

W O M E N I N I N V E S T I G A T I O N S

Every March, the world observes International Women's Day to highlight women's equality and empowerment. Here at Global Investigations Review, we thought it presented the perfect occasion to put the spotlight on women in the field of investigations.

When thinking about high-powered women in investigations, several names immediately spring to mind. In the United State, Leslie Caldwell leads the Department of Justice's criminal division, while Mary Jo White is the chair of the Securities and Exchange Commission. President Obama recently nominated Loretta Lynch to become the next US attorney general.

In other countries, too, we find women occupying senior positions in public service.

In France, Éliane Houlette was recently appointed the country's new special financial prosecutor, nicknamed the "super-prosecutor". In the United Kingdom, the Financial Conduct Authority's (FCA) former head of enforcement and financial crime, Tracey McDermott, is now the director of supervision and authorisations, and also sits on the organisation's board.

Of course, there are far more examples out there of hard-working women in the field of investigations, which is why GIR is pleased to acknowledge them in our first 'Women in Investigations' special.

Here GIR profiles lawyers, government prosecutors, barristers, forensic accountants and various in-house counsel, all of whom can serve as inspirations to current and future generations of investigations professionals. This magazine carries shortened profiles due to space constraints but the full versions can be accessed on the GIR website.

We've searched near and far, from São Paulo to Shanghai, Oslo to Johannesburg, Washington, DC to Sydney, to find the 100 individuals that have come to be included in this list, drawn up to demonstrate the wide variety of talented women that form part of the worldwide investigations community.

In this special issue, readers can get to know the FCA's current acting head of enforcement and market oversight, Georgiana Philippou; Marianne Djupesland, head of the anti-corruption team at Økokrim, Norway's national authority for investigation and prosecution of economic and environmental crime, and Daniëlle Goudriaan, the new national coordinating prosecutor for corruption in the Netherlands.

We speak to established private practitioners, including former prosecutor Nancy Kestenbaum at Covington & Burling, and Mini Vandepol, who heads Baker & McKenzie's global compliance group. Among the emerging women in investigations GIR chose to profile we find Leila Babaeva at Miller & Chevalier, Erica Sellin Sarubbi of Brazil's Trench Rossi e Watanabe Advogados, and Tiana Zhang of Kirkland & Ellis.

We also highlight in-house lawyers from global financial institutions such as Barclays and Nomura, and get the forensic accountant perspective from individuals at EY and PwC.

GIR set out to discover what it is that makes these individuals tick, what achievements they are most proud of, and what keeps them busy in their respective jurisdictions. They tell us how they got into this area of law: for many, a combination of their curious nature and a particular knack for solving complex puzzles put them on the investigations track. Others told us of how proud they have been to have represented their countries in public service, and of the personal fulfilment it brought to be part of investigations into misconduct that was at the heart of the 2008 financial crisis.

But we also discussed what affects individuals' practices the most: the continuing development of the international investigations landscape. They tell us why evidence gathering by foreign lawyers in Switzerland can be problematic; we find out that practitioners in New York and Australia face similar burdens in dealing with a hotchpotch of domestic regulators all looking into similar conduct; and how Brazilian lawyers, in the midst of a snowballing corruption investigation, face "a bumpy road ahead" in attempting to change locals' mindsets for the better. Meanwhile, in the United Kingdom, lawyers speak of their concerns regarding future enforcement by the Serious Fraud Office following its tough talk on cooperation in deferred prosecution agreements and legal privilege in investigations.

We also looked into the question of gender and what it means to be a woman in the investigations field. Lawyers speak of the importance of getting enough support from partners at work and partners at home, to successfully balance the often hectic lifestyle as an investigations professional with a fulfilling family life. We hear encouraging examples of offices where there are many women in leadership positions, and of the many female and male role models that have helped shape these professionals' careers.

Individuals GIR spoke to mentioned that while progress is being made, unconscious bias persists in seemingly innocent decisions: in partnerships dominated by men, who unconsciously champion and promote individuals in their image, or when working parents' professional progress stalls, simply because fewer working hours are spent in the office in full view of senior management. Some mentioned statistics that show women tend to leave Big Law after having their second child, and talked of potential flexible policies that might help prevent the outflow of such talented professionals in the future. We discuss how the issue should be tackled: for example, among the 100 individuals, we find those people in favour, and others against quotas in the workplace, and we hear about individual experiences with such policies so far. We're told employers need to be "creative" about gender equality, and that the abolition of double standards – for example allowing both male and female parents leave to spend time with their families – will go a long way towards creating a more equal workplace. However, if there's one common thread, it is that on top of gender equality, overall diversity should be embraced and promoted further.

Lastly, we also set out to discover more about the women outside of their profession, and can happily report that among our 100, we have a former prosecutor with a penchant for figure skating, one whose children call her "The Enforcer", an individual who is fascinated by lighthouses, and a lawyer who can perform the folk dances of over a dozen countries.

** Those marked with an asterisk are members of the Global Investigations Review editorial board.*



Hollis Salzman
Robins Kaplan
Partner and co-chair of the antitrust and trade regulation
group
New York

Spearheading international investigations has been a significant part of my career as an antitrust attorney, and has offered me the perfect opportunity to combine my economics degree, my law degree, and my interest in prosecuting anti-trust violators.

The high-stakes nature of my work is what I enjoy most about my role. In many of my cases, billions of dollars are on the table, which makes achieving favourable results for clients that much more rewarding. I also enjoy working as part of a team at my firm, Robins Kaplan, particularly when I can inspire younger lawyers to shine on their own merit. I especially appreciate the opportunity to act as a role model to junior female attorneys to show them that women can succeed and lead blockbuster investigations, even in a male-dominated field, without losing their identity or acting in a way that is not true to themselves.

Tight deadlines, worldwide depositions and intense legal arguments have a way of raising blood pressure for some. However, these challenges are what drive me to become a better attorney.

In terms of case highlights, my role as co-lead counsel in *In re Automotive Parts Antitrust Litigation* has allowed me to be at the forefront of the largest global criminal antitrust investigation in US history; and as co-lead counsel

in *In re Air Cargo Shipping Antitrust Litigation*, I've helped secure nearly \$1 billion in recoveries for businesses harmed by a global price-fixing conspiracy, which has certainly been rewarding. I also had the opportunity to provide testimony regarding cartel enforcement before the Subcommittee on Antitrust, Competition Policy and Consumer Rights for the United States Senate Committee on the Judiciary, which was a memorable experience. I'm equally proud to support women through extensive *pro bono* work, in which I represent indigent women and victims of domestic violence.

Global investigations are a major talking point. Given the international scope of so many businesses today, antitrust investigations are no longer confined to the borders of the United States. Cartel investigations now span the globe.

The Honourable Justice Ruth Bader Ginsburg has been an inspiration. Her resilience astounds me. Even putting aside what it took to become the second woman appointed to the Supreme Court, she is a two-time cancer survivor, she served on the Law Review at a time when it was remarkable for a woman to even attend law school, and she went on to be a beacon in the profession even after no law firm would hire her because, as she put it, "to be a woman, a Jew, and a mother to boot...was a bit too much" for them. My career challenges seem trivial when I consider what she has overcome.

Achieving gender equality is as relevant today as it was 23 years ago when I became a lawyer. Biases – conscious and unconscious – still exist, which makes advocating for equality more crucial than ever. Helping women, and all minorities in the workplace, cultivate their strengths as lawyers and future leaders goes a long way to ensuring parity and makes great business sense. It helps fuel a firm's success by expanding its talent pool, and to me, is a win-win.

My advice is applicable to all new lawyers, not only women. Get hands-on experience as often as you can. Take on *pro bono* cases to give back to communities and gain litigation skills. And at the end of the day, just be yourself. You will never advance in your career by pretending to be someone else.

I was fortunate to grow up on the water and have sailing as part of my everyday life. I recently became a board member of Hudson River Community Sailing (HRCS), a non-profit organisation that develops leadership and academic success in underserved New York City youth through sailing education.