



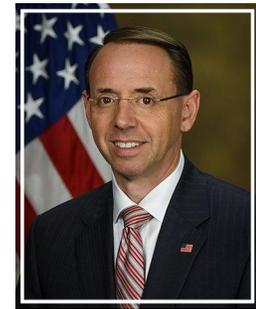
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## DOJ Changes to the Corporate Resolution Policy

Deputy Attorney General Rod Rosenstein recently released changes to the DOJ Corporate Resolutions Policy. The new provisions, to be incorporated into the U.S. Attorneys' Manual, require coordination of corporate resolution penalties in joint investigations and proceedings arising from the same misconduct.



*Deputy Attorney General  
Rod Rosenstein*

### Purpose of the Corporate Resolution Policy

In [remarks](#) to the New York City Bar White Collar Crime Institute, Deputy AG Rosenstein explained changes to the policy. He said, "This is another step towards greater transparency and consistency in corporate enforcement. To reduce white collar crime, we need to encourage companies to report suspected wrongdoing to law enforcement and to resolve liability expeditiously."

The new policy seeks to avoid a situation where punishment and penalties are piled on by multiple agencies, which Deputy AG Rosenstein argues, "can deprive a company of the benefits of certainty and finality ordinarily available through a full and final settlement."

### Provisions of the Corporate Resolution Policy

In an agency-wide [memorandum](#), AG Rosenstein wrote, "In reaching corporate resolutions, the Department should consider the totality of fines, penalties, and/or forfeiture imposed by all Department components as well as other law enforcement agencies and regulators in an effort to achieve an equitable result."

Department attorneys resolving a corporate case that multiple Department components are investigating for the same misconduct, "should coordinate with one another to avoid the unnecessary imposition of duplicative fines, penalties, and/or forfeiture against the company."

The new corporate resolution policy goes on to state: "Specifically, Department attorneys from each component should consider the amount and apportionment of fines, penalties, and/or forfeiture paid to the other components that are or will be resolving with the company for the same misconduct, with the goal of achieving an equitable result."

The Department is to consider "all relevant factors" when determining if coordination and apportionment between Department components and with other enforcement authorities furthers the interests of justice. Relevant factors to be considered include "the egregiousness of a company's misconduct; statutory mandates regarding penalties, fines, and/or forfeitures; the risk of unwarranted delay in achieving a final resolution; and the adequacy and timeliness of a company's disclosures and its cooperation with the Department[.]"

The centralization of actions against a corporation arising out of the same misconduct serves to streamline the process for Department components. Further, corporations that have engaged in malfeasance will benefit under this new policy with the imposition of lower fines, penalties, and forfeitures against the company. Moreover, an intended consequence of the coordination of corporate resolution penalties is to mitigate the possible collateral consequences of corporate prosecution to employees, customers, and investors.

### White Collar Prosecution of Corporations

If you or your corporation are under investigation for misconduct, you need an attorney who knows how to defend your rights and when advantageous or necessary, to negotiate Corporate Resolution penalties.

Here at [Ashley D. Adams, PLC](#) we zealously defend corporate entities, executives, and directors against allegations of misconduct. We have the experience and skill to aggressively and effectively represent your legal rights. [Contact us](#) or call now (480) 219-1366 to schedule a case evaluation.

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