

10 Steps to Take When Government Agents Come Knocking

Few businesses expect to become the subject of a government investigation, yet it happens every day in every industry. Government agents often appear unannounced at businesses to execute search warrants, serve subpoenas, or interview employees. Planning for the unannounced government visit will serve your business well.

Dykema attorneys have helped many clients prepare for and respond to unannounced government visits. We believe that companies will be in the best position to calmly and lawfully respond to an unannounced visit if they follow these 10 steps:

- 1 Do not panic;** be polite to the authorities, but be prepared to assert the company's rights.
- 2 Immediately contact legal counsel with experience or training in government investigations,** and put that person in charge of communicating with the authorities.
- 3 Do not interfere with or impede government agents** executing a search warrant, serving a subpoena, or interviewing witnesses. Consider sending nonessential personnel home.
- 4 Request copies of any search warrant, supporting affidavit or subpoena, and transmit them to counsel immediately.** Ask what crime or conduct is being investigated.
- 5 If government agents are conducting a search of the premises,** designate a person in each area to keep a record of locations searched, documents or other items seized, and comments made by government agents.
- 6 Request on-site copying of essential documents and electronic data being seized by government agents.**
- 7 Politely notify government agents if they search in areas or records not covered by the warrant or if they review and seize materials covered by the attorney-client privilege.** Do not consent to a search of premises not covered by the warrant without first consulting with legal counsel.
- 8 Immediately instruct all employees not to discard, alter, or destroy any documents, electronic data or other information that may be called for by the warrant or subpoena.** Confirm this instruction in writing.
- 9 Have the company's legal counsel advise employees of their rights and responsibilities regarding requests by government agents to interview them.** Consider whether to secure individual counsel for interviewees.
- 10 Do not respond to the media (or anyone else) without first consulting legal counsel.**

Above all, remain calm, cordial and cooperative (to the extent possible). The best time to consider your options is before the government knocks. Keep this card as a quick reminder of steps to consider in response to an unannounced visit by government agents.



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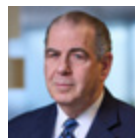
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