



The United States Foreign & Corrupt Practices Act (FCPA): Why European and other countries are feeling the ferocious bite of this legislation

Seminar: Wednesday 23rd July at 5.00 pm
Held at our offices: 48/49 Russell Square,
London WC1B 4JP

2007 witnessed a step-change in FCPA enforcement with an increasing number of investigations by the U.S. Department of Justice and the Securities Exchange Commission. More corporations are now adopting a self declaration approach to minimise criminal and civil penalties by the U.S. authorities. Recent actions have seen record breaking multi-million dollar financial settlements coupled with plea agreements. The Internet and other media sources have presented U.S. authorities with the ability to proactively monitor publicised civil disputes throughout the world for indicators of corruption associated with U.S. listed entities, or their subsidiaries. Foreign domiciled companies with the relevant nexus to the U.S. are increasingly at risk of becoming high profile targets.

This seminar will provide an overview of FCPA legislation and its evolution, and discuss the current FCPA enforcement trends. It will also explain the significance of 'red flags' and high risk areas, and the importance of an effective compliance and response programme.

FCPA legislation & trends

- Bribery & Corruption examined
- Background, evolution and key tenets
- Effect of dual enforcement
- Impact of international companies
- Enforcement trends
- Waiver of legal privilege
- Penalties: civil and criminal fines, disgorgement of profits, and cease and desist orders
- Indirect cost of compliance

Investigations and risk

- Reputational risk
- Traditional FCPA red flags
- Practical experience of corruption and red flags
- High risk areas: mergers and acquisitions; gifts and entertainment; and local procedures in emerging markets
- Disclosure and whistle blowers
- Ensuring effective investigations are undertaken
- The need for an effective compliance programme

About your presenters

James Hilsdon is a barrister and solicitor qualified in both England & Wales and the Eastern Caribbean specialising in commercial dispute resolution and civil fraud. Until recently he practised as a barrister in the British Virgin Islands representing clients' in a variety of international disputes, before which he was at a magic circle firm and the independent bar.

David Burger specialises in business and corporate investigations, with particular expertise in fraud prevention, detection and investigation. For the past 21 years David has held senior positions in leading international consultancy companies. David has successfully managed major, often sensitive, fraud and corruption cases on behalf of leading corporations, financial institutions, and overseas governments worldwide. During 2007 he was retained by a leading US law firm to act as an expert witness in a case involving alleged corruption held before the ICC International Arbitration Court, London.

For further information, please visit:
www.thekhanpartnership.com

The briefing will last approximately two hours, including questions, and will be followed by a drinks reception.

2 CPD hours

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If you would like to attend the seminar, please email Caroline McConnon at cmccconnon@thekhanpartnership.com by Wednesday 9th July 2008