

pillsbury



Crisis Management

Emergency Response and Liability Mitigation

The Pillsbury Advantage – Depth, Breadth and Process

We have helped clients respond to investigations; stave off class-action suits; reinstitute project financing; negotiate effective settlements with regulators, lawmakers and private parties; avert reputational damage; secure insurance recoveries, draft crisis protocols and safety procedures; and reach cleanup and containment agreements. Other law firms cannot match our combination of legal and regulatory depth, sector-specific experience and geographic reach.

Unrivaled Experience

- Pillsbury lawyers have guided clients through such notable crises as the Deepwater Horizon and Exxon Valdez spills, the 2005 BP Texas City refinery explosion and fire, and the Three Mile Island accident and numerous aviation accidents around the world.
- Our insurance recovery attorneys regularly assist clients with claims recovery in crises, including Deepwater Horizon, Superstorm Sandy, 9/11, the Dan River coal ash spill and the 2007 San Diego Wildfire.
- Pillsbury has assisted companies as well as their officers and employees in numerous criminal investigations in antitrust, securities and Foreign Corrupt Practices Act (FCPA) violations and related civil actions. In recent years, the U.S. Department of Justice has been quite aggressive in extending criminal enforcement not only to U.S. companies, but also to multinational corporations and their personnel.
- Our cybersecurity experience spans from assisting major utilities in building out their cybersecurity policies and procedures to representing the company that streamed “The Interview” following the cyberattack on Sony Pictures.

Deep Knowledge in Key Industries and with Multiple Government Agencies

- Nearly 100 Pillsbury lawyers have held leadership positions at federal regulatory agencies, including the Interior, Justice and Commerce departments, the Environmental Protection Agency (EPA), Federal Aviation Administration (FAA), and Nuclear Regulatory Commission (NRC).
- Pillsbury’s reach in Congress is both bipartisan and bicameral. Our team advises on national security, military, transportation, energy, judiciary and environmental issues.
- The firm’s experience spans the entire energy spectrum, from oil and gas to electricity to nuclear energy.
- Our internationally renowned Aviation, Aerospace & Transportation practice has litigated virtually every type of claim or dispute that an aviation company might face, including civil, administrative and criminal claims relating to air crashes.

Survive and Thrive Amid Crisis

Whether you are dealing with an isolated crisis or large-scale disaster, Pillsbury can help you survive and even thrive. Our experience is vast and includes notable engagements such as:

- Aviation and transportation disasters
- Environmental and industrial accidents
- Product recalls
- Cyberattacks and privacy breaches
- Whistleblower cases
- Project finance failure
- Construction/collapse accidents
- Labor and employment issues
- Nuclear accidents
- FCPA claims
- Investigations and testimony
- Terrorist threats and incidents

Drawing on deep experience across multiple industries, our lawyers provide a comprehensive perspective on crisis management. We have helped organizations handle investigations while managing potential reputational damage, information flow and media coverage. Pillsbury is also a leader in crisis planning and prevention, providing our clients with services to ensure state-of-the-art standards with respect to safety, preparedness and insurance coverage.



A tall skyscraper under construction, featuring a glass facade and a crane. The building is surrounded by scaffolding and construction equipment. The sky is overcast.

Our Crisis Management Capabilities

A Preeminent Environmental/Industrial Practice

Pillsbury lawyers have successfully guided clients through the regulatory, litigation and communications morass associated with major oil spills, chemical spills, plant explosions and blowouts. Our partners have served in the Interior and Justice departments and the EPA. We are adept at handling simultaneous reviews by multiple regulatory agencies and have shaped clients' responses to investigations by the FBI, the EPA, the National Transportation Safety Board (NTSB), the Chemical Safety Board, Occupational Safety and Health Administration (OSHA), the NRC and other regulatory agencies. With escalating criminal prosecutions for worker endangerment and environmental crimes, we regularly advise clients on post-incident grand jury investigations by the Justice Department's Environment and Natural Resources Division.

One of the World's Foremost Privacy and Information Law Practices

Pillsbury helps clients develop, implement and refine effective privacy and information breach response policies and procedures. We have helped clients investigate and address security breaches in which information on millions of individuals was at risk—both in cases of deliberate breaches by electronic attackers and dishonest employees and in inadvertent breaches due to software misconfiguration or hardware disposal. After a breach has occurred, we work with technical experts to restore system security, with law enforcement to investigate and prosecute, with security consultants to conduct forensic reviews and with public relations firms to shape disclosure strategies.

Corporate Investigations & White Collar Defense Practice

Our Corporate Investigations & White Collar Defense practice is recognized as among the best in the U.S. and includes many former assistant U.S. attorneys and lawyers who worked for the U.S. Department of Justice. Pillsbury's Antitrust team has assisted a number of companies, as well as individual executives, that the Justice Department targeted in price-fixing investigations involving products such as DRAMs, TFT-LCDs, CRTs and auto parts. We successfully represented numerous clients by convincing the Antitrust Division not to press charges against them. When an FBI agent knocks on the door with a subpoena, our lawyers are experienced in dealing with the Justice Department and are ready to assist clients with an immediate internal investigation and a plan on how to deal with the government. Pillsbury lawyers are also experienced in managing the related civil actions.

Renowned Privacy & Information Law and Global Security Practices

With estimates ranging from \$45 billion to an astounding \$1 trillion, it's become clear that even the biggest breaches are just a small part of an industry that may already rival drug trafficking in scale. Even as the line between cybercrime and cyberterrorism has become increasingly blurred, Pillsbury has assembled Privacy and Global Security teams of top practitioners in privacy and data protection, public policy, liability mitigation, risk transfer and insurance coverage and recovery, corporate governance, global sourcing, regulatory counseling and government affairs. Our Global Security team is co-led by a leading legal authority on matters related to cybersecurity, including the legal and policy challenges associated with the consequences of companies suffering a cyberattack, as well as the steps that can be taken to help mitigate the risk of attack.

Our lawyers help clients develop, implement and refine effective privacy and information breach response policies and procedures. The team is well versed in the SAFETY Act, a federal statute that can provide liability protection to companies following a terrorist or cyberattack. When breaches do occur—whether deliberate or inadvertent—we help clients investigate and address them. We also work with technical experts to restore system security, with law enforcement to investigate and prosecute, with security consultants to conduct forensic reviews and with public relations firms to shape disclosure strategies.



Pillsbury's Crisis Management Toolkit App, intended for senior executives and corporate counsel, puts crucial information at your fingertips in the first hours of a crisis. The app provides level-headed, battle-tested advice on responding to an emergency (sorted by crisis type), as well as a place to gather all one's emergency contact information.

Download the app for free today!



A Top-Ranked Insurance Recovery Practice

Pillsbury's insurance recovery efforts date back to the San Francisco earthquake and fire of 1906, when we helped rebuild the city by securing insurance reimbursement for local businesses. Today, the scope of our Insurance practice includes cyberinsurance recovery and advisory work as well. We represent policyholders only, allowing us to pursue the full range of recoveries from all insurers whose policies are potentially implicated. Few major law firms are in this true conflict-free position. We also offer clients pre-crisis counseling, such as:

- **D&O Plus Policy Advocacy Program.** We review and grade the effectiveness of the insurance that clients carry for their directors and officers, and help to enhance their policies. We work closely with clients' insurance brokers to place and negotiate coverage improvements, including drafting and negotiating policy wordings, advising on coverage towers and Side A structures, modifying policies to address recent case law and advocating for state-of-the-art coverage.
- **Cyberinsurance Advocacy Program.** Pillsbury has deep experience in helping clients structure and negotiate insurance programs to protect their companies from data and security breaches. We also recover from insurers on cyberclaims—even when they lack insurance policies specifically designed to cover these risks—and have handled some of the largest insurance claims arising out of data security breaches.

Advised on More Than 100 Oil Spills

Pillsbury has advised clients on more than 100 oil spills, including the 2010 Gulf oil spill, Exxon Valdez oil spill, Berman spill in Puerto Rico, Arco pipeline spill in Indiana and the Snyder oil field case in Texas involving the Chevron Pipe Line Company in a federal Clean Water Act case. Pillsbury lawyers have handled more Natural Resources Damage Assessments for clients than any other law firm.

Nationally Recognized Construction Practice

Pillsbury lawyers have advised clients in the immediate aftermath of a wide range of construction accidents, both during construction and post-completion. Examples include crane collapses; the failure of critical structural components, leading to roof, support of excavation, full building and other collapses; explosions; and fires. We also have extensive experience with force majeure events such as hurricanes and floods. Our clients include property owners, developers, general contractors, EPC contractors and major engineering firms. Our Construction practice also includes members focused on insurance recovery, suretyship, subcontractor default insurance and the full range of potential third-party recovery sources implicated by such events.

A Top-Ranked International Trade Practice

Government regulators can disrupt major transactions and shake global industries by halting foreign acquisitions of U.S. businesses, increasing customs duties through antidumping orders, or blocking exports of commercial product components on national security grounds. Congress may discourage or even mandate these disruptions. Our lawyers work regularly with Congress and relevant government agencies. We also advise on FCPA issues, including creating and implementing compliance policies and programs, providing training, analyzing transactions for potential FCPA liability, conducting internal investigations, and providing guidance in related civil, administrative and criminal matters.

Handled Significant Industrial Disasters

Our lawyers have worked on some of the most significant industrial disasters in the United States, including the two worst refinery accidents in the past 20 years. Effectively responding to a major accident such as a fire, explosion or toxic release requires a prompt, sure-footed approach. We have provided legal advice during every aspect of a company's response, including release and injury reporting requirements, site stabilization, evidence preservation, the conduct of internal investigations and coordinating subsequent investigation by government agencies. Given the urgent nature of this work, our clients frequently ask us to set up an office at the incident site so we are readily available to the personnel directing the response.

Represented the Owner/Operator of Three Mile Island

Pillsbury established the nation's first Nuclear Energy practice and remains the preeminent law firm in this arena. The firm represented the owner and operator of Three Mile Island during and after the 1979 accident and in subsequent investigations by the NRC, Congress, a presidential commission, the Commonwealth of Pennsylvania and the Department of Justice, and defended the company against criminal prosecution. Pillsbury also successfully represented Three Mile Island's owner in an extensive proceeding establishing its ability to resume operation of the unit that was undamaged by the accident.

Preventive Services for Biohazard and Biomedical Violations

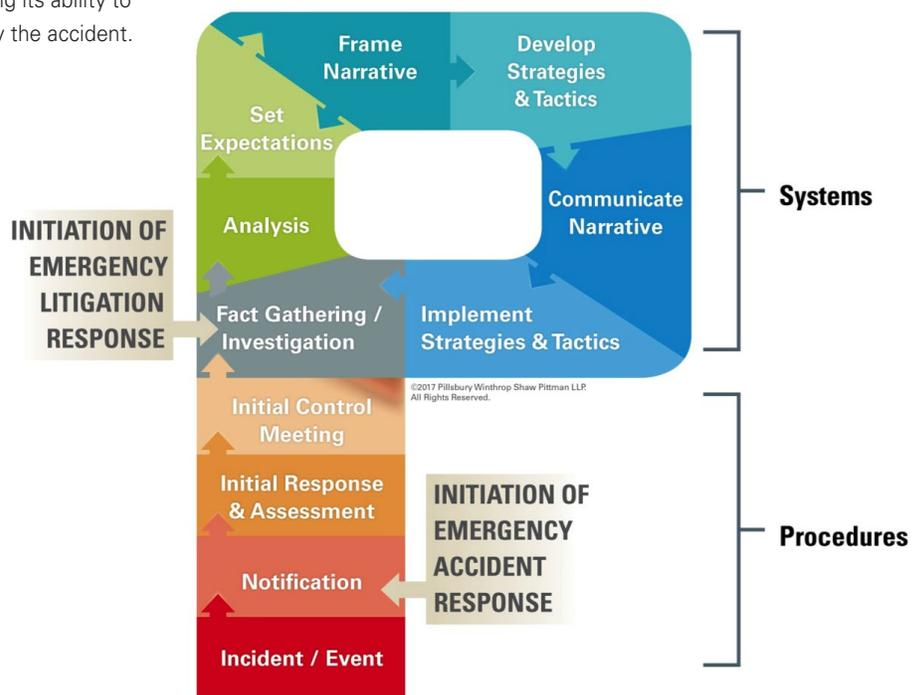
Pillsbury counsels management, lab personnel and investigators on safety and compliance conditions at university and commercial labs and research facilities. On the prevention side, we lead mock U.S. Centers for Disease Control (CDC) inspections and help staff prepare for interviews. When labs and facilities face investigations or audits, we advise on how to handle CDC site visits and negotiate with the CDC on any findings of violations and corrective actions. We also negotiate with the Office of Inspector General regarding civil penalties and help protect proprietary intellectual property.

A Market-Leading Aviation, Aerospace & Transportation Practice

For the fifth year in a row, *Chambers USA* recognized Pillsbury's Aviation, Aerospace & Transportation practice in the top tier. We have represented multiple clients in FAA, TSA, NTSB and FBI investigations, enforcement actions and criminal prosecutions after airline crashes and acts of sabotage. The practice is led by a former FAA chief counsel who is also the current general counsel of the Flight Safety Foundation.

Broad Experience with Toxic Torts and Product Recalls

Pillsbury represents clients in the product liability and toxic tort arenas, applying well-honed trial, appellate, arbitration and mediation skills. We are experienced in defending against class actions and other complex multiplaintiff cases, as well as individual cases of all sizes, in both federal and state courts. Our lawyers are accustomed to dealing not only with the legal issues presented by such complex litigation, but also with the medical, scientific and risk assessment issues raised by such cases. Our experience extends to advising on agricultural and biofood regulation issues arising under the Toxic Substances Control Act; the Federal Insecticide, Fungicide and Rodenticide Act; the Food Quality Protection Act; the Federal Food, Drug and Cosmetic Act; the Plant Protection Act; and related state and federal laws.



Crisis Planning and Response Services

We recognize that there are two major components to most crisis management efforts: Emergency Response and Liability Mitigation. The key to successful crisis management is skilled execution of complementary strategies for both of these components.

Crisis Management

Decisions made in the days and weeks following a crisis will disproportionately affect the post-crisis outcomes. Our team optimizes a company's outcomes by managing the full suite of potential liabilities that flow from a crisis event. We help manage impacts to business and professional reputations, third-party business relationships, public perceptions, and perceptions by key regulatory agency and government personnel. In a crisis management role, Pillsbury can dramatically shorten a company's response time in the days immediately following a crisis event and help the company manage, and in many instances avoid, long-term business and reputational liabilities.

Financial

For a public company, a financial crisis demands an immediate, integrated multidisciplinary response. A financial crisis can be triggered by the discovery of insider trading, selective disclosure misstep, unexpected financial restatement, the receipt of an SEC Wells notice or the release of unexpected information to the media that may result in reputational damage or other government investigation. At Pillsbury, we have the multidisciplinary teams equipped with the judgment, experience and sophistication needed to manage financial crises on all fronts, ranging from their impact on the company's stock price to their potential for shareholder class actions to their effect on access to the capital markets.

Public Policy

Clients look to Pillsbury for integrated strategies to deal with congressional, federal and state agency investigations. Our award-winning, bipartisan Public Policy team helps clients address and respond to major legislative challenges related to crises, including investigations. We also promote our clients' interests by proactively shaping legislation, regulations and government policies, and regularly advise government agencies through participation in formal panels and agency-sponsored industry events.

Crisis Communications and Public Relations

When a crisis occurs, it can impact every aspect of an organization, from investor and customer relations to brand loyalty and employee morale. Pillsbury has partnered with leading crisis communications agencies, chosen specifically for their strong background advising on crisis issues, 24/7 accessibility, experience working collaboratively with legal counsel, and proven success at managing all aspects of an organization's reputation.

Litigation

Pillsbury can mobilize a litigation team quickly, drawing on the talents of litigators worldwide who counsel clients on civil, administrative and criminal matters across a range of complex multiplaintiff cases and appeals.

Disaster Preparedness Planning

President Obama's National Infrastructure Advisory Council selected the disaster planning program and legal analysis that Pillsbury's litigators designed for New York City as the model for all U.S. cities. Pillsbury has developed alliances with Protiviti, LMI Government Consulting and the American Red Cross to proactively assess risks faced by corporations and governments in their disaster preparedness planning. We also help clients assemble in-house emergency response teams that are prepared for quick and appropriate action at a moment's notice.



About Pillsbury

Pillsbury Winthrop Shaw Pittman LLP is an international law firm with offices around the world, and a particular focus on the technology, energy & natural resources, financial services, real estate & construction, and travel & hospitality sectors. Recognized by legal research firm BTI as one of the top 20 firms for client service, Pillsbury and its lawyers are highly regarded for their forward-thinking approach, their enthusiasm for collaborating across disciplines and their unsurpassed commercial awareness.

Learn More

Crisis Management practice:

pillsburylaw.com/crisis-management

Crisis Management Resource Center:

pillsburylaw.com/crisis-management-resource-center

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