

INITIAL REQUEST

Conciliium Network member [Fieldfisher LLP](#) represented an international payment service provider that was the subject of numerous criminal investigations by enforcement agencies worldwide, including in Germany, the United States of America, and India. In addition, they faced several ongoing civil actions. An internal investigation was conducted, looking into allegations of fraud, corruption, false accounting, and money laundering, all raised by a whistleblower. Shortly after, a report was produced containing the findings of the investigation.

One of the ongoing criminal investigations concerned allegations into market manipulation, whereby Fieldfisher's client was the victim. The German enforcement agency requested a copy of the internal investigation report and supporting witness statements to assist them with their investigation. However, both of these documents were subject to legal professional privilege.

FIELDFISHER REACHES OUT TO THE CONCILIUM NETWORK FOR ASSISTANCE

Fieldfisher was asked to explore if it would be possible to provide these documents to the German enforcement agency without compromising the client's position with respect to the civil actions and other criminal investigations (i.e., by way of a limited waiver of privilege). To ensure a reliable response, Fieldfisher sought the assistance of its fellow Conciliium Network members [Foley & Lardner LLP](#) (U.S.) and [Panag & Babu](#) (India) to advise on:

- The law on legal professional privilege in their respective jurisdictions;
- Its application to these two documents, and whether they would be subject to legal professional privilege in other jurisdictions; and
- The effect on privilege in those jurisdictions with respect to these documents if they were provided to the German enforcement agency (including if provided on a limited waiver and/or confidential basis).

OPTIMIZING EXPERTISE

With the assistance of Fieldfisher, Foley, and Panag & Babu, Fieldfisher's client was able to make an informed decision concerning an extremely complex issue, fraught with difficulties. With help from the Conciliium Network, the client was able to understand the potential legal ramifications associated with sharing legally privileged documents with an enforcement agency in one jurisdiction without being considered to have waived privilege in other jurisdictions.

BEST RESULTS

Thanks to the assistance of the Conciliium Network, Fieldfisher was able to help navigate the client through this complex issue.



FOR MORE INFORMATION:

FIELDFISHER LLP

Kyle Phillips

London, UK

+44 (0)207.861.4292

kyle.phillips@fieldfisher.com

FOLEY & LARDNER LLP

David W. Simon

Partner

Washington, D.C.

Tel: +1 414.297.5519

dsimon@foley.com

PANAG & BABU LAW OFFICES

Sherbir Panag

Partner

New Delhi (India)

Tel: +91.981.990.7099

sherbir@pblawoffices.com