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~~investigations top 5  
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*37:533:301:02 The*

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*Build: Start to Finish*

*Corporate*

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Investigations, by  
Albert Barsocchini,  
Esq. (clip from cee-  
mele.com) **How to  
Conduct an  
Effective Workplace  
Investigation**

Oklahoma City: What  
the Investigation  
Missed – and Why it  
Still Matters How To  
Write Investigation  
Reports | i-Sight

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Webinar Practical and  
Ethical Issues in  
Managing Internal  
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accounting 101,  
accounting overview,  
basics, and best  
practices Corporate  
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als cover best  
practices in witness

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Internal investigations, reflections on the corporate attorney-client privilege, representation issues in internal investigations, joint defense agreements, the effective use of experts, the growing prevalence of global corporate investigations, and protecting a compa -

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ny's interests after  
self-disclosure.

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Corporate internal  
investigations best  
practices, pitfalls ...

Best Practices for  
Corporate Internal  
Investigations. By  
now, the concept of  
Upjohn warnings  
should be familiar to  
any counsel, whether  
in-house or external,

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Internal represents a corporation's interests in an internal investigation. In a nutshell, an Upjohn warning is derived from the Supreme Court decision in *Upjohn v.*

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Investigations~~  
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Investigations Best Practices February 23, 2017 An estimated 93% of all data created by corporations is in the electronic format. Subsequently, the number of sanctions levied against parties who improperly handle electronic evidence continues to increase.

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Practices~~

Corporate Internal  
Investigations: Best  
Practices. By Bryan  
Daly, Christopher  
Hale & Melissa Eaves  
on February 25, 2014.  
Posted in Internal  
Investigations. A CEO  
receives an  
anonymous call



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claiming that someone is stealing company trade secrets or that an employee is taking kickbacks from a vendor. A GC gets a call from the HR director who has an employee accusing the company of submitting false bills to a government agency.

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Practices | Labor ...~~

Best Practices Avoid  
sanctions & risks by  
following these 11  
best practices for  
internal investigations:  
1 Identify tri er events  
Identify external  
contacts2 Identify  
internal contacts &  
roles3 4 Have an

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Investigation plan 5

Document entire your  
process 6 Document  
your chain of custody

7 Avoid evidence  
spoliation 8

Collaborate with  
external expertise 9

Preserve the entire  
workstation 10 Use

forensic expertise &

tools 11 Be prepared  
to testify

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## ~~Corporate Internal Investigations Best Practices~~

Here are 11 best practices that should be followed when planning and conducting an internal investigation. Internal Investigations Best Practices 1. Identify trigger events. Identify your specific trigger events. This would be

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anything that would cause you to take action from a legal, compliance or investigative standpoint.

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The materials in this collection, written by the partners and associates within the

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Firm's Corporate

Criminal

Investigations

Practice, describe

different aspects of  
our practice as related  
to corporate internal  
investigations. The  
materials cover best  
practices in witness  
interviews, reflections  
on the corporate  
attorney-client  
privilege,

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in internal  
investigations, joint  
defense agreements,  
the effective use of  
experts, the growing  
prevalence of global  
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Practices ...~~

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Practices By Bryan  
Daly, Christopher  
Hale and Melissa  
Eaves on February  
27, 2014 Posted in  
Investigations and  
Enforcement A CEO  
receives an  
anonymous call  
claiming that  
someone is stealing  
company trade  
secrets or that an  
employee is taking



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kickbacks from a  
vendor.

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Practices ...~~

Best Practices For  
Corporate Internal  
Investigations  
Law360, New York  
(March 11, 2014, 6:36  
PM ET)-- A CEO  
receives an  
anonymous call

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claiming that someone is stealing company trade secrets or that an employee is taking kickbacks from a vendor. A general counsel gets a call from the human resources director who has an employee accusing the

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Investigations

DOJ on Best  
Practices DOJ “will  
not tell a company  
how it should conduct  
an investigation.” In  
connection with  
evaluating a  
company’s efforts,  
however, the AAG  
says that the  
Department “ha [s]  
seen some ‘best

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practices' with regard  
to internal  
investigations.”

## Best Practices

~~DOJ Provides “Best  
Practices” for~~

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First, in the  
preliminary statement  
to the witness, the  
investigator must  
make it clear that he  
represents the  
company and not the

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employee. The purpose of the investigation should be described (i.e., to obtain factual information in order to provide the company with legal advice). The attorney-client privilege and work product doctrines should be explained in layman's terms and the employee

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informed that under certain circumstances, federal rules impose an obligation on the company to ...

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investigation will address uncovering the facts relating to the investigation. – Be

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sure to identify all players involved in the problematic conduct (e.g., executives, employees, third-party agents, and/or other business partners). – Be sure to identify internal control deficiencies that may have contributed to problematic conduct.

~~INTERNAL~~

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## ~~INVESTIGATIONS: BEST PRACTICES~~

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Practices A CEO  
receives an  
anonymous call  
claiming that  
someone is stealing  
company trade  
secrets or that an  
employee is taking  
kickbacks from a  
vendor. A GC gets a



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call from the HR director who has an employee accusing the company of submitting false bills to a government agency.

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First, in the preliminary statement to the witness, the

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investigator must make it clear that he represents the company and not the employee. The purpose of the investigation should be described (i.e., to obtain factual information in order to provide the company with legal advice). The attorney-client privilege and work

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product doctrines should be explained in layman's terms and the employee informed that under certain circumstances, federal rules impose an obligation on the company to ...

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## BEST PRACTICES FOR INTERNAL INVESTIGATIONS.

On May 19, 2015,  
Assistant Attorney  
General Leslie  
Caldwell, the leader of  
the Department of  
Justice's ("DOJ")  
Criminal Division,  
gave a speech  
offering companies  
"best practices"  
guidance for

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investigations.

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| The McDonald ...

Preserve All

Potentially Relevant

Data – Documents,

Devices and

Testimony. Document

and data preservation

is a vital... Interview

Witness At The Right

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Time. Companies need to be thoughtful about the appropriate timing of witness interviews. Consider Whether To Voluntarily Disclose. Deciding whether ...

~~Five Key Considerations For Handling Internal Corporate ...~~

There is a wide range

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of practices on this score among companies (with some companies even including an ombudsperson function in the mix), and many opinions on “best practices.”

However, no matter how the functions are organized, the consensus “best practice” is to ensure

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that roles are clearly articulated and scrupulously adhered to.

## ~~CORPORATE INTERNAL INVESTIGATIONS~~

Written by former federal prosecutors and experienced defense attorneys across the Firm's 37 offices, this guidebook



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Internal Investigations Best Practices  
will serve as reference materials for corporate clients facing key decisions on how and when to perform internal investigations.

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In connection with evaluating a company's efforts,

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however, the AAG  
says that the  
Department “ha[s]  
seen some ‘best  
practices’ with regard  
to internal 1 Assistant  
Attorney General  
Leslie R. Caldwell  
Delivers Remarks at  
the Compliance Week  
Conference,  
Washington, D.C.  
(Tuesday, May 19,  
2015) (“May 19

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speech"). 2 May 19

speech. 3

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