

CASE STUDY

# Saving Swiss Banks from Criminal Prosecutions and Potentially Staggering Fines

*“I would like to thank you and your team for the excellent result we achieved.” —A Swiss bank counsel*



Clients:	<b>Multiple Swiss Banks</b> (one of the largest groups of banks participating in DOJ’s Swiss Bank Program)industry
Industry:	Financial Services
Areas of Law:	Corporate Investigations & White Collar Defense/Federal Tax Controversy & Tax Policy
Venues:	U.S. Department of Justice (DOJ) and Internal Revenue Service (IRS)
Result:	Achieved DOJ resolutions that enabled each client to substantially limit its liability under U.S. tax laws and avoid criminal prosecution

When presented with the opportunity to resolve potential criminal liability for aiding and abetting tax law violations in the United States, several Swiss banks called on Pillsbury to steer them through the U.S. Justice Department’s (DOJ) Swiss Bank Program.

Established through a DOJ-Swiss Federal Department of Finance agreement in August 2013, the Swiss Bank Program was created to encourage Swiss banks to come forward if they suspected that U.S. taxpayers may have used secret Swiss accounts at their institutions to conceal assets and avoid paying taxes to the Internal Revenue Service.

Representing one of the largest groups of Swiss banks participating in the program, Pillsbury lawyers successfully negotiated non-prosecution agreements with the DOJ for each of them, in exchange for bank cooperation in the DOJ’s ongoing probe into tax evasion. In addition to escaping potential prosecution for tax-related crimes, Pillsbury clients avoided liability for restitution, forfeiture and potentially crippling penalties. In one instance, Pillsbury helped a Swiss bank client facing the prospect of millions in fines reach a DOJ settlement of just \$34,000, the third-lowest penalty under the Swiss Bank Program, and a far cry from the millions in potential exposure the client otherwise faced.

Recognizing the firm for its outstanding achievements in these and other cases, *The American Lawyer* awarded Pillsbury its 2015 Global Legal Awards for Global Dispute of the Year in the area of Investigations.

