



***GIR 100***  
**2018**

**A GUIDE TO THE WORLD'S LEADING FIRMS  
FOR CORPORATE INVESTIGATIONS**

# GIR 100

The **GIR 100** is an annual guide to the world's leading cross-border investigations practices. Based on extensive research, we have selected 100 law firms and 10 investigations consultancies from around the world able to handle sophisticated cross-border government-led and internal investigations.

For corporate counsel, knowing which firm, or firms, to turn to during a crisis – sometimes at a moment's notice – is of the utmost importance. In the most extreme cases, getting the right external counsel – with experienced people in the necessary locations – can mean the difference between sinking and swimming for a company under government scrutiny.

Hence the need for a publication such as the GIR 100.

Our research is essentially a vetting process: we review the data supplied to us by each firm with the aim of selecting firms from around the world that we can recommend for handling corporate internal investigations and government investigations.

In preparation for the GIR 100, we asked numerous firms the same question: when pitching for work to potential clients, how do you persuade a general counsel that your firm is a better choice than your competitors?

Because of course, one can regale a potential client with a multitude of facts about the firm: the number of partners and associates at one's disposal; the ex-government enforcers with inside knowledge; the multitude of offices in far-flung locations; the in-house forensic accounting team.

These are all-important – perhaps vital, especially on larger matters.

But ultimately, we were told by many different firms, of all shapes and sizes, that it boils down to two things: experience and trust. First, experience. Knowing how an investigation

is supposed to work is one thing, but getting out there and actually doing it is something else.

Take witness interviews. We've heard anecdotes of how being a female lawyer can work to one's advantage when interviewing male witnesses in some jurisdictions, but has quite the opposite effect elsewhere. And should one play good cop, bad cop? Or a little of both, depending on the interviewee? What about bringing in local counsel to pick up on details and nuances in conversation that even a seasoned DC lawyer, for example, might fail to spot?

And when dealing with prosecutors, do you go, tail between your legs, with the results of a corporate internal investigation neatly packaged up, and drop it into the government's lap? Or do you go in teeth bared? Do you go in at all? And if it gets to the stage where you're negotiating a financial settlement with the government, do you follow the advice of one lawyer who said, "Whatever you do, never be the first to name a number." Or do you try to frame the debate right from the word go?

This isn't something learned at law school: this comes from hard work and experience on the ground. Has a firm carried out an investigation in country x before? Has it carried out multiple investigations there, over many years – meaning it would have substantial institutional memory when it comes to handling probes in that jurisdiction? Has that firm handled a cross-border investigation with multiple government agencies each looking for a scalp, with competing interests, conflicting laws, overlapping jurisdictions? How many such matters has it handled? Where? Which industries? What were the outcomes?

And then there's trust. The trust of the client, certainly – particularly those with whom the firm has worked for many



years, perhaps in many different areas of law. Also, trust from other law firms: trust in a firm's ability to handle an investigation and to deal with the outcome of that investigation; and to work side by side with that firm positively and productively, whatever issues may arise. And, finally, trust from enforcers – an incalculable but supremely valuable asset when it comes to negotiations with government agencies.

When we were researching each of the firms that appear in this publication, that's what we placed most emphasis upon: experience and trust.

We're confident that each firm appearing in this guide – whether it's a multinational law firm with an army of investigations specialists, or a regional firm whose lawyers know the local legal terrain inside out – has substantial experience in handling corporate internal investigations and government-led investigations. And, accordingly, each has earned the trust of its clients, of other law firms and, importantly, of the government agencies in the jurisdictions in which it operates.

Our conclusions are based largely upon submissions we received – every firm herein supplied a full, comprehensive submission detailing every aspect of its investigations practices – and from the dozens of phone calls and meetings we have carried out with partners from the firms we list.

Results are also based on our own specialist, in-house knowledge. Our team of reporters, based in London and Washington, DC, cover the work of the selected firms and others all day, every day. What's more, we were also able to draw upon – and contribute to – the work of colleagues on our sister publications, not least *Who's Who Legal*, whose research for its *Investigations* and *Business Crime Defence* editions has been invaluable in undertaking this project.

Finally, Global Investigations Review is sincerely grateful to all the firms who provided information for the GIR 100. We appreciate it was no mean feat, and in many cases saw firms burning the midnight oil to get the submission in on time. We hope you will agree that the results are well worth it.

### **Methodology**

We invited firms across the world to make a GIR 100 submission to Global Investigations Review. To do so, each firm was asked to complete a detailed questionnaire on its investigations and white-collar crime practice.

The questionnaire comprised two parts. The first aimed to gather information on the characteristics of a firm's investigations practice. Here, we requested public, on-the-record information that would enable us to write a profile of the firm. We wanted to know about the firm's clients, its star partners, its most noteworthy investigations, together with the achievements and developments the firm's investigations practice is proud of – and able to tell the world about.

The second part takes a look below the surface. We wanted to provide firms with an opportunity to demonstrate their experience and current activity levels, without breaking any ethical rules. For this section, we gave firms the opportunity to submit information confidentially. This has enabled us, first, to recommend a firm to readers on the basis of its current practice (rather than past, public successes), and, second, to rank firms using objective data for the GIR 30. We asked for detailed information on the investigations and monitorships the firm has carried out over the past two years. We also looked at partner travel, government experience and more.

## Goodwin Procter

**Partners at Goodwin Procter are representing individuals in high-profile white-collar, cases including former executives of Wells Fargo and Petrobras.**

### The firm

Goodwin Procter is home to several attorneys with extensive government backgrounds.

Richard Strassberg, the head of Goodwin's white-collar defence practice, formerly served as the chief of the major crimes unit in the US Attorney's Office for the Southern District of New York. In this position, he oversaw approximately 25 assistant US attorneys in the prosecution of white-collar criminal cases. He now works in the firm's New York office and focuses on white-collar criminal defence, civil securities enforcement proceedings, and Foreign Corrupt Practices Act compliance and investigations.

Also in the New York office is Derek Cohen, who previously served as an assistant US attorney in the Eastern District of Pennsylvania and as deputy chief in the fraud section of the criminal division at Main Justice. While at the DOJ, Cohen was the deputy director of the Deepwater Horizon Task Force. He has been involved in most of the firm's major white-collar cases, including the defence of former SAC Capital Advisors portfolio manager Mathew Martoma on insider trading charges.

New York-based William Harrington is known for his healthcare fraud experience. He successfully defended the former president of pharmaceutical company Warner Chilcott, who was acquitted of charges of conspiracy to violate the federal anti-kickback statute. He previously served as a federal prosecutor in the Southern District of New York where he investigated payments by pharmaceutical companies to doctors both in the United States and abroad.

Roberto Bracerias is the head of the firm's litigation department in its Boston office. He was previously a federal prosecutor in the fraud section of the criminal division at the DOJ in Washington, DC. While at the department he represented the United States in discussions with the Mexican government concerning extradition issues. He has defended clients facing the Securities and Exchange Commission, the Massachusetts Securities Division and the Financial Industry Regulatory Authority among others.

Grant Fondo is head of the litigation department for the firm's California offices in Silicon Valley and San Francisco and is also chair of the firm's digital currency and blockchain technology practice. Fondo represents technology, digital currency, life sciences, private equity and venture capital clients in white-collar matters. He is a former assistant US attorney for the Northern District of California.

In April 2018, James Gatta joined the New York office as partner. He previously served as the chief of the criminal division for the US Attorney's Office for the Eastern District of New York.

### Recent events

Goodwin is representing New York state controlled non-profit corporations Fort Schuyler Management Corporation and Fuller Road Management Corporation concerning a corruption investigation into taxpayer-funded contracts they awarded for development projects in upstate New York, including a highly lucrative contract to build a Tesla solar-panel factory. The investigation has led to the filing of criminal charges against various former officials in the New York governor's office.

The firm is also representing the former CEO of Wells Fargo, John Stumpf, in litigation arising out of the bank's US\$185 million settlement with the Consumer Financial Protection Bureau over allegations that it secretly opened unauthorised accounts for customers.

Another high-profile individual the firm is defending is Maria das Graças Silva Foster, the former CEO of Brazilian state oil company Petrobras, against a lawsuit claiming she misled investors by failing to disclose that members of her staff were taking bribes from construction companies.

### Network

As a sizeable US law firm, Goodwin has a strong presence on both coasts. In the east, it has bases in New York, Boston and Washington, DC; in the west, the firm has offices in the technology hubs of San Francisco and Silicon Valley, as well as Los Angeles. Outside the United States, Goodwin has offices in London, Hong Kong, Frankfurt and Paris.

### Clients

The firm has represented a range of high-profile individuals in white-collar investigations, including Maria das Graças Silva Foster, the former CEO of Brazilian oil company Petrobras; and John Stumpf, the former chair and CEO of Wells Fargo.

Other corporate clients that are public include Coinbase and Fort Schuyler Management Corporation.

### Track record

The firm represented hedge fund trader Mathew Martoma in one of the largest ever insider trading cases. The SAC Capital portfolio manager was accused of using inside information about the results of an Alzheimer drug trial to generate profits and avoid losses equalling US\$275 million. In September 2014, he was sentenced to nine years in prison.

The firm also represented Ash Aggarwal, a former JPMorgan Chase analyst, in an insider trading case in the Central District of California. In February 2017, a jury found Aggarwal not guilty of 26 counts of conspiracy, insider trading and wire fraud relating, but were undecided on the remaining four counts. Those four counts were later dismissed.

With regard to FCPA matters, the firm represented life sciences company Bruker in its US\$2.4 million SEC FCPA settlement in 2014. The Massachusetts-based business, which self-reported and cooperated extensively with the government, was accused of bribing officials in China to win contracts.