



Bethany Hengsbach

Partner

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OVERVIEW

Ms. Hengsbach is a partner in the Government Contracts and Regulated Industries Practice Group in the firm's Los Angeles office.

Areas of Practice

Ms. Hengsbach specializes in commercial litigation and government contracts, with an emphasis on Foreign Corrupt Practices Act ("FCPA") compliance and investigations. Ms. Hengsbach has represented businesses and individuals in litigation, arbitrations and investigations related to government contracts, international corporate compliance, trade secret misappropriation, products liability, professional liability, business torts, real estate, and intellectual property.

EDUCATION

- J.D., DePaul University, 1997, member and Citation Editor, *DePaul University Journal of Health Care Law*, two-time recipient of the *American Jurisprudence Award*, *Dean's Scholar*
- Cornell University, University of Paris IV, Panthéon-Sorbonne, Institute of International and Comparative Law, 1995
- B.A., University of Illinois, 1994, *with distinction*

ADMISSIONS

- California
- Illinois
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Ninth Circuit

EXPERIENCE

Representative Experience

- Ms. Hengsbach has designed global anti-corruption compliance programs for several large multinationals in the technology, consumer brands, military products, and engineering services industries, including policy drafting, training, due diligence, and monitoring.
- Ms. Hengsbach has represented several domestic and foreign multinationals in Foreign Corrupt Practices Act (FCPA) investigations, both internal and those involving the U.S. Securities and Exchange Commission (SEC) and the Department of Justice (DOJ).

PRACTICE AREAS

- Government Contracts, Investigations & International Trade
- Litigation
- Intellectual Property
- White Collar Defense and Corporate Investigations

INDUSTRIES

- Aerospace and Defense
- Digital Business

- Ms. Hengsbach has provided FCPA advice and counsel to several domestic and foreign entities, including advice re promotional activities, travel and hospitality, and facilitation payments.
- Ms. Hengsbach was one of the senior associates on a team representing Northrop Grumman in a \$500 million software misappropriation case. Ms. Hengsbach was responsible for oral argument before the magistrate and the trial judge, arguing over fifty motions in the case. She took over thirty depositions, including that of the opponent's CEO, as well as several of its expert witnesses. The case settled on favorable terms on the eve of trial.
- Ms. Hengsbach acted as the "second chair" trial attorney in a multi-million dollar breach of contract dispute for Northrop Grumman. Among other significant responsibilities for trial preparation, Ms. Hengsbach drafted and argued eleven motions *in limine* on behalf of her client. The trial judge granted all eleven motions, resulting in a favorable settlement on the eve of trial.
- Ms. Hengsbach represented an importer in a patent infringement dispute before the International Trade Commission, successfully negotiating a licensing agreement to settle the case on favorable terms.
- Ms. Hengsbach acted as the "first chair" trial attorney in a construction dispute wherein plaintiff sought damages in excess of one million dollars. After opening statement and cross examination of the plaintiff's key witness, plaintiff accepted defendant's pre-trial settlement offer, resolving the case on favorable terms.

HONORS

- One of only 25 attorneys nationwide selected for the 2008-2009 American Bar Association Leadership Academy. Ms. Hengsbach was nominated for selection into the Academy by Senior Corporate Counsel for Northrop Grumman.

MEMBERSHIPS

- Member, American Bar Association
- Member, Los Angeles County Bar Association

ARTICLES

- FCPA: 2011 kicks off new era of anti-bribery enforcement, *Daily Journal*, December 22, 2011
- Aggressive FCPA Enforcement Persists, *The National Law Journal*, November 21, 2011
- Quoted in, "Foreign Bribery Defendants May Fight More as Cases Falter," *Bloomberg*, January 12, 2012
- A Year in FCPA, *The Recorder*, January 11, 2012
- Prosecutorial Misconduct Stymies Justice Department in FCPA Trials, *Daily Journal*, January 9, 2012
- FCPA: 2011 Kicks Off New Era of Enforcement, *Daily Journal*, December 22, 2011
- FCPA: A Mid-Year Update, *Corporate Board Member*, June 2011
- A Closer Look at the 2010 UK Bribery Act, *Los Angeles Daily Journal*, May 27, 2011
- Quoted in, "Feds Think Small In Bribery Trial," *Los Angeles Business Journal*, April 4, 2011
- The Ministry of Justice Issues Long-Awaited Guidance on the UK Bribery Act, April 1, 2011

- Sheppard Mullin's Bethany Hengsbach on FCPA, Uncertainty, and a Growing Reluctance to Self-Report, 24 *Corporate Crime Reporter* 13(12), March 30, 2011
- Anti-Corruption Update: Change on the Horizon, *Daily Journal*, March 3, 2011
- "Tracking Changes in FCPA," *The Recorder*, March 1, 2011
- Quoted in, "2010: Five Big Bangs - A Look at Five Explosive Issues in Corporate Governance and What Directors Should Watch for in 2011," *Corporate Board Member*, First Quarter, 2011
- Quoted in, "Playing to Play Gets Costly," *San Francisco Business Times*, September 23, 2010
- "U.K.'s Sweeping Anti-Corruption Legislation Increases Risk For Businesses," *Financial Executive*, July/August 2010
- Quoted in, "Settling Up," *Government Executive*, April 1, 2010
- "Emerging FCPA Enforcement Strategy," *Law360*, February 16, 2010
- "Arrests Signal New Era in Enforcement," *Daily Journal*, February 4, 2010
- Co-author, "The Foreign Corrupt Practices Act," published by Sheppard, Mullin, Richter & Hampton LLP, 2009

Books

- "Foreign Corrupt Practices Act Compliance: Issues for Public and Private Companies," *Government Contracts Compliance: Leading Lawyers on Cooperating with Government Investigations, Navigating Reporting Rules, and Implementing Compliance Programs*, Aspatore, 2011 Edition

Government Contracts Law Blog Articles

- "The Ministry of Justice Issues Long-Awaited Guidance On The U.K. Bribery Act," April 18, 2011
- "2010 FCPA Year In Review," February 22, 2011
- "Whistleblower Provision Likely to Increase FCPA Risk," July 28, 2010
- "A New Approach To FCPA Enforcement - Can The FCA Be Far Behind?," March 19, 2010
- "You Just Can't Bribe People Like You Use To . . . (Or, More Seriously, DOJ Investigation Signals A New Era in FCPA Enforcement)," February 17, 2010
- "The Foreign Corrupt Practices Act: What Our Clients Need to Know and Why They Need to Know It," November 17, 2008

White Collar Defense Law Blog Articles

- "Prosecutorial misconduct stymies Department of Justice in FCPA trials," February 2, 2012
- "Aggressive FCPA Enforcement Persists: Increased activity, along with recent legal developments, mandate that companies remain vigilant," February 2, 2012

SPEECHES

- "Evaluating Recent FCPA and Anti-Corruption Enforcement Actions to Identify Red Flags and Target Potential Risks," September 15, 2011, San Francisco, CA
- "Preventing and Managing a Corruption Crisis," April 13, 2010, Shanghai, China
- "FCPA Compliance in China," April 16, 2010, Main Justice. Access the podcast here at <http://www.mainjustice.com/2010/04/16/podcast-bethany-hengsbach-discusses-the-fcpa-and-china/>

- Speech to the Kentucky Society of Healthcare and Risk Management, "The Institute of Medicine's Report on Medical Errors: The Report, The Reaction, and What It All Means to You," Louisville, KY, April 2000.

EVENTS

- The 2010 UK Bribery Act (FCPA On Steroids) V. The Reinvigorated FCPA -- Who Has the Bigger Stick!
- Sheppard Mullin & Control Risks FCPA Workshop