

**IN-HOUSE COUNSEL: LAW AND PRACTICE
SPRING 2023**

**CLASS 5: INTERNAL INVESTIGATIONS: WHISTLEBLOWING, REPORTING UP
AND WITHDRAWAL OF REPRESENTATION**

READING ASSIGNMENTS:

- *Steinberg*, Ch. 10 (Corporate Internal Investigations)

GUEST SPEAKER:

AAAAAA is Director, Internal Investigations at ABC. She leads internal investigations relating to alleged violations of the ABC Code of Business Conduct (and other policies and procedures) and legal or regulatory requirements including the U.S. Foreign Corrupt Practices Act, the U.S. Anti-Kickback Statute, the U.S. False Claims Act, U.S. Federal health care programs, the U.K. Bribery Act, other bribery laws, and food and drug laws around the world.

TAKEAWAYS FROM THIS CLASS:

Regardless of how well managed, every business will have to deal with some sort of wrongdoing, whether it may be the result of an employee's willful misconduct or an unfortunate lapse in judgment. The severity of the wrongdoing can range from failure to follow internal policies and requirements, to action in violation of law. Depending upon the severity of the matter, the interest of federal, state, or local authorities, regulators or worse, prosecutors may be triggered.

This class will help you to gain perspectives on the following:

- The role of the in-house counsel in an internal investigation and the career trajectory and background that helps prepare for the role of director of internal investigations.
- Spot and assess the circumstances where an internal investigation may be necessary.
- Evaluate whether an investigation should be conducted in-house versus when retention of outside counsel is necessary/advisable.
- Understand the issues concerning attorney/privilege as applied to internal investigations and how to preserve the client's ability to assert privilege to the extent possible
- Determine if, when, and how to interface with government attorneys
- Explore how remote work and the COVID-19 pandemic have impacted the ability to conduct effective internal investigations

Internal investigations often lead to work for outside counsel at firms where many of you may start your legal careers. In addition, for those who may land at government agencies, it's an opportunity to hear about corporate investigations from an "inside view." Come with questions!

REMINDER: Writing Assignment #2 (Attorney/Client Privilege Memorandum) is due today (2/14/2023)

ATTORNEY NAME

BIO

- Director of Investigations at ABC Company, Office of Ethics and Compliance (since April 2020)
- Prior roles:
 - Senior Counsel Attorney, Commercial Legal Department, XYZ Company
 - Director of Investigations, GHI Company
 - Associate, Internal Investigations & White Collar Defense Group, [Law Firms]
 - Associate, Labor and Employment, [Law Firm]
 - Attorney, [Hospital]
- JD, [Law School] | BS, Business Management (University)