

MORRISON FOERSTER

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The 2013 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.

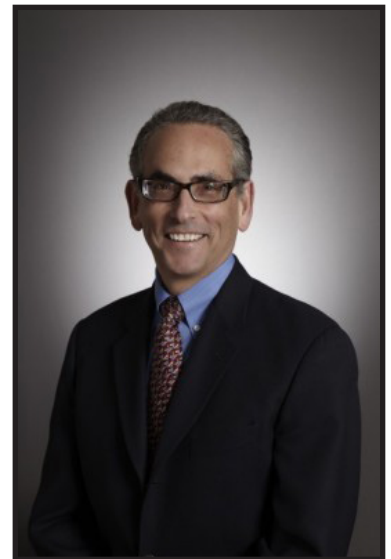
Morrison & Foerster’s FCPA + Anti-Corruption Task Force is an integrated compliance, enforcement and investigations practice that collaborates closely with the firm’s corporate group. Task force heads **Paul Friedman & Bob Salerno**, along with the rest of the MoFo team, coordinate closely on cross-border investigations, ongoing compliance counseling, due diligence reviews, and criminal defense. Friedman is resident in the firm’s San Francisco office, providing an advantage for the firm’s West Coast clients and allowing Morrison & Foerster to more easily coordinate with Asia and Europe on a 24-hour cycle.

“Clients in Asia see many advantages to having expert FCPA practitioners based in the geographies in which they do business—we have FCPA partners based in China, Tokyo and Singapore. The same is true for clients on the West Coast, they often want someone local to partner with. Clients benefit greatly from having someone in the region that they can reach out to,” says Friedman.

Salerno, who is based in the D.C. office, adds: “With some types of global cases there’s a 24-hour cycle. From London to the East Coast, to the West Coast, and to Asia, we have been able to ensure that experienced anti-corruption lawyers at the firm are available at all times.”

Among the trends Morrison & Foerster notes is the increased demand for compliance reviews. Companies are now keenly aware of the risks of FCPA enforcement, the partners say. In particular, Friedman says that merger and acquisition work requires a creative approach, because there are often limits on available information and time constraints on screening for corruption risk before a deal is completed.

One recent example of M&A work demonstrates the firm’s outstanding ability to work across practices and locations to provide real-time FCPA counseling. Friedman’s team discovered a potential FCPA issue while conducting a diligence review for a client about to acquire a Chinese subsidiary. The matter was discovered on the eve of the signing of the deal. Indeed, the acquiring company’s CEO was already on a plane to China. After convincing the company to hold off, Friedman swiftly deployed his team in China to investigate. The firm determined the problem was limited to a single third-party. It incorporated additional safeguards into the agreement that was about to be



Paul Friedman

signed and convinced the client to conduct a post-close risk audit of the newly acquired business. The delay was brief; the deal was closed. This type of engagement illustrates Morrison & Foerster's ability to react quickly to urgent circumstances, and deal with an issue comprehensively.

Regarding voluntary disclosures, Friedman says each matter should be weighed individually. The firm does not act precipitously, but rather advises that clients exercise reasoned, balanced judgment (including determining whether or not a company in fact has an FCPA problem) before discussing an issue with regulators at the DOJ or SEC.

Individual FCPA representations are becoming increasingly frequent, and Salerno believes in devising particular strategies for individuals' needs. There is no playbook, he says. Advocates for individuals under FCPA investigation can sometimes achieve better negotiated results when the government knows they are prepared to go to trial if necessary, he says.



Bob Salerno

Salerno and the team represented individual executives implicated in the sprawling investigation of a consortium of energy services companies that later admitted to paying bribes in Nigeria for contracts to build a liquefied natural gas facility on Bonny Island. They also represented an individual under scrutiny in the FCPA investigation of drilling company Pride International Inc. In both cases, the SEC and DOJ declined to take action against his clients. In one innovative resolution, Morrison & Foerster convinced the DOJ to immunize a non-U.S. citizen client and interview him overseas, based on their informal proffer about what authorities were likely to learn from the client.

In such engagements, Morrison & Foerster emphasizes its ability to work well not only within the FCPA + Anti-Corruption practice, but also across the firm. The result is attorneys experienced in all facets of a business issue thinking through matters thoroughly for the client before deciding whether to more fully engage the FCPA team. Achieving outstanding results and client satisfaction comes through providing the highest level of responsiveness, Salerno says, and effectively communicating with in-house counsel, business units, local counsel, investigators and forensic accountants.

Notable representations

Morrison & Foerster represents a manufacturing company that was the subject of one of the first FCPA whistleblower complaints after the Securities and Exchange Commission finalized its whistleblower procedures under the Dodd-Frank Wall Street Reform and Consumer Protection Act. In only a few months, the firm data-mined the company's systems for relevant information, conducted interviews and provided a report to the SEC. The agency declined to pursue the matter and closed its file.

The firm is also conducting an anti-corruption compliance review in Mexico for a major energy company that is contemplating a sale of assets and receiving new financing. And it represents a high-level executive of **Wal-Mart de Mexico** in the highly publicized FCPA probe of the global retailer. The Latin America anti-corruption practice is greatly enhanced by a native Spanish speaking FCPA partner in the group.

Morrison & Foerster's demonstrated ability to quickly coordinate highly confidential matters with attorneys and practices across the firm makes them client service leaders.