

ReedSmith

Recognized for: Distinguished Service
Trial Firm of The Year Category



The 2013 Best FCPA Lawyers Client Service Awards highlight exceptional service in Foreign Corrupt Practices Act and global anti-corruption matters. Awards were determined by Main Justice based on submissions by firms, interviews with firm partners, client feedback and public records.

Main Justice is an independent news organization that covers the U.S. Department of Justice.

Reed Smith LLP is distinguished in the category Trial Firm of the Year. Partner **Eric Dubelier** is recognized for his outstanding pro-bono representation of a defendant in the second Africa Sting trial who was acquitted of all charges by a jury.

The representation

Patrick Caldwell, CEO of Florida-based body armor manufacturer **Protective Products International**, was indicted by a federal grand jury in 2009 on several Foreign Corrupt Practices Act-related violations, as well as a money laundering charge. The former deputy director of the Secret Service was one of 22 defendants nabbed in an undercover sting operation, in which FBI agents posed as representatives of the defense minister of Gabon seeking bribes in exchange for awarding defense-supply contracts.

Within the white collar enforcement world, Dubelier is known as a seasoned prosecutor who made a smooth transition into corporate defense at Reed Smith. He's represented household names in high-profile FCPA investigations and negotiated key settlements. Reed Smith's global anti-corruption and FCPA practice normally does not represent individuals, and in fact, Dubelier tells Main Justice he purposely built the practice around corporate representations.



Eric Dubelier

So when Caldwell approached Dubelier and his team about representing him in the sting case, the Reed Smith partner was initially hesitant. The sprawling FCPA case was attracting significant media attention. Dubelier prides himself on his discretion. He avoids the spotlight and strives to keep his name out of the headlines. As the head of the firm's global anti-corruption and enforcement practice, Dubelier at first turned Caldwell down. He saw the media circus that was ensuing and instinctively backed away. All that changed when Caldwell convinced Dubelier to listen to his story.

A decorated former Marine and government servant, Caldwell explained his distress at being caught in one of the biggest FCPA matters in history after attending his first meeting as a CEO in the private sector. That meeting, it

turned out, was being recorded by the FBI.

At trial in 2011, Dubelier took the unusual step of placing Caldwell on the stand to testify in his own defense. Dubelier also hammered home to the jury the extent of Caldwell's hearing loss, arguing that he couldn't actually understand what the undercover FBI agents were saying in the sting meeting. In mid-January 2012, U.S. District Judge Richard Leon threw out an FCPA conspiracy charge against Caldwell and other defendants. Later that month, the jury acquitted Caldwell and another defendant before eventually deadlocking on the charges against the remaining defendants. A mistrial was declared, and the government eventually moved to drop all charges against all sting defendants.

An impressive coordination between Dubelier and counsel for the other sting defendants lay at the heart of their success. "The group quickly realized that the task at hand – reviewing discovery, writing pleadings, etc. – was so large that in order to be successful we would need to collaborate, divide and conquer," Dubelier says. He wrote off more than \$1 million in estimated legal fees in his pro-bono representation of Caldwell.

The firm's anti-corruption practice and philosophy

Dubelier counsels corporate clients on complying with international and domestic anti-corruption laws. He's also conducted FCPA-related investigations in more than 25 countries and counsels clients primarily in the health care, financial services and defense industries.

He believes that voluntary disclosures are subjective decisions that depend on the individual client's tolerance for risk. Such decisions need to be made based on the specific facts of a matter and a determination of what course of action makes the most sense for the client, he says.



Eric Dubelier

Dubelier strives to keep in-house counsel fully apprised of all his meetings with the government and believes they should have a seat at the table. By not hearing anything second hand, the client is more likely to be comfortable with any agreement that is reached, he says.

The Reed Smith team regularly represents clients in the full spectrum of FCPA and anti-bribery services including compliance, investigations, and enforcement actions. In addition to Caldwell's representation, Dubelier and his team recently represented Johnson & Johnson and other large multinationals in confidential matters.

Reed Smith's outstanding ability to coordinate with other defense counsel and provide representation on a pro bono basis establish the firm as a zealous advocate distinguished for trial litigation.