



Government Investigations and Corporate Compliance

DyKEMA

Exceptional service. Dykema delivers.



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Federal and state law enforcement investigations of companies continue to escalate. Dykema's Government Investigations and Corporate Compliance Team has the experience and skills to provide clients with outstanding representation ranging from grand jury and internal investigations to False Claims Act litigation, to Office of Inspector General (OIG) civil and criminal enforcement matters.

Our team is also knowledgeable and insightful in the development and implementation of effective compliance programs that can help prevent wrongdoing or, equally important, assist in reaching favorable resolutions in the event of an enforcement action.

Financial Institutions

Dykema represents financial institutions, their officers and employees in federal, civil and criminal enforcement matters, such as FIRREA investigations and related False Claims Act matters as well as complex litigation. We have substantial internal investigation experience and assist in reviewing issues relating to commercial lending practices, as well as responding to administrative inquiries involving the OCC, Federal Reserve and state regulators. In addition, we counsel financial institutions in responding to governmental inquiries and requests for information.

Health Care Fraud

Health care fraud continues to be one of the U.S. Department of Justice's (DOJ) highest priorities. Indeed, beyond conventional enforcement actions involving Medicare or Medicaid fraud, the government has taken aggressive new approaches in health care enforcement, including a greater focus on fraud involving "private

payors." We understand health care issues and the regulations necessary to defend clients confronting charges such as allegations of improper Medicare and/or insurance company billing. Dykema also has substantial experience handling False Claims Act litigation and *qui tam* actions with a strong record of successful outcomes.

Qui Tam and Civil False Claims Act

Because False Claims Act litigation has expanded to virtually every business sector, companies and their officers must be prepared to handle whistleblower complaints and anticipate legal issues that can follow. With the increased volume and high risk involved in *qui tam* suits, experienced counsel is essential to help clients prevail. Dykema has proven experience defending companies in False Claims Act litigation led by the government or a private-party relator, as well as counseling employers in addressing whistleblower claims and developing effective compliance policies.

Internal Investigations

Criminal investigations, civil and contract fraud cases, whistleblower complaints and regulatory inquiries are more prevalent with the economic and reputational stakes higher than ever. We counsel companies with respect to the issues associated with internal investigations and how to conduct these investigations when needed to determine the facts as well as assess the legal and regulatory exposure. Dykema also advises clients on business ethics and risk management needs, to help put into place effective compliance programs that can reduce the risk of wrongdoing and the likelihood of prosecution and the adverse consequences of a civil or criminal inquiry or enforcement action.

Foreign Corrupt Practices Act

With the growth of international trade and cross-border business dealings, companies continue to be closely scrutinized by the federal agencies that enforce the Foreign Corrupt Practices Act (FCPA). Fines and sanctions have increased dramatically, but the DOJ has revised its corporate cooperation program that includes incentives for self-disclosure and remediation. Dykema's team is up-to-date on DOJ corporate cooperation policies, provides analysis of the FCPA and other anti-corruption measures in order to review their impact on business practices. Dykema also regularly assist clients in designing and implementing compliance programs that reflect "best practices" expected in the industry sector.

Cybersecurity

The acceleration of electronic information storage and data has been accompanied by a dramatic increase in cybersecurity crimes. Companies are confronting the theft of intellectual property and consumer data stored on their networks of their supply chain partners. Because of the vast information stored electronically in today's world, clients must develop and adopt compliance plans and protocols for data breaches as part of a comprehensive plan of cybersecurity. Dykema helps clients with a wide range of cyber-preparedness and response issues including working with federal agencies such as the FBI, cyber-attack assessment and litigation related to data privacy. To learn more about our extensive cybersecurity capabilities, [click here](#).

Compliance

The DOJ continues to modify corporate cooperation policies to add incentives for internal investigations and to educate all employees on the benefits of compliance programs. To minimize the likelihood of future enforcement, we counsel clients on preparing and maintaining up-to-date corporate compliance programs and the development of corporate governance best practices. We are fully versed in the DOJ's newly issued corporate cooperation policies for the FCPA and False Claims Act that are key considerations in evaluating

corporate compliance programs. We are also retained often to assist clients with assessing their compliance programs prior to an issue arising or assisting with program enhancements or remediation when needed.

Antitrust and Trade Regulation

Dykema's team is comprised of lawyers from our litigation, corporate, health care, government policy and intellectual property groups. A number of these professionals have held leadership positions with the DOJ and the Federal Trade Commission (FTC). These seasoned professionals offer the legal knowledge and practical experience to assist with complex issues related to DOJ and FTC investigations ranging from cartels to mergers.

Experience Matters

We have successfully assisted:

- Health care providers such as hospitals, physicians, healthcare management companies, dentists, healthcare-related businesses and private practitioners in DOJ and OIG investigations involving allegations of Medicare and Medicaid as well as private insurance fraud and abuse investigations
- Healthcare insurance companies
- Corporations and individuals involved in governmental investigations for alleged fraud against government programs, including issues relating to federally insured mortgages and government contracts
- Clients in helping develop effective corporate compliance programs
- Clients involved in congressional investigations and hearings
- Clients involved in FCPA investigations
- Clients involved in antitrust investigations relating to price-fixing cartels
- Clients in matters involving parallel grand jury and SEC investigations
- A diverse array of clients in criminal investigations by state and federal agencies such as the U.S. Food and Drug Administration, U.S. Department of Health and Human Services and State Attorneys General

To see what Dykema can do for you, we encourage you to visit us on the web at www.dykema.com or call your Dykema relationship attorney.



Exceptional service. Dykema delivers.

For over 90 years, Dykema has provided exemplary legal and consulting services to North America's greatest companies, business leaders and entrepreneurs. As our clients have grown, so have we, expanding from Midwestern roots to become one of the nation's largest law firms, with offices from coast to coast.



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As part of our service to you, we regularly compile short reports on new and interesting developments and the issues the developments raise. Please recognize that these reports do not constitute legal advice and that we do not attempt to cover all such developments. Rules of certain state supreme courts may consider this advertising and require us to advise you of such designation. Your comments are always welcome. © 2020 Dykema Gossett PLLC.