CONTENTS

About the Authors xxv

Preface xxvii

Acknowledgments xxix

PART I

CORPORATE CRIMINAL INVESTIGATIONS AND
PROSECUTIONS: PRACTICE 1

CHAPTER 1

Corporate Criminal Liability 3

 I. Introduction 3

 II. Why Focus on the Criminal Liability of Corporations? 9

 III. The Evolution of Corporate Criminal Liability 10

A. The Early View: Corporations Cannot Be Held Criminally Liable 10

B. Courts Begin to Recognize Corporate Criminal Liability in Cases of Nonfeasance 11

C. Courts Begin to Recognize Corporate Criminal Liability in Cases of Malfeasance 12

 IV. Respondeat Superior: The Federal Standard for Corporate Criminal
|Liability 13

 V. Element One: Criminal Acts Committed by the Corporation’s
Employee or Agent 15

A. Employees 15

B. Non-Employees 16

 VI. Element Two: Acting Within the Scope of Authority 17

A. Actual Authority Versus Apparent Authority 17

B. Within the Scope of Authority 18

 VII. Element Three: Intent to Benefit the Corporation 20

 VIII. Alternative Bases for Corporate Criminal Liability 21

A. The Model Penal Code 21

B. Successor Corporate Criminal Liability 23

C. Parent-Subsidiary Corporate Criminal Liability 23

 IX. The Future of Corporate Criminal Liability? 25

CHAPTER 2

Corporate Criminal Mens Rea 29

 I. Introduction 29

 II. Imputing a Criminal Mental State to a Corporation 30

A. Early Cases Addressing a Corporate Criminal Mens Rea 30

B. Attributing a Mental State Under Respondeat Superior 32

 III. The Collective Knowledge Doctrine 33

A. The Origins of the Collective Knowledge Doctrine 34

B. Bank of New England 36

C. Post-Bank of New England Collective Knowledge Cases 38

D. Application of Collective Knowledge to Prove Specific Intent 39

 IV. Willful Blindness 42

 V. Other Factors That May Be Considered to Determine Corporate
*Mens Rea* 44

CHAPTER 3

Personal Criminal Liability of Corporate Officers 47

 I. Introduction 47

 II. The Department of Justice’s Focus on Charging Individuals 48

 III. Direct Liability for Corporate Crimes 50

 IV. The Responsible Corporate Officer Doctrine 50

A. The Origins of the Responsible Corporate Officer Doctrine 51

B. United States v. Park 52

C. The Growing Importance of Prosecutions Under the Responsible
Corporate Officer Doctrine 53

D. The Impossibility Defense 54

E. Prison Sentences for RCO Doctrine Convictions Are Rare 55

 V. Individual Criminal Liability Under Respondeat Superior 56

CHAPTER 4

Federal Corporate Constitutional Rights 59

 I. Introduction 59

 II. The Fourth Amendment 60

A. Subpoenas 61

B. Searches of Business Premises 62

1. Administrative Searches in Closely Regulated Industries 63

2. Certain Areas of Business Premises Are Afforded a Lower
Expectation of Privacy 64

3. Employees Who Take Documents from Corporate Offices 65

4. Individual Expectation of Privacy in Commercial Premises 66

 III. The Fifth Amendment 66

A. Grand Jury Indictment 66

B. Double Jeopardy 68

C. Self-Incrimination 69

1. Corporations Do Not Have a Right Against Self-Incrimination 69

2. Corporate Custodians and Act of Production 70

D. The Right to Testify at Trial 72

 IV. The Sixth Amendment 73

A. Right to Counsel 73

B. Right to a Jury Trial 75

C. The Confrontation Clause 77

D. Speedy Trial 78

E. Constitutional Venue 78

 V. The Eighth Amendment 78

 VI. The Ex Post Facto Clause 79

 VII. Bills of Attainder 79

CHAPTER 5

Internal Corporate Investigations 81

 I. Introduction 82

 II. Detecting Potential Misconduct 83

A. Internal Detection 83

B. External Detection 84

C. Whistleblower Statutes 85

 III. Initiating an Internal Investigation 88

A. The Need for an Internal Investigation 88

1. Legal Obligations to Conduct an Internal Investigation 88

2. Fiduciary Duties 89

3. Voluntarily Conducting an Internal Investigation 89

B. Planning the Investigation 91

1. Who Is the Client? 91

2. Who Will Conduct the Investigation? 92

3. The Scope of the Investigation 93

4. The Timing of the Investigation 95

5. Cost Issues 96

 IV. Document Collection and Review 97

A. Document Preservation 97

B. Document Collection 98

C. Document Review 99

D. Foreign Documents 100

 V. Witness Interviews 100

A. Planning for the Interviews 101

B. Who Should Conduct the Interview? 101

C. Guidelines and General Flow 102

D. Need for, Nature of, and Contents of Interview Memoranda 103

E. Reluctant Witnesses 103

 VI. How to Document the Results of the Investigation 104

A. Collecting, Reviewing, Analyzing, and Compiling Documents and Data 104

B. Final Reports and Presentations 104

 VII. The Attorney-Client Privilege and Work-Product Doctrine in a Corporate Setting 105

A. Elements of Attorney-Client Privilege 106

1. Communications 106

2. Made in Confidence Between Clients and Attorneys 106

3. For the Purpose of Obtaining Legal Advice 106

B. Elements of Attorney Work-Product Doctrine 107

C. Application of Privilege to Investigatory Materials 108

1. Company Emails and Data 108

2. Attorney Notes and Memoranda 109

3. Presentations to Management and Boards 109

D. The Crime-Fraud Exception 109

E. Upjohn 110

F. Waiver 113

1. Express Waiver 113

2. The “Selective Waiver Doctrine” and Follow-on Litigation Risk 113

3. Inadvertent Disclosure 113

4. The Fairness Doctrine and the Advice of Counsel Defense 115

G. Privilege Outside the United States 116

 VIII. Corporate Counsel and Witness Counsel 117

A. Joint Defense Agreements 117

B. Payment of Fees 119

C. JDAs and Cooperation with the DOJ 119

 IX. Voluntary Disclosure 120

A. When Is Disclosure Voluntary Versus Mandatory? 120

B. Statutory Regimes Encouraging Voluntary Disclosure: Why Disclose? 121

C. Content of Voluntary Disclosure 122

D. Risks of Voluntary Disclosure 123

 X. Cooperation with Government Investigations 123

A. The Evolution of Corporate Cooperation 123

1. The Holder Memorandum 123

2. The Thompson Memorandum 124

3. The McNulty Memorandum 125

4. The Filip Memorandum 125

5. The Yates Memorandum 126

6. The Rosenstein Speech and Associated Revisions to the Justice
Manual 127

7. The Monaco Memo and Speech 127

B. Current Authority Regarding Cooperation 127

C. Documenting Cooperation 128

CHAPTER 6

Government Investigations 129

 I. Introduction 129

 II. Relevant Entities 130

A. U.S. Attorney’s Offices 130

B. Main Justice Components 130

C. Investigative Agencies 131

 III. Case Detection 132

A. Proactive Case Detection 132

B. Reactive Case Detection 133

 IV. Case Initiation 134

 V. Investigative Tools for Gathering Domestic Evidence 135

A. Grand Jury 135

B. Interviews 136

C. Documents 138

D. Devices 140

E. Cooperators 141

F. Wiretaps, Recordings, and Undercover Operations 141

G. Trash Pulls 144

 VI. Investigative Tools for Gathering Foreign Evidence 144

 VII. Voluntary Cooperation by Corporations 144

A. Incentive Regimes 144

B. Strategic Considerations 147

C. Legal Implications 149

1. Garrity Issues 149

2. Discovery Obligations 152

CHAPTER 7

Parallel Investigations: Working with Civil and Regulatory Agencies 155

 I. Introduction 155

 II. Department of Justice Policies on Parallel Proceedings 156

 III. Relevant Civil and Regulatory Agencies 157

A. The Department of Justice Civil Division 157

B. The Securities and Exchange Commission 158

C. The Board of Governors of the Federal Reserve Bank 159

D. The Office of Comptroller of Currency 159

E. The Commodity Futures Trading Commission 160

F. The Financial Crimes Network 161

G. The Office of Foreign Asset Control 161

H. The Federal Deposit Insurance Corporation 162

I. The Federal Trade Commission 162

J. The Consumer Financial Protection Bureau 163

K. The New York State Department of Financial Services 163

 IV. Proper and Improper Coordination in Parallel Proceedings 163

A. Constitutionality of Parallel Proceedings 163

B. The Proper Scope of Coordination Between Criminal and Civil
Agencies 165

1. The Civil Investigation Cannot be Used “Solely” to Collect
Evidence for the Criminal Investigation 166

2. The Government May Not Affirmatively Mislead the Defendant
That the Investigation Is Only Civil in Nature 167

3. The Government May Be Required to Provide Warnings to the
Defendant about the Possibility of Criminal Proceedings 168

4. Grand Jury Secrecy 169

C. Joint Investigations 170

CHAPTER 8

Multijurisdictional Investigations and Resolutions 173

 I. Introduction 173

 II. Multijurisdictional Investigations 175

A. How Countries Determine Whether to Investigate 175

B. Joint Versus Parallel Investigations 177

C. How Prosecutors Gather Evidence in Multijurisdictional Investigations 179

D. Issues Faced by Companies and Defense Counsel in Multijurisdictional Investigations 183

1. Competing Requests and Practices 183

2. Conflicting Privilege Laws 185

3. Deciding Between Violating a Court Order and Violating Foreign
Law 188

 III. Multijurisdictional Resolutions 188

A. Double Jeopardy and Ne Bis in Idem 189

B. Coordinated Resolutions Generally 190

C. Policies Applicable to Coordinated Resolutions 192

D. Coordination in Practice 193

E. Lessons to Be Drawn from Foreign Bribery Cases 194

CHAPTER 9

Corporate Compliance Programs 197

 I. Introduction 197

 II. Designing Compliance Programs 198

A. Incentives for Compliance Programs 198

B. Areas of Focus 200

C. Goals of Corporate Compliance Programs 201

 III. Common Components of a Compliance Program 202

A. Prevention 203

1. Risk Assessment 203

2. Policies and Procedures 204

3. Training 206

4. Leadership and Management Commitment 207

B. Detection 208

C. Remediation 210

1. Investigation Process 210

2. Sanctioning Process and Disciplinary Measures 211

3. Feedback Loop to Improve Compliance and Prevent Reoccurrence 213

 IV. Ongoing Compliance Program Challenges and Opportunities 214

A. Organization, Independence, and Skill Set of Compliance 214

B. Compliance Defense 215

C. Measuring Compliance Program Effectiveness 216

CHAPTER 10

Corporate Criminal Resolutions 219

 I. Introduction 220

 II. Components of Corporate Criminal Resolutions 220

A. Forms of Resolutions 220

1. Indictment/Trial 220

2. Guilty Pleas 221

3. Deferred Prosecution Agreements 222

4. Non-Prosecution Agreements 225

5. Declinations 225

B. Charges 226

C. Monetary Component 226

D. Compliance Obligations 226

1. Self-Reporting by the Company 227

2. Independent Compliance Monitor 227

3. Hybrid Approach 227

 III. Factors to Be Considered 227

A. Principles of Federal Prosecution of Business Organizations 228

B. Corporate Enforcement Policy 229

1. Benefits 229

2. Definitions 230

C. Export Control and Sanctions Enforcement Policy for Business
Organizations 233

D. Antitrust Leniency Program 234

E. Collateral Consequences 236

1. Disproportionate and Collateral Consequences 237

2. Consequences Not Considered 240

F. “Too Big to Fail” 240

 IV. Matrix of Options 241

 V. The Resolution Process 242

A. Corporate Presentations 243

B. Process for Formulating a Government Offer 244

C. Negotiations of the Terms and Appeals 244

D. Negotiations of the Resolution Papers 244

 VI. Breach of the Resolution Agreement and Consequences 245

 VII. Alternative Resolution Vehicles in Foreign Countries 246

 VIII. Common Critiques of Alternative Resolution Agreements 248

A. Inconsistent with the Rule of Law 248

B. Comparison to Individual Resolutions 250

CHAPTER 11

Corporate Criminal Trials and Related Proceedings 253

 I. Introduction 253

 II. Preliminary Proceedings 254

A. Indictment 254

B. The Summons 255

C. Initial Appearance/Arraignment 256

 III. Corporate Criminal Trials: The Decision to Go to Trial 256

A. A Corporate Defendant Must Consider Other Stakeholders 257

B. Corporations Cannot Be Imprisoned 257

C. Corporations Consider Their Public Image 257

D. The Standard for Convicting a Corporation 258

E. A Corporation Is Often Not a Sympathetic Defendant 258

F. Corporate Decision-Makers Are Not Personally Punished 259

 IV. Corporate Criminal Trials 259

A. Bench Versus Jury Trial 260

B. Joint Trials with Corporate and Individual Defendants 260

C. Humanizing the Corporation 261

D. Compliance Defense 262

E. Party Admissions 262

F. Character Evidence 262

1. Federal Rule of Evidence 404 262

2. Federal Rule of Evidence 609 263

3. Federal Rule of Evidence 608(b) 264

 V. Sentencing Hearings 264

 VI. Post-Conviction Proceedings 264

 VII. Appellate Rights 265

CHAPTER 12

Sentencing 267

 I. Introduction 267

 II. Statutory Authority 267

 III. U.S. Sentencing Guidelines 269

A. Remedying the Harm 270

B. Determining the Appropriate Fine 270

1. Criminal Purpose Organizations 270

2. Determining the Base Fine 270

3. Determining the Culpability Score 271

4. Determining the Fine 272

5. Disgorgement 273

6. Inability to Pay 273

7. Departures from the Guidelines Fine 273

C. Probation 274

 IV. DOJ Sentencing Policies 275

 V. Example of Sentence Imposed in Connection with Corporate Resolution 275

CHAPTER 13

Monitorships 277

 I. Purpose 277

 II. The History of Monitorships 279

 III. When Are Monitorships Imposed? 280

A. DOJ Guidance on the Use of Monitors 280

B. The Use of Monitors in DOJ Resolutions 282

 IV. Frequency and Duration of Monitorships in Criminal Resolutions 284

A. Frequency 284

B. Duration 285

 V. The Monitorship Process 286

A. Operative Monitorship Guidance and Documents 286

B. Monitor Selection 287

C. Scope 290

D. Work Plan 291

E. Recommendations and Disputes 291

F. Reporting 293

G. Final Written Report and Certification 294

H. Relationship Between the Corporation and Monitor 294

 VI. Policy Considerations 295

A. Concerns with Oversight and Accountability 295

B. Lack of Knowledge Sharing and Learning 297

C. Long-Term Impact of Monitors on Corporations 297

CHAPTER 14

Asset Forfeiture 301

 I. Introduction 301

 II. What Kinds of Property Can Be Forfeited 303

A. Contraband 303

B. The “Proceeds” of the Criminal Activity 304

C. Facilitating Property 305

 III. Seizing and Restraining Property for Forfeiture 307

A. Seizure Warrants 307

B. Warrantless Seizures 308

C. Restraining Orders 309

 IV. Overview: The Three Types of Federal Forfeiture 310

 V. Civil Forfeiture 310

A. Administrative Forfeiture 310

B. Civil Forfeiture 312

 VI. Criminal Forfeiture 313

A. Overview 313

B. Property Subject to Criminal Forfeiture 313

1. Substitute Assets 313

2. Money Judgments 314

C. The Criminal Forfeiture Process 315

 VII. Criminal Versus Civil Forfeiture 317

 VIII. Defenses 318

A. Innocent Owners 318

B. Bona Fide Purchaser for Value 319

C. Fourth Amendment Violations 320

D. Disproportionality and Eighth Amendment Violations 320

 IX. Forfeiture in Corporate Criminal Cases 321

A. Forfeiture in Corporate Criminal Resolution Agreements 321

B. Seizing/Restraining the Assets of an Operating Business 322

PART II

CORPORATE CRIMINAL INVESTIGATIONS AND
PROSECUTIONS: FEDERAL CRIMINAL VIOLATIONS 325

CHAPTER 15

Conspiracy 327

 I. Introduction 327

 II. The Elements of Conspiracy 328

A. The Agreement to Commit an Offense 329

B. The Mental State Requirement 330

C. The Overt Act Requirement 331

D. Conspiracy to Defraud the United States 331

 III. The Pinkerton Doctrine: Substantive Liability for Additional Offenses 332

 IV. Intracorporate Conspiracies 333

A. The Intracorporate Conspiracy Doctrine Generally Does Not
Apply to Criminal Cases 333

 V. Procedural Standards and Punishment for Conspiracy Offenses 335

A. Hearsay 335

B. Venue 336

 VI. End of the Conspiracy 337

CHAPTER 16

The Food, Drug, and Cosmetic Act 339

 I. Introduction 339

 II. Relevant Agencies 340

A. The Consumer Protection Branch 340

B. The Food and Drug Administration 341

 III. The Food, Drug, and Cosmetic Act 341

A. Elements of the Offense 341

1. Food, Drug, or Device 342

2. Adulterated or Misbranded Food 343

3. Adulterated or Misbranded Drugs or Devices 343

4. Mental State 344

5. Defenses 345

6. Prior Notice and Opportunity to Be Heard 346

 IV. Major Corporate Criminal Prosecutions Under the FDCA 347

A. Adulterated Food Cases 347

B. Off-Label Marketing Drug Cases 348

CHAPTER 17

The Foreign Corrupt Practices Act 349

 I. Introduction 349

 II. The Anti-Bribery Provisions 350

A. Who Is Covered 350

B. Jurisdictional Elements 353

C. Mental State Requirements 355

D. The Bribe 356

E. Foreign Official 357

F. Purpose of the Payment 359

G. Exception and Affirmative Defenses 361

1. The Facilitation Payment Exception 361

2. Local Law Affirmative Defense 362

3. Bona Fide Expenditure Affirmative Defense 363

H. Statute of Limitations 364

I. FCPA Opinion Releases 365

J. Enforcement of the FCPA Anti-Bribery Provisions 366

 III. The Accounting Provisions 368

A. Books and Records 368

B. Internal Accounting Controls 369

C. Mental State Requirement 371

D. Statute of Limitations 371

E. National Security Defense 372

CHAPTER 18

The Bank Secrecy Act and Tax Crimes 373

 I. Money Laundering and Currency Reporting Crimes 374

A. The Bank Secrecy Act 375

1. History of the BSA 375

2. AML/CFT Compliance Program Requirements 376

3. BSA Reporting Requirements 379

4. The Funds Travel Rule 383

5. Patriot Act Subpoenas 383

 II. Section 1960: Unlicensed Money Transmitters 384

A. Operating a Money Transmitting Business 385

B. State Licensing and Federal Registration 386

1. State Licensing Requirements 386

2. Federal Registration Requirements 387

C. Knowingly 387

D. Transmitting Criminal Proceeds or for a Criminal Purpose 388

E. Criminal Penalties 388

 III. Tax Crimes 389

A. Relevant Agencies 389

1. The Tax Division’s Criminal Enforcement Sections 389

2. U.S. Attorney’s Offices 389

3. Internal Revenue Service Criminal Investigations 390

B. Criminal Tax Evasion 390

C. Prosecutions of Financial Institutions for Tax Evasion Offenses 391

1. Accounting Firm Prosecutions 391

2. Foreign Financial Institution Prosecutions 391

3. The Swiss Bank Program 392

CHAPTER 19

Criminal Antitrust 393

 I. Introduction 393

 II. Illegal Horizontal Agreements in Restraint of Trade 394

A. Department of Justice Policy on Criminal Antitrust Prosecutions 395

B. Elements of a Section 1 Violation 397

C. The Agreement to Restrain Trade 397

D. Criminal Intent 399

E. Withdrawal 399

F. Pro-Competitive Effects Is Not a Defense 400

 III. Extraterritorial Application of the Antitrust Laws 400

 IV. The Corporate Leniency Policy 403

A. Initiating the Process for Leniency: Securing a Marker 404

B. The Leniency Application 405

C. “Leniency Plus” 407

D. “Penalty Plus” 408

E. Leniency Only Binds the Antitrust Division 409

F. Confidentiality 409

G. Voiding a Leniency Agreement 410

H. The Antitrust Criminal Penalty Enhancement and Reform Act of 2004 410

I. Leniency for Individuals 411

1. Leniency for Corporate Directors, Officers, and Employees 411

2. Leniency Policy for Individuals 412

 V. Antitrust Compliance Guidance 412

CHAPTER 20

International Economic Sanctions 413

 I. Introduction 413

 II. The Legal Framework for Economic Sanctions 414

A. The Trading with the Enemy Act 415

B. The International Emergency Economic Powers Act 416

C. Other Applicable Criminal Statutes 418

1. 18 U.S.C. §371: Klein Conspiracy 418

2. 18 U.S.C. §1344: Bank Fraud 419

 III. Legal Framework for Export Controls Violations 420

A. The Arms Export Control Act of 1976 420

B. The Export Control Reform Act of 2018 421

C. The Economic Espionage Act of 1996 422

 IV. DOJ Policies on Export Controls/Economic Sanctions Prosecutions 423

 V. The Future of Corporate Criminal Enforcement of Sanctions and Export Control Laws 424

CHAPTER 21

Environmental and Wildlife Crimes 427

 I. Introduction 428

 II. The History of Criminal Environmental Enforcement 429

 III. Criminal Pollution Laws 430

A. The Clean Air Act 430

1. Mental States: The Definition of “Knowingly” 431

2. Criminal Violations of the CAA’s Emissions Requirements 432

3. Reporting and Filing Violations 433

4. Criminal Endangerment Provisions 433

B. The Clean Water Act 435

1. Navigable Waters 435

2. Substantive Violations of the CWA 436

3. Knowing Endangerment 438

C. The Resource Conservation and Recovery Act 438

1. Criminal Violations 439

2. Knowingly 440

3. Knowing Endangerment 441

D. The Federal Insecticide, Fungicide, and Rodenticide Act 441

 IV. Wildlife Crimes 442

A. The Lacey Act 442

1. Fish and Wildlife 443

2. Plants 444

3. False Declarations 444

4. Criminal Penalties 444

5. Corporate Prosecutions Under the Lacey Act 445

B. Migratory Bird Treaty Act 446

 V. DOJ Enforcement Policies 449

A. Factors in Decisions on Criminal Prosecutions for Environmental Violations 449

B. Other DOJ Policies 449

C. DOJ Guidance on Community Service 450

D. Environmental Protection Agency Criminal Enforcement Policies 451

1. Significant Environmental Harm 451

2. Culpable Conduct 452

3. Corporate Prosecutions 452

CHAPTER 22

Virtual Currency 453

 I. Introduction 453

 II. The Department of Justice’s Focus on Cryptocurrency 455

 III. Cryptocurrency 456

A. Background 456

B. A Primer on the Cryptocurrencies 458

1. Virtual Currency and Cryptocurrency 458

2. The Blockchain 459

3. Cryptography 460

4. Wallets 461

5. Enhanced Anonymity for Cryptocurrencies 461

6. Other Relevant Classes of Digital Currencies 462

 IV. The Regulatory Framework 463

A. Cryptocurrency as a Form of Money 463

B. Virtual Currency as a Security 466

C. Virtual Currency as a Commodity 468

D. Virtual Currency and Taxes 469

 V. Relevant Corporate Crimes Involving Virtual Currency 469

A. Anti-Money Laundering/Bank Secrecy Act 470

1. Virtual Currency Exchanges 471

2. Cryptocurrency ATMs 474

3. Crypto-Casinos 474

B. Securities Fraud 474

C. Commodities Fraud 476

D. Economic Sanctions Violations 476

E. Tax Evasion 477

CHAPTER 23

The Racketeer Influenced and Corrupt Organizations Act 479

 I. Introduction 479

 II. The Elements of RICO Crimes 480

A. Enterprise 480

B. Racketeering Activity 481

C. Pattern 482

D. Collection of Unlawful Debt 482

 III. Additional Elements and Considerations Applicable to Civil RICO Actions 482

 IV. The Four RICO Crimes 483

A. Sections 1962(a)–(b) 483

B. Section 1962(c) 483

C. Section 1962(d) 485

 V. Historical Application of RICO 485

 VI. Present-Day Application of RICO 487

 VII. Extraterritorial Application 487

 VIII. Remedies 489

Appendix A: Principles of Federal Prosecution of Business Organizations 493

Appendix B: Foreign Corrupt Practices Act of 1977 (FCPA) Corporate
Enforcement Policy 515

Appendix C: U.S. Department of Justice Criminal Division Evaluation of
Corporate Compliance Programs 521

Appendix D: Morford Memorandum 535

Appendix E: Benczkowski Memorandum 541

Appendix F: Coordination of Corporate Resolution Penalties in Parallel
and/or Joint Investigations and Proceedings Arising from the
Same Misconduct 549

Appendix G: Guilty Plea Agreement Example (Sargeant Marine) 551

Appendix H: Deferred Prosecution Agreement Example (Samsung) 581

Appendix I: Non-Prosecution Agreement Example (Fresenius)      605

Index