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one of the solutions for you to be successful. As understood, attainment does not suggest that you have wonderful points.

Comprehending as with ease as bargain even more than supplementary will have enough money each success.

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Best Practices for
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now, the concept of
Upjohn warnings
should be familiar to
any counsel, whether
in-house or external,
who represents a
corporation's
interests in an

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internal investigation.

In a nutshell, an

Upjohn warning is

derived from the

Supreme Court

decision in Upjohn v.

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23, 2017 An

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

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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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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

investi ation plan 5

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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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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

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would be 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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Criminal
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Practice, describe
different aspects of
our practice as
related to corporate
internal
investigations. The
materials cover best
practices in witness
interviews, reflections
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Investigations: Best 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

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employee is taking
kickbacks from a
vendor.

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Law360, New York
(March 11, 2014,
6:36 PM ET)-- A CEO
receives an

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Anonymous call 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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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]

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seen some ‘best 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

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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 product doctrines should be explained in

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layman 's terms and
the employee
informed that under
certain
circumstances,
federal rules impose
an obligation on the
company to ...

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investigation will
address uncovering

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the facts relating to the investigation. – Be 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

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Contributed to
problematic conduct.

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receives an
anonymous call
claiming that
someone is stealing
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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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First, in the preliminary statement to the witness, the 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

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

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~~INVESTIGATIONS. On
May 19, 2015,
Assistant Attorney
General Leslie
Caldwell, the leader of
the Department of
Justice's (" DOJ ")
Criminal Division,~~

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gave a speech offering companies “ best practices ” guidance for corporate internal investigations.

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Preserve All Potentially Relevant Data – Documents,

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Devices and

Testimony. Document
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Witness At The Right

Time. Companies

need to be thoughtful
about the appropriate
timing of witness

interviews. Consider

Whether To

Voluntarily Disclose.

Deciding whether ...

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~~Five Key~~

~~Considerations For~~

~~Handling Internal~~

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There is a wide range

of practices on this

score among

companies (with

some companies even

including an

ombudsperson

function in the mix),

and many opinions on

“ best practices. ”

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However, no matter how the functions are organized, the consensus “best practice” is to ensure that roles are clearly articulated and scrupulously adhered to.

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~~INVESTIGATIONS~~

Written by former

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

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Remarks at the
Compliance Week
Conference,
Washington, D.C.
(Tuesday, May 19,
2015) (“ May 19
speech ”). 2 May 19
speech. 3

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