

In The News

Akerman Lawyers Shine Light on DOJ's M&A Safe Harbor Policy

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White Collar Crime and Government Investigations Co-Chair [Jacqueline Arango](#), Corporate Partner [Kenneth Alberstadt](#), and Litigation Partner [Ildefonso Mas](#) co-authored a Bloomberg Law article tackling the Department of Justice's (DOJ) mergers and acquisitions safe harbor policy. Unveiled by Deputy Attorney General Lisa Monaco, this policy aims to mitigate the risk of successor liability tied to a target company's criminal missteps.

The mergers and acquisitions safe harbor policy offers acquiring companies a “presumption of declination” of criminal charges, under certain conditions. However, this seemingly advantageous stance for acquiring companies and private equity firms alike comes with a catch—the DOJ's pronouncement raises the bar and expectations for due diligence and prophylactic measures to uncover, report, and remediate corporate crimes at any target company. This is particularly the case for companies with international exposure given DOJ's heightened focus on crimes touching upon national security concerns.

The article emphasizes the need for intensified scrutiny, particularly in international dealings, pointing out the DOJ's far-reaching authority over foreign executives and companies operating in the U.S.

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To navigate this challenging landscape, acquiring companies and private equity firms are advised to seek guidance from seasoned white collar criminal experts throughout the due diligence and acquisition process of any target company, and particularly those that have significant operations, key personnel, or assets overseas.

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