Prologue

The year was 2000 and I was a first year attorney in a big law firm. The firm’s listing of new matters was circulated to attorneys via the ‘green sheet’ – literally a green sheet of paper listing the new matters brought into the firm, the engagement attorney, and a brief description of the matter.

There it was, the Foreign Corrupt Practices Act.

I had never heard of the law, but I was instantly intrigued. At the time, I had extensive international travel experience largely the result of a unique mentoring relationship I benefited from as a student and the thought of focusing on international issues was a goal of mine as I began my legal career.

I set out to learn as much as I could about this law called the FCPA and took the brave step, for a first year attorney in a big law firm, of contacting the Washington D.C. engagement partner to express my interest in the FCPA and my willingness to assist on the matter. Time passed and the phone did not ring, but I was persistent. Several months later, an opportunity arrived and before I knew it, I was flying around the world to places like Indonesia, India, and China investigating corporate conduct that could implicate the FCPA. The work was fascinating and it opened my eyes to the complexities of doing business in the global marketplace. I was like an FCPA sponge and the international trips provided me an opportunity to read everything FCPA-related I could find.

I succeeded in my private practice career and grew as an FCPA practitioner. I conducted FCPA investigations around the world, negotiated resolutions to FCPA enforcement actions with government enforcement agencies, and advised clients on FCPA compliance and risk assessment.

However, the more I learned about the FCPA, its enforcement, and the reasons why Congress enacted this pioneering statute in 1977, the more questions I had. I soon realized that many in the industry I have come to call FCPA Inc. were singing from the same sheet of music and few of the pressing ‘why questions’ raised by this new era of FCPA enforcement were being asked.
I became motivated to ask the why questions, but knew that my position at a big law firm did not provide the best platform. As many attorneys do after spending several years at a big law firm, I began to reevaluate my career and asked myself what about the law, and the FCPA in particular, I enjoyed the most. For me, it was research and writing, asking the why questions, and injecting a candid and informed scholarly voice into the issues. I began doing so in 2009 when I launched my FCPA Professor website as I transitioned to my current academic career. This book is the culmination of my work thus far and I hope you find value in the pages that follow.