

10 Steps to Take When Government Agents Knock on the Company's Door



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Few businesses expect to become the subject of a government investigation, yet it happens every day. Government investigations cut across all industries with no exceptions. Government agents often appear unannounced at businesses to execute search warrants, serve subpoenas and interview employees. Planning for the unannounced government visit will serve your business well. Saul Ewing attorneys have helped many clients prepare for and respond to search warrants, subpoenas and employee interviews. We believe that companies will be in the best position to calmly and lawfully respond to an unannounced visit if they follow these 10 steps:

1. Do not panic; be polite to the authorities, but be prepared to assert the company's rights.
2. Do not interfere with or impede government agents executing a search warrant or serving a subpoena.
3. Contact legal counsel or a designated person immediately, preferably someone with experience or training in government investigations, and put that person in charge of communicating with the authorities.
4. Request copies of any warrant, supporting affidavit or subpoena, and transmit them to counsel or the designated person immediately. Ask what crime or conduct is being investigated.
5. If government agents are conducting a search of the business premises, designate a person in each area to keep a record/list of locations searched, documents, data and other items seized, and comments made by government agents during the search.
6. Politely notify government agents if they search in areas not covered by the warrant or if they review and seize materials covered by the attorney-client privilege. Do not consent to a search of premises not covered by the warrant without first consulting with legal counsel.
7. Immediately instruct all employees not to discard, alter, or destroy any documents, electronic data or other information that may be called for by the warrant or subpoena. Confirm this instruction in writing.
8. Request on-site copying of essential documents and electronic data being seized by government agents.
9. Have the company's legal counsel advise employees of their rights and responsibilities regarding requests by government agents to interview them. Consider sending nonessential personnel home. Individual employees and their employers are usually best served by having legal representation in connection with government interviews.
10. Do not respond to the media (or anyone else) without first consulting legal counsel.

Above all, remain calm, cordial and cooperative (to the extent possible). The best time to consider your options is before the government knocks. Keep this card as a quick reminder of steps to consider in response to an unannounced visit by government agents.

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