

Corporate Internal Investigations

Strategies for Conducting Investigations and Protecting Privileges, Confidentiality and Employee Rights

A Live 90-Minute Teleconference Program with Interactive Q&A

Thursday, July 24, 2008

1:00 p.m. Eastern Time / 12:00 p.m. Central Time /
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A decade of scandal from the subprime credit crisis to the Enron debacle has left companies focused on protecting themselves and their officers and boards through strict compliance with state and federal law. There has never been a more urgent need for lawyers to understand the importance of internal investigations and to master the intricacies of conducting them.

To meet these compliance demands, sound business practice requires internal audits and investigations to reassure shareholders — and to provide a first line of defense if the government comes knocking.

At the same time, internal investigations can threaten vulnerable corporate interests and employees' rights, raise difficult attorney–client privilege and work product issues, and throw some organizations into corporate paralysis.

This teleconference will provide corporate counsel with effective strategies for preparing for and implementing internal investigations to protect the full spectrum of corporate interests.

- I. Structuring investigations — define the goals
 - A. Understanding what is expected
 - B. Understanding who the client is

- II. Structuring investigations — steps of a good investigation
 - A. Make a plan — BEFORE a crisis erupts
 - B. Once an issue arises
 - C. Define the issue
 - D. Select the right investigator
 - E. Identify and preserve “evidence”
 - F. Determine the appropriate methodology
 - G. How will you report results

- III. Evidence gathering Privileges
 - A. Interviewing Employees
 - B. Electronic information gathering

- IV. After investigation is complete
 - A. Record of investigation — should it be written?
 - B. Communication with and disclosure to outside third parties (i.e., authorities)
 - C. Public relations strategy
 - D. Remedial actions
 - E. Corporate compliance

- V. Issues faced by the corporate executive
 - A. As a material witness
 - B. As a whistleblower
 - C. Joint defense
 - D. Payment for separate counsel
 - E. *Stolt–Nielsen* case (3d Cir.)

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