

**PUBLICATIONS**

## Sentencing of Individuals in FCPA Cases

**January 2011**

The DOJ exercises virtually unlimited discretion in deciding who gets charged in FCPA cases and, for all practical purposes, in deciding the amount of the financial penalty imposed against corporate violators. But sentencing of individual defendants, particularly after *United States v. Booker*, 543 U.S. 220 (2005), is ultimately a matter of judicial, not prosecutorial, discretion. And it has become apparent that there is a wide and growing rift between the views of the DOJ and the courts as to the appropriate sentences for individual violators in FCPA cases.

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## Practices

**LITIGATION****REGULATORY AND COMPLIANCE**

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## Attachments

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