

ADDITIONAL LEGAL CONSIDERATIONS

- Do not issue non-disclosure agreements without speaking to legal.
- Do you need separate counsel for conflicts or executive employees?
- Develop a public relations strategy—do not wait until a crisis hits to come up with a plan.

CRIMINAL IMPLICATIONS

- Conduct may trigger criminal charges; structure investigation not to impede; every employee is a potential witness.
- Consult outside counsel as to whether misconduct should be reported to prosecutors.
- Determine whether to waive privilege to aid in the criminal investigation, including the release of report to the prosecution.

CONDUCTING INVESTIGATIONS

- Create investigatory protocols with assistance from legal.
- Use sophisticated and well-trained interviewers.
- Consider confidentiality and privilege issues (attorney-client and work product).
- Check documents—don't just trust verbal statements.

PUBLIC REPORTING REQUIREMENTS

- Public companies need to be proactive and forward-thinking on disclosure obligations when involving director, executive officer, or key employee sexual misconduct.
- Proactively protect against shareholder derivative actions.
- Keep C-suite and board of directors in the know.

For more information on how Blank Rome can help you or your business confront harassment issues that may arise, please contact:

Scott F. Cooper
Co-Chair, Labor & Employment
215.569.5487 | cooper@blankrome.com

Brooke T. Iley
Co-Chair, Labor & Employment
202.772.5816 | iley@blankrome.com

Yelena M. Barychev
Partner, Corporate, M&A and Securities
215.569.5737 | barychev@blankrome.com

Linda Kornfeld
Vice-Chair, Insurance Recovery
424.239.3859 | lkornfeld@blankrome.com

Mark M. Lee
Partner, White Collar Defense & Investigation
215.569.5536 | mmlee@blankrome.com

Jared Zola
Partner, Insurance Recovery
212.885.5209 | jzola@blankrome.com