

GIBSON DUNN

Whistleblower Team

As part of the Dodd Frank statute, Congress required the SEC and the CFTC to adopt rules that will allow “whistleblowers” to make complaints with regulators and collect bounties of 10% - 30% of the amount of the monetary sanctions that the SEC collects from an enforcement action. The SEC’s rules implementing its whistleblower program are expected in April.

The Dodd Frank whistleblower program is a critical development for public companies. Because the SEC has in the past imposed huge fines and disgorgement, sometimes in the hundreds of millions of dollars (especially in Foreign Corrupt Practices Act cases)—a flood of whistleblower claims can be expected to the SEC from employees and plaintiffs’ lawyers seeking a major windfall.

Companies will need to know how to prepare for whistleblower claims (by reviewing and updating their compliance and HR programs), and how to respond to them both internally and with the SEC, as well as employment claims or civil litigation.

Gibson Dunn offers experienced, comprehensive counsel on the full range of issues that arise under whistleblower statutes. Our multidisciplinary Whistleblower Team advises on areas ranging from compliance with whistleblower provisions to SEC investigations and litigation.

Several members of our team have held leadership positions in the highest ranks of the federal government and with other enforcement entities, giving them invaluable first-hand experience with regulators, investigators and prosecutors. Members of our team include former senior officers of the Securities and Exchange Commission, the Department of Justice and the Department of Labor. Members of our team have counseled companies, their executives and their boards of directors on developing effective compliance programs, responding to employee complaints, conducting internal investigations and addressing SEC disclosure issues.

Members of our Whistleblower Team have written extensively about the [whistleblower provisions of Dodd-Frank](#), advised companies who have commented on the SEC’s proposed rules, met with the senior SEC staff regarding its whistleblower program, litigated parallel whistleblower claims under the Sarbanes Oxley Act, and represent clients before the SEC’s Enforcement Division every day.

In the event companies find themselves facing enforcement or regulatory investigations, Gibson Dunn’s Whistleblower Team includes the expertise of members of our securities enforcement and white collar defense and investigations practices. Our attorneys have a wealth of experience representing firms and individuals facing securities enforcement and other related regulatory investigations. George Curtis, John Sturc, Mark Schonfeld, Barry Goldsmith and George Schieren all held high level

TEAM MEMBERS

[Daniel Ahn](#)

[Rob Blume](#)

[George Brown](#)

[James Cox](#)

[George Curtis](#)

[Lee Dunst](#)

[Michael Farhang](#)

[Doug Fuchs](#)

[Barry Goldsmith](#)

[Amy Goodman](#)

[Susan Grafton](#)

[Nick Hanna](#)

[Ari Lanin](#)

[William Kilberg](#)

[Scott Kruse](#)

[Brian Lane](#)

[Marcellus McRae](#)

[Jim Moloney](#)

[Ronald Mueller](#)

[John F. Olson](#)

[Selina Sagayam](#)

[Gene Scalia](#)

[Michael Scanlon](#)

[George Schieren](#)

positions at the SEC's Division of Enforcement. Many of our white collar defense attorneys, including Deb Yang, Joe Warin, Jim Walden and Rob Blume, are former U.S. Attorneys and Assistant United States Attorneys around the country. Our attorneys are also experienced in conducting time-sensitive internal investigations of potential wrongdoing for our clients, as well as evaluating possible claims under federal and state securities laws. Gibson Dunn's FCPA practice is one of the leaders in advising clients on FCPA compliance and defense.

Our labor and employment attorneys have considerable experience with the whistleblower provision of the Sarbanes-Oxley Act, which prohibits workplace discrimination against employees who report what they "reasonably believe" to be federal securities violations. Bill Kilberg and Gene Scalia both served as Solicitor of the U.S. Department of Labor, and Gene was the Solicitor at the time the Sarbanes-Oxley Act of 2002 was enacted, and helped oversee initial implementation of that statute's whistleblower provision. Gene and Jason Schwartz successfully litigated the first major SOX appeal to establish the definition of protected activity under the Act, and Gene, Jason and others in the group have been at the forefront of litigating these claims before administrative agencies and in court.

The SEC has made clear that it will reward companies who have comprehensive and effective governance and compliance programs. Gibson Dunn's securities regulation and corporate governance attorneys are consistently recognized among the leading practitioners in the country. Brian Lane, Amy Goodman and Jim Moloney all held high level positions in the SEC's Division of Corporation Finance, and Ron Mueller served as counselor to an SEC Commissioner. Our attorneys regularly advise senior management and boards of directors in Fortune 500 corporations in developing effective compliance programs and governance structures and policies.

Gibson Dunn's commitment is to provide clients with the best, comprehensive legal counsel to address all facets of the complex issues they face. We believe that our clients are best served when our attorneys work in cross-disciplinary teams defined by the needs of our clients. Our Whistleblower Team is structured to provide holistic advice based on the expertise and experience of our attorneys across our offices and practices.

[Mark Schonfeld](#)

[Jason Schwartz](#)

[Alex Southwell](#)

[John Sturc](#)

[Andrew Tulumello](#)

[Jim Walden](#)

[F. Joseph Warin](#)

[Joseph West](#)

[Debra Wong Yang](#)

[Publications](#)