

PRACTICE CONTACTS

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Grace C. Wen

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RELATED PRACTICES

Broker-Dealer Sales Practices

Corruption, Bribery and Money Laundering

Financial and Accounting Fraud

Securities Trading and Market Manipulation

Securities Enforcement, Internal and Government Investigations and Criminal Defense

Richards Kibbe & Orbe LLP has long been a go-to firm in the fields of securities enforcement, government investigations and criminal defense. Clients seek us out for our proven record of maneuvering through difficult regulatory and criminal issues, whether in the context of high profile investigations, parallel criminal and regulatory proceedings or the latest hot-button issues. We help institutional and individual clients defend – or more often avoid altogether – regulatory and criminal proceedings.

Our clients include a broad spectrum of participants in the financial and securities markets, including issuers and their boards, audit committees and special committees; private companies; accounting firms; financial services companies; hedge funds; broker-dealers; and the managers, officers and directors of these entities. Our clients retain us to represent them in the context of matters involving domestic and cross-border investigations of financial and accounting fraud; securities trading and market manipulation; broker-dealer sales practices; corruption, bribery and money laundering; and a wide range of regulatory and criminal issues involving domestic and international regulators.

Our lawyers include former prosecutors and SEC attorneys who understand the enforcement perspective. We have substantial experience representing clients being investigated by the SEC, Department of Justice, Financial Industry Regulatory Authority (FINRA), Congress, state regulators and attorneys general, and other domestic and foreign governmental agencies. We readily take on the tough challenges, confronting the government head-on when needed. We press for results that are fair and meet our clients' objectives. For regulated entities, which often need to maintain constructive relations with criminal authorities and regulators, we are adept at striking the correct balance between the government's insistence on cooperation and the need to defend the company. In every matter our response is targeted and efficient, and is based on a thorough understanding of the client's business. Throughout our representation, we address not only the client's legal issues, but also business, operational, and reputational concerns, always seeking to achieve an outcome that accommodates all the client's interest and goals.

RK&O does more than defend clients in today's investigation—we help them avoid tomorrow's. We work closely with institutional clients to help them design and implement effective compliance policies, internal procedures, and business practices to remain compliant with regulations, to adapt to market and regulatory changes, and to avoid future liability. Our preventive counseling is often a critical component of a client's overall compliance strategy, greatly reducing a client's risk exposure and at times averting regulatory or criminal proceedings entirely.

SECURITIES ENFORCEMENT, INTERNAL AND GOVERNMENT INVESTIGATIONS AND
CRIMINAL DEFENSE (Cont.)

PUBLICATIONS

"Deconstructing *WaMu*: Managing Insider Trading Risks as an Ad Hoc Committee Member" by Eva Marie Carney, Michael Mann and Scott Budlong featured as *Law360* Expert Analysis piece

"Deconstructing *WaMu*: Managing Insider Trading Risks as an Ad Hoc Committee Member" by Eva Marie Carney, Michael Mann and Scott Budlong

"The Implications of the Dodd-Frank Whistleblower Provisions and Recent Decisions and Enforcement Initiatives for FCPA Compliance" by James Walker published in *The International Comparative Legal Guide to Business Crime 2012*

"Clamping Down on Kleptocrats" by William Barry and Sarah Swanz published by *Risk Management*

"Expanded Supervisory Liability for In-House Lawyers" by James Walker, Daniel Zinman and Grant Mogan published in the *New York Law Journal*

"Credibly Defending Against Insider Trading Allegations: *SEC v. Rorech*" by Eva Marie Carney

"In-House Lawyers Beware: SEC Expands Supervisory Liability" by James Walker, Daniel Zinman and Grant Mogan

"US Jurisdiction in International Securities and Swaps Transactions: Boundless?" by Lucinda McConathy published in *Financier Worldwide* magazine

"Navigating Anti-Bribery Restrictions to Win Business in the Global Marketplace" by William Barry and Jeffrey Lehtman

"A Third District Court Has Dismissed SEC Claims Relating to Short Selling and PIPEs" by Eva Marie Carney

"Recent Decisions on Short Selling and PIPEs: Section 5 Claims Dismissed, Insider Trading Claims Survive" by Eva Marie Carney

PRESENTATIONS

James Walker participates in "Transforming Preparation Into Practice: The Martin Act" sponsored by the New York State Bar Association

James Walker presents "Assessing, Investigating and Responding to Data Breaches" at the 4th Annual Corporate Counsel Institute

William Barry and Jeffrey Lehtman featured in Thomson Reuters *Legal Current* podcast "Money Laundering and Corruption Risks for U.S. Companies in Latin America"

William Barry presents "FCPA and Pharma/Life Sciences...Prove Compliance, Avoid Prosecution," a webinar hosted by Aravo

RK&O partners participate in the panel discussion "Receiving Information, Managing Risk, and Preserving Liquidity: Strategies for the Current Regulatory Landscape" at the Financial Services General Counsel Luncheon in San Francisco

RK&O partners present "Receiving Information, Managing Risk and Preserving Liquidity: Strategies for the Current Regulatory Landscape" at the Alternative Asset Management General Counsel Luncheon in New York City



SECURITIES ENFORCEMENT, INTERNAL AND GOVERNMENT INVESTIGATIONS AND
CRIMINAL DEFENSE (Cont.)

James Walker participates as a Panelist in the "Ethics for Corporate Counsel 2010" seminar hosted by the New York State Bar Association

Jon Kibbe speaks at the 15th Annual Conference of The Loan Syndications and Trading Association

William Barry moderates DC Bar panel discussion titled "Hot Topics in Corporate Internal Investigations"

Arthur Greenspan participates in "Changes Within the SEC Enforcement Division: A Practical Perspective" webcast hosted by West LegalEdcenter

MaryJeanette Dee participates as a Panelist at the PLI "Bet the Company Litigation 2009: Best Practices for Complex Cases" conference

Brian Fraser and Shari Brandt present "What Litigators Need to Know About Dual Representation and Potential Conflicts of Interest During Internal Investigations - Understanding the Impact of *United States v. Nicholas*"

MaryJeanette Dee acts as a Moderator for a panel discussion titled "Managing Litigation On Multiple Fronts: Parallel Criminal, SEC, and Plaintiff Proceedings"

James Walker participates as a Panelist in the "Ethics in the Investigation and Prosecution of Civil Lawsuits" seminar

William Barry speaks at the New York State Bar Association Annual Meeting

MaryJeanette Dee participates as a Panelist in the PLI "Overlapping Civil Litigation and Government (Regulatory/Department of Justice) Investigations" seminar

William Barry presents "Current Issues in Export Controls and the Foreign Corrupt Practices Act" at the Juris Conference on Managing Business Disputes and Legal Risk in Latin America

Lee Richards speaks at the PLI "Corporate Counsel Institute" seminar

MaryJeanette Dee moderates "Parallel Criminal, SEC and Plaintiff Proceedings" seminar

NEWS & ANNOUNCEMENTS

Richards Kibbe & Orbe LLP names Matthew Riccardi a partner and Grace Wen counsel

Jeffrey Lehtman quoted in *International Business Times* article "Obama's Overseas Corruption Busting Efforts Target Corporations, Executives"

Acquisition International names RK&O 2011 White-Collar Crime Law Firm of the Year

U.S. News-Best Lawyers awards RK&O "Law Firm of the Year" in White Collar-Government Investigations Law and recognizes firm's other practice areas

Chambers USA recognizes Richards Kibbe & Orbe LLP nationally and regionally in 2011 edition

RK&O practices, attorneys cited in *The Legal 500 United States*

James Walker participates in *Financier Worldwide* roundtable discussion "Addressing FCPA Issues In Emerging Market Deals"

Daniel L. Stein, former Assistant U.S. Attorney, joins Richards Kibbe & Orbe LLP



SECURITIES ENFORCEMENT, INTERNAL AND GOVERNMENT INVESTIGATIONS AND
CRIMINAL DEFENSE (Cont.)

Richards Kibbe & Orbe LLP names Jeffrey Lehtman a partner and Catherine Turgeon and Ryan Jackson counsel

James Walker quoted in the *CBS New York* article "NY Bar: Lawyers May Comb Social Media For Dirt"

James Walker contributes to *Financier Worldwide* article "Dealing With the Foreign Corrupt Practices Act"

MaryJeanette Dee and James Walker appear in *Super Lawyers - Corporate Counsel Edition*

Lee Richards and Michael Mann recognized in the 2011 edition of *The Best Lawyers in America*
Chambers USA recognizes RK&O and highlights firm's expertise in Commercial and White-Collar Litigation and Securities Regulation

The Legal 500 recognizes RK&O as "one of the top firms in the country" for white-collar and regulatory work

Lee Richards recognized in the 2010 Edition of *The Best Lawyers in America*

RK&O attorneys recognized as 2009 Super Lawyers

Chambers USA Recognizes Richards Kibbe & Orbe and Highlights Firm's Prowess in Financial and Corporate Litigation and White Collar Regulatory Matters

Lee Richards Recognized as a Top Lawyer by Two Publications and Interviewed on National Public Radio in June

Lee Richards Appointed Receiver in SEC v. Nicholson Securities and Wire Fraud Case

Lee Richards Highlighted in Wall Street Journal Article on Madoff

Recent Successes: RK&O Secures Dismissal of Directors of Foreign Company from U.S. Securities Lawsuit

Best Lawyers in America® Recognizes Partner Lee S. Richards

An "insiders' tip" is how *The Legal 500* refers to Richards Kibbe & Orbe LLP's White Collar Criminal Defense Practice