

PUBLICATION

The Shift in FCPA Enforcement Targeting

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The U.S. Department of Justice and the Securities and Exchange Commission in recent years have significantly expanded their Foreign Corrupt Practices Act enforcement activity.

Enforcement actions during the last several years against large multinational companies have grabbed the headlines with both prosecutions and huge monetary settlements that have awakened corporate compliance officers and in-house counsel with tremors not felt since the immediate post-Enron days, and its progeny — Sarbanes-Oxley, et al.

These enforcement actions, awakening the multinational company, together with the DOJ Sentencing Guidelines that significantly reduce potential penalties where effective compliance plans are in place, have prompted the growth, not only of white collar practices, but also compliance attorneys and consultants, who now have the ear of these large corporations.

The proliferation of programs, seminars and the like (as recently as September, the ABA and DC Bar Association had seminars in Washington on FCPA Enforcement on the same day), have made FCPA a renowned focus area for the large global operator.