

Financial institutions
Energy
Infrastructure, mining and commodities
Transport
Technology and innovation
Life sciences and healthcare

 NORTON ROSE FULBRIGHT

Business ethics and anti-corruption

A global service



Business ethics and anti-corruption

Business ethics and anti-corruption regulation and enforcement are at the forefront of the issues facing all businesses today.

Band 1:

Corporate Crime and Investigations

Chambers and Partners UK 2013 and 2014

Tier 1:

Corporate crime (including fraud, bribery and corruption)

Legal 500 2013

Norton Rose Fulbright's global business ethics and anti-corruption group helps clients to navigate national and international anti-corruption, regulatory and compliance issues and investigations wherever they arise. Business ethics and anti-corruption regulation and enforcement are at the forefront of the issues facing all businesses today. Standards have changed significantly in recent years. An ethical failure could result in significant civil and criminal sanctions for businesses, and even imprisonment for individuals.

Our global capabilities in business ethics and anti-corruption offer to companies and individuals a 'one-stop' global service comprising international, multi-jurisdictional business ethics and anti-corruption and investigations experience on the ground, combined with significant industry sector knowledge.

The unprecedented level of cooperation among international enforcement authorities requires clients to adopt a coordinated, multinational approach to business ethics and anti-corruption. Our experience and local law capability, including experience with the US Foreign Corrupt Practices Act (FCPA), UK Bribery Act, Canadian Corruption of Foreign Public Officials Act and other international and domestic anti-corruption frameworks, including in China, across Europe and Asia Pacific, in Russia and across Africa, means that we are well placed to address complex business ethics and anti-corruption issues that arise for multinational clients.

Our platform of more than 50 offices across the world allows us to navigate local legal and cultural issues with sensitivity and with the benefit of significant experience.

Our global business ethics and anti-corruption group offers clients a substantial understanding of legal, procedural, governance and reputational aspects of regulatory and compliance issues and investigations.

The team includes lawyers who have previously held positions in some of the world's key regulatory bodies. In the United States, for example, our team includes former federal and state prosecutors from the Fraud Section of the US Department of Justice Criminal Division, which conducts FCPA investigations.

Our approach is holistic: alongside the client, we work to fully understand our client's business and environment to deliver a programme which manages every aspect of legal, reputational and operational risk associated with business ethics and anti-corruption.

We combine wide-ranging experience and knowledge of best practice in business ethics and anti-corruption with a strategic focus on key industry sectors, particularly financial institutions; energy; infrastructure, mining and commodities; transport; technology and innovation; and life sciences and healthcare.

Our deep understanding of the best practices observed in these industries allows us to provide added value to our clients because enforcement officials often measure a company's compliance efforts against its industry peers.

Attorney advertising

Rankings, awards and accolades included in this publication pre-date the combination of Norton Rose and Fulbright and Jaworski LLP on June 3, 2013.

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They are agile in their approach, depending on client needs. What makes them unusual is that they make a lot of effort to really understand us as a company.
Chambers and Partners UK 2012

Our key global services include:

Compliance counselling
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Compliance and integrity programmes
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Investigations
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Training
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Risk assessment
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Due diligence
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Engagement in the business ethics and anti-corruption community

Our global business ethics and anti-corruption group is at the forefront of international initiatives which promote standards, dialogue and education in this field. Highlights include:

.....
We were appointed as the sole legal advisers on the British Standards Institute's panel for Anti-Bribery Standardisation. We assisted with the drafting of the first British Standard on Anti-Bribery (BS 10500).
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We are founder members of the University College London (UCL) Centre for Ethics and Law.
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We are the only legal practice represented on the project committee established by the International Standards Organisation (ISO) to consider the introduction of a standard on corruption.
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We are represented on the board of Transparency International UK.
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We were appointed to the legal board of SAI Global, advising the business on its compliance training products.

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We are actively engaged with national business ethics bodies, such as the UK Institute of Business Ethics and the French Cercle d'Ethique des Affaires.

Global experience

We have experience of advising clients in the context of compliance counselling, investigations, risk assessment, compliance and integrity programmes, training and due diligence across the globe, including in:

Africa

Angola
Cameroon
Congo

Equatorial Guinea
Gabon
Ghana

Nigeria
Sierra Leone
South Africa

Asia Pacific

Australia
China
Hong Kong
India
Indonesia
Japan

Macau
Malaysia
Nepal
New Zealand
Philippines

Singapore
South Korea
Taiwan
Thailand
Vietnam

Europe

Austria
France
Germany
Greece
Hungary
Italy

Netherlands
Poland
Portugal
Romania
Russia
Sweden

Switzerland
Turkey
Turkmenistan
Ukraine
United Kingdom
Uzbekistan

Latin and North America

Argentina
Brazil
Canada

Chile
Colombia
Costa Rica

Mexico
Venezuela
United States

Middle East and North Africa

Algeria
Egypt
Morocco

Pakistan
United Arab Emirates
Iraq

Kuwait
Qatar
Saudi Arabia

Our offices



*associate office

Our services

Norton Rose Fulbright's global business ethics and anti-corruption group assists clients with all aspects of business ethics and anti-corruption compliance and investigations, including:

Compliance counselling

With changing standards for compliance and heightened penalties for non-compliance, companies need trusted advisors to provide reliable advice to manage questions which arise in daily business. Norton Rose Fulbright's global business ethics and anti-corruption team has significant experience of analysing potential risks and provides comprehensive, practical compliance advice to companies and senior executives. We strive to provide creative solutions that enable our clients' businesses to grow while protecting them from unacceptable risks.

We counsel companies on best practice in their industries based on our depth of experience in the key sectors of financial institutions; energy; infrastructure, mining and commodities; transport; technology and innovation; and life sciences and healthcare. Because we have worked on business ethics and anti-corruption issues in more than 60 countries, we provide practical advice for compliance in specific geographic locations.

Case study

We provide day-to-day advice to our client, a multinational company, on discrete anti-corruption issues. We analyse the risks and provide the client with options for minimizing any risk or alternatives for achieving the company's business goals. The questions have included issues such as: per diem payments; entertaining, or socialising with certain government officials; and how a company can do business with a potential vendor owned by a relative of a government official. In most circumstances, we are able to devise creative solutions which allow our client to achieve its business purpose while reducing its enforcement risk.

Investigations

Investigations in the business ethics and anti-corruption sphere often span several jurisdictions. A single review in one jurisdiction can give rise to consequences, including litigation, in others. Our global business ethics and anti-corruption team is experienced in providing comprehensive and practical advice to companies and senior executives in numerous investigations across the globe. Our service is built on a substantial understanding of the many legal, procedural, governance and reputational aspects of regulatory investigations. Our capabilities cover advice on all stages of investigations brought in relation to business ethics and anti-corruption, both internally within a business and in investigations instituted by government authorities.

We have assisted companies and senior executives facing investigations brought by the US Department of Justice, the US Securities and Exchange Commission, the UK's Serious Fraud Office, the UK Financial Services Authority, and the London Stock Exchange, together with investigations by regulators throughout the world, including in Asia Pacific, Europe, the Middle East, Canada and South Africa. Our lawyers have advised clients in a series of high profile criminal investigations and prosecutions. In international investigations, we frequently address challenging issues, including the protection of privilege and compliance with data privacy laws.

Case study

We conducted an internal anti-corruption investigation for a multinational oilfield services provider over allegations that employees and agents at two Asian subsidiaries made payments to local government officials in exchange for beneficial tax and customs treatment. The investigation spanned multiple countries in Asia; we coordinated these global efforts with outside counsel in India, Indonesia, and Singapore. In addition to examining relevant electronic and hard copy data, the team reviewed the company's internal controls system, supervised independent audits of its accounting and human resources departments, and worked with forensic accountants to analyse voluminous accounting records. The team also conducted anti-corruption training of in-house counsel at corporate headquarters and is currently revamping the company's global anti-corruption compliance programme.

Risk assessment

We are highly experienced in conducting formal risk assessments concerning business ethics and anti-corruption, with clients across a range of industries, locations and regulatory regimes. Our experience includes the conduct of global reviews focusing on the establishment, monitoring and review of culture and values within businesses.

A compliance programme is effective only if it is structured to address and mitigate the unique risks presented by a particular company's business operations. We understand that companies have limited compliance resources, so we design our risk assessments to provide us with the information necessary to advise our clients on how to deploy those resources strategically for maximum effect.

As part of a risk assessment, our global business ethics and anti-corruption team examines whether a company or individual's business activities, and the jurisdictions in which they are carried out, represent a high risk. Certain industry sectors may be more exposed to corruption if their business is involved in all, or most, of the higher risk activities. We also analyse the company's interactions with third-parties and the implementation and understanding of relevant company policies.

Case study

We are conducting a global risk assessment of a US-headquartered multinational company's worldwide operations. We have conducted interviews with employees from the client's most risk-oriented business groups, including – among others – legal, accounting, supply chain, human resources, sales and marketing, commercial development, safety and security, and operations. The risk assessment spans 85 countries and includes on-site interviews in China, Brazil, and Spain.

Compliance and integrity programmes

Our global business ethics and anti-corruption group offers comprehensive and practical compliance programmes from lawyers who understand programme effectiveness, regulators' expectations, and current best practice—both generally, and by industry. We are the only legal practice represented on the project committee established by the International Organization for Standardization (ISO) to consider the introduction of an international ISO standard on corruption which seeks to establish a global standard against which commercial organisations can align and test their compliance programmes.

We have advised clients on the design and implementation of action plans and compliance programmes in a confidential and privileged environment. This enables us to engage with employees more readily, and accurately identify priority risks which require effective and close management.

Our experience is recognised by our appointment to monitorship roles, such as our appointment by the World Bank to act as independent compliance monitor for Macmillan Publishers. Several lawyers from our team have been seconded to multinational clients in a range of sectors to advise clients on the design and implementation of global anti-corruption compliance programmes.

Case study

We are advising a worldwide engineering group in the design of its global compliance programme. This matter has involved carrying out an initial risk assessment and gap analysis at group level, identifying compliance roles and responsibilities throughout the organisation, scoping and designing an 18-month project plan with a view to upgrading the group's programme, analysing local operations' risks in more than 100 countries/subsidiaries, and the creation or upgrade of a range of policies and procedures on the basis of the needs identified. These were tailored to the organisation's existing processes, resources and culture. The scope of the advice covered legal/compliance functions, HR, marketing, communications, sourcing and finance.

Due diligence

Anti-corruption risk now forms an integral part of all due diligence conducted in the context of mergers and acquisitions as well as activities with third parties. We are seeing increasing interest from regulators and shareholders in transactional due diligence failures, and third-party conduct is the most common cause of anti-corruption non-compliance.

Our global team of lawyers are proficient in banking and corporate due diligence, with a proven track record in delivering seamless, commercial due diligence advice to business and individuals across a range of sectors in relation to anti-corruption risks. We also offer third-party due diligence from lawyers with significant experience of conducting background investigations on companies and individuals.

We recognise that all due diligence requires us to be sensitive to the business objectives of our clients, and to the cultural context of the industry and geographic location in which they operate. Our global platform and practical approach allows us to achieve our clients' compliance objectives while supporting their business goals.

Case study

We advised a corporate client on the potential acquisition of a Russian manufacturing company. The sellers had dismissed all the senior management a year prior to the auction sale process. Former management had been skimming profits from the business by selling to front-companies who were then on-selling to ultimate clients. After the management team was dismissed they set up a competing business importing similar products from abroad. The deal was aborted on the grounds of significant corruption risk.

Training

We deliver customised training to boards of directors and senior management, as well as to compliance and legal departments at a range of businesses, including the key industry sectors of financial institutions; energy; infrastructure, mining and commodities; transport; technology and innovation; and life sciences and healthcare.

We have also designed and conducted global training for all relevant employees in numerous companies. We personalise each training programme and presentation based on the risks faced by our clients' industries and geographic locations, along with the business operations of particular audiences.

Online training – ecomply

Our comprehensive online legal compliance training tool, ecomply, has been designed to assist our clients to establish and implement an effective and readily accessible legal compliance training programme for management and employees. ecomply includes multi-jurisdictional anti-corruption e-learning. The content can be customised to target specific legal risk areas and operational requirements. The ecomply programme can also be tailored to meet training and technical requirements.

Relationships with regulators

Our business ethics and anti-corruption lawyers, a number of whom have held high-level positions within some of the world's most high profile regulatory agencies, offer to clients a significant understanding and experience of the sensitivities and practicalities dealing with regulators and handling internal and government-led investigations. Our relationships include:

Department of Justice (United States)

- Among the former federal and state prosecutors in our group are several from the Fraud Section of the United States Department of Justice Criminal Division, which oversees FCPA investigations in the United States.
- Our team includes Richard Smith, former Acting Chief and Principal Deputy Chief for Litigation at the DoJ's Fraud Section, which is responsible for FCPA prosecution.
- Bill Leone is a former federal prosecutor, who served as US Attorney for the District of Colorado, on the US Attorney General's Advisory Committee for white collar crime, and on the US National Securities Fraud Task Force.

Serious Fraud Office

- We have seconded two lawyers to work at the UK Serious Fraud Office ('SFO') in the last five years.
- In 2013 we hosted Attorney General Dominic Grieve QC MP to provide a keynote speech at a panel discussion on 'Corporate Economic Crime in Context'.
- In April 2013, we hosted a Roundtable event at which David Green CB, QC, Director of the SFO, spoke about the SFO's approach to prosecutions, its capacity to gather intelligence on the activities of corporates and its policy of co-operation with prosecuting authorities in other jurisdictions.

International Anti-Corruption Unit, Royal Canadian Mounted Police (Canada)

- We have valuable knowledge of the Royal Canadian Mounted Police's practices and a good working relationship with them and the Public Prosecution Service of Canada.

Juge d'instruction (France)

- We have very strong links with French investigating judges who carry out prosecution investigations in France.
- We deliver training to judges in France on business ethics and anti-corruption issues, as part of their continuous training programme.

Monetary Authority of Singapore

- We regularly engage with the MAS in relation to regulatory enquiries and have given presentations to MAS officers on comparative regulatory trends and developments.

National Prosecuting Authority (South Africa)

- We have experience of engaging with the NPA and working closely with prosecutors. Since the inception of the South African Prevention of Organised Crime Act 1998, we have worked closely with the Asset Forfeiture Unit of the NPA, in assisting clients who have fallen victim to white collar crime.
- We have extensive experience in advising court-appointed curators using the Prevention of Organised Crime Act to claim assets frozen under restraint orders and advising curators with regard to the confiscation and realisation processes.

Financial Conduct Authority (United Kingdom)

- Members of our financial services team have held senior positions at the Financial Conduct Authority ('FCA'), formerly the Financial Services Authority ('FSA'), including Acting Head of Enforcement at the forerunner to the FSA.
- A number of our employees have been seconded to the Enforcement division of the FSA and its Regulatory Decisions Committee.
- We are a member of its panel of preferred lawyers.

World Bank

- Sam Eastwood was appointed by the World Bank to act as a Compliance Monitor to Macmillan Publishers.
- We have strong links with the World Bank through its Integrity Vice Presidency.

Securities and Exchange Commission (United States)

- Our team includes the former Counsel to the Chairman of the US Securities and Exchange Commission, who advised on many of the SEC's highest profile enforcement proceedings.

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Norton Rose Fulbright

Norton Rose Fulbright is a global legal practice. We provide the world's pre-eminent corporations and financial institutions with a full business law service. We have more than 3800 lawyers based in over 50 cities across Europe, the United States, Canada, Latin America, Asia, Australia, Africa, the Middle East and Central Asia.

Recognized for our industry focus, we are strong across all the key industry sectors: financial institutions; energy; infrastructure, mining and commodities; transport; technology and innovation; and life sciences and healthcare.

Wherever we are, we operate in accordance with our global business principles of quality, unity and integrity. We aim to provide the highest possible standard of legal service in each of our offices and to maintain that level of quality at every point of contact.

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