



DOJ Focuses on Individuals in Corporate Wrongdoing

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The U.S. Department of Justice ("DOJ") has a new view in cases involving corporate wrongdoing (including fraud and abuse, qui tam, and similar matters). And its gaze is focused squarely on rooting out and punishing the individuals involved. The policy shift largely was driven by public outcry over the scant number of Wall Street executives prosecuted in the wake of the financial crisis. But the changes apply to DOJ's involvement in health care matters just the same.

United States Deputy Attorney General Sally Q. Yates issued a memo last fall directing increased focus on individual culpability in matters of corporate wrongdoing. The memo highlights six policy directives - some existing, some new - targeting individuals involved in corporate wrongdoing, in addition to fines and sanctions against the corporation itself. Yates said individual accountability is important to deter future illegality, incentivize good corporate behavioral, ensure proper responsibility, and promote public confidence. Many would say the last is first: DOJ has been criticized roundly for the lack of individual prosecutions in the wake of the financial crisis.

The policy directive - "Individual Accountability for Corporate Wrongdoing" "" is addressed to all DOJ attorneys (including the FBI and United States bankruptcy Trustees). It applies equally to civil and criminal investigations and enforcement proceedings. More recently, the Department implemented corresponding revisions to the U.S. Attorneys' Manual sections on commercial litigation (USAM

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4- 4.00) and Principles of Federal Prosecution of Business Organizations (USAM 9-28.000).

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