



Crisis Management and Strategic Response

When legal, public policy and media crises converge and a company's reputation and business are at stake, no firm rivals WilmerHale's ability to navigate fast-moving events and craft lasting solutions. Based in Washington DC and composed of lawyers with senior experience in all three branches of government, our Crisis Management and Strategic Response Group is known for helping companies through the highest-profile corporate crises. Drawing on our lawyers' industry insights and their deep knowledge of how government operates, we mobilize to help clients take charge of even the most challenging situations.

WHAT IS STRATEGIC RESPONSE?

The biggest challenges for an organization can take many forms. An environmental accident unfolds, sparking immediate congressional hearings. A cyber breach exposes customer financial information. An omission in corporate disclosure prompts a regulatory enforcement action. A business-critical objective becomes the focus of intense scrutiny by the media and antitrust regulators. Whatever the issue, these crises share a set of core characteristics:

- **A government dimension.** Whether they generate Executive Branch attention, congressional scrutiny, federal investigations and enforcement actions, or global and multistate political dimensions, the most significant challenges have—or can suddenly invite—government involvement.
- **Rapidly shifting parameters.** The original locus of a problem may appear specific and discrete, but high-stakes challenges have the tendency to migrate across the branches of government into new arenas.
- **A high level of complexity and sensitivity.** These situations pose challenges unlike anything an organization faces in the usual course of business, with political, legal and media crosscurrents that can exacerbate reputational risk.
- **The need for a strategy that extends beyond resolving just the immediate crisis.** An effective crisis response demands not only an immediate governance, communications and procedural roadmap to ensure that the steps an organization takes in the first 24 or 48 hours are the right ones, but also longer-term legislative, regulatory, multibranch and litigation strategies to prevent issues from lingering or recurring—and an understanding of how strategies in one venue affect developments in the others.



The National Law Journal honored WilmerHale with its **Crisis Management & Government Oversight Award in 2022.**

Our team is ranked by *Chambers USA* and *The Legal 500* in various regulatory and legislative areas including government relations, crisis and risk management, congressional investigations and state attorneys general, among others.

PRACTICE AT A GLANCE

- **Approach.** Our deep, bipartisan insight into the workings of government and the legal and regulatory frameworks that govern our clients' industries enables us to identify issues before they ignite and to craft durable solutions.
- **Capabilities.** Our lawyers have directed sensitive internal investigations, responded to enforcement proceedings by US and international regulators, advanced legislative and policy objectives through bipartisan outreach to House and Senate leadership, defended household-name companies in high-stakes litigation, prepared clients for congressional investigations, provided strategic support for proposed business transactions, and navigated multistate and global challenges—and have done many of the above in combination.
- **Clients.** Our clients include financial institutions, trade associations, educational institutions, nonprofits and major multinational corporations across a range of industries, including biotechnology and pharmaceuticals, defense, energy, financial services, healthcare, media and communications, retail and technology.
- **Scope.** Clients have turned to us to address matters involving securities disclosure; cyber breach response and prevention; national security; government contracting; antitrust clearance; environmental accident response; international sanctions and export controls; police use of force; Title IX and civil rights compliance reviews at major universities; tax issues; and Foreign Corrupt Practices Act, Dodd-Frank Act and False Claims Act whistleblower cases.

EXPERIENCE

- Guided **Norfolk Southern** through federal and state investigations, congressional hearings, and regulatory scrutiny following the East Palestine derailment, providing rapid strategic and legal advice on rail safety and legislative developments.
- Represents current and former directors of **SVB Financial Group** in ongoing regulatory and bankruptcy proceedings as well as securities class actions alleging fraud in connection with the collapse of Silicon Valley Bank.
- Represented **Moderna** in congressional investigations and hearings related to COVID-19 vaccine pricing and development, preparing executives for testimony and managing sensitive government inquiries.
- WilmerHale represented a **global technology company** in congressional hearings and inquiries on child safety, privacy, and technology policy, preparing executives for testimony and managing legislative risks.
- Retained by **BP America** in the wake of the Deepwater Horizon accident in the Gulf of Mexico, we led the company's response to unprecedented congressional inquiries—including 15 hearings and investigative demands by more than 90 committees and members—and investigations by the DOJ, SEC, National Oil Spill Commission, Chemical Safety Board and National Academy of Engineers.

OUR TEAM

Select government positions formerly held by members of our team include:

- Deputy Attorney General
- Solicitor General
- Deputy Solicitor General
- Head of the DOJ's Civil Division, Office of Legal Counsel and Office of Legal Policy
- US Attorney
- Secretary of the Interior
- Deputy Secretary of the Interior
- Deputy Secretary of the Treasury
- Deputy State Attorney General
- SEC Director of Enforcement
- SEC Director of Corporation Finance
- Senior Congressional Leadership Staff and Chiefs of Staff
- General Counsel of the Defense Department, Treasury Department, Education Department, National Security Council, FBI, CIA and Office of the Director of National Intelligence
- US Ambassadors
- Deputy Assistant to the President for National Security Affairs
- Chairman, CIA External Advisory Board
- Deputy Assistant United States Trade Representative for Investment
- Assistant Secretary of Commerce for Enforcement and Compliance

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