



FASANO
AVVOCATI

CRIMINAL LAW

FASANO provides its legal services (advice and defence activities) for Individuals and Companies involved in criminal proceedings on the following crimes:

- White collar crimes (bankruptcy fraud, corruption, corporate crimes, economic espionage, embezzlement, financial fraud, government fraud, healthcare fraud, insider trading, insurance fraud, IT fraud, money laundering, securities fraud, tax evasion, trade secret theft, etc.)
- Crimes against people (i.e. assault, battery, disaster, murder, sexual offences, etc.)
- Crimes against property (i.e. arson, burglary, criminal damage, theft, trespassing, etc.)
- Crimes against justice (i.e. bribery, official misconduct, perjury)
- Crimes against the hygiene and safety at work (fatal accident, injury)
- Crimes against information technology assets (i.e. computer system abusive access).

FASANO is engaged in defence activities and investigations related to the criminal implications which result from medical malpractice, health and safety at work violations, environmental law violations, privacy, defamation. FASANO also provides defence activities to clients who are victims of offences through the charge before the Public Prosecutor, the investigation activities and the damages suit. FASANO relies on external experts and private investigators to provide technical assistance in the defence activities and investigations.

FASANO assists the companies in drafting the Organizational and Management Models in compliance with the Legislative Decree 231/2001 (the "Decree"), which introduced the administrative liability of the companies for some crimes committed or attempted by their directors or subordinates in the

interest or advantage of the same companies. The Decree introduced the administrative liability of legal entities, companies and associations.

The issue is quite innovative for the Italian legal system because for the first time the liability arises not only on the head of the individual and actual perpetrator of the offence, but for legal entities as well. Before the enforcement of the Decree, entities could be held liable only under the civil ground and not the criminal one, and chargeable to pay fines in the event of the perpetrator insolvency.

The Decree sets forth a sort of liability "exemption" in favour of the entities able to prove "to have adopted and effectively implemented the appropriate organizational, management and control models in order to prevent offences as the one occurred", even through a Conduct Code. Such control system is optional and not compulsory. However, it is evident that in the event of an adverse sentence under the criminal code the entity could be punished with sanctions as provided for by the Decree, while, on the other hand, shareholders could take action against the company's directors for negligence in the prior arrangement of the organization, management and control model in order to take advantage of the "exemption" clause.

Mr. Pierfrancesco C. Fasano is appointed as "Compliance Officer", as well as FASANO's lawyers represent individuals and corporations under investigation for, or charged with, violating criminal law. Lawyers at FASANO have extensive experience counselling clients in matters related to the compliance programs as well as internal and external investigations. FASANO also assists boards of directors and compliance offices in the investigation of allegations of misconduct, whether in connection with pending litigation or before any adversarial process is commenced.