



40 UNDER 40

Global Investigations Review presents
40 of the world's leading investigations
lawyers under the age of 40.

At the beginning of 2014, we asked ourselves a question: Who are the next generation that will lead the global investigations bar?

It's a difficult one. For a start, it's not clear there's even a current generation of global investigations luminaries – at least not in the same way as there is in, say, M&A or arbitration. Today, few people introduce themselves as an investigations lawyer. In the US they're typically a litigator, a white-collar lawyer, or a financial services expert. But with the explosion of investigations work in the post-Enron, Sarbanes-Oxley era, a new species is emerging.

Across the pond, the idea is taking hold too. In 2010, Freshfields Bruckhaus Deringer launched its global investigations practice – the world's first, at least by name – recognising that by realigning its various practices under one roof, the firm could more effectively handle multilateral investigations of all types. Other firms have also adopted similar approaches in recent times – particularly those from the English-speaking world, but there's change afoot in other countries too.

With all this in mind, we asked firms across the world to nominate their best investigations partners under the age of 40. And we're going to stick our necks out and say that what we have here is the best of the first generation of global investigations lawyers.

The 40 were self-selecting to some degree. We asked firms to nominate no more than three of their best partners or counsel under the age of 40 at the end of 2013.

To help us make an informed judgement, we required each nomination to be accompanied by three references explaining why the nominee is a cut above the rest: one from

another partner, or a senior colleague at the same firm; one from a client; and a third from another source of the nominee's choosing. Importantly, we also asked each nominee to detail the five best matters they've worked on.

The volume and calibre of the nominations we received was outstanding. These truly are the world's best young investigations specialists: one look at the significance of the cases they're working on, the praise from their clients and, indeed, the quality of the firms they're working for will confirm this. We would love to have published the submissions we received from our candidates, but ultimately the sensitivity of the information precluded us from doing so.

The margin between those who made it into the final 40 and those who didn't was for the most part extremely slim. We're unashamed to say that where the difference between two candidates was negligible, we erred on the side of diversity.

So among our 40 we have 13 women and 27 men from 33 different firms, based in 11 different cities: Beijing, Calgary, Dublin, Düsseldorf, Hong Kong, London, Moscow, New York, San Francisco, São Paulo, and Washington, DC.

After deciding our final 40, we asked each of them a series of questions about themselves and their practice. From adventures down Bolivian mines and corruption in Afghanistan, to eating McDonald's on a Saturday morning and fine dining in Hong Kong, the results, we think you'll agree, make compelling reading.

The full versions of all 40 profiles can be read online at globalinvestigationsreview.com



Paula Anderson

Shearman & Sterling
New York
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Why investigations?

I have always been intrigued by the idea of conducting investigations and solving crimes. I saw how the world of law and investigations intersected in the early legal dramas I watched on television (eg, Matlock). It was this early fascination with crime-solving that led me to pursue an undergraduate degree in criminology, and eventually led to my career as an investigations lawyer.

Career highlight

I've been privileged to work on several interesting cases and investigations over the years, but one experience which stands out was a jury verdict that was vacated on a criminal pro bono matter in which I represented a 19-year-old defendant charged with multiple federal drug offences, one of which carried a mandatory 25-year prison sentence for allegedly carrying a firearm in furtherance of the drug offence. A jury had returned a guilty verdict on all counts, but I argued that the facts did not support the firearm charge, since according to the testimony of the government's witnesses, the gun my client allegedly carried on the bus transporting the drugs had been dismantled, wrapped in plastic, packed in a suitcase and stored in the luggage compartment underneath the bus. Therefore, he could not have been carrying a firearm in furtherance of the drug crime within the meaning of the governing statute, as he had no access to the gun. The court agreed and issued a judgment of acquittal on the count that carried the mandatory 25-year sentence. That was one of my proudest moments as a lawyer.

Influences

My colleague and mentor Dan Newcomb. My first investigation as a young lawyer was with Dan, where our client had been accused of violating US export control laws. Not only did I learn how to conduct an effective, tailored investigation using a very focused and practical approach, I also learned the art of negotiating with regulators, providing sound counsel and being a steady hand to the client even in the midst of seeming chaos, and balancing the client's business needs against its legal risks.

If you hadn't been a lawyer...

Hard to say, as I have wanted to become a lawyer from as far back as I can remember, but if I had to guess, I'd probably go with forensic psychologist, working as a criminal profiler for the FBI.

Advice to young lawyers

You need to be able to think strategically about how best to identify and gather the relevant facts, how to react to the facts as they are uncovered and tailor your investigation accordingly, and how to distil the facts to develop an effective narrative for your client. You also need good people skills to establish trust and credibility with the client, your witnesses, and the authorities. For global investigations in particular, it is critical to understand the local culture, industry and business practices, so that you have the appropriate context in which to analyse the facts that are gathered. And perhaps most importantly, you cannot accept everything at face value – a healthy dose of scepticism goes a long way.

A pivotal decision you've made

On a recent internal investigation in sub-Saharan Africa for a multinational company, I was tasked with looking into allegations of fraud and corruption by company employees. Local government officials were potentially implicated and one of the company's employees had been jailed without formal charges or due process. From the client's perspective, the situation was both critical and politically sensitive. As I was headed to the airport, returning to the location to continue the investigation, my client informed me that the local authorities had forbidden my team from returning to the country, and had ordered us to surrender our investigative findings to the government. I had a difficult decision to make: submit to the government's strong-arming or forge ahead to vindicate my client. I chose to go to battle for my client and boarded my flight. Fortunately, through negotiations with the authorities upon my arrival, I was able to achieve a diplomatic resolution and remain in the country to conclude the investigation. In the end my perseverance paid off and my client was vindicated.

What's everyone talking about?

Sharing of information among authorities is becoming increasingly prevalent across disciplines and jurisdictions. There are also more collateral actions stemming from the results of investigations and enforcement actions, for example, civil litigation in the form of shareholder derivative actions, securities class actions, competitor lawsuits, etc. Therefore, investigations are no longer just about gathering the facts and analysing the law, but have become much more heavily focused on analysing the broader potential exposure from multiple angles and strategically positioning your client to best mitigate its liability risks.

What's next in investigations?

Investigations are becoming increasingly more global and often involve multiple enforcement authorities. Consequently, investigations lawyers must be increasingly knowledgeable about the local laws and practices in multiple jurisdictions, as they could significantly impact the investigative process (eg, data protection laws; privacy laws; secrecy laws; employment laws; privilege rules).

The most interesting place your job has taken you

My work has taken me to a number of very interesting places all around the world. If I had to single one out, it would probably be Equatorial Guinea. The political history is fascinating (including the unsuccessful coup d'état involving Margaret Thatcher's son), and the country itself has raw, natural beauty. On my first visit there I was accosted by a member of the military guard for standing in front of my hotel to watch a presidential procession and ordered to go inside. I later realized that the paranoia may have been justified – just a couple of days after I left, there was an attempted coup d'état and the country was on lockdown for over a week.

Favourite restaurant

Champers (Christ Church, Barbados): great seafood, great ambience – seating right on the water with spotlight showing fish and turtles swimming up to the shore; local art gallery upstairs.