



Companies involved in international business face risks resulting from improper payments to foreign government personnel, which are prohibited by laws such as the U.S. Foreign Corrupt Practices Act (FCPA), the UK's Bribery Act, Australia's Criminal Code, and similar laws enacted by other member states of the Organization for Economic Cooperation and Development. Some of these laws, including the UK Bribery Act, also criminalize corrupt payments in business transactions between private parties.

Enforcement of these laws has increased sharply, both in terms of the number of cases brought and the severity of sanctions imposed. U.S. officials describe FCPA enforcement as one of their top priorities, and have suggested that corrupt payments may be linked to international terrorism. Recently, law enforcement authorities have started to use tactics previously reserved for matters involving organized crime.

Our anti-corruption capabilities stand out for both their depth of experience and broad geographic reach. More than 40 of our lawyers around the world have handled FCPA, Bribery Act, and other international anti-corruption matters, and our team includes former high-ranking officials from the U.S. Securities and Exchange Commission, the U.S. Department of Justice, and the UK's Serious Fraud Office. Our anti-corruption lawyers are resident in 17 of our offices, and our experience extends to every area in which FCPA and anti-corruption issues typically arise.

- **Adequate compliance policies and procedures** can reduce the risk that an improper payment will occur in the first place. An effective corporate compliance program can also result in lower levels of sanctions if a violation does occur and, under the UK's Bribery Act and Australia's Criminal Code, can insulate a company from liability entirely. We help clients design and implement appropriate policies, procedures and controls. We also help clients to employ training programs tailored to their specific needs.
- **Mergers, acquisitions and joint ventures** can expose buyers to liabilities for prior anti-corruption violations by sellers. We help clients to identify and manage these risks, both through customized due diligence prior to a transaction, and through contractual allocations of risks among the counterparties.

- **Agents, representatives and consultants** can create anti-corruption liability for a company that employs them, even if such payments were unauthorized or unknown to the company. These risks can be addressed by the careful selection and retention of such intermediaries. We conduct and assess the results of due diligence on potential intermediaries, and counsel on appropriate agreements for the retention of these third parties.
- **Internal corporate investigations** permit companies to responsibly address indications of potential wrongdoing and, where necessary, take appropriate remedial actions to prevent future violations. We frequently conduct such investigations on behalf of management, audit committees, and other board committees. These investigations often require substantial resources and unique skills, including the ability to conduct a broad inquiry in a foreign country within a short time frame, and to address issues with broader legal implications, such as cartel laws, data protection laws, and the preservation of applicable privileges. We also help clients assess whether information should be voluntarily disclosed to law enforcement authorities.

Our experience extends to every area in which FCPA and anti-corruption issues typically arise.



• **Law enforcement authorities** are increasingly active in investigating potentially improper payments, and in seeking to punish those who may have violated the law. K&L Gates has one of the largest and most experienced Investigations, Enforcement and White Collar practices of any law firm, and many of our lawyers are routinely involved in helping clients respond to government inquiries and, as necessary, vigorously defending against charges of wrongdoing.

Our clients include both public and private companies, operating in a wide range of industries, including natural resources, energy, pharmaceuticals, defense, transportation and logistics, power generation, and financial services. We have handled matters in Africa, Latin America, the Middle East, Europe, South Asia, East Asia, Australia, and the South Pacific. With offices in close proximity to virtually all of the world's major commercial centers, we can serve client needs promptly and efficiently, wherever they arise.

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For more information on our Anti-Bribery & Anti-Corruption practice, please visit [klgates.com](http://klgates.com).

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