MusickPeeler



White Collar & Government Investigations

In recent years, federal and state law enforcement and regulatory agencies have imposed far greater scrutiny on the decisions of corporate officers and their oversight of corporate business operations and practices. Musick Peeler has successfully represented companies and individuals in all aspects of complex civil and criminal investigations and prosecutions, including those that have generated considerable public attention.

The White Collar & Government Investigations Practice Group at Musick Peeler includes former federal and state prosecutors, who have conducted internal investigations and defended clients in a variety of significant and complicated cases. Today, because the government will often launch parallel criminal and civil investigations, there is a need for a multi-disciplined approach. Musick Peeler has the necessary range of experience and ability to develop and implement integrated strategies to successfully represent and defend its clients. Lawyers in our White Collar Group also work closely with their colleagues in other practice areas in order to gain the benefit of the breadth and depth of the Firm's overall expertise. Moreover, our experience in structuring internal investigations in advance of any government action allows us to better identify potential areas of risk and thereby, develop compliance programs to address and minimize those risks.

Musick Peeler has also been retained by corporate audit committees to test and evaluate the strength and integrity of a company's compliance program. While every company hopes that its employees are abiding by federal and state regulations, as well as the company's ethics policies, in reality, without a meaningful and credible external audit, corporate officers do not have a documented, attorney-client protected means to actually know the extent of the company's risk exposure and/or the manner in which to address any such exposure. Musick Peeler advises corporate clients regarding the establishment and/or enhancement of business ethics compliance programs, including those involving compliance with the Foreign Corrupt Practices Act, UK Bribery Act, environmental and workplace safety (OSHA) regulations, importation and exportation restrictions and various other state and federal laws.

Defense Capabilities

- Internal Investigation
- Compliance Counseling & Auditing
- Environmental Crimes and Compliance
- Natural Resource Protection (including wildlife and habitats)
- Artifacts and Antiquities
- Energy and Utilities
- Securities Fraud
- Money Laundering
- Financial Institution Fraud

Related Professionals

William W. Carter

Steven J. Elie

Gregory J. Patterson

Jane Ellison Usher

Related Practice Groups

Business Litigation

International

Public Entity Law

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- Public Corruption Defense Contractor issues
- Accounting Fraud
- Customs and Export Controls
- Foreign Corrupt Practices Act
- Emergency Response and Preparedness
- Consumer Protection and Unfair Business Practices (including Unfair Competition and false advertising)

Musick Peeler handles all aspects of criminal and civil litigation and trials, as well as related administrative proceedings before regulatory and investigatory agencies, such such as the National Transportation Safety Board. Although the NTSB's Report is not admissible as evidence in court, a favorable Report can have a significant influence on any prosecution decisions to be made by the Department of Justice or others. Consequently, working to generate a positive outcome of such an investigation can have far reaching and beneficial effects. Lawyers at Musick Peeler have been successful in developing cooperative relationships with the NTSB and many other state and federal agencies in the midst of critical investigations.

Avoiding the Risk of Suspension or Debarment

A suspension or debarment from government contracts can be a death sentence for contractors with significant government contracts or subcontracts. Recently, the federal government has taken a more aggressive approach to debarment. While a Clean Water Act or Clean Air Act violation requires a mandatory debarment, discretionary debarment can be imposed on the basis of any civil or criminal violation. The ultimate issue in a debarment proceeding is whether the company or individual is "presently responsible," notwithstanding the prior misconduct. The debarment proceeding is completely separate from the civil or criminal proceeds. Accordingly, the risk of debarment must be simultaneously managed to address any concerns raised by the debarring officials.

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