

Law.com's General Counsel Conference East

Event

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Seth DuCharme and **Thomas Kokalas** participated in Law.com's "Effective Tools for Responding to Governmental and Regulatory Investigations" at its General Counsel Conference East on September 22, 2021.

This panel discussed how to anticipate, and prepare for, contact with DOJ investigators or partner agency regulators (such as the SEC) in order to swiftly achieve the appropriate level of alignment to protect corporate equities and maximize cooperation credit, as well as how to educate the government about specialized industries in a way that builds empathy and good will, and minimizes or avoids all together costly consequences. We also talked about those instances in which corporations may need to push back firmly to rebut any inferences of wrongdoing. These strategies depend on properly functioning compliance units, audit committees, and, most importantly, top-down messaging about fair play and integrity that makes clear at every level that wrongdoing is aberrant and inconsistent with company culture. We also talked about how and when to engage outside counsel to assist with developing and executing these strategies and tactics, particularly in the current climate, where the administration has energized anti-corruption efforts and also is holding companies to increasingly higher standards in cybersecurity.

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