

ACC Chicago Roundtable: Updates and Trends from DOJ and SEC

This roundtable covers need-to-know updates from DOJ and SEC. As the election approaches, hear from McDermott white-collar and securities partners on lessons learned and what to expect. Today, we'll feature a discussion of how companies can enhance their compliance programs in times of greater enforcement, with plenty of time for questions.

DOJS NEW WHISTLEBLOWER PROGRAM

During the 2024 American Bar Association National Institute on White Collar Crime (2024 White Collar Conference) earlier this year, top US government officials spoke extensively on the US Department of Justice's heightened corporate enforcement efforts.

The major headline from the Conference was DOJ's announcement that it will be implementing a new whistleblower program designed to fill gaps in other federal whistleblower programs and increase the number of corporate prosecutions. Highlights include:

- Payments to individuals who provide information about "significant corporate or financial misconduct"
- Reward to be paid from asset forfeiture funds
- Intended to "fill gaps" not covered by other whistleblower programs

Why's the DOJ doing this?

- Corporate criminal enforcement is down
- DOJ hoping to emulate success of other w/b programs
- DOJ wants the program to have a multiplier effect with other self-disclosure initiatives

What can and should companies do in response to the new whistleblower provisions?

- Companies should put in place policies that actively **encourages** whistleblowers to report potential BSA violations internally first.
- Also worth noting a recent Safe Harbor Policy that DOJ rolled out for Voluntary Self-Disclosures Made in Connection with Mergers & Acquisitions.

USAO NDIL ENFORCEMENT PRIORITIES & SEC ENFORCEMENT PRIORITIES

- USAO NDIL
 - Violent Crimes, Public corruption, white collar crimes
 - Can see it in the major investigations that went to trial last year, and through new cases charged
 - More than 50 criminal trials last year
- SEC: Update on national and regional enforcement priorities
 - One big highlight: cybersecurity
- Election year considerations – direction and speed of investigations