

## Corporate Compliance Programs That Add Value

### Compliance programs that work for businesses — and keep businesses working

What is too much? What's too little? Is it worth it? Are we creating mountains out of molehills? Is this the most effective use of our available resources? How do we control costs? We don't violate any laws, so why is all of this necessary?

All good questions. And easily answered.

Today's corporate compliance programs

- 1) are informed by government expectations that are actually fairly clear and reasonable;
- 2) are easily designed and managed with the right help; and
- 3) will **add value** in numerous quantifiable ways.

**Corporate compliance programs are mandatory in the global marketplace, in direct response to increased government oversight.**

For more than two decades, the US government and more and more governments worldwide have stepped up the enactment and enforcement of compliance-related laws and regulations, often because of significant events that have threatened global economic growth and stability. The existence of today's complex regulatory framework is due in large part to the fight against both public corruption and the use of the international financial system to fund not only public and private corruption, but also terrorism, narco-trafficking, and other transnational crimes. Events of the past two decades — including the funded terrorist attacks of 9/11, the flood of corporate accounting scandals (such as Enron) of the 2000s, the 2008 global financial crisis, and other events up to and including the COVID-19 pandemic — have all played a role in what is now a fairly standard expectation that all companies have a functioning compliance program that meets stated government standards.

#### A clear and right-sized compliance program helps companies:



**Coordinate** and identify compliance responsibilities across the spectrum.



**Establish** internally consistent, clear, and cost-effective policies and procedures.



**Communicate** standards and responsibilities *reliably*, and to the right persons.



**Foster** and earn employee and management buy-in and participation.



**Prevent** violations and costly investigations, and minimize the risk of substantial penalties should unintended violations occur.

Major legislation and regulatory initiatives such as the Sarbanes-Oxley Act; the Dodd-Frank Wall Street Reform and Consumer Protection Act; and published guidance from the Securities and Exchange Commission, the United States Sentencing Commission, the Department of Justice (including its publication, *Evaluation of Corporate Compliance Programs*), and other federal agencies are merely the tip of the compliance iceberg.

It is not enough that you believe your employees do not intentionally violate laws. You must guard against unintentional violations, and you must also be aware of the third parties you are dealing with, selling to, or even buying goods and services from. This is impossible to achieve by simply saying, “Do the right thing.” Instead, employees and engaged third parties need to understand your company’s culture of workplace integrity, know the corporate policies that ensures such integrity, and “follow the right processes” spelled out in a clear and concise compliance program.

**An effective compliance program is more than a reaction to government action. It is a tool for effective business management.**

Simply put, corporate compliance programs work. They are important, practical methods to ensure that:

- Chief compliance officers, general counsel, and other C-suite executives have a complete picture of their companies’ risk areas, and have policies and procedures to address those risks (i.e., compliance programs).
- Risk is assessed periodically and accurately.
- Correct policies are in place and communicated to employees.
- Adherence to policies is continually monitored and enforced.
- Concerns or reports of potential misconduct are handled appropriately and timely.

**Our compliance team can help:**

**INITIAL PROGRAM DEVELOPMENT AND IMPLEMENTATION**

**Goal:**

- Meet unique industry needs and business requirements while considering existing compliance processes and staffing.

**Strategy:**

- Help the business visualize what their compliance program should look like and understand the internal systems and structures required to get there.
- Assess what is already in place, identify what works and what is missing, and bring it all under one tent with clear lines of authority, responsibility, and internal reporting.

*In every case, we remain cognizant of the company’s footprint, industry area, budgetary, and other concerns. We have developed “ground up” compliance programs for companies with both global and domestic operations.*

**TRAINING OF KEY STAFF ON HIGH-RISK ISSUES**

**Goal:**

- Provide immediate and thorough training to the higher-risk personnel, and training to ensure that all relevant personnel — including directors, officers, and front-line staff — as well as contractors and other third parties, are aware of federal and state laws and regulations, company policies and guidelines, their duty to follow these standards, and how to report potential violations.

**Strategy:**

- Support the company’s decision-making regarding which employees get relevant training at onboarding and periodically thereafter.
- Create strong, risk-based training policies and processes that focus on higher-risk issues and provide higher-risk employees with additional training in these key areas.
- Develop internal reporting response training and report-handling processes.
- Advise compliance personnel on how to handle, investigate, and document, in a thorough manner, allegations of potential wrongdoing, and provide them the tools to do so.

*Companies often struggle with the decisions about who should receive what type of training, and whether to use in-house resources or a vendor, as well as whether to conduct online or in-person interviews. We help you navigate these nuances.*

**RISK ASSESSMENTS, POLICY AUDITS, AND REVIEW OF COMPLIANCE INITIATIVES**

**Goal:**

- Implement compliance monitoring and auditing methods that are used regularly to measure compliance accurately and in real time, thereby helping to detect and correct violations of policies in an expedient manner.

**Strategy:**

- Enable and support members of the compliance team to recognize and fix gaps in compliance on an ongoing basis and fine-tune and adjust actions and guidance as needed

*Identification of potential misconduct does not always mean that things are “going wrong” — in most cases, it means that the compliance program is doing exactly what it is intended to do: identify and respond to potential compliance problems.*

When a company's policies and procedures are developed, approved, communicated, implemented, enforced, and monitored in a deliberate and coordinated manner, its corporate compliance program evolves into an operative tool that goes beyond meeting regulatory obligations. The program becomes an integral part of the organization, supporting the development of effective strategy and increasing confidence in business initiatives and operations across the organization.

**Creating your right-sized and effective corporate compliance program should not be an overwhelming task. It is an iterative process.**

Designing and implementing an effective compliance program is an essential step in protecting any successful business from bad actors who could destroy your reputation and invite regulatory and government enforcement scrutiny. But an effective program will benefit from regular internal review processes that create a positive feedback loop. Our Jones Walker team helps clients take a deliberate and methodical approach to developing comprehensive compliance programs over time, with each initiative building on best practices while incorporating new information and solutions as they become available.

## INTERNAL INVESTIGATIONS AND COMPLIANCE COUNSELING

**Goals:**

- Ensure that government enforcement authorities understand the objectivity and thoroughness of any internal investigation the company conducts.
- Work closely with compliance committees, officers, and general counsel to provide one-on-one feedback on pending issues or potential matters.

**Strategy:**

- Advise on adequate processes when in-house compliance personnel conduct internal investigations.
- Effectively and competently conduct and document internal investigations as independent outside counsel.
- Serve as a ready resource when fast-moving events require a timely response, whether in the context of a due diligence review of a potential third-party consultant or law enforcement or regulatory investigation, or when addressing public relations concerns or compliance-related questions from customers or prospective business partners.

*At every step, our primary goal is to help executives and senior leaders make effective, thoughtful, and defensible decisions. Even the best-led businesses may face inquiries or investigations by law enforcement or regulatory officials, or be the subject of an internal complaint.*

## CORPORATE COMPLIANCE DEFENSE

**Goal:**

- Represent individuals and companies in criminal investigations at every step, from the investigation and pre-indictment phases through proceedings before grand juries and in federal and state courts at the trial and appellate levels.

**Strategy:**

- Apply the extensive experience of our white-collar defense and corporate compliance investigation attorneys, many of whom represented state and federal agencies before entering private practice, and who have conducted hundreds of pre-indictment investigations and jury trials.

*When enforcement actions do arise, your best asset is our deep experience defending both our clients and the integrity of their compliance functions. We understand — and navigate — the nuances of these complex proceedings in a manner that gains you deserved credit for your commitment to compliance, and remediation when appropriate.*

## Why Jones Walker?

Jones Walker has been a leader in the corporate compliance space since the early 2000s. We recognized, early on, the changing landscape of government oversight and regulation and understood the broader value of bringing legal compliance policies under the same administrative umbrella. Today, we continue to work with clients across the country, most with international footprints, to help them achieve the synergies and benefits of a coordinated approach to policy development, communication, implementation, training, and enforcement.

Many of our attorneys have made the development and implementation of corporate compliance programs a primary focus of their practices. Our deep bench of highly experienced attorneys also includes career white-collar criminal defense attorneys as well as former state and federal prosecutors and former regulators. With offices across the southeastern United States and in Washington, DC, our capacity and experience in high-stakes corporate and regulatory litigation and white-collar defense are unmatched in the region.

We can help you design and implement a right-sized compliance program from the ground up or provide advice and assistance with any of the following individual projects:

- Conduct a legal compliance risk assessment, across your entire organization or any business unit.
- Conduct a confidential review (“legal audit”) of your existing compliance program, assess content and implementation, and make recommendations for improvement where appropriate.
- Conduct tailored compliance-related reviews of a business unit, or any particular process of your program (e.g., an anti-corruption review, a third-party due diligence review, or a training program effectiveness review).
- Advise on specific high-risk due diligence reviews.
- Conduct internal investigations.
- Respond to government inquiries or defend government investigations.

We offer a free one-hour in-person or virtual live presentation to compliance personnel, in-house counsel, senior executives, and boards of directors on what modern compliance programs should look like (depending on industry and company footprint) and government expectations.

## About the firm

Jones Walker LLP ([joneswalker.com](http://joneswalker.com)) is among the 125 largest law firms in the United States. From our offices in Alabama, Arizona, the District of Columbia, Florida, Georgia, Louisiana, Mississippi, New York, and Texas, we provide a comprehensive range of legal services to local, regional, national, and international business clients — including major multinational public and private corporations, *Fortune*® 500 companies, money center banks, worldwide insurers, and emerging companies — with business interests across the United States and abroad.

Designing and implementing an effective compliance program is an essential step in protecting any successful business from bad actors who could destroy your reputation and invite regulatory and government enforcement scrutiny.

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