

Government Investigations and Corporate Compliance

Related Practices

Antitrust & Trade Regulation
 Business & Commercial
 Discovery Management & E-Discovery
 Environmental
 Estate Planning & Administration
 Government Policy & Practice
 Health Care
 Litigation
 Privacy and Data Security
 Securities
 Taxation

Related Industries

Automotive Industry Group
 Dental Service Organizations Industry Group

Overview

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 represented:

- 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

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- 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

Publications

"Mixed Messages': DOJ Efforts to Dismiss Qui Tam Actions," Co-Author

September 3, 2019

Law Journal Newsletters

"FCA and Statute of Limitations: A Puzzle for the Supreme Court"

March 2019

Law Journal Newsletters - Business Crime Bulletins

"The Do's and Don'ts of Conducting an Internal Investigation"

October 1, 2018

the Association of Corporate Counsel South Central Texas FOCUS

"Major DOJ Antitrust Policy Shift On Immunity For Employees"

January 27, 2017

Law360

"The Continuing Evolution of the False Claims Act"

January 2017

Law Journal Newsletters/Business Crimes Bulletin

"Stormy Weather: DOJ signals shift in corporate cooperation policy," Co-Author

September 22, 2015

Lexology

"Corporate Cooperation: What it Now Means for Companies and Employees"

January 2015

Law Journal Newsletters - Business Crimes Bulletin

Internal Investigations: The Spotlight Is On The Role Of The Attorney-Client Privilege

September 23, 2014

Metropolitan Corporate Counsel

"Don't take attorney-client privilege for granted: The rise of internal investigations brings greater scrutiny"

July 2014

Chicago Lawyer Magazine

"Hope Is Not Lost for Defending Mich. Whistleblower Claims"

July 8, 2013

Law 360

"The Special Responsibilities of the Prosecutor with respect to Crime Labs, Plea Agreements, Trial Evidence, Impaired Defense Counsel and *Brady*"

2013

8 Criminal Law Brief 2

"Environmental Enforcement: The Government Strikes Back"

April 2010

Dallas Bar Association Headnotes

Speaking Engagements

Investigations and Compliance in the 21st Century: Four Topics Counsel Need to Know About
March 17, 2020

Foreign Corrupt Practices Act Roundtable – Dallas
October 10, 2019

Foreign Corrupt Practices Act Roundtable – San Antonio
September 25, 2019

What the Future Holds for the False Claims Act
June 18, 2019

Common Mistakes in the Design and Operation of Compliance Programs—and the Legal Consequences They Create
May 21, 2019

Conducting An Internal Investigation: Potential Legal Pitfalls and Pointers to Reduce Legal Risks
June 12, 2018

Internal Investigations: Protecting Attorney-Client Privilege Against Increasing Attacks
March 27, 2018

Key Compliance Issues for 2018
January 24, 2018

The Trump Administration, the Yates Memo and the Impact on Internal Investigations
March 21, 2017

Key Compliance Issues for 2017
January 20, 2017

Complying with Law, Loyola University Chicago Journal of Regulatory Compliance and the Center for Compliance Studies
Compliance Symposium
September 23, 2016

What Do You Do When the Government Knocks on Your Door?, 15th Annual Advanced In-House Counsel Conference
August 11, 2016

Protect and Defend: Why Cybersecurity Matters and What You Can Do to Protect Your Organization and Board from Data Breach Risks
April 28, 2016

Key Compliance Issues for 2016
March 16, 2016

SEC Financial Reporting and Audit Task Force: What You Need to Know, The Symposium and International Business Law Academy, Plano, Texas
June 2014

Conducting an Effective Internal Investigation, Association of Corporate Counsel, Michigan Chapter
June 10, 2014

To Bribe or Not to Bribe: How Dodd-Frank and Other Recent Developments in Anti-Bribery Law Increase FCPA Challenges, Ethics and Compliance Officer Association 20th Annual Ethics & Compliance Conference
October 4, 2012

Compliance and Internal Investigations, Texas Lawyer In-House Counsel Summit, Austin Texas
August 2012

Money Laundering: What Every Lawyer Needs to Know, Dallas Bar Association CLE, and Collin County Bar Association
March 2012 and July 2012 respectively

The FBI is Here and Other Calls You Never Thought You'd Get or Make, Texas Association of Defense Counsel Annual Meeting

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September 2011

Proactive and Reactive Investigations, ABA Internal Corporate Investigations and Forum for In-House Counsel
May 5, 2010