

Internal Investigations

Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

The cross-disciplinary team of experienced attorneys at Wilentz, Goldman & Spitzer, P.A. has become an important resource for employers in New Jersey and New York seeking to conduct investigations arising from employment, corporate governance, and criminal claims. Our business and criminal lawyers have managed many types of investigations arising from serious allegations of workplace misconduct, all aspects of corporate ethical malfeasance, and criminal acts.

Claims of workplace misconduct have become increasingly prevalent, dominating news headlines globally. At the same time, allegations of discrimination and white-collar crimes (such as theft, accepting bribes or kickbacks, misappropriation of funds, accounting fraud, and tax fraud) continue to multiply. Oftentimes, independent investigations of claims conducted by qualified, experienced, and independent lawyers are a company's best response.

Not surprisingly, new standards and requirements have evolved for employers that require the implementation of policies and training of anti-harassment, anti-corruption, and anti-discrimination environments, increasing an employer's responsibility to develop a healthy workplace environment and to swiftly and appropriately respond to claims by employees and whistleblowers. As misconduct claims increase and whistleblowers continue to step forward, many employers have sought to retain counsel to investigate claims and guide their response. Employees may be far less inclined to seek legal remedies if they understand their employer took proactive steps to address their complaints and demonstrate that management will not tolerate harassment.

Wilentz has represented privately held and public corporations of all sizes as well as their officers and boards; privately held companies and partnerships; religious institutions; public officials; schools and their boards of trustees; government agencies; non-profit institutions and physicians and other licensed healthcare providers; and law firms and other professional associations.

Lawyers of our business and personal law services work together to handle both civil and criminal aspects of workplace investigations. Our firm can conduct thorough, independent fact-based investigations, particularly claims in the context of sensitive and serious situations involving complex issues.

We have conducted investigations of whistleblower complaints involving alleged corporate wrongdoing and ethical malfeasance, including workplace harassment and discrimination, tax fraud, accounting fraud and earnings management, kickbacks and other misappropriation of funds, disclosure violations, theft, conflicts of interest, allegations of wage and hour violations, and medical insurance issues such as phantom billing and "up-coding." Many investigations that we have conducted have included the preparation of detailed written findings reports. We also provide legal recommendations based upon an investigation's findings if requested.

In one example, Wilentz conducted an internal investigation that exposed phantom billing in excess of \$500,000 by an employee and outside vendor of a New Jersey company. Working with the U.S. Attorney's Office, we exposed the criminal activity and secured a federal criminal conviction of the employee. We also conducted a highly nuanced investigation of a CEPA claim by in-house counsel of a university that involved dozens of witnesses and thousands of pages of documents, and produced a 150-page report of our findings concluding that the complaint was brought in bad faith. After the employee subsequently sued for wrongful

discharge, we provided testimony in the trial on behalf of the defendant employer. A no-cause verdict was rendered in favor of the defendant.

Wilentz represented a religious institution's Board of Trustees in investigating and responding to a complaint made by a former employee of misconduct by religious institution leadership; conducted an independent investigation by a municipality of a public official concerning conflict of interest; and represented a publicly elected board of education in an internal investigation of alleged violations of the Open Public Records Act. We have represented numerous educational institutions, including an iconic New Jersey college in its internal investigation concerning the athletic program and federal student aid appointment program, a private school in an internal investigation of alleged harassment, intimidation, and threats by the President of the school's Board of Trustees, and a public school board in an investigation of alleged noncompliance with the Individuals with Disabilities Education Act (IDEA), including the alleged unauthorized expenditure of public funds and alleged related misconduct.

For more information about our Investigations practice, please call 732-855-6449 or email us at investigations@wilentz.com.