

Robin Mark and Jim Hoover Detail DOJ Guidance on Self-Disclosures in *Law360*

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New guidance from the Department of Justice (DOJ) offers valuable incentives for companies voluntarily self-disclosing misconduct, and Robin Mark and Jim Hoover authored an article published by *Law360* on April 13, 2023, offering insight on how businesses can reap those benefits through swift and decisive action.

The new DOJ guidance on voluntary self-disclosure was announced on February 22 and defined the benchmark standards for voluntary disclosure as timely and substantive, as well as noted that the benefits of self-disclosure range from the possibility of nonprosecution or deferred prosecution agreement to lesser criminal or monetary penalties.

“As a result, companies can avert disaster by immediately reviewing their internal complaint investigation protocols and revising policies to trigger voluntary self-disclosure,” Mark and Hoover said. “The DOJ has highlighted that timing is a key component of a beneficial self-disclosure.”

As a result of this guidance, companies should consider their handling of internal investigations of complaints, as readiness to launch an investigation protects the company by identifying possible violations and illuminating the pros and cons of voluntary self-disclosure. In addition to self-disclosure, another consideration that may lead the DOJ to more favorable treatment of misconduct includes the existence of an effective compliance program, meaning companies should also consider evaluating the policies they currently have in place.

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For the full article and additional guidance when weighing self-disclosure, *Law360* subscribers may view the article [here](#).