

Who's investigating?

The anti-corruption investigations and compliance lawyers to know in key economies

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Latin Lawyer's anti-corruption investigations and compliance survey of law firms in Latin America

It's still too early to find a fully fledged investigations bar in Latin America, with the exception of Brazil, where several law firms have provided the service for some time and the practice is expected to grow further in light of recent legislation. Law firms in Mexico are also investing in the practice after a wave of new laws. Across the region, lawyers with large portfolios of investigation work are few and far between. Any experience firms do have tends to be in support of foreign-led investigations. What is more common – as we can see in Argentina, Chile, Colombia, Peru and Venezuela in varying degrees – is to see law firms assembling multi-disciplinary teams of lawyers to assist clients with a broad range of matters rather than creating stand-alone teams. They are busiest helping companies ensure they are compliant with local and international anti-corruption legislation. Rosie Cresswell and Marieke Breijer report

BRAZIL

Brazil's Clean Company Law came into force at the start of this year, allowing for the punishment of companies practising corrupt acts against domestic or foreign public officials. The law is Brazil's answer to the FCPA and UK Bribery Act, and has been described as more far-reaching. It was rushed in after a wave of protests over corruption erupted across the country and should create deep changes in the local business environment.

A group of prominent full-service law firms prepared for the legislation in advance, assembling cross-disciplinary teams from a range of practice areas including antitrust, administrative and criminal law, and are now helping Brazilian companies adjust to the new scenario. A smaller number of firms were ahead of the game, investing in the area well ahead of the new law. Consequently they are leading the way, boasting partners who can call themselves true specialists in the field. The full-service firms listed here have long had international profiles, and so already have experience assisting leading firms in the US and the UK with the local aspect of investigations deriving from those countries and ensuring foreign clients' local operations are fully compliant with local and foreign laws. Other full-service firms will offer some form of assistance in the field, but our research suggests that the firms on this list have the most developed practices. There are also a number of boutiques specialising in the service, while some criminal law firms have branched into the field.

THE FIRMS

Barbosa Müssnich & Aragão

Adriana Dantas is head of the team at Barbosa Müssnich & Aragão, dedicating the majority of her time to the field. Originally a regulatory lawyer, she has done an admirable job of rebuilding the firm's reputation in this area (helped by participating in FCPA investigations while counsel at a US law firm) since the former head left in 2013 to set up his own practice. Two partners from BM&A's well-regarded antitrust department provide advice where necessary and an administrative partner assists on violations relating to public bids. The team counts large Brazilian construction companies as clients, structuring their compliance programmes and leading an internal investigation on behalf of one. The group has collaborated with multinationals to look into kickback and bribery allegations concerning their senior employees and conducts due diligence of companies in regulated sectors.

Feldens Madruga

Brasilia-based Antenor Madruga is a respected name in the country's legal circles, setting up boutique Feldens Madruga after five years at Barbosa, Müssnich & Aragão. Madruga was a federal attorney for a decade, has held a number of relevant government positions and played a part in designing Brazil's strategy for combating corruption and money laundering. Porto Alegre-based Luciano Feldens, meanwhile, is a criminal litigator who previously worked as a prosecutor specialising in crimes against the financial system and money laundering. There are two consultants: a former secretary of prevention against corruption of the Office of the Comptroller General and a US attorney focusing on the FCPA. The firm has helped draw up global anti-corruption compliance programmes for Brazilian multinationals and has participated in two major investigations in the past year.

KLA-Koury Lopes Advogados

KLA-Koury Lopes Advogados is a recognised name in the field. Its busy, growing practice is led by Isabel Franco, who regularly provides assistance to monitors for companies that have signed deferred prosecution agreements with the US Department of Justice. Paulo Prado takes the lead on providing risk analysis of dealing with public bodies. Four associates drawn from other parts of this full-service firm complete the group. On the compliance front, the team is at home helping foreign companies including Dow Chemical, Visa and Monsanto with their compliance programmes and conducts risk assessment of local activities. More recently, Brazilian companies have been turning to the firm for similar services, requesting training for their top management. Recent examples of FCPA-related work include examining potential red flags in third-party agreements with a US company's local subsidiary and, on behalf of a Japanese company, determining whether a bribe paid by a distributor in Brazil was a case of commercial bribery or a bribe to a government official. The firm also handles internal investigations and anti-corruption due diligence in merger and acquisition (M&A) deals.

Leite, Tosto e Barros Advogados Associados

Leite, Tosto e Barros Advogados Associados' strong disputes practice includes a well-regarded criminal litigation team. The firm has conducted a number of investigations locally, mostly into misconduct relating to public works. It was also recently involved in a 10 billion reais investigation into financial crimes and money laundering, where several arrests were made.

Machado, Meyer, Sendacz e Opice Advogados

Machado, Meyer, Sendacz e Opice Advogados is a good example of the full-service firms that have been investing in this area in recent years, in line with growing client demand. Increasingly, the firm assists Brazilian companies alongside international clients on matters including compliance, risk assessment, investigations and crisis management. Associate Leonardo Machado oversees the five-lawyer practice, bringing experience of helping to structure the forensics services and investigations practice of PwC in Brazil and as a former ethics and compliance officer for Walmart. Recent investigation work includes acting for a European company looking into a fraud scheme requiring asset recovery in Brazil, and a US transport company examining allegations related to kickbacks reported by Brazilian whistle-blowers.

Mattos Filho, Veiga Filho, Marrey Jr e Quiroga Advogados

Mattos Filho, Veiga Filho, Marrey Jr e Quiroga Advogados has made its compliance and corporate ethics group an investment focus of late, pooling together a team from other practice areas that counts on partners with experience in insurance, antitrust, administrative and labour law. The firm has developed compliance and training programmes for large, Brazilian clients and assisted on the local aspects of foreign companies procedures as well as acting for two companies during investigations relating to bribery and alleged misconduct. One of the country's top-tier dealmakers, it also handles compliance due diligence of local

companies on behalf of international clients.

Pinheiro Neto Advogados

One of Brazil's leading firms, Pinheiro Neto Advogados has long had a stellar reputation in litigation and this has carried over into its white-collar crime practice, which is led by Mário Panseri Ferreira who receives back-up as needed from the respected Celso Cintra Mori. The firm is a reliable choice for assistance on national compliance policies and for defence strategies in fraud and other claims.

Siqueira Castro Advogados

Siqueira Castro Advogados has leveraged its keystone litigation practice to build its efforts in white-collar crime, where it has experience in fraud cases. The firm has drawn from its other practice areas to assemble a compliance team, which is advising clients on how to redesign their internal procedures in line with Brazil's new anti-corruption law. Three partners, from the corporate, administrative and criminal teams, contribute.

Torres Falavigna – Advogados

Criminal law boutique Torres Falavigna – Advogados was set up in 2012 by financial and white-collar crime specialist Luís Carlos Dias Torres, who previously ran the criminal law department at full-service firm Demarest e Almeida Advogados. Torres started working on anti-corruption investigations in the early 2000s, participating in major cases involving the bribery of public officials. Today, his firm handles internal investigations, puts together training programmes and participates in criminal proceedings. He and his team have handled anti-corruption probes as well as investigations of internal fraud, and provide training for major corporates operating in Brazil.

TozziniFreire Advogados

TozziniFreire Advogados was ahead of the pack when it created its corporate compliance and investigation practice group in 2006, which allowed it to build a leading reputation in the field. Its success is largely thanks to a very well-regarded three-partner team of Shin Jae Kim (for investigations and compliance), Renata Muzzi (compliance) and Juliana Sá de Miranda (white-collar crime). The eight-lawyer cross-disciplinary group draws on this very large (by Brazil's standards) full-service firm's corporate, administrative, and oil and gas teams, and includes lawyers with government experience, including a former commissioner of the Competition Commission and an auditor for the State Comptroller General. The team has already won some very high-profile mandates since Brazil's new anti-corruption law came into force, adding to a sizeable portfolio of fraud and anti-corruption investigations launched by enforcers elsewhere in the world and internal probes – including one that required 100 TozziniFreire associates working on it full time. Companies frequently turn to the firm for preventative and advisory work. TozziniFreire has drafted codes of conduct, compliance manuals and other policies for numerous high-profile clients and has experience conducting workshops and training, while the M&A team handles compliance due diligence.

Trench, Rossi e Watanabe Advogados (associated with Baker & McKenzie)

Trench Rossi e Watanabe Advogados stands out for having one of Brazil's most established white-collar crime and compliance departments, having invested in the area ahead of rivals. The firm has a leading reputation for corporate investigation and anti-corruption work, with experience in cases relating to the violation of anti-corruption laws, kickbacks and bribery. Partners Esther Flesch and Bruno Carneiro Maeda are well regarded among peers, while three other partners contribute to the multi-disciplinary area. The team is working on a number of very high-profile FCPA investigations (where it is known to work alongside Baker & McKenzie's US teams) of Brazilian companies and the local arms of multinationals. It recently conducted an internal investigation of a European multinational over bribery allegations. The team's standing is such that it was recently instructed by a multinational to take the lead on an internal investigation spanning seven Latin American countries. In line with Brazil's Clean Company Law, local work is growing too; the firm handles

major Brazilian companies' investigations and helps to implement anti-corruption programmes.

Urquiza Pimentel e Fonti Advogados

In 2013 Sylvia Urquiza left Trench Rossi to set up her own firm, Urquiza, Pimentel e Fonti Advogados. While this is still a small outfit, it has been making a name for itself in corporate criminal matters involving white-collar crime. Urquiza and her team have experience handling the local aspects of investigations with FCPA implications, including one high-profile case of corruption and bribery.

Veirano Advogados

Veirano Advogados may have only made anti-corruption and compliance a serious area of focus last year, but it has quickly established a reputation for itself, helped by hiring the prominent Luiz Navarro, former deputy head of the government's anti-corruption agency. The Brasilia-based Navarro is a rare example of a Brazilian lawyer with long experience in the field. The firm subsequently hired (from Trench Rossi) a second anti-corruption partner, André Fonseca: a criminal lawyer who spends half his time on the area, with two disputes and antitrust partners contributing a similar amount of their time. The firm is currently assisting in investigations over potential acts of bribery for companies in the oil and gas, life sciences, finance and chemical industries, and structuring compliance programmes and training for various clients.

Zisp Law

Leopoldo Pagotto of Zisp Law combines his antitrust practice with anti-corruption and compliance matters and is a member of São Paulo's ethics commission. His work includes investigations in the context of M&A due diligence, internal audits, crisis management and compliance training. Recent examples including helping a client examine a bid-rigging scheme where there were allegations of bribery, uncovering money laundering activities for a major Brazilian company and assisting a client in M&A due diligence that revealed a money laundering and corruption scheme, prompting the company to call off the acquisition. The firm also has experience of working with foreign firms on FCPA investigations.

MEXICO

Is there such a thing as a Mexican investigations bar? Well, nothing as developed as in the US – or even Brazil – but it's developing. The recent enactment of the Anti-Money Laundering Law, the Anti-Corruption in Public Procurement Law and data privacy laws, alongside the ongoing high-profile Walmart corruption investigation and the more recent discovery of alleged fraudulent loans obtained by Oceanografía from Citigroup's Mexican unit, Banamex, have put the spotlight on business crime prevention and enforcement in Mexico.

Multinationals lead the way, and Mexican companies too are waking up to the need to implement compliance programmes and internal controls to limit liability under the growing web of internationally applicable laws.

Should the impasse in the creation of the new Mexican Anti-Corruption Commission be resolved, it's expected that local administrative enforcement action will pick up, and consequently the need for skilled lawyers will increase.

THE FIRMS

Baker & McKenzie (Mexico)

Partner Alejandro Pérez-Serrano and associate Jonathan Adams are the main names in a practice that features seven lawyers working in the field of anti-corruption, related investigations and preventative compliance. Pérez-Serrano and Adams form part of the firm's global investigations, compliance and litigation teams. Pérez-Serrano, being dual-qualified, can practise in Illinois in the US and in Mexico, while Adams advises solely on US matters (he is admitted in Illinois and Arizona). Adams provides preventative compliance

advice and handles risk assessments in government contracts. The firm's expansive network in North America makes for easy collaborations with counterparts north of the border.

Barrera, Siqueiros y Torres Landa

Barrera, Siqueiros y Torres Landa (BSTL) is a full-service firm, with team of four lawyers dedicated to procurement and related investigations. This team is overseen by two partners: Juan Francisco Torres Landa is the main name here. Significant work on his CV includes investigating the initial allegations of corruption at Walmart in Mexico, in 2005.

Like many other firms on this list, BSTL offers help in potential administrative violations and related investigations. The firm also handles due diligence in government projects, advises on the consequences of violations and can help implement preventative measures. Whenever necessary, the firm looks to lawyers from its tax, competition or environmental law departments for additional expertise. The firm's lawyers also work in conjunction with US lawyers in FCPA-related investigations.

This stands to increase as the firm has just merged with international firm Hogan Lovells. Hogan Lovells has investigations specialists based across offices in Europe, North and South America, Africa, Asia and the Middle East. The Mexican office is now known as Hogan Lovells BSTL.

Basham, Ringe y Correa

Basham, Ringe y Correa is one of the few firms on this list that handles criminal investigations as well as administrative procedures. The firm's white-collar crime team is part of a larger general criminal law area, which consists of two partners, Alejandro Catalá and Javier Francisco Tiburcio, and 10 associates. The lawyers focus on white-collar crime prevention, preliminary enquiries and the criminal process for Mexican and international companies. Catalá is particularly experienced in criminal litigation, while Tiburcio is known for providing anti-corruption training and helping clients implement preventative controls in their businesses. Around 5 per cent of the lawyers' time is dedicated to investigations. As a full-service firm, Basham can call upon the experience of the firm's dedicated antitrust, tax, government procurement and data protection practices. The litigation team also handles related tax and labour and disputes.

Comad, SC

Roberto Hernández García leads Corporación Mexicana de Asesores en Derecho, SC (Comad), a boutique specialising in local and international government contracting that, given the potential for corruption to occur in this area of business, also handles related compliance and investigative services on the administrative side. Hernández García knows the ins and outs of the Mexican system – he helped develop Mexico's Anti-Corruption in Public Procurement Law, which regulates officials' and companies' behaviour – and is particularly well placed to assist clients in matters before government enforcement agencies. Hernández García is one of three partners (and 10 lawyers overall) in the firm, which also offers clients corruption prevention training.

Cuesta Campos Abogados

Cuesta Campos's compliance team consists of six lawyers. In line with new laws, the team is focused on anti-corruption, anti-money laundering, and data protection issues and related compliance. The main names are partner Elena Robles and associate Javier Villanueva. Often in connection to transactional work, but also on a stand-alone basis, the group offers pre-transactional risk analyses, where it investigates companies for compliance with foreign and local laws, and looks into employees, board members, and customers to rule out any past or present questionable conduct. As well as investigations and due diligence, Cuesta Campos also helps clients prepare and implement codes of conduct, offers anti-corruption and anti-money laundering training, and advises companies on how to best communicate with relevant government entities to limit exposure to potentially corrupt dealings.

Greenberg Traurig SC

Greenberg Traurig established its Mexico City office with around a dozen lawyers in 2011 and has since expanded significantly. Shareholders Bertha Alicia Ordaz-Avilés and Hugo López Coll, who are both US-educated, offer compliance advice regarding Mexican anti-money laundering, anti-corruption and data protection laws, and both handle FCPA and UKBA compliance as well. While the lawyers generally focus on implementing preventive measures, both have assisted and continue to assist its US offices whenever there is a Mexican component to a US-led investigation.

Jones Day (Mexico)

Jones Day has had an office in the Mexican capital since 2009. Jones Day is well known for its transactional work, but handles investigations and related issues too. Lawyers provide compliance and due diligence advice, but also act on reactionary investigations. Of counsel Guillermo Larrea handles corruption, fraud and compliance issues, while partner Mauricio Llamas is instrumental in other regulatory matters, including administrative litigation. Partner Manuel Romano, meanwhile, offers his expertise when corruption matters connected to the infrastructure sector come up. The lawyers advise on new local laws, including the Anti-Money Laundering Law and Anti-Corruption in Public Procurement Law, as well as the US FCPA. Last year, close to half of the lawyers' time was dedicated to investigations. Jones Day's global corporate criminal investigations practice was hired by Walmart in 2012 to lead the investigation into its corruption scandal.

OCA Law Firm

OCA Law Firm is one of the few specialised boutiques that large local and multinational companies turn to for anti-corruption, fraud and anti-money laundering compliance and investigations work. The firm is also developing a data privacy practice, and is in the final stages of buying a controlling stake in Ingeniería de la Verdad, a company specialising in investigations and interrogations in fraud and fraud prevention matters.

Clients count on OCA to handle everything from preliminary risk assessments in contracts to formal investigations and the implementation of remedial measures when potential misconduct is discovered. The firm's advice extends beyond local law to include FCPA and the United Kingdom's Bribery Act (UKBA) compliance. OCA is active in various sectors, and has particular expertise in the energy, automotive and pharmaceutical industries. The firm is led by US-educated Luis Ortiz, and is active throughout Latin and Central America.

Von Wobeser y Sierra SC

Von Wobeser y Sierra's anti-corruption and compliance practice is co-led by New York-qualified partners Diego Sierra and Adrián Magallanes, who handle international arbitration and litigation as well. Sierra acts on cross-border FCPA investigations with Mexican components, and handles FCPA-related training, due diligence and compliance. Magallanes, meanwhile, is a sought-after adviser for companies entering into government contracts, or contesting awarded bids before the authorities. A further partner of note is Edmond Frederic Grieger, whose experience ranges from energy and environmental law to administrative and constitutional procedures and preventing corruption in government contracting. The anti-corruption team can also count on the additional expertise from its tax, antitrust, and banking and finance partners, when necessary.

ARGENTINA

At the end of June, Argentina's vice president was charged with receiving bribes and abusing his position of power to acquire a company. Corruption scandals involving Argentina's political class are never far from the headlines, but investigations rarely make significant progress before a judiciary that is wary of the government. Meanwhile, companies generally face only local scrutiny over fraud and money laundering, rather than corruption, so the little anti-corruption work the country's law firms undertake typically relates to

international legislation and the concerns of multinationals. Corporate firms provide the service at various levels, deferring to criminal law boutiques as necessary, but because this is a comparatively new activity for the market, and one whose sensitivity demands firms to keep a low profile, it is difficult to establish a complete list of those practising in the field. It is most common to see full-service firms drawing on other practice areas, rather than find stand-alone teams.

THE FIRMS

Baker & McKenzie (Argentina)

At Baker & McKenzie, Vanina Caniza leads a multi-disciplinary team, dedicating around half of her time to compliance matters. She is part of Baker's regional steering committee, through which she benefits from best practices used elsewhere in the global firm. Criminal lawyer Fernando Goldaracena leads on investigation, training and criminal defence matters. The firm is well versed in tailoring US compliance training materials for local audiences and has conducted investigations relating to public tenders and public procurement.

Bruchou, Fernández Madero & Lombardi

Several partners at Bruchou, Fernández Madero & Lombardi have picked up experience working on the local legs of investigations that began in the US, including Securities and Exchange Commission probes into companies confessing to making improper payments in Argentina. As the firm does not practise criminal law, it partners with white-collar crime boutiques where necessary.

Estudio Beccar Varela

Compliance partner Maximiliano D'Auro and white-collar and corporate crime partner Manuel Beccar Varela lead the charge at Estudio Beccar Varela, one of the few full-service firms in Argentina that has created a practice group targeting this work. Beyond offering a broad compliance service, the firm performs M&A due diligence and has particular experience in the financial sector, although to date that is mostly representing clients in fraud and anti-money laundering-related cases. Elsewhere, a foreign company that uncovered corrupt practices in companies it had recently bought hired the firm to avoid falling foul of the US FCPA. The team has assisted in other FCPA-related investigations and criminal proceedings.

Estudio Durrieu SC

Criminal law boutique Estudio Durrieu SC has worked with US law firms on the local implications of FCPA investigations in the finance and energy sectors, helping to collect evidence. The firm also coordinates local matters, using specialists outside the firm to conduct the investigations. Roberto Durrieu Figueroa is the key name.

Guillermo Jorge & Asociados

Boutique Guillermo Jorge & Asociados puts together programmes to prevent corruption and money laundering for clients in the public and private sector. Guillermo Jorge is a criminal lawyer who has been an independent consultant for organisations including the World Bank and the Inter-American Development Bank.

M & M Bomchil Abogados

For some years now, M & M Bomchil Abogados has been handling a criminal and commercial investigation on behalf of a large foreign client that discovered corporate fraud in a local company it bought. The firm cut its teeth on anti-corruption work when it helped the Department of Justice with a very high-profile global investigation some years ago, after having handled an arbitration matter for the company in question. The firm also does compliance work and participates in investigations over financial fraud. Partners contributing to the area include antitrust lawyer Marcelo den Toom.

Marval, O'Farrell & Mairal

Marval, O'Farrell & Mairal draws on its leading corporate and M&A and administrative teams for what it says is a growing practice. The firm advises on local matters and those stemming from the FCPA, UKBA and Brazil's Clean Company Law. Pedro Serrano Espelta does international and local case work, Maria Lorena Schiaritti helps clients with local regulations, while Patricia Lopez Aufranc has advised clients on anti-corruption and ethics. The firm has participated on some of the more high profile anti-corruption cases in Argentina involving large US companies and assists various big names with compliance matters, giving training and adapting compliance programmes locally.

Mitrani Caballero Ojam & Ruiz Moreno

While primarily a corporate lawyer, Cristian Mitrani leads Mitrani Caballero Ojam & Ruiz Moreno's efforts, covering corporate investigations, compliance work and regulatory work. The firm has experience in corporate fraud and has assisted in corruption investigations relating to the FCPA and UKBA, participates on criminal actions and represents trade associations in the context of Argentine regulation. Other areas include insider trading, intellectual property and trade secret theft, kickbacks, money laundering and forgery.

Pérez Alati, Grondona, Benites, Arntsen & Martínez de Hoz (h)

Martín Lepiane handles compliance and anti-money laundering investigations as part of his banking and foreign exchange regulatory practice. At certain times, 60 per cent of his time is spent on anti-money laundering compliance matters. To date, his FCPA and UKBA-related work is limited to providing advice to international firms and clients on relevant local laws.

CHILE

Some four years ago as a prerequisite for joining the Organisation for Economic Co-operation and Development, Chile introduced legislation making companies criminally liable for three crimes: money laundering; the financing of terrorism; and bribery. While companies were initially slow to react to the law, they are now beginning to prepare internal structures to ensure they comply with the new rules; if there is a certified prevention model in place, the company is spared the legal consequences of an employee engaging in those criminal activities. Full-service law firms now assist in this and compliance consultancies have been set up specifically for that purpose, but for now work is preventative as no sanctions have been made to date. Once a company is charged and catches the media's attention, lawyers expect work to pick up. Firms with international clients are also used to briefing international firms on local issues relating to the FCPA and UKBA and drawing up provisions addressing those laws in local commercial agreements – initially not easy because of reluctance among Chilean companies that were not familiar with the legislation.

To date, law firms have not invested heavily in building anti-corruption and compliance groups. There are some examples of those that have taken steps, while others have seen work arise out of existing client relationships. Perhaps because the practice is underdeveloped and sensitive in nature, it is difficult to identify which firms lead the way in the field. What follows is a snapshot of the type of services on offer.

The country's largest firm, **Carey**, has made this an area of focus, with director Marcelo Sanfeliú spending about half of his time on anti-corruption matters. He has built up a caseload of local investigations on behalf of clients in matters relating to corruption in public bids, bribery, fraud, tax and customs crimes, and also assists with compliance matters. Partner Marcos Ríos combines his corporate and M&A practice with anti-corruption work, spending between 15 per cent and 30 per cent of his time on the latter. Much of his work is strategic, designing training and policies tackling local and international regulation, helping devise risk reduction and public and government relations strategies and to handle sensitive government contracts. Elsewhere, most firms draw on lawyers from other areas. For example, **Bofill Mir & Alvarez Jana Abogados** has a noted disputes practice whose lawyers have acted on high-profile, corporate governance and fraud-

related disputes. Arbitration partner Andrés Jana is the main name. At **Morales & Besa**, in his role as litigation partner, Gonzalo Cordero has helped clients structure compliance programmes in line with Chile's legislation, making legal entities liable for certain criminal acts. As companies grow more aware of the law, Cordero expects work to increase, but for now it only takes up about 5 per cent of his time. **Urenda, Rencoret, Orrego y Dorr Abogados** draws up FCPA or UKBA provisions in commercial agreements on behalf of international clients and assists local companies in educating their workforce on the new local legislation. Nicholas Mocarquer is the main name. Meanwhile, **Aninat Schwencke & Cia** offers a similar service, where various partners contribute, and **Baker & McKenzie (Chile)** has a criminal law senior associate with experience in the area.

COLOMBIA

When two ex-CEOs of PetroTiger were charged in the US late last year for bribing an official at Ecopetrol, Colombia's state-controlled oil company, for an oil service contract worth US\$39.6 million, it shone a light on the reach of the FCPA for many Colombians. The uptick in foreign investment to the country in recent years has brought with it multinationals with concerns about complying with anti-corruption legislation, and law firms are increasingly required to help companies play by foreign and local rules. (Colombia has its own anti-corruption statute.) Consequently the practice is growing in importance, with some full-service firms assembling compliance teams and starting to gain experience in investigations. The practice is still not hugely developed, however, meaning there aren't partners who can call themselves specialists in the field. Rather, some firms have associates who work full-time in the area, while partners are drawn from areas such as antitrust, corporate and M&A and administrative law to create multi-disciplinary teams. The full-service firms are also known to work with criminal law firms on local criminal proceedings. Indeed, there are a number of such boutiques that are building their experience in this field.

THE FIRMS

Baker & McKenzie (Colombia)

Antitrust partner Carolina Pardo is building Baker & McKenzie's anti-corruption practice in Colombia, making good use of the firm's strong teams in the US and the UK. The Bogotá team has amassed a sizeable book of compliance work on behalf of multinational clients that often blends anti-corruption and antitrust, and has drawn up compliance programmes for companies' operations in the Andean region. It has given guidance on giving hospitality to local public officials, and has experience in handling internal investigations over irregular payments to officers in the infrastructure and energy industries.

Brigard & Urrutia Abogados

Brigard & Urrutia Abogados sees this as a growing area. Associate Ana María Rodríguez leads the efforts with a group of other associates with partners from various practice areas also assisting. Much of the work is compliance-related, be it for local or foreign legislation. The firm is participating on one local bribery investigation stemming from a US company buying a local operation and uncovering potential acts of bribery. Brigard & Urrutia coordinates the work and interaction with foreign firms, but outsources the criminal proceedings to criminal law firm Prias Cadavid Abogados. The firm has one of Colombia's leading M&A teams, giving it experience on anti-corruption due diligence in acquisitions.

Gómez-Pinzón Zuleta Abogados

Gómez-Pinzón Zuleta Abogados is keen to develop this practice, with constitutional law, administrative law and infrastructure partner Santiago Jaramillo leading the charge. He spends up to 25 per cent of his time on this kind of work. To date, the firm's focus is largely on advisory matters. The firm has helped a major company in the local energy industry draft its compliance handbook and has advised US companies on the compliance implications of giving gifts to Colombian government officials. It also briefs leading US and UK

firms and their clients on local legislation and its impact on FCPA matters and gives opinions on anti-money laundering regulation.

Posse Herrera Ruiz

Posse Herrera Ruiz helps clients with compliance matters. Partner José Alejandro Torres is responsible for raising the firm's profile in this area. He largely does preventive and advisory work, training local teams and adapting foreign companies' anti-corruption programmes for local use, which takes up around 15 per cent of his time. He has also handled some internal investigations, saying he is working on three this year. The firm defers to criminal lawyers for criminal proceedings. A busy M&A team provides related due diligence.

Prias Cadavid Abogados

Prias Cadavid Abogados is a good example of the criminal law boutiques handling the criminal aspects of investigations in collaboration with larger firms that don't offer that service. The firm is partnering with Brigard & Urrutia on one criminal proceeding, for example. The two partners are associate justices of the Criminal Court of the Supreme Court of Justice.

PERU

In Peru, there has been a recent push to crack down on corruption among public figures. Arrests in the public sector and significant sanctions have shone a spotlight on corruption in the country and while the focus is largely political to date, the expectation is that this will find its way into the private sector at some stage as investigations go deeper. For now, anti-corruption investigations and compliance work are still very much in their infancy among law firms, although there are some – both full-service and criminal law boutiques – with experience in the field.

THE FIRMS

Azabache Caracciolo Abogados

Azabache Caracciolo Abogados is a prominent criminal law boutique. Founder César Azabache Caracciolo is a former public prosecutor and was a founding member of the prosecution team for the investigation into Peru's former spy chief Vladimiro Montesinos.

Benites, Forno & Ugaz Abogados

Benites, Forno & Ugaz Abogados has a leading criminal law department led by the well-regarded José Carlos Ugaz, a recognised anti-corruption and human rights advocate who acted as special prosecutor in the *Montesinos* case and has worked at the institutional integrity department of the World Bank. His team comes recommended for white-collar and financial crime-related work.

Caro & Asociados

Dino Carlos Caro, the founder of corporate criminal law firm Caro & Asociados, comes recommended. As well as advising companies in the private sector, he has been a consultant to government and international agencies. The firm assists clients with risk prevention and defence in criminal proceedings.

Estudio Olaechea

Estudio Olaechea criminal law partner José Luis Velarde incorporates business crime and compliance into his practice, helped by in-house experience at a prominent bank where he oversaw several criminal cases related to anti-corruption. The firm's policy is to not assume the defence in criminal investigations involving corruption crimes, but Velarde is consulted by clients for compliance matters relating to anti-corruption legislation and money laundering.

Loli & García Cavero Abogados

Loli & García Cavero Abogados is a criminal law boutique assisting corporate clients in preventative actions as well as defending them in criminal procedures. Percy García Cavero is recommended.

Miranda & Amado Abogados

Miranda & Amado Abogados assists clients with crime-prevention programmes and helps devise the right response when the unthinkable happens. The firm often advises financial institutions, working with their risk committees for both lending and investments. It assembles a team led by one of three partners – José Daniel Amado (corporate), Luis de Bernardis (infrastructure and natural resources) or Rafael Corzo (banking regulation) – depending on the matter, working with criminal law firms and accountants where necessary.

Rodrigo, Elías & Medrano Abogados

Rodrigo, Elías & Medrano Abogados' white-collar crime efforts are led by criminal litigation partner José Reaño, who was part of the legal team of the special state attorney office of anti-corruption affairs during the *Montesinos* case in the early 2000s. Counsel Enrique Piedra, former chief of litigation in the public prosecutor bureau for corruption crimes, provides a second string to the team's bow. As well as handling business crime cases relating to tax evasion, insider trading, money laundering and corporate fraud, the firm advises clients on anti-corruption investigations and compliance programmes.

VENEZUELA

Venezuela is known for its high levels of corruption, and falling foul of the UKBA or FCPA is a serious concern for companies with local operations. The country has had its own anti-corruption legislation since 2003 and last year an unfair pricing law was introduced in an attempt to regulate prices because of the country's high inflation. Within that law is an article that criminalises corruption between private individuals. But there is a huge discrepancy between legislation and reality. Enforcement of the anti-corruption law is typically only used for political purposes and it is not companies' main priority.

There is insufficient legal work in this field to warrant a stand-alone practice area in the country's full-service law firms. Multinationals are most likely to consult US or UK law firms, with Venezuelan lawyers providing assistance where necessary – helping to gather information and advise on the implications under local law should a company decide to take action. It is not common for Venezuelan firms to assist on investigations arising from other countries and there are no instances where such criminal matters have been brought before Venezuelan courts or prosecutors. What follows is a sample of the type of services on offer, rather than an exhaustive list of firms that assist in this field. **D'Empaire Reyna Abogados**' criminal department handles internal investigations related to fraud, drawing on former members of the judicial police or private investigators outside of the firm for assistance. The public law team also participates, helping with internal investigations in relation to exchange control matters where there may be corrupt acts or financial crimes and dealing with the public prosecutor. The firm also assists pharmaceutical clients on FCPA issues and on complying with rules for the promotion and publicity of drugs. At **Baker & McKenzie (Venezuela)**, criminal partner Fernando Fernández has experience helping clients from Europe, the US and Latin America on corruption investigations and with compliance issues relating to anti-corruption, anti-money laundering and anti-terrorism finance legislation. **Hoet Peláez Castillo & Duque**'s criminal practice includes a sub-group focusing on economic crime. Its four lawyers have assisted on anti-corruption investigations and compliance matters. Consultant Gerardo Briceño is the key name here. **Mendoza, Palacios, Acedo, Borjas, Páez Pumar y Cía** also assists various clients with compliance matters and has helped companies deal with potential instances of bribery. At **Norton Rose Fulbright (Venezuela)**, public law partner Luis Ernesto Andueza, a former justice of Venezuela's second-highest court, helps companies identify corruption concerns, while the corporate team intervenes in investigations and the labour group oversees any subsequent action. The firm regularly advises on the implications of certain actions and provides training to clients' local employees. At

WDA Legal, Ramón Azpúrua has assisted clients with the implementation of compliance training programmes, while various members of the firm have helped with the local aspects of FCPA investigations.

Comments

There are currently no comments.
