

The ACR Brief

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Proactive Remediation

Avoiding a corporate monitor when settling an FCPA matter can save a company a tremendous amount of time and money. With the DOJ continuously refining [its position on monitorships](#), companies today have more chips to bargain with than they ever have before. Speaking at PLI's recent FCPA conference in New York, Andrew Gentin, a senior prosecutor with the DOJ's Fraud Section who currently oversees all FCPA Unit compliance and monitorship matters, explained that the DOJ's decision about whether to appoint a monitor ultimately comes down to how the company's compliance system is working at the time of the resolution and whether the DOJ believes that the company can sustain the current system. If the company's compliance system and internal controls are strong, he explained, "there is a good chance a monitor won't be imposed."

Even for companies not faced with settlement negotiations, Gentin's remarks carry an important lesson: proactive remediation matters. In addition to addressing specific issues, a company may want to evaluate the effectiveness of its entire compliance program. If you find yourself in that situation, we can help. Our [three-part Q&A series](#) on [compliance program assessments](#) is an excellent place to start. Also check out my [conversation](#) with Lonza's Stacey Hanna about how she enhanced her company's compliance program after an acquisition. Megan's four-part series on [measuring compliance](#) should also be useful, as will our popular [guest article series from](#) Barrick Gold's Jonathan Drimmer and Paul Hasting's Matthew Herrington about using KPI's in the compliance space.

How does your company handle remediation? If you would like to share your strategies with other professionals, we would love to hear from you.

Warmly,

Nicole Di Schino

Editor-in-Chief