Topics for Discussion

- The FCPA and UK Bribery Act
- Global Enforcement Trends
  - Detail on China, Russia, Brazil, Indonesia
  - Spotlight on Extractive Industries
- When Compliance Conflicts with Local Laws
  - The Complaint
  - The Investigation
  - Taking Action
  - Reporting
The FCPA: An Overview

- **Anti-Bribery Provision**
  - Illegal to corruptly offer or provide money or anything of value to officials of foreign governments with intent to obtain or retain business.
  - **Illegal to corruptly offer or provide money or anything of value to officials of foreign governments with intent to obtain or retain business.**

- **Books and Records Provision**
  - Requires issuers to make and keep accurate books, records, and accounts, which, in "reasonable detail," accurately and fairly reflect the issuer's transactions and disposition of assets.
  - There is no materiality threshold, for civil enforcement by the SEC, no knowledge requirement for an issuer.
  - Enforcement action typically involve either misreporting large bribe payments or widespread inaccurate recording of smaller payments made as part of a systemic pattern.

- **Internal Controls Provision**
  - Requires that issuers devise and maintain reasonable internal accounting controls aimed at preventing and detecting FCPA violations.
  - Internal controls must provide "reasonable assurance" transactions are properly recorded.
  - SEC civil violations do not require knowledge for an issuer.

**Accounting Provisions Violations:**
- Corporations — criminal penalties of up to $25 million.
- Individuals — criminal penalties of up to 20 years’ imprisonment and $5 million fine.

**Top 10 FCPA Settlements: Two 2014 settlements among the largest**

<table>
<thead>
<tr>
<th>No.</th>
<th>Company</th>
<th>Total Resolution</th>
<th>DOJ Component</th>
<th>SEC Component</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Siemens AG*</td>
<td>€800,000,000</td>
<td>€450,000,000</td>
<td>€350,000,000</td>
<td>2/15/2008</td>
</tr>
<tr>
<td>2</td>
<td>Alstom S.A.</td>
<td>€772,290,000</td>
<td>€772,290,000</td>
<td>--</td>
<td>12/22/2014</td>
</tr>
<tr>
<td>3</td>
<td>KBR/Halliburton</td>
<td>€579,000,000</td>
<td>€402,000,000</td>
<td>€177,000,000</td>
<td>2/11/2009</td>
</tr>
<tr>
<td>4</td>
<td>BAE Systems**</td>
<td>€400,000,000</td>
<td>€400,000,000</td>
<td>--</td>
<td>2/4/2010</td>
</tr>
<tr>
<td>5</td>
<td>Total S.A.</td>
<td>€398,200,000</td>
<td>€245,200,000</td>
<td>€153,000,000</td>
<td>5/29/2013</td>
</tr>
<tr>
<td>6</td>
<td>Alcoa</td>
<td>€384,000,000</td>
<td>€223,000,000</td>
<td>€161,000,000</td>
<td>1/9/2014</td>
</tr>
<tr>
<td>7</td>
<td>Snamprogetti/ENI</td>
<td>€365,000,000</td>
<td>€240,000,000</td>
<td>€125,000,000</td>
<td>7/7/2010</td>
</tr>
<tr>
<td>8</td>
<td>Technip S.A.</td>
<td>€338,000,000</td>
<td>€240,000,000</td>
<td>€98,000,000</td>
<td>6/28/2010</td>
</tr>
<tr>
<td>9</td>
<td>JGC Corp.</td>
<td>€218,800,000</td>
<td>€218,800,000</td>
<td>--</td>
<td>4/6/2011</td>
</tr>
<tr>
<td>10</td>
<td>Daimler AG</td>
<td>€185,000,000</td>
<td>€93,600,000</td>
<td>€91,400,000</td>
<td>4/1/2010</td>
</tr>
</tbody>
</table>

* Siemens's U.S. FCPA resolutions were coordinated with a €395 million ($569 million) anti-corruption settlement with the Munich Public Prosecutor.
** BAE pleaded guilty to non-FCPA conspiracy charges of making false statements and filing false export licenses, but the alleged false statements concerned the existence of the company’s FCPA compliance program, and the publicly reported conduct concerned alleged corrupt payments to foreign officials.
The FCPA: Recent Developments

- Enforcement Actions in 2015:
  - SEC enforcement has stayed more consistent, while DOJ enforcement has focused more on individual defendants.
  - No parallel enforcement actions against companies by both DOJ and SEC in 2015.

- DOJ Enforcement Strategy Shifting:
  - 10 new prosecutors in DOJ FCPA Unit as of November 2015.
  - Refocusing efforts to:
    - Encourage corporate cooperation through declinations.
    - Pursue individual wrongdoers.
    - Pursue high-value corporate enforcement actions.

  - "A shift in enforcement that targets the worst offenders and punishes individuals may be a better way to encourage corporate compliance and make sure only wrongdoers are punished."
    —Wall Street Journal (Nov. 11, 2015)

UK Bribery Act: An Overview

- Four Separate Offenses:
  1. Offering, promising, or giving a bribe to a person (including private parties).
  2. Agreeing to receive or accepting a bribe.
  3. Offering, promising, or giving a bribe to a foreign government official with the intent to influence the performance of his or her functions as a public official in order to obtain or retain business or a business advantage.
  4. Failing as a commercial organization to prevent bribery by associated persons.

- Impact of the UKBA:
  - Expands the definition of criminal conduct, including a new strict liability offense.
  - Expands the range of organizations and individuals subject to U.K. corruption law.
  - Increases maximum penalties for violations.
  - Criminalizes private commercial bribery.
  - Does not require that the bribery of a government official had an improper purpose or corrupt intent.

UK Bribery Act: Recent Developments

- First Deferred Prosecution Agreement
  - The Serious Fraud Office entered into its first deferred prosecution agreement with ICBC Standard Bank Plc.
  - Global payment of $36.9 million.
  - $4.2 million to settle related civil charges by SEC.
  - May signal rise in the enforcement of UKBA.
UK Bribery Act: FCPA v. UKBA

<table>
<thead>
<tr>
<th>UK Bribery Act</th>
<th>FCPA</th>
<th>Bribery Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Who is Covered by the Rules</td>
<td>Issuers, domestic concerns and any other persons who violate any act in furtherance of an unlawful payment while within the territory of the U.S.</td>
<td>Only the act of paying or offering a bribe is prohibited.</td>
</tr>
<tr>
<td>bribe vs. passive offenses</td>
<td>In the absence of offering a bribe, passive offenses (accepting a bribe) can be prosecuted.</td>
<td>In the absence of offering a bribe, passive offenses (accepting a bribe) can be prosecuted.</td>
</tr>
<tr>
<td>Recipient of Bribe</td>
<td>Only bribes paid or offered to a &quot;foreign official&quot;.</td>
<td>Only bribes paid or offered to a &quot;foreign official&quot;.</td>
</tr>
<tr>
<td>Corporate Strict Liability</td>
<td>For failure to prevent bribery subject to defense of having &quot;adequate procedures&quot; in place.</td>
<td>For failure to prevent bribery subject to defense of having &quot;adequate procedures&quot; in place.</td>
</tr>
<tr>
<td>Facilitating Payments Exception</td>
<td>No facilitating payments exception.</td>
<td>No facilitating payments exception.</td>
</tr>
</tbody>
</table>

Both the FCPA and UK Bribery Act reach individuals who do not directly engage in corrupt activities, but who permit them.

> In addition to persons who bribe or accept bribes, the Bribery Act explicitly provides that senior officers, including directors, company secretaries, and managers, who "consented or connived" in any of the offenses set forth in the Act may be held personally liable for that offense.

> In the U.S., the SEC has pursued expansive theories of director and officer liability:
  > Civil liability as a "control person" (Nature's Sunshine, 2009).
  > Civil liability for "aiding and abetting," by failing to implement internal controls (Syncor, 2007).

Many commentators describe the U.K. Bribery Act as the "FCPA on steroids." — Wall Street Journal (Dec. 28, 2010)

Global Enforcement Trends
Global Enforcement Trends

- Governments around the world are dedicating more resources to investigating and prosecuting acts of corruption and bribery.
- In recent years, many countries have adopted new anti-corruption legislation, including Brazil, China, and Russia.
- Extensive formal and informal cooperation among countries is becoming more common, particularly between the U.S. and EU countries (see Siemens AG case).
- OECD Anti-Bribery Convention and UN Convention Against Corruption are helping drive the issue.

Global Enforcement Trends: Cross-Border Cooperation and Multinational Enforcement

As countries increasingly share information, companies must be aware of the risks of concurrent investigations in the U.S. and local markets.

- Louis Berger International, Inc.
- FIFA
- Standard Bank Plc
- China’s “Skynet”: Seeking extradition of potentially hundreds of suspected corrupt officials who fled the country.

China: Anti-Corruption Laws

Chinese law punishes both the giving and taking of bribes. Chinese criminal law has provisions criminalizing three types of bribery:

1. Official Bribery: Criminalizes bribery of “state functionaries,” “government organs,” or their close relative or associate – new in 2015. Harsh penalties applicable, including the death penalty. RMB 10,000+ triggers criminal liability for bribery.
2. Commercial Bribery: Criminalizes bribery of “staff of a company or enterprise” and imposes record-keeping obligations. Employers are liable for the acts of their employees. No exception for small facilitating payments.
3. Foreign Bribery: In 2011, China amended its criminal law to criminalize bribery of “any foreign public official or official of an international public organization.”
China: 2015 Legislative Developments

**Nationwide**

- Latest Amendment to Criminal Law Anti-Corruption Provisions
  - For the first time, criminalizes bribery of officials’ close relatives or associates.
  - Replaces specific monetary thresholds for official embezzlement sentencing ranges with more flexible tiers of offenses involving “relatively large,” “huge,” and “especially huge” amounts.
  - Adds monetary fines for all graft- and bribery-related offenses.
  - Requires higher level of cooperation for leniency.

- New Rules Governing Donations to Healthcare Entities (Trial Implementation)
  - Apply to PRC healthcare-related donees and domestic and foreign donors.
  - Require donees to publicly disclose information regarding donations received.
  - Prohibit donations involving commercial activities, unfair competition, or commercial bribery, or relating to the donee’s procurement of goods and services.
  - Do not specifically address whether pharmaceutical or medical device companies’ sponsorships of hospital events are permissible.


China: New Leadership Brings Changes in Laws and Enforcement

The anti-graft campaign launched by President Xi Jinping in November 2012 has lead to an explosion of enforcement activity.

- Recent changes to anti-bribery laws and policies include:
  - A 5-year anti-corruption plan was launched in December 2013 that:
  - orders officials to submit reports annually on their anti-graft reform progress,
  - expands pilot projects that require newly nominated officials to disclose their private assets,
  - urges anti-graft training for Community Party members and officials, with a focus on law and corruption cases to warn them of the consequences, and
  - states that “commercial bribery will be handled sternly and probed, and punishments for giving bribes will be harder.”

- Cross-country “shock and awe” anti-graft inspection tours of several government ministries, state-owned enterprises, banks, and universities.

Communist Party Calls for Commercial Bribery Crackdown

“...a crackdown on commercial bribery by multinationals is deeply significant to safeguarding the order of the market economy and protecting an environment of fair competition.” — People’s Daily (7/17/2013)


China: 2015 Enforcement Trends

- Whistleblowing on the rise.
- Four out of five anti-bribery laws and policies include:
  - Whistleblowing on the rise.
  - Four out of five anti-corruption investigations originated from whistleblower tips.
  - Chinese activities have established official channels, including telephone hotlines, web pages, online platforms, and mobile apps, for the public to report corruption.
  - A website designed to receive whistleblower reports regarding the Central Government has received 4,924 whistleblower tips in the year since its December 2014 launch.
  - Social media remains a popular avenue for whistleblowers to expose corruption.
  - Continuing scrutiny of state-owned enterprises.
  - Energy sector:
    - Former top executives from Sinopec Group and China Resources under investigation for graft and corruption.
    - Former executives of PetroChina and Sinopec face prosecution on corruption charges.
  - Anti-corruption push shifts to Shanghai.
    - 20 corporate, institutional, and investment enterprises in Shanghai under CEDD inspection, including major state-owned enterprises Orient Group and Shanghai Electric Group Co.
China: Domestic Enforcement

By the Numbers (as of November 30, 2015):

- Former members of the CCP Politburo Standing Committee
- High-Ranking Officials Caught in the Anti-Corruption Crackdown

In 2011, Russia revamped its anti-corruption laws by adding a tiered system of fines and prison time, and criminalizing

Russia: Anti-Corruption Laws

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China: Extraterritorial Efforts

China is broadening the territorial reach of its anti-graft campaign to apprehend corruption suspects and recover criminal assets overseas.

- Apprehension of Fugitive Officials
- Anti-Money Laundering (AML) Efforts
- China's Capital Outflows

U.S.-China Cooperation

The U.S. and China have agreed to increased cooperation on cybersecurity, corrupt and criminal asset discovery, and law enforcement.

China's Corruption Crackdown is So Vast

As of November 2015, 627 suspects in 63 overseas countries or regions have been apprehended.

"Sky Net" campaign in 2015, aimed at tracking down corruption fugitives.

"Operation Fox Hunt" in 2014, followed by the

China launched "Operation Fox Hunt" in 2014, followed by the
Russia: Changing Legal Landscape

Key legislative changes (years 2012-2016):

- Companies operating in Russia are required to take affirmative compliance measures to prevent corruption in their business.
- Public officials are required to declare and surrender any received gifts of unknown value or exceeding RUB 3,000 (approx. $45) in value to specifically designated divisions of their government organizations.
- De-offshorization law was passed and entered into force on January 1, 2015.
- Since September 1, 2015, the Data Localization Law amended the Personal Data Law by establishing the requirement that personal data of Russian citizens must be processed via servers located within the Russian Federation.
- As of January 1, 2016, restrictions were implemented on the public procurement of foreign software.

Russia: Enforcement Trends

As of January 1, 2013, companies operating in Russia are required to take affirmative compliance measures to prevent corruption in their business.

- Such measures may include, among other activities, designating a department or officer responsible for preventing corruption and other related offenses, cooperating with Russian law enforcement agencies on anti-corruption matters, adopting a code of business ethics, preventing conflicts of interest, and preventing the creation of false, unofficial, or altered business records.
- The Russian Ministry of Labor and Social Protection issued guidance with recommendations in order to ensure a unified approach for preventing and combating corruption in organizations.
- In August 2014, Transparency International Russia published the report "Transparency of Corporate Reporting and Anti-Corruption Policy in Russian Private Enterprise: Compliance as a Competitive Advantage." The study investigated the websites and legal documents of 50 Russian companies and holdings, which had been on Forbes' 2013 "Largest Businesses in Russia" list. The report's conclusions include the following:

  - Neither the Russian government nor private companies are interested in establishing anti-corruption compliance programs.
  - Russian enforcement agencies may draw attention to fire safety regulations or tax compliance, but remain unwilling to impose stiffer penalties that would force companies to establish anti-corruption compliance programs.
  - In most cases, Russian companies themselves do not have a code of ethics or a policy of zero tolerance towards corruption, nor are they keen to publish required declarations.

Russia: Corruption Landscape

According to a Transparency International survey, 79% of the Russians polled think corruption in the public sector is a serious problem, 13% think it is a problem, 7% think it is a slight problem, and only 1% think corruption in the public sector is not really a problem.

Russia's CPI ranking remains low, decreasing from 127 in 2013 to 136 in 2014.

Brazil: Anti-Corruption Laws

President Rousseff signed Brazil’s Clean Company Law (No. 12,846/2013) in August 2013. The law:

- Imposes civil sanctions on legal entities that bribe domestic or foreign public officials and holds companies to strict liability (unlike the FCPA, which requires proof of corrupt intent).
- Imposes harsh sanctions on violators—up to 20% of yearly gross billings and never less than the benefit gained.
- Gives credit to companies that self-report violations or have strong compliance programs.

The law became effective as of Jan. 29, 2014. However, federal authorities have yet to publish regulations detailing how it will be enforced.

Brazil: 2015 Legislative Developments

Brazil’s 2015 Clean Company Act:
- Implemented on March 18, 2015, under Decree 8.420/2015.
- Gives Brazil’s Comptroller-General’s Office (“CGU”) jurisdiction over allegations of corruption involving foreign and Brazilian officials.
- September 2015: CGU released new, non-binding guidelines for compliance programs, with five “pillars” for corporate integrity programs:
  1. Commitment and support from senior management;
  2. Adequate authority and autonomy for the compliance function;
  3. Creation of company-specific, risk-based integrity program;
  4. Structuring of corporate compliance rules and instruments; and
  5. Ongoing monitoring and testing of the compliance function.

Sources: ABA Section of International Law, International Anti-Corruption Committee Newsletter (April-May 2015); CGU, Programa de Integridade - Diretrizes para Empresas Privadas (September 2015) (translated by Merrill Brink); Photo by Blalonde.

Brazil: “Operation Car Wash” Is Ongoing

Has dominated front page news in Brazil since the start of the investigation in March 2014.
- Massive corruption scandal alleging the overcharging of oil contracts and paying kickbacks to politicians.
- To date, there have been over 100 arrests and more than 60 convictions. The upper echelons of politics have also been implicated, including the leader of the government coalition in the Senate and the speaker of the lower house of Congress.
- Several construction companies have signed leniency agreements with Brazilian authorities, agreeing to cooperate in exchange for a reduction of penalties:
  - Camargo Corrêa agreed in August 2015 to pay a R$104 million (approximately $27.7 million) fine;
  - Andrade Gutierrez agreed in November 2015 to pay a R$1 billion fine for conduct involving both Petrobras and the 2014 FIFA World Cup.
- More than construction companies have been impacted: in October 2015, advertising agencies FCB Brasil and BBH/Brasil signed a leniency agreement to pay R$50 million for paying a congressman to steer government contracts to the agencies.
Indonesia: Anti-Corruption Laws

- **Principal Regulations**
  - Law No. 28 of 1999 on Corruption-Free State Governance.
  - Law No. 8 of 2010 on Combating Money Laundering Crime.

- **Key Points**
  - No extraterritorial jurisdiction as long as the consequences of the offense do not cause loss to the Indonesian economy.
  - Punishes bribery of domestic officials, receipt of bribe by domestic officials, and any acts that cause loss to the Indonesian economy.
  - Fines of between IDR 50 million and IDR 1 billion; imprisonment up to a maximum of 20 years; under certain extreme circumstances, life imprisonment or death penalty can be imposed.

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Indonesia: Anti-Corruption Regulatory Body

- **Principal Enforcement Body**
  - Law No. 30 of 2002 on the Corruption Eradication Commission (the “KPK”).

- **Role of the KPK**
  1. Coordinate with the agencies having the authority to eradicate corruption;
  2. Supervise the agencies having the authority to eradicate corruption;
  3. Conduct investigations, interrogations and prosecutions with respect to corruption;
  4. Take steps to prevent corruption; and
  5. Monitor the management of government.

- **Recent Developments**
  - Proposed amendments in 2015 faced criticism that they would weaken the KPK.
  - On October 13, 2015, Luhut Binsar Panjaitan, the Politics, Law and Security Coordinating Minister, indicated that the planned revision of the KPK would be postponed.

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Indonesia: Recent Enforcement Action

- **Allianz SE**: Allianz’s Indonesian subsidiary allegedly made improper payments to employees of state-owned enterprises from 2001-2008 to obtain or retain almost 300 insurance contracts for large government projects. The company paid more than $12 million to settle the charges.

- **Innospex**: The Indonesian authorities convicted and sentenced two individuals to prison for accepting and paying bribes related to Innospex’s attempt to sell a gasoline additive to a state-owned oil and gas company. This enforcement action was part of a global investigation that also resulted in civil and criminal charges under the FCPA and UK Bribery Act.
Spotlight on Extractive Industries:
More Stringent Reporting Requirements

- **United States:** In December 2015, the SEC voted to propose rules that would require resource extraction issuers to disclose payments made to the U.S. federal government or foreign governments for the commercial development of oil, natural gas or minerals. Under the proposed rules, this would apply to issuers who are required to file annual reports with the Commission under the Securities Exchange Act.

- **United Kingdom:** In December 2014, the U.K. signed into law a new regulation requiring large and publicly listed oil, gas, mining and logging companies registered in the U.K. to annually disclose the payments they make to governments around the world.

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Spotlight on Extractive Industries:
Leading the Pack in Global Enforcement Actions

![Graph showing Total Enforcement actions concerning bribery of domestic and foreign officials, 1977-2014 (excluding United States)]

![Graph showing U.S. Enforcement actions concerning bribery of domestic and foreign officials, 1977-2014]

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When Compliance Conflicts with Local Laws
A Hypothetical Scenario

- You are the General Counsel of BigCo, a multinational corporation that specializes in selling equipment for industrial use to state-owned enterprises around the world. BigCo is listed on the New York Stock Exchange and is currently under a DPA with DOJ as a result of a bribery case in Asia that it settled two years ago.
- BigCo has an office in Corruptistan, an oil-rich country on the Eurasian landmass.
- Although Corruptistan is a signatory to the UN Convention Against Corruption and the OECD Anti-Bribery Convention, it consistently receives poor evaluations from both the OECD Working Group on Bribery and Transparency International, both of which have stated publicly that government contracts are permeated with bribery and that law enforcement does more to further corruption than it does to stop it. According to international human rights organizations, law enforcement officials in Corruptistan routinely violate human rights and frequently torture suspects in order to force them to confess.

Hypothetical Scenario: The Complaint

- Yesterday, BigCo’s Regional Counsel for EMEA called to tell you that she had received a whistleblower complaint from an employee in your office in Corruptistan. The employee claimed that the Country Manager in Corruptistan had paid bribes to local government officials to help BigCo win several multi-million-dollar contracts over the last several years.
- Corruptistan law provides that “any citizen having evidence that a crime has been committed against the state of Corruptistan must provide such evidence to the appropriate law enforcement authority.”

Hypothetical Scenario: The Investigation

- You immediately hire an outside law firm, ABC, to conduct a full investigation. ABC does not have an office in Corruptistan, but it does have a relationship with a local law firm, several of whose lawyers also work simultaneously in the General Prosecutor’s Office, an arrangement which is not prohibited under local law.
- Remember, Corruptistan law provides that “any citizen having evidence that a crime has been committed against the state of Corruptistan must provide such evidence to the appropriate law enforcement authority.”
- Also, under the law of Corruptistan, “investigations which may result in criminal prosecution may only be carried out by duly authorized law enforcement officials in the Republic of Corruptistan, unless otherwise provided for by the laws of Corruptistan or international treaty obligations of Corruptistan.”
Hypothetical Scenario: The Investigation

- Corruptistan law prohibits the processing of personal data “without the express consent of the data subject.”
- The Country Manager signed a standard BigCo employment contract which provides that “the employee agrees not to conduct personal business during work hours or on BigCo premises.” Nevertheless, he refuses to surrender his work computer for imaging by ABC on the grounds that he frequently uses it for personal correspondence. He says that if the ABC lawyers insist on taking it from him, he will report them to his friends in the Ministry of Internal Affairs and have them arrested.

Hypothetical Scenario: The Investigation

- The whistleblower has stated that the Country Manager paid the bribes with the assistance of Pierre, the former Sales Manager for Eurasia. Pierre is now working in BigCo’s office in France. He agrees to turn over his laptop for imaging, but only if ABC agrees to inform the labor union to which he belongs and only if the labor union agrees that the review of his emails is legal under French law.
- The local Paris office of ABC has informed you that under French law, all employers who process personal data of their employees must record such processing in a public register.

Hypothetical Scenario: Taking Action

- After ABC reviewed his emails, which turned out be extremely incriminating, Pierre admitted to the ABC lawyers that he and the Corruptistan Country Manager paid numerous bribes over several years to win “approximately ten public contracts” for BigCo. He has agreed to resign his position with the company and continue to cooperate with the investigation if he is given two years’ severance pay and if the company agrees to provide him with a good recommendation for any job he subsequently applies for.
- Corruptistan law provides that no employee may be fired for criminal misconduct unless the employee (a) admits to the misconduct and signs a confession setting out all the relevant facts of the misconduct or (b) is convicted of the misconduct in a court of law.
- The Country Manager has agreed to sign a confession, but only if he is given three years’ severance pay and only if ABC agrees not to report his misconduct to Corruptistan law enforcement.
Hypothetical Scenario: Reporting

- Corruptistan law also provides that disclosure of sensitive information which may affect the interests of the government of Corruptistan to a foreign government, without the consent of the government of Corruptistan, may be criminally prosecuted.

Winston Y. Chan

Winston Y. Chan is a partner in Gibson, Dunn & Crutcher’s San Francisco office. He is an experienced trial and appellate attorney, and is a member of the firm’s White Collar Defense and Investigations Practice Group. He regularly represents entities and individuals in Foreign Corrupt Practices Act matters, including government enforcement actions, internal investigations, compliance reviews and international due diligence, both domestically and abroad. In 2014, Mr. Chan was named a “Rising Star” in the California “Rising Stars” list by Benchmark Litigation. He also received the “Outstanding Alumni Award” from peers and faculty of his alma mater, Yale Law School.

Mr. Chan is a magna cum laude graduate of Yale University and a graduate of Yale Law School.

From 2003 to 2011, Mr. Chan served as an Assistant United States Attorney in the Eastern District of New York, where he investigated and prosecuted a wide range of matters as part of that office’s Business and Securities Fraud Section, including Foreign Corrupt Practices Act violations, hedge fund improprieties, insider trading, accounting fraud, and money laundering.

Mr. Chan has extensive experience in government enforcement and corporate investigations, and has managed a number of matters involving senior executives and other corporate officials. He also has significant experience in the representation of financial and other institutions in a variety of disputes and investigations, including securities litigation and enforcement actions.

Mr. Chan has been named a “Rising Star” by Benchmark Litigation and has been recognized as one of the “Most Influential Attorneys in White Collar Crime” by Forbes Magazine.

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