lawyers Without Borders (LWOB) to develop and deliver training programs in Africa focused on international corruption issues. The firm states that in 2012, "more than 15 attorneys from Gibson Dunn's New York, London, Munich, and Denver offices took part in preparing and delivering a week-long trial advocacy and anti-corruption training program to more than 100 Kenyan magistrates, prosecutors, NGO lawyers, and private practitioners in Nairobi, Kenya. The first global law firm to provide anti-corruption training in Kenya, Gibson Dunn teamed with four U.S. judges from the federal bench. This program was LWOB's largest to date and so successful that LWOB has invited Gibson Dunn to lead a similar effort in Kenya in 2013."

## F. Joseph Warin

Joe Warin is one of the most respected FCPA practitioners in the industry. Warin's practice ranges from global investigations to district court litigation on behalf of individual defendants, and compliance monitorships program reviews. He has handled FCPA matters in more than 35 countries.

Warin's credibility with U.S. prosecutors is unsurpassed. Main Justice in its reporting on the FCPA over the years can confirm that prosecutors hold Warin in high regard for his credibility, ethics and congenial manner. The firm goes on to note Warin's creative approach in his representation of General Electric in the Oil-for-Food matter. "Of 17 companies to resolve FCPA charges arising from the Oil-for-Food Program – all of which were represented by top-flight FCPA counsel – GE is the only company to avoid a criminal enforcement action by DOJ. "

Without exception, Warin is universally acknowledged as an "FCPA Master."

## 2012 Notable Representations

Over the last year, Gibson Dunn has represented numerous companies in global anti-corruption matters. These representations include Munich-based insurance giant Allianz SE in their public December 2012 settlement with the SEC over alleged practices in Asia and Europe. Gibson was called in to replace existing counsel, with the client noting the firm's seamless global team and efficient approach to problem solving. Gibson's Joel M. Cohen represented Allianz. The firm says their lawyers' approach to the matter was effective and efficient because they avoided a one-size-fits-all method. Rather, they focused on witness interviews and demonstrated broad reviews were unnecessary by using prior audits and work to show issues observed by regulators were the exception within the company, and not the rule. Allianz neither admitted nor denied the SEC's allegations and agreed to pay approximately \$12.4 million in penalties, disgorgement, and prejudgment interest.

Additionally, Gibson Dunn completed its monitorship of Siemens AG in 2012. (In a first for FCPA monitorships, Gibson Dunn collaborated with a non-U.S. monitor from Siemens' home country, former German Finance Minister Theo Waigel.) According to the firm, "more than 100 Gibson Dunn attorneys from every one of its 17 offices worldwide contributed to the effort, which included meetings and interviews with more than 2,300 Siemens employees (nearly 1% of the company's global non-manufacturing workforce); visits to or reviews of Siemens operations in 39 different countries; oversight of more than 3,000 days' worth of internal auditor time; making and overseeing the implementation of 152 recommendations, in more than one dozen topic areas, that were designed to improve the effectiveness of Siemens' compliance program; and submission and presentations to SEC/DOJ of four annual reports, totaling approximately 1,900 pages." Other compliance monitorships Gibson Dunn participated in during 2012 include North Carolina-based tobacco company Alliance One International (as compliance monitor), and Innospec and Daimler AG (as company counsel engaging with compliance monitors).