

Everything Compliance - Episode 46 – The Justice Department's 2019 Guidance for FCPA Compliance programs

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<https://jdsupra-videos.s3.amazonaws.com/ab34139a-ad65-4ebf-940e-00a972479458.mp4>

Welcome to the only roundtable podcast in compliance.

Today, we have the full quintet of Mike Volkov, Jay Rosen, Matt Kelly, Jonathan Armstrong and our newest colleague, Sarah Hadden. We take on one topic which the panelist explores from their expertise. The topic is the Justice Department's [Evaluation of Corporate Compliance Programs-2019 Guidance](#) which was recently released.

1. Sarah Hadden puts on her journalist hat to consider the 2019 Guidance in the context of transparency by DOJ in releasing this information critical for compliance going forward. Sarah rants on all those in the Everything Compliance gang who attended the ECI Impact 2019 conference in her hometown of Dallas and did not reach out to connect with her. (And we know who we are)
2. Matt Kelly considers some different questions such as: Is there anything new? Does it mean any difference in practice? Is it simply a way to wipe out one of the core legacies of Hui Chen? Matt rants on the Trump Administration which said only a couple of weeks ago said it was cracking down on Agency and Department Guidance and literally turns around and issues the 2019 Guidance. Which is it?
3. Jay Rosen discuss the original Benczkowski Memo as a precursor to the new 2019 Guidance and how the Benczkowski Memo lays out a roadmap to avoid a monitor by using pro-active assessments. Jay shouts out to the Boston Red Sox for reaching .500. (Matt chastises Jay for now jinxing the Sox)
4. Mike Volkov discusses how the Justice Department is using the state of compliance programs not only at time of violation but also at time of conclusion to reward companies with lower penalties. Mike shouts out to both Brian Benczkowski/DOJ for this new FCPA Compliance Guidance and the Department of Treasury for OFAC guidance around money-laundering and trade sanctions compliance programs.
5. Jonathan Armstrong compares and contrasts the 2019 Guidance document with the information released by SFO on compliance programs. He then considers what a 'good' compliance program looks like in his search for a 'good' recipe for the perfect Tikka Masala. He rants about the first UK data privacy regulatory action under GDPR, where the UK data protection agency sanctioned the UK government for violation of GDPR.

The members of the Everything Compliance are:

- **Jay Rosen**– Jay is Vice President, Business Development Corporate Monitoring at Affiliated Monitors. Rosen can be reached at JRosen@affiliatedmonitors.com
- **Mike Volkov**– One of the top FCPA commentators and practitioners around and the Chief Executive Officer of The Volkov Law Group, LLC. Volkov can be reached at mvolkov@volkovlawgroup.com.
- **Matt Kelly**– Founder and CEO of Radical Compliance. Kelly can be reached at mkelly@radicalcompliance.com
- **Jonathan Armstrong**–is our UK colleague, who is an experienced lawyer with Cordery in London. Armstrong can be reached at armstrong@corderycompliance.com
- **Sarah Hadden**–Publisher at Corporate Compliance Insights. Hadden can be reached at Sarah@corporatecomplianceinsights.com.

- **For additional reading, see the follow resources:**

- Tom dedicated (so far) a seven-part blog post series to the 2019 Guidance in the [FCPA Compliance and Ethics Blog](#).
- Mike Volkov weighed in with a hefty six-part series on [Crime Corruption and Compliance](#).
- Matt Kelly's blog post, [New Compliance Evaluation Guidelines](#) in Radical Compliance.

- The host and producer (and sometime panelist) of Everything Compliance is **Tom Fox** the *Compliance Evangelist*. Everything Compliance is a part of the [Compliance Podcast Network](#).

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