



MARK A. SRERE

Partner

Washington

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BIOGRAPHY

Mark Srere is the Leader of the White Collar Practice Group. He defends individual and corporate clients in a variety of industries, including telecommunications, higher education, energy, and manufacturing, that are targets of criminal prosecution, from grand jury appearances to trial. Using the insight and knowledge gained through his criminal trial practice, he is ideally situated to counsel corporate clients on compliance issues and internal investigations.

For more than 30 years, Mark has worked with his clients to explain the challenges posed by intense government scrutiny and to develop strategies to survive the roller coaster ahead. He has a broad range of experience conducting internal investigations and the defense of criminal and civil actions involving Foreign Corrupt Practices Act (FCPA) violations, accounting fraud, disclosure issues, internal controls and corporate governance, tax fraud, Office of Foreign Assets Control (OFAC) and export/control concerns, Nuclear Regulatory Commission investigations, Drug Enforcement Agency

issues and major fraud investigations. He has been involved in all aspects of the SEC's enforcement program including the Wells process and the emerging issues surrounding the agency's whistleblower programs and employee protections thereunder.

To avoid the back-end government complications, Mark also partners with his clients to understand their business operations and goals before drafting policies, implementing compliance programs and addressing due diligence issues that arise from mergers and acquisitions, hiring of agents and joint ventures, as well as designing training programs in the anti-corruption and whistleblower areas.

For 20 years, Mark served as an adjunct professor at Georgetown University Law Center, where he taught International White Collar Crime. He is also a frequent author and speaker on a range of subjects related to white collar crime.

CIVIC INVOLVEMENT & HONORS

- Washington, D.C., Super Lawyer 2014-2022
- *Texas Law Review* – Articles Editor
- Law Clerk to the Honorable Thomas Gibbs Gee, United States Court of Appeals for the Fifth Circuit
- Board of Trustees for the Lawyers' Committee for Civil Rights Under Law, 2015 - present
- Board of Trustees for the Legal Aid Society of the District of Columbia, 2000-2011
- Board of Directors for the Washington Lawyers Committee for Civil Rights and Urban Affairs, 2000-2011

PROFESSIONAL AFFILIATIONS

- American Bar Association – Member, Criminal Justice Section
- District of Columbia Bar Association – Member, Criminal Law & Individual Rights Section

ADMISSIONS

- District of Columbia, 1987

EDUCATION

The University of Texas, J.D., with honors, 1986

Reed College, B.A., Phi Beta Kappa, 1981

RELATED PRACTICE AREAS

- White Collar
- Regulation, Compliance & Advisory
- Higher Education Team
- Campus Free Expression
- Cryptocurrency & Digital Assets
- Oil, Gas and LNG
- Government Contracts & Public Procurement
- Retail & Consumer Products
- Anti-Bribery & Corruption
- Anti-Money Laundering Compliance
- Hotels and Hospitality
- Real Estate Retail
- Payment Systems
- Fintech
- Aviation, Aerospace & Defense
- Education
- Finance
- Investigations
- Litigation & Dispute Resolution
- False Claims Act
- National Security
- Securities Litigation and Enforcement

EXPERIENCE

- Conducting internal investigations of proposed consultant and investment relationships for a major U.S. company to determine whether proposed relationships conformed to company policy and the Foreign Corrupt Practices Act.
- Representing individuals and companies before grand juries, criminal enforcement agencies and Congressional investigations.

- Counseling various multinational companies on anti-corruption issues, including questions concerning travel and gifts presented to foreign governmental officials and the conduct of foreign licensees, agents and vendors.
- Conducting an investigation of alleged financial malfeasance and payments to corrupt public officials on behalf of a Special Committee of the Board of Directors of a public company in the automotive industry. Reported the results to the SEC, which declined to pursue the matter.
- Representing a company in internal investigation of compliance with certain export control practices, and prepared a detailed report to a government agency regarding the company's compliance efforts and reforms.
- Counseling various multinational companies concerning the UK Bribery Act and reviewing and revising written anti-corruption materials.
- Conducting several internal investigations of alleged bribery in connection with activities in China and counseling clients concerning reports to the DOJ and the SEC.
- Representing an employee of a UK company in an internal investigation relating to a DOJ FCPA investigation of a US subsidiary.
- Represented Fortune 100 company in SEC investigation focusing on potential leaks of government information.
- Represented CEO and CIO of leading news wire service in SEC investigation alleging novel theories of potential liability. No action was brought against the clients.
- Conducted internal investigation into potential anti-corruption violations and implemented complete new compliance program for oil and gas producer with operations in Indonesia, Brazil and the Middle East.
- Represented individual in DOJ investigation into alleged anti-corruption violations by major Venezuelan oil and gas company.
- Provided anti-corruption compliance advice and implemented changes in compliance program for major Russian pharmaceutical company.
- Developed anti-corruption compliance program for large public hedge fund with energy operations throughout Africa.
- Develop complete compliance programs for companies and provide training on those programs for companies with operations throughout the world.

RESOURCES

PUBLICATIONS

- "Four Takeaways From Supreme Court's Ruling on Federal Anti-Hacking Law," Bloomberg Law, June 2021
- "The Biden Administration: What financial institutions can expect from its new regulators," Thomson Reuters' Westlaw Today, January 2021
- "Supreme Court Considers Scope of Computer Fraud and Abuse Act," Bloomberg Law, December 2020
- Co-Author, "Caught in the coordination trap – why increased international coordination in enforcement will likely lead to larger settlements," Global Investigations Review, February 18, 2019
- "Comparing Corp. Criminal Liability In US, UK, France: Parts 1 and 2," Law360, April 23-24, 2018
- "First Corruption Monitoring In France," FCPA Professor Blog, March 29, 2018
- "Navigating a flat world," InCOMPLIANCE, Jan. 17, 2018
- "Top 10 Things to Do if the Government Comes Knocking With a Search Warrant," *Bloomberg Law White Collar Crime Report*, September 29, 2017.
- Co-Author, "English High Court Decision Causes Concern Over Privilege for Internal Investigations," *The Global Legal Post*, March 20, 2017
- "Benchmarking Your FCPA Compliance Program: Six Practical Tips From Recent SEC Settlements," Corporate Law & Accountability Report, Oct. 7, 2016
- "Whistling Fast and Furious: SEC and CFTC Continue to Issue Awards," Journal of Investment Compliance, 2016
- "Parallel Civil and Criminal Proceedings." False Claims Act Institute put on by the American Law Institute, May 13, 2014
- "The Prosecutorial Misconduct Report in *United States v. Stevens* And the Fairness in Evidence Disclosure Act of 2012: Two Strong Steps Toward Open File Discovery," Bloomberg BNA Insights, May 2012
- "The Ever-Increasing Enforcement of the FCPA" in Westlaw's *International Bribery: FCPA Update*, 2011

- Co-author of reference book “Corporate Criminal Defense: Compliance, Investigation, and Trial Strategies,” Aspen Publishers, 2010
- “The Top Five Compliance Challenges for 2010,” *Corporate Compliance Insights*, May 24, 2010
- Co-Author, “Anti-Bribery Laws in Europe: A Review of Developments in 2008 & 2009,” *Bloomberg European Law Journal*, May 2009
- Quoted in “FCPA Enforcement is on the Rise Worldwide,” *Rx Compliance Report*, December 2008
- Quoted in “Risk of Bribe Probes Grows for Business,” *National Law Journal*, January 7, 2008
- Co-author of “See for Yourself: A Health Care Provider’s Guide to Conducting Internal Investigations and Audits,” HCPro, 2003
- “Companies Beware: Sarbanes-Oxley Lowers the Criminal Sanction Threshold for Retaliation,” *Environmental Compliance & Litigation Strategy*, September 2002
- “Civil Fines Under False Claims Act Are Subject to Eighth Amendment Review,” *Environmental Compliance & Litigation Strategy*, April 2001
- “Fifth Circuit Ruling Leaves False Claims Act Qui Tam Provision in Doubt,” *Environmental Compliance & Litigation Strategy*, December 1999
- “How to Respond to Court Ordered Search Warrants,” *Environmental Compliance & Litigation Strategy*, March 1998

SPEAKING ENGAGEMENTS

- “Avoiding Anti-Corruption Missteps in a Global Market,” Association of Corporate Counsel Seminar, Nov. 30, 2017
- “Lex enjeux globaux de la lutte anti-corruption,” Panel Discussion at Bryan Cave Paris Office, Nov. 10, 2017
- “Fraud Considerations for Your Organization,” NFP Fraud Seminar hosted by Grant Thornton, Dec. 6, 2016
- “Pros & Cons of Separating the CLO and CCO Roles,” National Association of Wholesaler-Distributors (NAW) Billion Dollar Chief Legal Officers Roundtable, Nov. 4, 2015
- “Third-Party Corruption Risk Management: A Practical Guide for Decentralized Companies,” March 24, 2015

- "Step-by-Step Approach on How to Conduct an Internal Investigation of a False Claims Allegation - Scoping Your Action Plan," Advanced Forum on False Claims & *Qui Tam* Enforcement Post-Conference Workshop, Jan. 29, 2014
- "Right Sizing the Corporate Investigation: How Much is Enough?" ABA Criminal Justice Section, Jan. 16, 2014
- "Gaining A Practical and Effective Approach to Internal Compliance Investigations," Strategic Risk & Compliance 2013 Conference, May 21, 2013
- "The Foreign Corrupt Practices Act: Top Ten Reasons To Know At Least A Little Bit About It—And Five Things To Do About It," ACC Small Law Presentation, March 14, 2013
- "International White Collar Crime Issues," A Presentation to the Virgin Islands Bar Association December 9, 2011
- "Pro-active Tactics Underscore FCPA Exposure," Washington Legal Foundation's Legally Brief Program, March 05, 2010
- "FCPA Enforcement & Financial Crisis: How World-Wide Government Intervention Affects Foreign Corrupt Practices Compliance," Washington Legal Foundation's Web Seminar, December 10, 2008
- "The Program in Action: Audience Discussion of a Hypothetical Hotline Call and Investigation," Westchester/Southern Connecticut Chapter of the Association of Corporate Counsel's (WESFACCA) Building a Compliance & Ethics Program, November 18, 2008
- "Assessing Ramifications and Ensuring Right Decisions Based on Investigation Results," Corporate Investigations Program, May 20, 2008
- "Compliance with U.S. Laws/FCPA," WESFACCA Joint Ventures and Strategic Alliances Seminar, May 6, 2008
- "Exerting Greater Control Over Non-U.S. Subsidiaries," FCPA and International Anti-Corruption for Pharma and Life Sciences Program, April 29, 2008
- "The Fundamentals of Investigating and Defending White-Collar Healthcare Offenses," ABA Health Law Section's Emerging Issues Conference, February 21, 2007
- "Legal Ethics for Exempt Organization Practitioners," Georgetown University Law Center's Representing and Managing Tax-Exempt Organizations Seminar, April 27, 2006
- "Preparing Your Company for the Current Wave of Criminal Investigations in the Energy Industry," South Texas College of Law Power Institute, June 5, 2003

RELATED INSIGHTS

News

Apr 12, 2023

BCLP ranks in Global Investigations Review's 'GIR 100 2022'

Insights

Jun 10, 2022

Fallout from the Glencore resolutions & lessons learned

Update 24 June 2022: Having pled guilty on all counts, Glencore Energy (UK) Ltd was convicted on 21 June 2022 on all seven charges of bribery brought against it by the SFO. It will be sentenced later this year, on 2 and 3 November.

News

Apr 05, 2022

BCLP Team Advises Neenah, Inc., in \$3B Merger of Equals

Awards

November 10, 2021

BCLP Ranks in Global Investigations Review's 'GIR 100 2021'

Insights

Jun 16, 2021

BCLP Attorneys Author Article for Bloomberg Law on Implications of 'Van Buren' Ruling

Insights

Apr 07, 2021

Srere Authors Article for 'PaymentsSource' on Changes to BSA Requirements

Insights

Mar 11, 2021

The Effects of US Updates to anti-money laundering (AML) Laws on Financial Institutions

The United States is beefing up its AML controls and the financial sector will be expected to play its part. But while recent changes will increase scrutiny, they may also help financial institutions deal with risks.

Insights

Jan 25, 2021

Partners Author Article on Financial System Regulations under Biden Administration

Events

21 January 2021

Emerging Themes in Financial Regulation: Banks/Brokers/Financial Market Infrastructure Providers