



Fox Rothschild LLP
ATTORNEYS AT LAW

Business Crimes, Compliance and Human Rights--2025

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White Collar and International Practice Groups

The “White Collar” World in 2025

- Most Department of Justice (DOJ) and Securities and Exchange (SEC) enforcement actions international in nature.
- Increasing cooperation between law enforcement agencies throughout the world.
- Corporate “internal investigation” become the primary mode for the initiation of criminal cases



Securities and Exchange Reform Act of 2018

- Recognizes the rising dominance of non-U.S. based corporations.
- Expansive definition of “insider” for stock trading purposes.
- Applies American securities laws to corporations located outside the U.S. *even if the stock is not traded on an American Exchange.*
- Increased conflict with the laws of differing countries.



Expansion of Use of U.S. Sanctions Against Governments Disfavored by U.S.

- International Emergency Economic Powers Act, 50 U.S. Code Section 170, *et. seq.*
- Increasing litigation over the meaning of the phrase “unusual and extraordinary threat” to the U.S. and the powers of a President to govern by Executive Order.
- Conflicting sanctions from other great powers.



International Human Rights Law and Compliance

- DOJ “discovers” War Crimes Act of 1996, 28 U.S.C. section 2441.
- Uses Foreign Corrupt Practices Act as pattern for enforcement.
- Applies to U.S. concerns who commit war crimes, are complicit in the commission of war crimes or aid regimes that commit war crimes.
- Applies to American corporations, subsidiaries of American corporations, corporations that operate in U.S., corporations that trade on an American stock exchange.



Continued Expansion of Use of American Statutes

- Foreign Corrupt Practices Act.
- Money Laundering.
- Foreign Account Tax Compliance Act.
- Mail Fraud.
- Wire Fraud.
- Bank Fraud
- Securities Fraud



Shifting Trade Routes New Resource Areas

- South China Sea and Indian Ocean.
- Arctic trade routes.
- Arctic natural resources.
- Antarctic natural resources.
- Deep sea recovery of natural resources.



The Role of the Attorney in 2025

- Shift in focus from government oriented “internal Investigations” to internal investigations conducted for client’s benefit.
- Business Crimes Attorneys repudiating Yates Memo and returning to tradition role of attorney in society.
- Less emphasis on law value “compliance” tasks.
- Return to advocacy role.



The Evolution of the Legal Practice 2015-2025

- Many firms did not make it.
- Too many mid-sized firms viewed were unable to shift from the traditional views of lawyer roles and geographic restrictions and were unable to adequately serve clients.
- Too many large, international firms lost sensitivity to cost and failed to deliver value added service.



The Best People

- “Best people” are not necessarily the people from the best colleges or universities.
- Must be committed to the client and to the representation of the client.
- Must gain experience in the representation of clients.



Technical Innovation

- Greater use of computer and cloud based solutions to issues.
- Give clients ready access to work product.
- Secure attorney-client privilege.
- Beware of hacking and unauthorized intrusion by various government actors.



Aggressive Advocacy

- Clients need an “advocate”.
- Primary role of attorney is to represent client’s interests.
- Not every position of DOJ or SEC is correct.
- Attorneys need to be aware of cultural differences and distinctions. *If not, they need to retain someone who is.*



Delivery of Superb Service at Reasonable Cost

- Shift in paradigm from “how many hours” to what value was added.
- Consciousness of Client goals.
- Management of Client expectations.
- Early involvement of foreign law experts.



Use of Strategic Alliances

- Much more than a referral.
- A “partnership” in the resolution of an issue.
- Multi-jurisdictional approach to resolution of potential enforcement issues.

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