



40 UNDER 40

Global Investigations Review presents
40 of the world's leading investigations
lawyers under the age of 40.

At the beginning of 2014, we asked ourselves a question: Who are the next generation that will lead the global investigations bar?

It's a difficult one. For a start, it's not clear there's even a current generation of global investigations luminaries – at least not in the same way as there is in, say, M&A or arbitration. Today, few people introduce themselves as an investigations lawyer. In the US they're typically a litigator, a white-collar lawyer, or a financial services expert. But with the explosion of investigations work in the post-Enron, Sarbanes-Oxley era, a new species is emerging.

Across the pond, the idea is taking hold too. In 2010, Freshfields Bruckhaus Deringer launched its global investigations practice – the world's first, at least by name – recognising that by realigning its various practices under one roof, the firm could more effectively handle multilateral investigations of all types. Other firms have also adopted similar approaches in recent times – particularly those from the English-speaking world, but there's change afoot in other countries too.

With all this in mind, we asked firms across the world to nominate their best investigations partners under the age of 40. And we're going to stick our necks out and say that what we have here is the best of the first generation of global investigations lawyers.

The 40 were self-selecting to some degree. We asked firms to nominate no more than three of their best partners or counsel under the age of 40 at the end of 2013.

To help us make an informed judgement, we required each nomination to be accompanied by three references explaining why the nominee is a cut above the rest: one from

another partner, or a senior colleague at the same firm; one from a client; and a third from another source of the nominee's choosing. Importantly, we also asked each nominee to detail the five best matters they've worked on.

The volume and calibre of the nominations we received was outstanding. These truly are the world's best young investigations specialists: one look at the significance of the cases they're working on, the praise from their clients and, indeed, the quality of the firms they're working for will confirm this. We would love to have published the submissions we received from our candidates, but ultimately the sensitivity of the information precluded us from doing so.

The margin between those who made it into the final 40 and those who didn't was for the most part extremely slim. We're unashamed to say that where the difference between two candidates was negligible, we erred on the side of diversity.

So among our 40 we have 13 women and 27 men from 33 different firms, based in 11 different cities: Beijing, Calgary, Dublin, Düsseldorf, Hong Kong, London, Moscow, New York, San Francisco, São Paulo, and Washington, DC.

After deciding our final 40, we asked each of them a series of questions about themselves and their practice. From adventures down Bolivian mines and corruption in Afghanistan, to eating McDonald's on a Saturday morning and fine dining in Hong Kong, the results, we think you'll agree, make compelling reading.

The full versions of all 40 profiles can be read online at globalinvestigationsreview.com



Brigham Cannon

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Why investigations?

Prior to law school, I worked as a legislative assistant for the US Senate Judiciary Committee. I worked with several current or former assistant US attorneys and other white-collar attorneys. I was struck by how much people on both sides enjoyed their jobs. After my first year of law school, I was an intern in the Criminal Division of DOJ. Both experiences exposed me to the types of issues that come up in this practice (as well as the important constitutional and liberty implications of those issues), and I was sold that I wanted to practise in this area.

Career highlight

Guiding a private client through a difficult and unfamiliar situation or investigation is extremely rewarding, and I have had the pleasure of interacting with very fine attorneys and people as clients. Setting aside the difficulty of discussing the typically confidential matters with private clients, most matters in private practice are left open-ended, ie, an internal investigation that is not disclosed to an investigative agency. In contrast, there is a finality representing the culmination of a significant amount of effort when a jury returns a verdict, and so hearing the jury return verdicts as a prosecutor – I have not yet represented a defendant in a criminal trial – has been the highlight of my career.

Influences

I've been extremely lucky to have a number of great mentors. Early in my role as a prosecutor, I worked with an assistant US attorney in Richmond, Virginia, Mike Dry. He was as good as anybody I have ever seen in interviews with witnesses, and he was great at trial. More than all of that, though, he treated everyone fairly and understood his duty and role as a prosecutor. At Kirkland, I have had the pleasure of working closely with Mark Filip and Henry DePippo. I have seen both help clients get through extremely difficult, bet-the-company situations. But, in all circumstances, they maintain an even keel and the ability to deliver difficult advice in a way that is both easily understood and accepted.

If you hadn't been a lawyer...

Orthopaedic surgeon. There would still be pressure associated with surgery to make it interesting, but knee and shoulder surgeries are not generally going to lead to death. And the lack of emergency knee or shoulder issues would mean more golf.

Advice to young lawyers

Dig in to whatever opportunities you are given, even if they are not exactly the opportunities you were looking for. Have the attitude that no assignment is beneath you. It's very difficult to predict where your career will end up, but if you are not engaging in your current opportunities, you are unlikely to be given additional responsibility.

What's everyone talking about?

In speaking with others, and also from my own practice, there is an increasing overlap in our matters both between investigating agencies (federal, state and foreign) and between criminal and civil litigation (qui tam suits, SEC whistle-blowers and shareholder class actions and derivative litigation). In anti-corruption matters, for example, foreign jurisdictions are becoming more aggressive in pursuing corruption investigations, and the practical impact of the expansive UK Bribery Act is not yet settled. The balancing act of interacting with foreign investigations while trying to address ongoing or potential US investigations, not to mention the potential for related civil litigation, raises interesting questions about strategy and privilege.

What's next in investigations?

US companies take compliance matters seriously. They are also getting better at compliance, which will lead to fewer large-scale corruption issues. That, along with the uncertain benefits of self-disclosure, will lead to fewer FCPA corporate self-disclosures. It remains to be seen whether the Sarbanes-Oxley whistle-blower programme will counter those trends, but I would guess that there will be a decrease in FCPA investigations and settlements. That said, I have no doubt that there will be another government enforcement initiative that will replace the emphasis on the FCPA.

The most interesting place your job has taken you

Goa, India.

Favourite restaurant

Saturday mornings I take my three young sons to breakfast at McDonald's. While I have certainly eaten better meals at more sophisticated restaurants, I'll take Saturday mornings at McDonald's over any of them.