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Whistleblowers and the Resurgence of Internal Investigations

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Many companies have come to doubt the value of cooperating with the Securities and Exchange Commission by self-reporting possible violations of the securities laws. As statistics show, while companies that self-report to the SEC arguably may receive some leniency in terms of sanctions, the vast majority are still rewarded with a black eye—they are named in SEC Enforcement actions. The SEC's recent case charging Bank of America, which had self-reported the facts, with securities law violations in connection with its alleged municipal bond practices is just the latest example.

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