

# Webcast: Negotiating Closure of Government Investigations: NPAs, DPAs, and Beyond

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Deferred Prosecution Agreements (DPA) and Non-Prosecution Agreements (NPA) have become a fixture in the white collar enforcement landscape, and the way that both companies and enforcement agencies think about them continues to evolve. NPAs and DPAs remain attractive alternatives to guilty pleas or trial, but what drives the analysis between these outcomes? As DOJ offers the carrot of declination in exchange for self-disclosure, how certain is the outcome and is the possibility of a declination worth the cost and risk of coming forward? And when a declination is not achievable, is the balance shifting between NPAs and DPAs? This discussion will build upon last year's foundational webcast regarding these agreements and discuss current trends, potential pitfalls, and important considerations in bringing a government investigation to closure.

## Related People

[Stephanie Brooker](#)

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## Topics:

- Varieties of resolution structures
- Trends and statistics regarding the use of NPAs and DPAs from the past two decades
- Key terms of NPAs and DPAs and where you can negotiate
- Analysis of some of the factors underlying declination, NPA, and DPA outcomes
- Cross-border considerations and post-resolution pitfalls, including an update on developments in corporate compliance monitorships

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## PANELISTS:

**Stephanie L. Brooker** is co-chair of Gibson Dunn's Financial Institutions Practice Group and member of the White Collar Group. She is the former Director of the Enforcement Division at FinCEN, and previously served as the Chief of the Asset Forfeiture and Money Laundering Section in the U.S. Attorney's Office for the District of Columbia and as a DOJ trial attorney for several years. Ms. Brooker represents multi-national companies and individuals in internal corporate investigations and DOJ, SEC, and other government agency enforcement actions involving, for example, matters involving BSA/AML; sanctions; anti-corruption; securities, tax, and wire fraud; whistleblower complaints; and "me-too" issues. Her practice also includes BSA/AML compliance counseling and due diligence and significant criminal and civil asset forfeiture matters. Ms. Brooker has been named a *Global Investigations Review* "Top 100 Women in Investigations" and National Law Journal White Collar Trailblazer.

**Richard W. Grime** is co-chair of Gibson Dunn's Securities Enforcement Practice Group.

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Mr. Grime's practice focuses on representing companies and individuals in corruption, accounting fraud, and securities enforcement matters before the SEC and the DOJ. Prior to joining the firm, Mr. Grime was Assistant Director in the Division of Enforcement at the SEC, where he supervised the filing of over 70 enforcement actions covering a wide range of the Commission's activities, including the first FCPA case involving SEC penalties for violations of a prior Commission order, numerous financial fraud cases, and multiple insider trading and Ponzi-scheme enforcement actions.

**Patrick F. Stokes** is a partner in Gibson Dunn's Washington, D.C. office, where his practice focuses on internal corporate investigations and enforcement actions regarding corruption, securities fraud, and financial institutions fraud. Prior to joining the firm, Mr. Stokes headed the DOJ's FCPA Unit, managing the FCPA enforcement program and all criminal FCPA matters throughout the United States covering every significant business sector. Previously, he served as Co-Chief of the DOJ's Securities and Financial Fraud Unit.

**F. Joseph Warin** is co-chair of Gibson Dunn's global White Collar Defense and Investigations Practice Group, and chair of the Washington, D.C. office's nearly 200-person Litigation Department. Mr. Warin's group is repeatedly recognized by Global Investigations Review as the leading global investigations law firm in the world. Mr. Warin is a former Assistant United States Attorney in Washington, D.C. He is ranked annually in the top-tier by *Chambers USA*, *Chambers Global*, and *Chambers Latin America* for his FCPA, fraud and corporate investigations expertise. Among numerous accolades, he has been recognized by *Benchmark Litigation* as a U.S. White Collar Crime Litigator "Star" for ten consecutive years (2011–2020).

**Courtney M. Brown** is a senior associate in the Washington, D.C. office of Gibson, Dunn & Crutcher, where she practices primarily in the areas of white collar criminal defense and corporate compliance. Ms. Brown has experience representing and advising multinational corporate clients and boards of directors in internal and government investigations on a wide range of topics, including anti-corruption, anti-money laundering, sanctions, securities, tax, and "me too" matters.

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