



Vinson&Elkins

Navigating

Antitrust & White Collar Enforcement
in the Biden Administration

Today's Speakers



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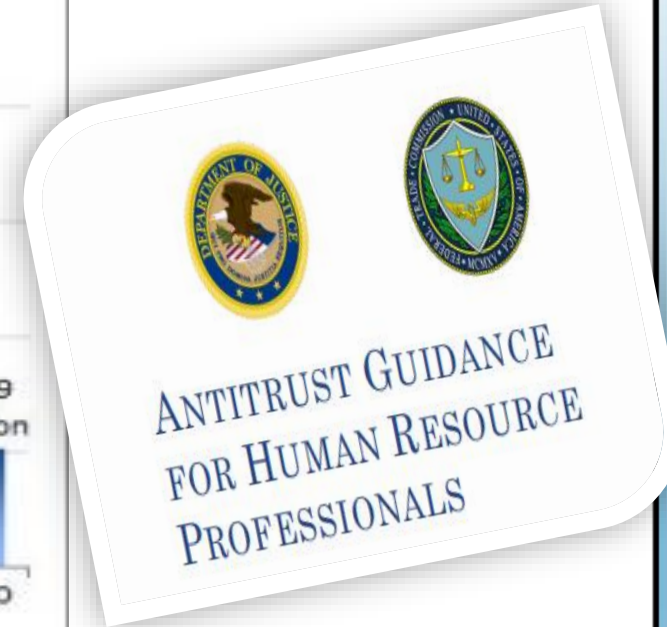
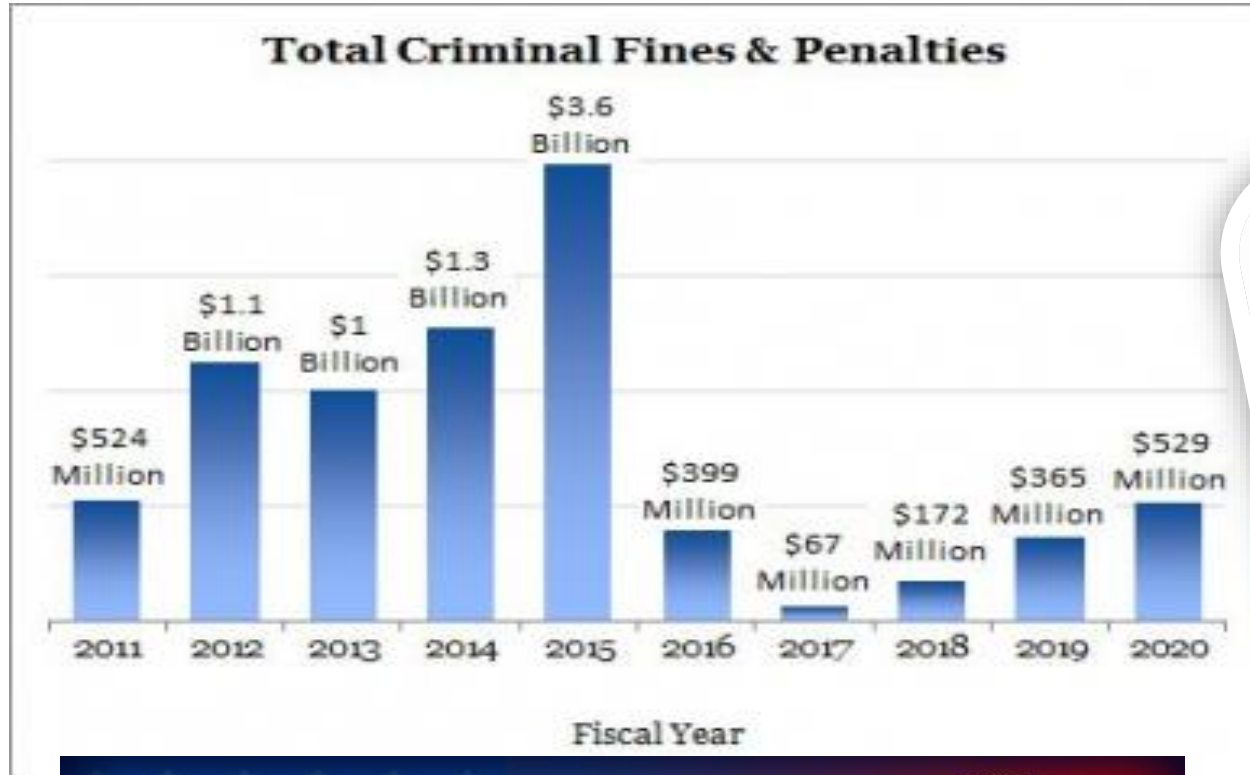


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Antitrust Enforcement in the New Administration



“[A]ntitrust was my first love in law school and I firmly believe that the antitrust laws are the charter of American economic liberty. I am committed to vigorously enforcing the antitrust laws in all sectors of the economy.” - AG Garland, Feb 2021 Senate Conf. Hearing



UNITED STATES OF AMERICA	:	CRIMINAL NO: 20-CR-111
v.	:	
SANDOZ INC.	:	VIOLATION: 15 U.S.C. § 1
	:	

DEFERRED PROSECUTION AGREEMENT

Antitrust Enforcement in the New Administration

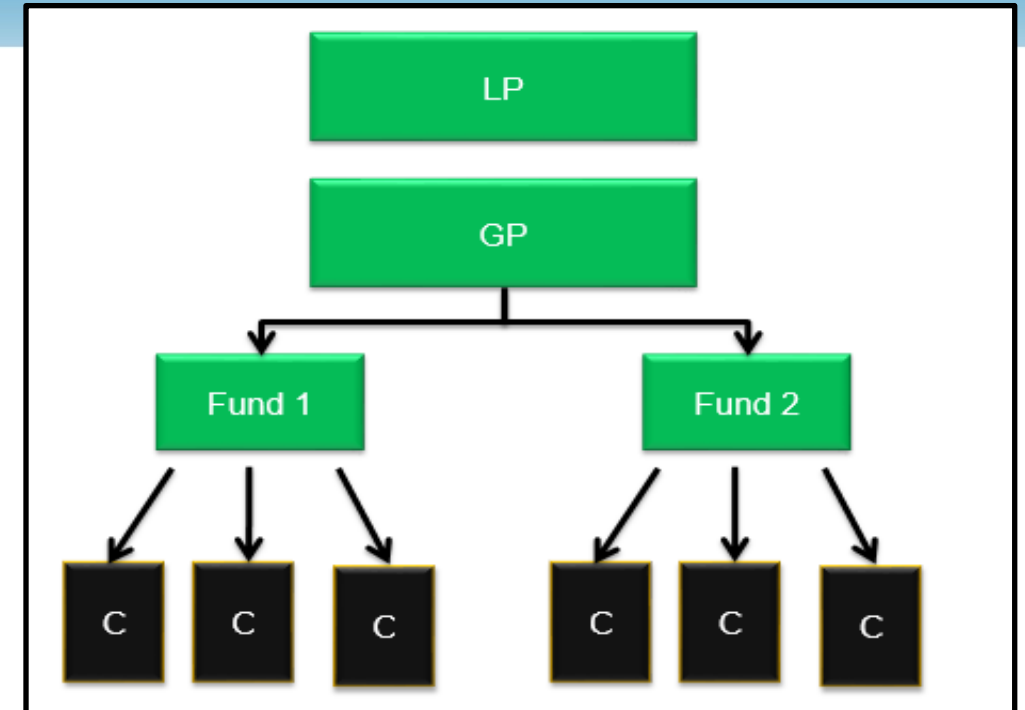


“I don’t think we spend nearly enough time focusing on antitrust measures. And the truth of the matter is, I think it’s something we should take a really hard look at ...” - Biden, AP Interview, May 2019

Biden Executive Orders Set Broad Federal Role in Clean Energy and Climate Change Mitigation

The orders combine federal clean energy and technology procurement, R&D support and environmental justice.

JEFF ST. JOHN | JANUARY 27, 2021



FCPA Enforcement in the New Administration

- FCPA was largely ignored by DOJ and SEC for 30 years
 - DOJ/SEC brought approx. 70 corporate cases totaling only \$50 million in fines
 - FCPA enforcement began to increase in 2008
- Record enforcement since 2016
 - DOJ FCPA Unit has grown to 39 prosecutors, up from 19 in 2015
 - FBI now has 4 ICUs (DC, NY, Miami, LA), up from zero in 2015
 - Enhanced cooperation with foreign governments
 - Over \$18 billion in global penalties since 2016 alone
 - 13 coordinated resolutions with foreign authorities since 2016 (\$16.5 billion in total penalties)
 - Over 125 individuals charged since 2016
 - Targeting CEOs, GCs, Directors, Hedge Funds, Bank Execs, etc.

“As a summit commitment of the United States, I will issue a presidential policy directive that establishes combating corruption as a core national security interest and democratic responsibility.”

- Joseph R. Biden, *Foreign Affairs* (Jan. 23, 2020)

General Overview of White Collar Enforcement in the Biden Administration and Garland DOJ



Speaker Biographies



Craig P. Seebald

Partner, Antitrust

Washington, D.C.

- Background
 - 30 years of antitrust experience
 - Represents clients in all areas of antitrust law, including criminal grand jury investigations, civil investigations by the FTC and the DOJ, class action litigation, and merger investigations
 - Experience spans a wide range of industries, including technology, financial services, chemicals, aerospace and defense, semiconductors, transportation, consumer products, and energy, among many others
 - Ranked as one of the leading cartel lawyers in the world by several publications *Chambers Global*, Antitrust: Cartel (USA), 2015–2020; *Chambers USA*, Antitrust (District of Columbia), 2009–2019; Antitrust: Cartel (Nationwide), 2014–2020; Antitrust: Litigation Specialists (District of Columbia), 2020; *Lawdragon 500 Leading Lawyers in America*
 - Co-head of V&E's complex commercial litigation practice; Managing Partner of the firm's Washington, DC, office and is the partner in charge of the firm's pro bono program
- Education
 - George Washington University Law School, J.D. *cum laude*, 1992
 - Franklin & Marshall College, B.A., 1989

Speaker Biographies



G. Zachary Terwilliger

Partner, Government Investigations & White Collar Defense
Washington, D.C.

- Prior Public Service
 - Former United States Attorney, Eastern District of Virginia (*Senate Confirmed*)
 - Former Associate Deputy Attorney General, U.S. Department of Justice
 - Former Counsel, United States Senate Judiciary Committee
 - Former Assistant United States Attorney, Eastern District of Virginia
 - Former Law Clerk, United States District Court Southern District of Florida
- Education
 - William & Mary School of Law
 - University of Virginia
 - B.A. Government & Foreign Affairs

Speaker Biographies



Ephraim (Fry) Wernick

Partner, Government Investigations & White Collar Defense

Washington, D.C.

- Notable Recent Matters
 - Represent a Latin American conglomerate in ongoing internal investigation and negotiations with DOJ and the SEC concerning FCPA allegations
 - Represent a major U.S. financial institution in ongoing negotiations with DOJ, FTC, CFPB and OFAC to resolve AML and anti-fraud claims
 - Represent multiple companies and individuals in connection with high-profile Congressional investigations
- Prior Public Service
 - Assistant Chief, U.S. Dep't of Justice, Criminal Fraud Section, FCPA Unit
 - Counsel, U.S. Senate Judiciary Committee
 - Assistant United States Attorney, Washington, D.C.
 - Counsel, U.S. Senate Permanent Subcommittee on Investigations
- Education
 - University of Texas School of Law; Brown University

Speaker Biographies



Lindsey Vaala

Counsel, Antitrust Litigation & Investigations

Washington, D.C.

- **Background**
 - Counsels companies regarding antitrust compliance and competition risk across diverse cross-section of industries, including defense, public procurement, transportation, consumer goods, financial services, technology
 - Represents companies and individuals in criminal antitrust investigations, class action and civil litigation related to competition
 - Co-Chair, Cartel & Criminal Practice Committee, Antitrust Law Section, American Bar Association
 - Recognized by Global Competition Review's Who's Who Legal as a rising start and future leader in Competition (2019-2021)
 - Former Law Clerk, United States District Court Eastern District of Virginia
- **Education**
 - William & Mary School of Law
 - Davidson College

THANK YOU

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