

# WHITE COLLAR DEFENSE & CORPORATE INVESTIGATIONS ALERT

This Alert is published by our White Collar Defense & Corporate Investigations Section. Please feel free to contact any of our attorneys for more information.

Christine Collyer	860.424.4329	ccollyer@pullcom.com
T. Scott Cowperthwait	203.330.2044	tscowperthwait@pullcom.com
Maria E. Garcia	203.330.2211	mgarcia@pullcom.com
Nancy A. D. Hancock	203.330.2118	nhancock@pullcom.com
Alex V. Hernandez	203.674.7952	ahernandez@pullcom.com
Thomas F. Maxwell Jr.	203.330.2252	tmaxwell@pullcom.com
Timothy G. Ronan	203.674.7933	tronan@pullcom.com
James T. Shearin	203.330.2240	jtshearin@pullcom.com
Jessica A. Slippen	203.330.2127	jslippen@pullcom.com
William J. Wenzel	203.330.2207	wwenzel@pullcom.com

## U.S. Department of Justice's New Guidelines on Prosecution of Corporations Intended to Prevent Overzealous Prosecutions

On the same day the United States Court of Appeals for the Second Circuit upheld the dismissal of the United States Department of Justice's cases against 13 former employees and partners of KPMG in *U.S. v. Stein, et al.* (D.N. 07-3042-cr) — saying that the government prosecutors, by demanding that the accounting firm stop paying legal fees for its executives, had "unjustifiably interfered" with the defendants' relationships with their attorneys and their ability to mount a defense — the Department of Justice released revised guidelines for the prosecution of corporate fraud, which rein in prosecutors.

The Department of Justice modified the U.S. Attorney Manual, adopting Title 9, Chapter 9-28.000, et seq., with particular emphasis on issues involving the attorney-client privilege and/or work product protection and factors to be considered in determining the cooperativeness of a corporation.

Click on the following links to access the full text of the [Second Circuit's opinion in \*U.S. v. Stein\*](#) and the Department of Justice's revised "[Principles for the Prosecution of Business Organizations](#)."