

K&L GATES

# The Corporate Enforcement Landscape and the Bondi DOJ: Change, Continuity, and Predictions

# Today's Panelists



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# DOJ Departures



# Impacted Departments & Priorities

- In recent weeks, numerous senior, career DOJ officials have resigned or been fired—perceived as politically motivated protests related to sensitive casework:
  - Senior officials overseeing public corruption and other politically sensitive investigations
    - J6 investigations and prosecutions
    - NYC Mayor Eric Adams
    - USAO-DC
  - Criminal Division Front Office & OIA
  - National Security Division
  - Public Integrity Section

# What Do These Changes Indicate?

- An effort by the Trump administration to politicize DOJ, particularly focused on loyalty to the President and his agenda?
  - The February 5, 2025, Bondi memorandum entitled “General Policy Regarding Zealous Advocacy on Behalf of the United States”
- Potential chilling effect on a prosecutor’s willingness to bring a case that may be viewed unfavorably by the current administration?
- The long-term, systemic impact of these decisions remains unclear, but in the short term we can expect DOJ to staff up the President’s priority areas:
  - Violent crime (with new charging and sentencing memo)
  - Immigration enforcement
  - Health care and COVID
    - New and aggressive False Claims Act enforcement?
  - Antitrust – scrutinizing large mergers, particularly in the tech space

# DOGE & DOJ



## How DOGE May Impact DOJ

- Initial pause on federal spending and new hires
- Reducing or reallocating headcount in “non-essential” areas
  - Civil Division
  - Environmental & Natural Resources Division
  - FCPA Unit
- Redirecting resources into the President’s priority areas
- Broadly, these actions may pause or slow down existing cases and investigations

# Role of United States Attorney's Offices





## Impact of Executive Orders & Memoranda

- Majority of existing U.S. Attorneys have resigned or been fired
  - Normal in a transition, but this follows the same pattern as reassignments or firings within Main Justice
- Main Justice could more closely direct the work of U.S. Attorney's Offices, but there may be opportunity to increased actions in certain areas:
  - Violent crime
  - Immigration enforcement
- U.S. Attorneys will likely face a few immediate and long-term challenges:
  - How to handle existing cases in the investigation and prosecution pipeline
  - How to handle legitimate cases not aligned with the President's priorities

# Case Study: NYC Mayor Eric Adams



# Wrapping up the Adams Prosecution



U.S. Department of Justice

Office of the Deputy Attorney General

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*Washington, D.C. 20530*

February 13, 2025

Via Email & Hand Delivery

Danielle Sassoon

Acting U.S. Attorney

U.S. Attorney's Office, SDNY

**Re: United States v. Adams, No. 24 Cr. 556 (S.D.N.Y.)**

Ms. Sassoon:

In response to your refusal to comply with my instruction to dismiss the prosecution of Mayor Eric Adams, I write to notify you of the following:

*First*, your resignation is accepted. This decision is based on your choice to continue pursuing a politically motivated prosecution despite an express instruction to dismiss the case. You lost sight of the oath that you took when you started at the Department of Justice by suggesting that you retain discretion to interpret the Constitution in a manner inconsistent with the policies of a democratically elected President and a Senate-confirmed Attorney General.

# Weaponization Working Group

# Weaponization Working Group's Focus

- Examination of all agencies, offices, and parties involved in perceived political investigations and prosecutions, including cases involving:
  - Special Counsel Jack Smith and staff
  - Federal cooperation with Manhattan District Attorney
  - J6
  - Religious freedom
  - Whistleblowers



Office of the Attorney General  
Washington, D. C. 20530

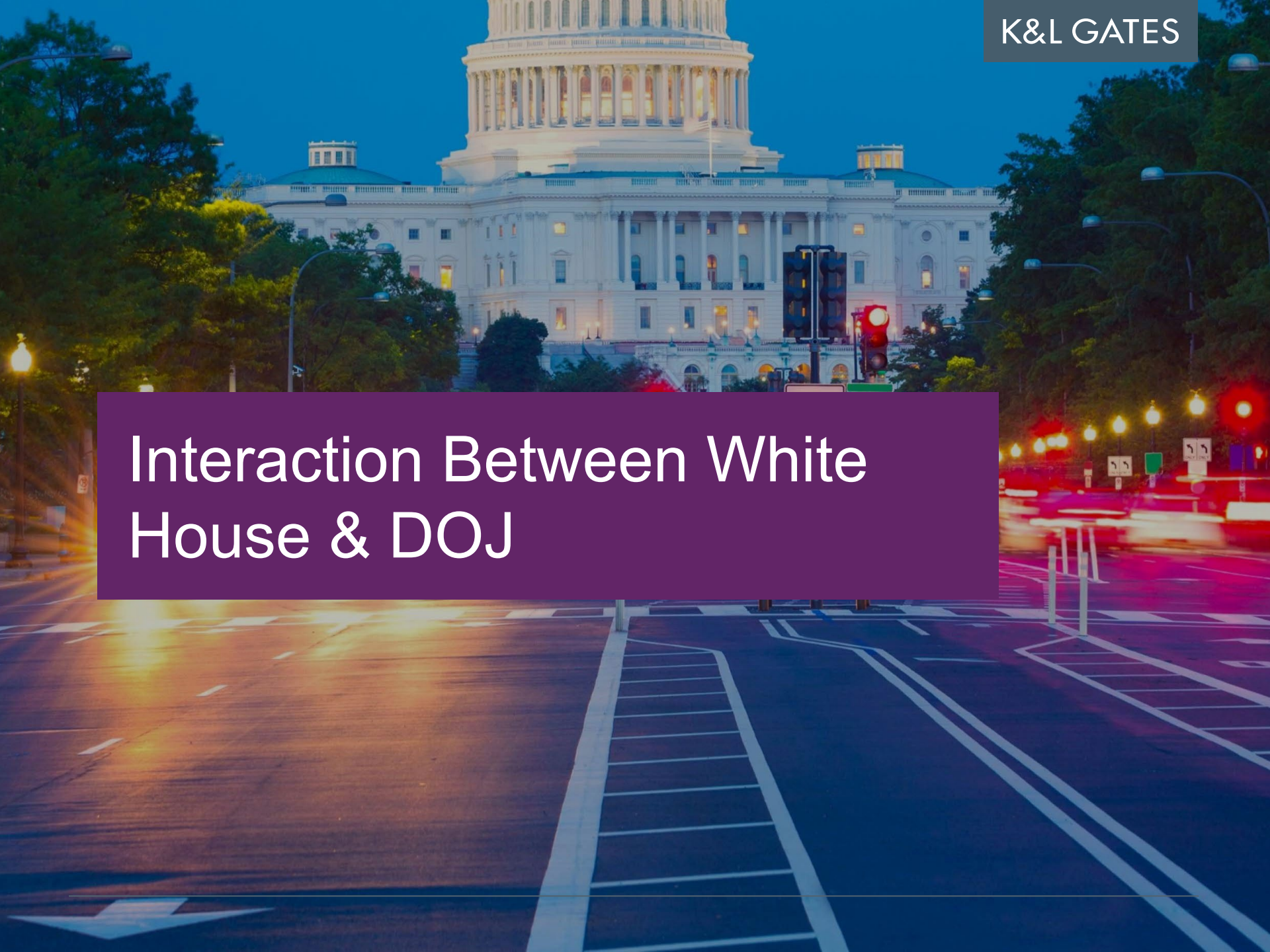
February 5, 2025

MEMORANDUM FOR ALL DEPARTMENT EMPLOYEES

FROM: THE ATTORNEY GENERAL 

SUBJECT: RESTORING THE INTEGRITY AND CREDIBILITY OF THE  
DEPARTMENT OF JUSTICE<sup>1</sup>

# Interaction Between White House & DOJ



## White House & DOJ Relationship

- Justice Manual § 1-8.600 policies remain in effect?
- Policy states that DOJ will not advise the White House regarding pending or contemplated criminal or civil law enforcement investigations or cases. However, this is subsequently qualified:
  - “unless doing so is important for the performance of the President’s duties and appropriate from a law enforcement perspective.”
- Given the holding of *Trump v. United States*, 603 U.S. 593 (2024), that protects the President’s ability to engage with the DOJ to “take care that the law be faithfully be executed,” what remains of prior DOJ policy?

# FCPA Enforcement





# Bondi Memorandum & Executive Order Pausing FCPA Enforcement

- AG Bondi’s “Total Elimination of Cartels and Transnational Criminal Organizations” memorandum shifts FCPA focus to foreign bribery that facilitates the operations of cartels and TCOs
- February 10, 2025, EO pausing FCPA enforcement to “further American economic and national security”
  - Immediate pause on any new FCPA investigations or enforcement actions for 180 days (AG can approve exceptions)
  - Comprehensive review of all existing FCPA actions
  - Within 180 days, revise guidelines or policies to adopt a “Policy of Enforcement Discretion”
  - Comprehensive look-back regarding previous FCPA resolutions?

DOJ & Foreign Policymaking;  
Sanctions & Trade Control;  
FARA & NSD; and Congress