



yates memo: increasing the perils of parallel proceedings

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On Sept. 9, 2015, the U.S. Department of Justice issued new policies in the form of "six specific steps"[1] intended to strengthen the DOJ's efforts in holding individual corporate wrongdoers accountable (the "Yates memorandum"). Though most of the announced policies in the Yates memorandum are not entirely new, many represent institutional policy shifts that change the way the DOJ will investigate, develop, charge and resolve cases, according to Deputy Attorney Sally Yates.[2] These policies may have wide-reaching implications for companies and corporate executives dealing with parallel proceedings, as outlined below. The following overview focuses on the potential impact to civil litigation rather than criminal issues.

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