

Insights

HOW FAR WILL THE DOJ GO? INDIVIDUAL ACCOUNTABILITY IN CORPORATE CRIMINAL CASES

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BCLP Partners Laura Perlov and Andrey Spektor co-authored an article published Jan. 12 by *Corporate Counsel* titled “How Far Will the DOJ Go? Individual Accountability in Corporate Criminal Cases.” Laura and Andrey noted the DOJ’s recent focus on individual accountability in white collar investigations and observed that its recent speeches regarding third-party encrypted messaging platforms suggest that the DOJ will increasingly look to punish companies if they cannot produce employees’ communications. “If companies can’t turn over incriminating communications to law enforcement, then prosecutions against individuals will suffer – an unacceptable outcome to prosecutors bent on making cases against individuals for white collar offenses,” they wrote. The authors also discussed the rarely used, Responsible Corporate Officer doctrine, which allows prosecutors to charge executives without establishing intent.

Laura co-chairs the Firm’s False Claims Act practice, is a member of the Firm’s White Collar Defense and Investigations group, and is the hiring partner for the Denver office. Laura’s practice focuses on high-stakes crisis management, particularly where an investigation, government enforcement or litigation is possible.

Andrey is an award-winning former federal prosecutor and seasoned trial and appellate advocate. His practice focuses on representing companies, boards of directors, and individuals in criminal actions, government investigations, complex commercial litigation, and appeals. Andrey also works with clients to design, enhance, and implement risk-based compliance programs, as well as to conduct internal investigations.

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Andrey Spektor

New York

andrey.spektor@bclplaw.com

+1 212 541 2085



Laura S. Perlov

Denver / New York

laura.perlov@bclplaw.com

+1 303 866 0421

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