#### MAYER \* BROWN

# The SEC's New Enforcement Manual: What You Need to Know

November 5, 2008

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# Introduction

## Significance of Manual

- Coordination
- Transparency
- Benchmarks
- Relationship to existing policy

#### Wells Process

- Overview
- Supervisory approvals mandated by manual
- Wells discovery
- Meetings with senior staff

### Opening Investigations

- Approval
- Resource allocation issues
- Formal orders

## **Investigation Oversight**

- Quarterly reports
- Six-month reviews

#### Closing Investigations

- Encouragement of staff to close dormant inquiries
- Factors to consider
- Termination letters

#### Responding to Staff Production Requests

- Requests for waiver of attorney-client privilege
- Inadvertent production
- Privilege reservations
- Confidentiality agreements
- Production issues

#### **Enhanced Witness Protections**

- Witness assurance letters
- Proffer agreements
- Current and former employees
- Foreign witnesses
- Media contacts

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- Questions
- CLE information
- Conclusion

#### Contact

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