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Business and Human Rights

Multinational corporations face increasing expectations in their overseas treatment of workers, third parties, and other stakeholders. Those expectations are nowhere more visible than in the intersection of business and human rights. That has manifested in Corporate Social Responsibility (CSR) Programs, legal regulations, and the dramatic increase in high profile, high exposure lawsuits under the Alien Tort Claims Act (“ATCA”) and other tort theories. For instance, whereas the ATCA once lay in obscurity, it now has been invoked in nearly 120 lawsuits against corporations, most of which have been filed in the past decade, and claimants now regularly rely on securities fraud, breach of fiduciary duty, assault, and other more customary tort concepts in bringing their cases. In addition to raising complex and intricate legal problems, these cases also pose serious threats to a company’s public reputation and brand.

Steptoe advises companies on the scope and application of the human rights laws and expectations, and has defended clients in some of the most prominent ATCA cases to date. Our practice is worldwide in scope, covering an expansive set of industries and offering clients a broad range of services that include assistance with CSR programs, preventive advice and counseling, litigation and investigations, and legislative assistance and advice. In serving our clients' needs, Steptoe draws upon the resources of our lawyers in the United States, London and Brussels who practice in a variety of disciplines, including our International Regulatory & Compliance, Litigation, Crisis Management, Government Affairs, and Environmental & Natural Resources practices.

Steptoe lawyers have held prominent positions in the US Department of Justice, the Securities and Exchange Commission, the Department of State, U.N. criminal tribunals, and other domestic and international bodies. They teach, write, and speak extensively on business and human rights, the ATCA and related areas.

Steptoe's Business and Human Rights team:

- Assists clients with their CSR programs
- Conducts ATCA and human rights risk assessments, audits, and internal investigations
- Develops and implements prevention programs, including formulating codes of conduct and internal policies, training, establishing complaint mechanisms, and offering best practices advice in light of international regulatory compliance risks under the ATCA, the Foreign Corrupt Practices Act, and other laws

Business and Human Rights

- Drafts and revises agreements and memoranda of understanding with third parties and government agencies
- Advises clients with respect to the scope and extent of due diligence, risk mitigation, and audits on partners, consultants, representatives, and other third parties
- Counsels and represents buyers and sellers on human rights risks in M&A transactions
- Drafts press responses and public statements, and fields inquiries from and coordinates with foreign and domestic government personnel and NGOs regarding related matters
- Defends clients facing litigation in this area in state and federal courts, as well as in collateral proceedings involving the US Congress and other US agencies
- Counsels clients participating in United Nations complaint dispute procedures
- Identifies and supervises counsel in foreign jurisdictions regarding parallel legal matters involving these issues

Industries:

- Extraction, includes oil and gas, mining, and energy
- Manufacturing
- Commercial airline and transportation
- Pharmaceutical
- Chemical
- Financial services, including banking and investment
- Professional service providers, including accounting and law firms
- Agriculture, food and beverage
- Government services, including law enforcement

Representative Matters

Steptoe served as the counsel of record in:

Business and Human Rights

- *Ayemou v. Amvac Chem. Corp.*, 2008 WL 4107286 (9th Cir. 2008), involving ATCA claims against foreign banks, charities and nationals
- *Abagninin v. Amvac Chem. Corp.*, 545 F.3d 733 (9th Cir. 2008), involving ATCA claims against chemical companies, oil company, agricultural companies, and others
- *Ibrahim v. Titan Corp.*, 556 F. Supp.2d 1 (D.D.C. 2007), involving claims by individuals in Iraq
- *In Re Terrorist Attacks on 9/11*, 464 F. Supp. 2d 335 (S.D.N.Y. 2006), involving ATCA claims against a financial institution.
- *Sale v. Titan Corp.*, 436 F.Supp.2d 55 (D.D.C. 2006), involving claims by former prisoners
- *Burnett v. Al Baraka Investment & Development Corp.*, 274 F. Supp. 2d 86 (D.D.C.), involving ATCA claims against foreign banks, charities, and nationals.

Other representative matters include:

- Steptoe attorneys have been retained to provide legal and strategic advice to multinational companies during crisis situations. We have worked with company executives and foreign counsel to ensure appropriate and reasonable responses by government police and security forces, and minimize exposure to potential litigation.
- Steptoe has been retained by multinational companies to review discrete and systemic scenarios, assess the extant risks of ATCA litigation, and devise effective preventive strategies.
- Steptoe attorneys have undertaken and overseen internal investigations into physical injuries and deaths that have occurred on or around clients' premises. That has included fact and information gathering, consultation with forensic experts, advice to management regarding interactions with local governments, and assistance in strategic communications.
- Steptoe has represented individual corporate officers in litigation involving ATCA claims arising out company relationships and interactions with security forces.