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New Pilot Takes the Helm at the Criminal Division

The DOJ's Criminal Division has a new head: Brian Benczkowski, a former senior DOJ staffer, member of Trump's transition team and partner at Kirkland & Ellis. He drew fire [in the Senate](#) because of his lack of prosecutorial experience and his recent work for a Russian bank on issues close to the subject matter of the Mueller investigation. He was confirmed 51 to 48 on July 11, 2018, more than a year after his nomination.

The pick was lauded in a letter to Senate Judiciary Committee leaders from five former Division Chief heads – Michael Chertoff, [Alice Fisher](#), Leslie Caldwell, Mythili Raman and Lanny Breuer – the latter three Obama appointees. “Importantly, he respects the role of the Justice Department and will work hard to protect the integrity and independence of this important institution,” they wrote.

Despite fears of waning white collar prosecutions since Trump's inauguration, [FCPA enforcement has been robust](#), even with interim DOJ leadership and sources told me they expect enforcement efforts to be consistent under Benczkowski. As we have detailed in The Anti-Corruption Report, the DOJ has continued to emphasize individual accountability – such as in the recent [Aruba Telecom](#) case – and we have seen significant multilateral settlements over the past few years reflecting the [new era of international cooperation](#), most recently [SocGen's \\$585 million anti-corruption settlement](#) with the U.S. and France. Furthermore, we are still seeing corporate resolutions with just American authorities, such as [Panasonic](#) and [Transport Logistics](#).

“Permanent leadership in the Criminal Division front office will be good for the Fraud Section and particularly the FCPA Unit,” Jason Linder, a partner at Irell & Manella and former FCPA prosecutor, told me. He added that he is not concerned that Benczkowski was not a trial lawyer – “the skill set is different for this job. If he respects the talent of the people below him, and the work of the Department, which it seems like he will, and displays good judgment, he can be wildly effective.”

We will continue to keep a close eye on FCPA enforcement as Benczkowski begins his tenure amidst the turmoil in Washington, D.C., and as always, provide in-depth compliance advice relevant to the global enforcement environment.

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