



Foreign Corrupt Practices Act (FCPA) & Antibribery

Companies engaged in international business and trade can frequently face ethical and legal dilemmas. This is particularly the case for companies and individuals subject to one or more antibribery law regimes such as the Foreign Corrupt Practices Act (FCPA), the UK Bribery Act (UKBA), and Canada's Corruption of Foreign Public Officials Act (CFPOA), among others.

Compliance Programs

Of course, the best course of action is for a company to ensure that it has an up-to-date, robust, risk-based antibribery/anticorruption program in place—not merely putting together a “paper compliance program” to “check the box.” The Firm has worked with a variety of companies—from a publicly-traded franchisor with a global footprint to family-owned manufacturing companies in the targeted extractive industries sector to medical devices manufacturers and distributors and healthcare software suppliers—to assess antibribery risk, assist in building adequate compliance programs, and train employees and strategic alliance partners.

Sensitive Questions

Additionally, we advise on sensitive questions relating to the FCPA and other antibribery regimes on issues of gifts and hospitality, travel, and charitable contributions, and identify and address bribery and corruption risks related to business relationships and transactions.

Due Diligence and Risk Assessments

The Firm's clients frequently request that we perform due diligence and assess risk profiles of target companies, international commercial agents, resellers, distributors, and other prospective counterparties located around the world, including analyzing responses to questionnaires and due diligence reports from third-party providers. We often perform these services in connection with our international trade and national security risk assessments.

Mitigating Risk in Agreements

When preparing, reviewing, and negotiating international commercial agreements and terms and conditions of sale or purchase, we are ever mindful of the need to ensure FCPA/antibribery risk is mitigated.

FOR ASSISTANCE WITH FCPA AND ANTIBRIBERY MATTERS, PLEASE CONTACT US AT INFO@YORMICKLAW.COM