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# Preface

In the ever-evolving field of corporate criminal law, practitioners must constantly adapt their strategies to shifting regulatory and enforcement initiatives and the growing complexity of often high profile issues—from tax and sophisticated financial products to overseas money laundering and public corruption. Often while juggling parallel investigations across multiple jurisdictions, corporate counsel face increasingly aggressive, organized, and experienced prosecutors. Prosecutors want to incentivize corporations to bolster their compliance programs, to come forward when wrongdoing is detected, and to implement sweeping changes when remediation is deemed necessary.

White collar crime has grown and evolved through recent history, from the insider trading scandals of the 1980s, to the savings and loan collapse of the 1980s and 1990s, and again through the corporate accounting crisis, the subprime mortgage meltdown, and foreign corruption sweeps of the early 2000s. News about financial and other white collar crimes appears daily on the front pages of nearly every major newspaper. Bolstered by a steady stream of publicity and settlements that levy record fines, prosecutors continue to look for innovative tactics to deter, detect, and prosecute improper conduct by corporate officers and directors.

*RESPONDING TO CORPORATE CRIMINAL INVESTIGATIONS* serves as a practitioner's guide to effectively responding to government investigations and prosecutions of corporations. This resource was written to provide practical insight and guidance to address today's corporate criminal prosecutions, whether in conducting internal investigations, safeguarding attorney-client privilege, or traversing the various stages of a criminal investigation through prosecution and resolution.

This book tackles the key pronouncements, case law, and procedural issues critical to white collar practice. Also included is an extensive appendix that spans important policy statements, memoranda, and sample materials such as jury instructions, joint defense agreements, and deferred prosecution agreements. Ultimately, this is intended to be a comprehensive resource to form strategy and to spot discrete issues in guarding and defending against criminal prosecutions of corporations.

As a former federal criminal prosecutor and a former counsel in the SEC's Division of Enforcement, we seek to draw upon our years of

experience to offer our perspective on these complex issues. While each criminal matter is inherently fact-specific, we hope to steer you through the morass of procedural and enforcement issues while avoiding pitfalls that are often difficult to detect.

We hope you find this to be a useful resource.

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