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A Briefing Guide to

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# Working With General Counsel To Achieve Results

RAHMAN RAVELLI

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The legal and regulatory demands on businesses are many and varied. The costs to a company – or individuals within it - of failing to comply with the law can be high.

That is why the importance of taking exactly the right action when wrongdoing is suspected cannot be over-emphasised.

Following the wrong course of action can be hugely harmful to a company in terms of finance, reputation, position in the market and ability to keep trading. This can be the case whether the company is alleged to have done the wrongdoing or had it committed against it.

## Becoming Aware Of An Investigation

For many companies, the first they may know of any accusations may be a report from a whistle blower or an investigation being started in a country where it trades. Alternatively, it may be when it receives notice from a law enforcement agency that outlines the allegations. This could be a Section 2 notice, under which the SFO can compel any individual or organisation to provide it with information or documents that it believes are relevant to its investigation, or less demanding correspondence.

If a company finds itself in such a situation, or believes it is about to be in one, it is important to seek the right legal advice at the right time. Such legal advice must be sought from recognised experts in white-collar crime cases. Experts who are experienced in challenging and, when necessary, negotiating with the SFO and other law enforcement agencies wherever in the world the alleged wrongdoing is supposed to have been committed. And that advice needs to be sought at the earliest possible stage.

Alternatively, a company may believe it has had fraud or another type of business crime committed against it by an employee, supplier or other third party. Planning and conducting an internal investigation may be necessary. Issues such as internal disciplinary measures, reporting the matter to the police or other authorities, taking civil action to recover any losses or bringing a private prosecution will also need careful consideration. Such a situation also requires informed advice from experts who work solely in this area of law.

It may be a simple saying but it is true: the earlier action is taken, the quicker a situation can be resolved. A crisis – or even a potential crisis – requires immediate, intelligent crisis management.

Devising the right response in either of the above situations is a task best left to those who are used to specialising in this field. It would be unfair and unrealistic to expect in-house counsel to manage all aspects of such a case.

## **A Robust, Strategic Response**

A rapid, informed response is vital if a company becomes aware it is facing a possible problem that could prompt attention from investigating authorities. At Rahman Ravelli, we are adept at advising the boards of companies and devising that response at a moment's notice. We deploy our lawyers around the globe to wherever our corporate clients need them to be, as soon as they are needed.

Complex business issues can arise that involve a number of agencies or cross borders. It would be overly optimistic for a company to expect its general counsel to be able to manage all these by themselves. A company solicitor deals with all the legal matters that affect it on a regular basis. When a company is about to be investigated, it needs to be able to summon the relevant expertise to ensure it responds appropriately at all stages of the investigation.

This is what we do. At Rahman Ravelli, we assemble teams of experts to ensure that our clients receive all possible guidance and advice that relates to the issues they are facing. Whether it be an investigation by one or a number of agencies, a matter that involves more than one country, problems relating to a merger or acquisition or concerns about specific trading opportunities or third parties, we bring our expertise in to a company to ensure that all matters are dealt with appropriately and coordinated in a way that leaves no room for error.

## **How Rahman Ravelli Can Work With In-house Counsel**

The briefest of journeys around the Rahman Ravelli website will give general counsel a full understanding of the vast and wide range of award-winning specialist skills that we can import into any company that needs them. All that is required from the company is that it recognises its need for external advice and support. We will do the rest. And we keep in-house counsel and the company's senior figures fully informed at all stages of a case.

Rahman Ravelli is recognised for its expertise in all aspects of conducting a company's response to the prospect of an investigation, whether it is the one accused of wrongdoing or the one that has had the alleged wrongdoing committed against it.

We carry out internal investigations to assess what wrongdoing may have occurred and how and why it happened. Corporate Investigations We advise on the most appropriate way to report the findings of such an investigation.

And we manage everything from communications with enforcement agencies through to media strategy and staffing issues.

It may be that a company has taken over another one or been involved in a merger which then prompts concerns about historical wrongdoing. In such situations, external experts can be of value in investigating, examining all the facts and making a neutral and informed decision on whether legal problems exist and, if so, what should be done about them.

## **Navigating The Legal Landscape Here And Abroad**

At Rahman Ravelli, we work closely with general counsel in a wide range of companies; complementing the work that they do and ensuring nothing is left to chance. We understand that a company solicitor has a busy and diverse workload so we make ourselves available to manage the more complex and potentially serious issues as they arise.

Modern business is increasingly regulated. It is more global in nature than in previous years and subject to closer scrutiny by authorities both here and abroad. This means companies face ever more obligations - and the prospect of large penalties for not meeting them.

We recognised this many years ago. Which is why we create specialist teams to work swiftly and intelligently with in-house counsel and supply all the expertise that companies cannot be expected to retain

on a full-time basis. And we provide it to companies in a way that suits the circumstances and challenges they face.

As an example, companies trading abroad may be unfamiliar with the legal restrictions in certain countries, the way those countries' investigating agencies function or the risks of bribery and corruption in those territories. If problems arise, a company needs to know the best way to defend itself and its interests. Our teams work with companies to both advise them before they take a step into the unknown and help them take the best course of action if they face problems.

## **Ensuring Compliance with Legislation**

Recent years have seen a glut of new legislation that has had a direct impact on business. The Bribery Act, the Fraud Act, the Criminal Finances Act, the Financial Services Act and a succession of regulations regarding money laundering are just a selection of legal developments in the UK that place responsibilities on those in business. There is also a wide range of foreign legislation designed to penalise business crime such as, to name just one, the United States' Foreign Corrupt Practices Act.

Keeping abreast of legal developments can be a full-time job. For Rahman Ravelli, it is our core specialty. We share our internationally-recognised expertise with those who need it.

Whether it be understanding all the relevant legislation, ensuring you comply with it or knowing how best to deal with the authorities that enforce it, Rahman Ravelli's in-depth experience is available to any company that requires specialist assistance. If a company is placed under investigation by, for example, the likes of the SFO or the Financial Conduct Authority, we make it our responsibility to help you investigate the allegations, devise the best course of action and either challenge the allegations or negotiate with the authorities.

We are here to help in-house counsel whenever help is required.

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