BIRD MARELLA LLP
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Internal Investigations

Bird Marella is frequently retained to conduct internal investigations for clients involved in government contracting, healthcare, technology, aerospace, financial services, education and a host of other industries.

Overview

We represent top executives and corporate officers, as well as corporations and special committees, in investigations commonly triggered by government scrutiny, civil litigation or whistle blowers. Our attorneys are fully conversant in the endgame liabilities – including criminal charges and high stakes litigation and effectively guide investigations to best protect our clients' interests.

Investigations Led By White Collar Criminal Defense Lawyers

Several of our attorneys are former Assistant United States Attorneys and are widely respected federal trial attorneys in complex commercial litigation and white collar criminal defense. Our prosecutorial backgrounds have proven particularly effective when negotiating with the government. We have successfully represented our clients in investigations involving:

- United States Department of Justice
- United States Department of Commerce
- United States Department of the Treasury
- United States Department of Homeland Security
- United States Department of State
- U.S. Securities and Exchange Commission
- Internal Revenue Service
- Federal Bureau of Investigation
- Naval Criminal Investigative Services

Bird Marella attorneys investigate efficiently, meticulously and discreetly, while preserving clients' relationships with valued employees and business partners. Investigations include appropriate levels of inquiry, interviews and document review. We may identify red flags, examine the suitability of voluntary disclosures, and consider the need for separate counsel for related individuals.

Our post-investigation reports carry great weight with government investigators and finders of fact, while also delivering critical assurances to clients. Numerous investigations have concluded with non-prosecution decisions by the government, as well as recommended legal frameworks for changes in operational practices and procedures.

Experience

Prevented OSHA Lockout-Tagout Felony Charges Against CEO: We represented the new CEO of a duck farm in which one employee had died inside a feather dryer mistakenly activated by another employee. The CEO had recently joined the company and faced felony manslaughter charges connected to violating Cal-OSHA lockout-tagout regulations. We conducted an internal investigation and presented a detailed analysis of the facts of the incident. We eventually persuaded government regulators that our client had not violated any statutes and the case was resolved without any charges filed against our client.

Reversed Government Decision to Indict Aerospace Manufacturer: We conducted a wide-ranging investigation focused on the export practices of the Orange County unit of a global aerospace consortium. In the course of the international inquiry, we managed the joint defense team for several individuals facing criminal allegations. Bird Marella led negotiations with the FBI, DOJ, NCIS, IRS, the State Department and other government agencies. Following numerous oral and written presentations to these agencies, we persuaded the government to not indict our client.

Defending CEO of Multinational Tech Company During Internal Investigation: Our firm is representing the CEO of a multinational technology company in a global investigation of potential violations of the Foreign Corrupt Practices Act.

Advised Cancer Center in Internal Investigations: We advised and represented a major cancer hospital in an internal investigation triggered by billing practices of a doctor. Our findings of "sloppy" but non-criminal behavior prompted our recommendations to change practices, which the health care provider followed and avoided future litigation.

Investigated Health Network's Funding Practices: On behalf of a large managed health care network, we conducted an internal investigation into its funding of seats on boards of directors.

Represented a chain of nursing homes in a California Attorney General investigation of various alleged violations including one supposedly leading to a patient death. Bird Marella conducted a comprehensive internal investigation and subsequently obtained a complete dismissal of all charges against the company and all individuals.

Represented hospital company in connection with criminal investigation of violation of mandatory reporting statutes prosecuted by the California Attorney General's Office. Bird Marella conducted a comprehensive internal investigation and subsequently convinced the office to dismiss all charges.

Represented a durable-medical-equipment supplier in a California Attorney General investigation of alleged overbilling to state programs. Bird Marella conducted a comprehensive internal investigation and subsequently obtained dismissal of all charges.

Ongoing Counsel on Investigations to Government Contractor: The firm provides continuing counsel to an international government contractor connected to inquires made by Homeland Security and other agencies concerning vendor sales to sanctioned parties, FCPA violations, fraud and other allegations of wrongdoing.

Represented office equipment company involved in "grey market" counterfeiting investigation by California Attorney General's Office. Bird Marella conducted a comprehensive internal investigation and subsequently obtained a dismissal of all charges.

Represented recycling firm in a California Attorney General investigation of fraud in connection with recycling programs. Bird Marella conducted a comprehensive internal investigation and subsequently obtained a dismissal of all felony and misdemeanor charges.