
Anticorruption & FCPA

Cahill's renowned cross-border risk assessment and due diligence practice advises some of the world's largest and most respected global companies on the full range of anti-corruption matters, including due diligence, post-transaction integration, compliance, training, investigations and defense. Leveraging our experience in over 50 countries, our team brings familiarity with local challenges while developing practical and tailored compliance solutions.

Practice Areas

Pre-Acquisition Due Diligence & Post-Transaction Integration

When considering potential transactions in high-risk jurisdictions, companies routinely retain Cahill to conduct independent assessments of risk, often working alongside M&A deal counsel. Our assessments routinely provide buyers new information that informs their subsequent negotiations. This allows clients to determine whether to move forward with a transaction and/or how to remediate compliance issues most effectively. In some cases, the information we gather results in a more favorable purchase price.

Ours is a business-oriented approach that includes the development of specific, actionable, and sustainable post-acquisition compliance enhancements that are tailored to the operations of both target company and acquirer. These enhancements often include updating compliance procedures and policies, providing employee training, onboarding, conducting diligence on and standardizing relationships with third parties, formalizing accounting and recordkeeping and other risk mitigation strategies.

AML Compliance & M&A Source of Funds Assessment

For companies seeking to divest assets, Cahill has developed a highly effective investigative and screening process focused principally on risks associated with anti-money laundering (AML) regulations, particularly in high-risk jurisdictions.

Internal Investigations & FCPA Enforcement Regulator Inquiries

Outside the M&A context, multinational companies, boards, and audit committees frequently turn to Cahill to examine corruption allegations and internal control risks. Cahill regularly is asked to engage in time-sensitive and sophisticated investigations, many times involving scrutiny from government investigators. We have unparalleled understanding how enforcement authorities evaluate and scrutinize companies in these situations, and we are proud of having reached numerous favorable settlements. Cahill served as the lead outside counsel to Walmart's Audit Committee and help successfully resolve a global FCPA compliance matter that the *Los Angeles Times* called, "One of the largest foreign bribery cases launched by the U.S."

Employee Anti-Corruption Compliance Training

Our team develops bespoke and interactive trainings for clients' employees across high-risk jurisdictions. These unique engagements not only offer employees a topline conceptual framework for thinking about anti-corruption, they also instruct line-level personnel and senior management alike on the latest anti-corruption developments globally, including regulatory changes and recent enforcement actions and cases. Further, they provide detailed guidance on handling specific hypothetical situations and provide a clear pathway for reporting any issues. Our interactive trainings also provide a secure forum for employees to ask questions in real time, helping clients to identify and address concerns.

Supply Chain Risks

As complex supply chains face increasing regulatory and public scrutiny concerning the social and environmental impacts of their business, Cahill helps companies assess risks of fraud in their supply chains; exercise appropriate oversight, including the development of standards for suppliers; and develop strategies for monitoring suppliers' compliance with company policies. We also have experience conducting sourcing-related risk assessments and advising clients on compliance with the reporting requirements of the California Transparency in Supply Chains Act and the U.K. Modern Slavery Act.

Industries

- Automotive
- Aviation
- Commercial property
- Consumer goods
- Financial services
- Food and beverage
- Infrastructure
- Life sciences
- Logistics
- Private equity
- Oil & gas
- Real estate
- Renewable energy
- Retail
- Telecom

Geographies

India

The Cahill team has handled more than a dozen substantial matters in India over the last five years, including internal investigations, pre-acquisition diligence, training, and enhancements to compliance policies and procedures. Among them:

- Led an internal investigation on behalf of WeWork.
- Provided all M&A anti-corruption due diligence on the \$8 billion acquisition of Reliance Jio, which was described as the “largest FDI in Indian infrastructure ever.”
- Successfully guided post-acquisition compliance integration of a multi-billion dollar acquisition by a Fortune 500 company in the retail and e-commerce industry.

Latin America

Cahill has handled internal investigations, pre-acquisition diligence, training, and enhancements to compliance policies and procedures in Latin America. Engagement have included:

- Pre-acquisition diligence and advice on the 2020 acquisition of Solatio in Brazil for \$559 million, resulting in the largest solar-power complex in Latin America.
- Conducted numerous post-acquisition internal FCPA investigations for a Brazilian infrastructure provider and advised the company on enhancements to FCPA-related policies, procedures and controls.
- Led internal investigations on FCPA matters for other Fortune 500 companies with operations in Latin America, spanning industries from aviation to home building.
- Successfully represented a senior executive of an international rental car company in a DOJ and SEC investigation of potential violations of the FCPA in South America and persuaded both agencies not to bring charges.

China & Southeast Asia

The region remains a key trading partner for the United States, even as geopolitical pressures mount between the U.S. and China. Throughout this tumultuous period and the evolving regulatory environments on both sides of the Pacific, Cahill has guided clients through M&A due diligence, post-merger compliance and supply chain matters in the region.

- Advised on Corporate Social Responsibility compliance standards for the vertically-integrated supply chain of a retailer with manufacturing hubs around the globe, many of them in China and Southeast Asia.
- Advised a global financial services firm in connection with its planned expansion into China and conducted pre-acquisition diligence on proposed M&A transactions reaching across India and other Asian countries.
- Represented a leading clothing manufacturer in connection with enhancements to its global FCPA compliance program, including in China and Vietnam.
- Conducted an internal investigation into allegedly corrupt payments involving a major real estate development firm.

Africa

Cahill's engagements in Africa have spanned all regions of the continent, and a wide variety of industries, including engagements related to due diligence, regulatory compliance and sprawling investigations led by U.S. authorities.

- Cahill represents a global alternative investment firm in the prosecution of the company by the DOJ and USAO-EDNY of FCPA violations in Africa.
- Conducted anti-corruption risk assessments for a global retailer operating in multiple African countries, notably Kenya and South Africa, among others.
- Serves as regular FCPA-focused outside counsel for a global aviation services company with operations in multiple African nations.