

FCPA Trailblazers

Special recognition: Larry Urgenson, FCPA Master

KIRKLAND & ELLIS LLP



The 2013 Best FCPA Lawyers Client Service Awards highlight exceptional service in Foreign Corrupt Practices Act and global anti-corruption matters. Awards were determined by Main Justice based on submissions by firms, interviews with firm partners, client feedback and public records.

FCPA Trailblazers are firms engaged in some of the most high-stakes, high-profile matters of 2012 that exemplify the leading trends in FCPA enforcement.

Main Justice is an independent news organization that covers the U.S. Department of Justice.

Kirkland & Ellis expertly navigates the complexities of multijurisdictional investigations and offers counseling through strategic positioning of experienced professionals in key markets. Additionally, Partner **Larry Urgenson** is honored as an FCPA Master for his deep experience, integrity and credibility with government prosecutors.

Putting clients in a better position

Kirkland's Government and Internal Investigations team has more than 60 dedicated attorneys working on FCPA and global anti-corruption matters in offices around the world.

In particular, Kirkland has positioned partner **Sam Williamson** in the firm's Shanghai office. Williamson is the only former federal prosecutor fluent in Mandarin Chinese resident at a U.S. firm in China. Experienced FCPA practitioners know most FCPA-related work originates from China, providing a distinct advantage for the firm. Kirkland offers clients direct senior leadership in Asia who understands matters from both the U.S. and Asian perspectives. The firm doesn't need to wait for the other side of the world to wake up to get to work, thereby helping to control costs and avoid expensive delays.

Together with partners in the U.S. and other regions, the Kirkland team is experienced in all areas of FCPA and global anti-corruption work, including defense, due diligence reviews, internal investigations and counseling and compliance.



Larry Urgenson

"Kirkland's philosophy is to provide the highest quality representation at the lowest possible cost," according to the firm. Its lawyers approach matters by having an upfront discussion with clients to define the scope of the matter, and continue to refine it along the way.

Larry Urgenson tells Main Justice that client service at Kirkland means leaving clients in a better position than how you found them. “We also help to build on their independent capacity to work on compliance issues internally in the future,” Urgenson says.

Urgenson’s matters are marked by innovative settlements, strong collaboration with in-house counsel, and successful results.

Urgenson’s SPEAR protocol (Stabilize Situation, Preserve Documents, Examine the Facts, Analyze the Law, and Remediate the Causes) for FCPA investigations is an example of his innovative style. “Its credibility has been helpful in reaching reasonable agreements on the scope of investigations,” the firm says. “In cases where voluntary disclosure is an option, Larry’s approach is to present the client with a thorough case-specific analysis of the pros and cons of the disclosure without predisposition that the disclosure is in the interest of the client.”



Larry Urgenson

Experienced practice group

Urgenson served as acting Deputy Assistant Attorney General in the Justice Department’s Criminal Division from 1992 to 1994. From 1990 to 1992 he was chief of the division’s Fraud Section, which prosecutes FCPA cases. His long experience in the FCPA arena, coupled with an impressive case history and unsurpassed credibility with prosecutors, earns him distinction as an FCPA Master.

Kirkland’s team also boasts a former Deputy Attorney General (**Mark Filip**, author of the “Filip Memo,” which governs the department’s approach to corporate prosecution); a former U.S. Attorney for the Southern District of New York (**Michael J. Garcia**), a former Assistant Chief of the Fraud Section for FCPA cases (**William Stuckwisch**), and a former head of the U.K. Serious Fraud Office’s bribery and corruption division (**Satnam Tumani**).

Stuckwisch notably oversaw the complex prosecution of a consortium of energy services companies that admitted to paying bribes in Nigeria to win contracts to build a liquefied natural gas facility on Bonny Island.

Notable representations

As Main Justice has reported, Urgenson is lead counsel in the FCPA investigation of **Las Vegas Sands**, the casino empire of **Sheldon Adelson**. Adelson’s high-profile spending in support of Republican political causes has made him a public figure. The Sands investigation, which centers on allegations from a former Sands executive of corrupt payments in the Chinese administrative region of Macau, has been the subject of lengthy investigative pieces in the **New York Times** and **Wall Street Journal**. Main Justice reported last year that Urgenson was brought on to replace previous counsel. Urgenson’s selection to lead the case is a testament to his stellar reputation and steady hand. It also puts him at the vanguard of the new frontier of FCPA cases, in which corporate foreign bribery allegations are now front-page news.

Also in 2012, Samuel Williamson was lead counsel for **Sensata Technologies Holding N.V.**, which said in a securities filing last July that the Justice Department had declined to take action regarding its business relationships in China. Sensata is another example of a firm that received media attention, though in this case not for its FCPA matter. The maker of sensors for aircraft and autos is owned by **Bain Capital Partners LLC**, the private equity firm founded by then-presidential candidate **Mitt Romney**. Sensata was the subject of media reports accusing it of shipping U.S. jobs to China, a hot issue surrounding Romney’s ultimately unsuccessful bid for the White House.

Urgenson and Asheesh Goel of Ropes & Gray LLP represented medical device maker Biomet Inc., which entered into a deferred prosecution agreement in March 2012. Biomet paid \$17.2 to resolve criminal allegations of improper payments in China and Latin America and agreed to disgorge \$5.4 million to settle an SEC enforcement action.

In other recent matters, Urgenson obtained notable settlements for engineering firm **ABB Inc.**, Arkansas-based poultry processor **Tyson Foods Inc.**, insurance broker **Aon Corporation** and chemicals manufacturer **Innospec Inc.**

In 2010, U.S. District Judge **Lynn Hughes** in Houston slashed \$11 million off ABB's negotiated penalty of \$28.5 million, concluding that the Justice Department's attempt to label ABB a serial FCPA violator was overstated. The ABB resolution was unique also in that it was perhaps one of the first FCPA cases to result in a self-monitoring requirement, whereby companies avoid expensive outside compliance monitors and instead file compliance reports to the Justice Department.

Many other ongoing Kirkland representations remain confidential. But the above examples illustrate the firm's breadth of experience and its ability to leave clients in a better position than when they started.