



# ***GIR 100***

## **2018**

**A GUIDE TO THE WORLD'S LEADING FIRMS  
FOR CORPORATE INVESTIGATIONS**



# GIR 100

The **GIR 100** is an annual guide to the world's leading cross-border investigations practices. Based on extensive research, we have selected 100 law firms and 10 investigations consultancies from around the world able to handle sophisticated cross-border government-led and internal investigations.

For corporate counsel, knowing which firm, or firms, to turn to during a crisis – sometimes at a moment's notice – is of the utmost importance. In the most extreme cases, getting the right external counsel – with experienced people in the necessary locations – can mean the difference between sinking and swimming for a company under government scrutiny.

Hence the need for a publication such as the GIR 100.

Our research is essentially a vetting process: we review the data supplied to us by each firm with the aim of selecting firms from around the world that we can recommend for handling corporate internal investigations and government investigations.

In preparation for the GIR 100, we asked numerous firms the same question: when pitching for work to potential clients, how do you persuade a general counsel that your firm is a better choice than your competitors?

Because of course, one can regale a potential client with a multitude of facts about the firm: the number of partners and associates at one's disposal; the ex-government enforcers with inside knowledge; the multitude of offices in far-flung locations; the in-house forensic accounting team.

These are all-important – perhaps vital, especially on larger matters.

But ultimately, we were told by many different firms, of all shapes and sizes, that it boils down to two things: experience and trust. First, experience. Knowing how an investigation

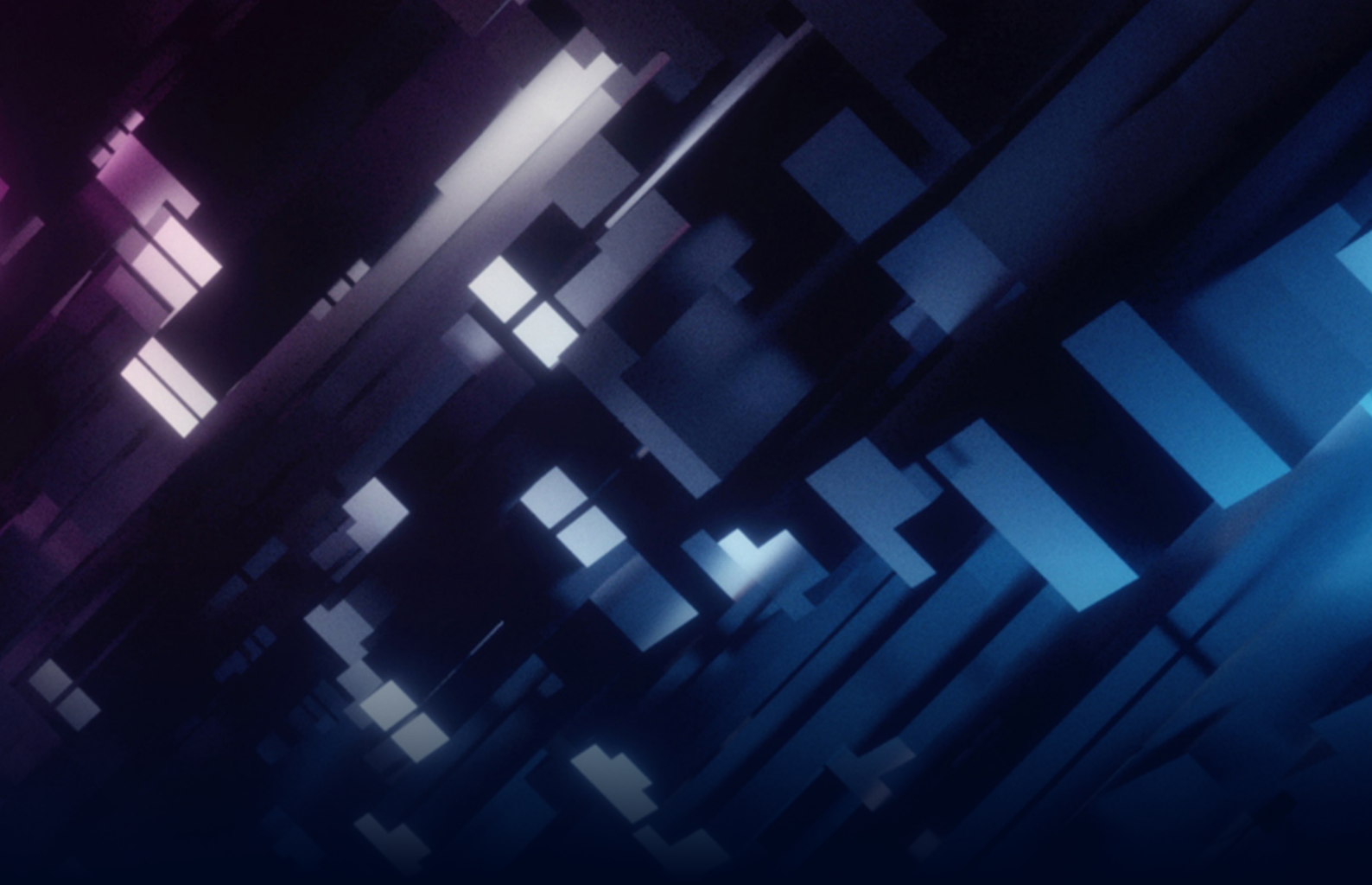
is supposed to work is one thing, but getting out there and actually doing it is something else.

Take witness interviews. We've heard anecdotes of how being a female lawyer can work to one's advantage when interviewing male witnesses in some jurisdictions, but has quite the opposite effect elsewhere. And should one play good cop, bad cop? Or a little of both, depending on the interviewee? What about bringing in local counsel to pick up on details and nuances in conversation that even a seasoned DC lawyer, for example, might fail to spot?

And when dealing with prosecutors, do you go, tail between your legs, with the results of a corporate internal investigation neatly packaged up, and drop it into the government's lap? Or do you go in teeth bared? Do you go in at all? And if it gets to the stage where you're negotiating a financial settlement with the government, do you follow the advice of one lawyer who said, "Whatever you do, never be the first to name a number." Or do you try to frame the debate right from the word go?

This isn't something learned at law school: this comes from hard work and experience on the ground. Has a firm carried out an investigation in country x before? Has it carried out multiple investigations there, over many years – meaning it would have substantial institutional memory when it comes to handling probes in that jurisdiction? Has that firm handled a cross-border investigation with multiple government agencies each looking for a scalp, with competing interests, conflicting laws, overlapping jurisdictions? How many such matters has it handled? Where? Which industries? What were the outcomes?

And then there's trust. The trust of the client, certainly – particularly those with whom the firm has worked for many



years, perhaps in many different areas of law. Also, trust from other law firms: trust in a firm's ability to handle an investigation and to deal with the outcome of that investigation; and to work side by side with that firm positively and productively, whatever issues may arise. And, finally, trust from enforcers – an incalculable but supremely valuable asset when it comes to negotiations with government agencies.

When we were researching each of the firms that appear in this publication, that's what we placed most emphasis upon: experience and trust.

We're confident that each firm appearing in this guide – whether it's a multinational law firm with an army of investigations specialists, or a regional firm whose lawyers know the local legal terrain inside out – has substantial experience in handling corporate internal investigations and government-led investigations. And, accordingly, each has earned the trust of its clients, of other law firms and, importantly, of the government agencies in the jurisdictions in which it operates.

Our conclusions are based largely upon submissions we received – every firm herein supplied a full, comprehensive submission detailing every aspect of its investigations practices – and from the dozens of phone calls and meetings we have carried out with partners from the firms we list.

Results are also based on our own specialist, in-house knowledge. Our team of reporters, based in London and Washington, DC, cover the work of the selected firms and others all day, every day. What's more, we were also able to draw upon – and contribute to – the work of colleagues on our sister publications, not least *Who's Who Legal*, whose research for its *Investigations* and *Business Crime Defence* editions has been invaluable in undertaking this project.

Finally, Global Investigations Review is sincerely grateful to all the firms who provided information for the GIR 100. We appreciate it was no mean feat, and in many cases saw firms burning the midnight oil to get the submission in on time. We hope you will agree that the results are well worth it.

### Methodology

We invited firms across the world to make a GIR 100 submission to Global Investigations Review. To do so, each firm was asked to complete a detailed questionnaire on its investigations and white-collar crime practice.

The questionnaire comprised two parts. The first aimed to gather information on the characteristics of a firm's investigations practice. Here, we requested public, on-the-record information that would enable us to write a profile of the firm. We wanted to know about the firm's clients, its star partners, its most noteworthy investigations, together with the achievements and developments the firm's investigations practice is proud of – and able to tell the world about.

The second part takes a look below the surface. We wanted to provide firms with an opportunity to demonstrate their experience and current activity levels, without breaking any ethical rules. For this section, we gave firms the opportunity to submit information confidentially. This has enabled us, first, to recommend a firm to readers on the basis of its current practice (rather than past, public successes), and, second, to rank firms using objective data for the GIR 30. We asked for detailed information on the investigations and monitorships the firm has carried out over the past two years. We also looked at partner travel, government experience and more.

# GIR 30

## Mayer Brown

*Mayer Brown has an expansive network of partners who have held top government roles around the world, and most recently represented Société Générale in an internal FCPA investigation.*

### The firm

The firm's investigations practice advises clients on a wide variety of high-profile matters from the Department of Justice's Swiss bank programme to the recovery of the largest known emerald in the world. Mayer Brown has particular prowess in Foreign Corrupt Practices Act (FCPA) matters thanks to partner Laurence Urgenson.

Urgenson is a key partner at Mayer Brown and is a leading foreign bribery investigator who co-heads the firm's anti-corruption and FCPA practice. Urgenson has represented six companies in FCPA settlements since the Siemens case in 2008 – more than any other lawyer – bar one. He is also a *Who's Who Legal: Investigations*. Working alongside Urgenson is his protégé Matthew Alexander, a GIR 40 under 40 nominee for 2017.

Recent additions to Mayer Brown's investigations practice include former Manhattan federal prosecutor Glen Kopp and partner Nicolette Kost De Sevres who heads the compliance team in Paris. Kost De Sevres was special senior counsel in the New York Stock Exchange's Paris office as well as senior special counsel at the Royal Bank of Scotland in London. Kopp served in the Southern District of New York under former US attorney Preet Bharara. As a prosecutor, Kopp investigated a group of US-based Russian agents in an operation known as the Illegals Program, which was partly the inspiration for the television series *The Americans*.

Alan Linning, previously the executive director of the enforcement team at the Hong Kong Securities and Futures Commission, recently joined the firm in Hong Kong. Another addition, Michel Sancovski, joined Tauil & Chequer Advogados, an associated firm of Mayer Brown in Brazil. Sancovski has had a central role in cooperating with Brazilian and US authorities, as well as in negotiating leniency agreements.

Mayer Brown announced the hire of two white-collar partners from Norton Rose Fulbright, Sam Eastwood and Jason Hungerford, in July 2018. Eastwood joins the firm after almost three decades at Norton Rose. Hungerford previously worked on the investigation into Swedish telecoms company Telia, which resulted in an almost US\$1 billion settlement with US, Swedish and Dutch authorities in 2017.

Another name to know at the firm is Daniel Stein, who joined Mayer Brown in 2016. Stein is a former chief of the criminal division in the US Attorney's Office for the Southern District of New York. Under his tenure, the SDNY brought diverse cases, including a US\$795 million global settlement in February 2016 with telecommunications company VimpelCom.

Mayer Brown also relies on Washington, DC-based partner Richard Ben-Veniste who was one of the lead prosecutors on the Watergate Special Prosecution Force. In another prominent government probe, Ben-Veniste was chief counsel of the Senate Whitewater Committee which investigated the Clintons' real estate dealings.



The firm lost a key partner to the Trump administration in 2017. Washington, DC-based John Sullivan was confirmed in May 2017 for deputy secretary of state. He became the acting secretary for a period in April 2018 after Rex Tillerson was fired and before Mike Pompeo took over.

### Recent events

Urgenson and Alexander represented casino hotel company Las Vegas Sands in its recent FCPA settlements with US authorities. The firm advised Las Vegas Sands in its April 2016 SEC settlement. A former executive at the company alleged that the owner of Las Vegas Sands authorised a questionable US\$700,000 payment to a legislator in Macau. The company did not admit or deny the SEC's findings, and agreed to pay US\$9 million in civil penalties and retain a monitor to settle the allegations.

Then in January 2017, the company settled with the DOJ for US\$6.96 million to resolve the matter. The non-prosecution agreement appeared to cover the same misconduct cited nine months earlier in the SEC's settlement.

GIR has reported that Mayer Brown represented French bank Société Générale in its internal investigation into FCPA violations. In the first ever coordinated resolution with French and US authorities, the bank agreed to pay US\$1.3 billion for bribing Gaddafi-era Libyan officials and manipulating Libor. The firm was also counsel to Société Générale over the US Libor manipulation agreements. Société Générale resolved allegations with the DOJ and the Commodity Futures Trading Commission that several employees falsely deflated US Libor submissions.

The case was a landmark moment for foreign bribery enforcement as it was the first joint resolution between authorities in the United States and France. In addition, Société Générale's lawyers were able to tie up different forms of conduct, bribery and benchmark manipulation, in a single resolution – a dream scenario for any client facing legal jeopardy on multiple fronts.

And according to GIR Just Anti-Corruption's FCPA Counsel Tracker, Urgenson is the monitor overseeing Chilean airline LATAM. The company retained a monitor for three years under its US\$22.2 million agreement in 2016 to resolve allegations it bribed Argentine union officials to obtain favourable labour contracts. The award of the monitorship to Urgenson demonstrates the sterling reputation he has both in the defence bar and in government (the company has to nominate three candidates and the DOJ picks the individual it believes is best suited to the role).

### Network

Mayer Brown is a global firm of more than 1,500 lawyers in 24 offices, almost all of which host investigations partners.

Mayer Brown has a formal association with one of Brazil's largest firms, Tauil & Chequer Advogados. One of the firm's Brazilian partners includes Luís Inácio Adams who was previously the minister and attorney general of Brazil.

The firm has bolstered its global network through mergers with one of the largest law firms in Asia, Johnson Stokes & Master, as well as numerous European outfits.

### Clients

Though many of the firm's current clients are confidential, it has advised the Rezidor Hotel Group, Toronto-Dominion Bank and trading company Mitsui Brasil Co.

### Track record

The firm ran internal investigations related to the Swiss bank programme, under which the DOJ offered non-prosecution agreements to banks that voluntarily told authorities they helped US citizens avoid paying tax. The firm guided five banks to such NPAs in late 2015: Banque Internationale a Luxembourg, BBVA, Credit Agricole, KBL and PostFinance.

Meanwhile, Mayer Brown's Kelly Kramer represented the former vice president of New Jersey-based Louis Berger International, which admitted in 2015 to FCPA violations and agreed to a US\$17.1 million deferred prosecution agreement (DPA). The DPA resolved charges that the company bribed foreign officials in India, Indonesia, Vietnam and Kuwait to secure government construction management contracts. James McClung, who was responsible for the company's operations in India and Vietnam, was sentenced in 2016 to a year and a day in prison for FCPA violations.

In London, Mayer Brown represented construction company Sweett Group over an investigation by UK authorities into foreign bribery allegations. The company later changed firm to improve relations with the Serious Fraud Office, according to court filings from February 2016. In February 2017 Sweett Group was convicted of UK Bribery Act violations and ordered to pay £2.25 million.

Mayer Brown has also been helping the government of Brazil to recover the "Bahia Emerald", a gem worth approximately US\$400 million. The emerald was recovered in Los Angeles in 2008, and has since been bitterly fought over by several parties. Mayer Brown was instructed by the Brazilian government to help repatriate the emerald.