

C/M/S/ Adonnino Ascoli & Cavasola Scamoni



Fraud & Corporate Criminal Defence

Introducing CMS

CMS and associated offices



CMS provides a deep local understanding of legal, tax and business issues and delivers client-focused services through a joint strategy executed locally across 28 jurisdictions with 56 offices in Western and Central Europe and beyond.

All CMS firms are leaders in their domestic markets, with a structure geared not simply to provide legal expertise, but also to understand our clients businesses and their industry sectors.

This combination of legal knowledge and commercial acumen is matched by the ability to ensure that international matters are handled in a similar way and to the same high standards throughout the alliance. The ability to effectively ensure this happens is greatly valued by clients with cross-border interests.

CMS is the alliance of nine major European law firms providing clients with a full range of legal and tax services based on a thorough understanding of their business.

CMS in Italy

Our approach to achieving this involves three aspects of **understanding**

Understanding clients businesses - through CMS industry focus groups, client feedback and common client relationship management systems.

Understanding the law – through the wide-ranging experience and excellent reputation of each CMS firm in its national market place.

Understanding each other – through a shared history, common training and a track record of working together to secure the best possible outcomes for our clients.

CMS Adonnino Ascoli & Cavasola Scamoni is one of the leading Italian legal and tax firms, founded in 1901, that provides full service to domestic and international clients.

CMS Adonnino Ascoli & Cavasola Scamoni, with its offices located in Rome and Milan, counts on a team of over 60 legal and tax experts and a support staff of over 30 people.

Our professional activities include both legal and tax work thus placing the firm in a unique position with respect to its competitors in the Italian market.

The firm regularly works in English, French and German, with mother tongue support staff. Many of our lawyers and tax experts have been educated abroad and a number of them have completed post graduate studies, along with additional graduate legal studies at foreign law schools and worked in other European countries.

CMS member firms include:

Key Facts

- ✓ 2 Offices
- ✓ 17 Partners
- ✓ Over 60 Lawyers and tax experts
- ✓ Over 30 total staff
- ✓ Member CMS from 2002

- ✓ CMS Albiñana & Suárez de Lezo (Spain);
- ✓ CMS Bureau Francis Lefebvre (France);
- ✓ CMS Cameron McKenna LLP (UK);
- ✓ CMS Derks Star Busmann (Netherlands);
- ✓ CMS von Erlach Henrici (Switzerland);
- ✓ Hasche Sigle (Germany);
- ✓ CMS DeBacker (Belgium);
- ✓ CMS Reich-Rohrwig Hainz (Austria).

Our Fraud & Corporate Criminal Defence Department

The rules of the business world are constantly changing, because of changes in the national legal system as well as in the international one, and also because of a substantial stratification of regulatory acts provided by governmental authorities.

For these reasons the risk for operators (group of companies, banks, multinationals, enterprises and investors) to run into difficulties in order to adapt their action to the fast changes and to the relevant existing regulations is more and more frequent.

Specialized legal advice is necessary in order to prevent the risk of unlawful conducts and to guarantee an effective capacity of intervention in case misconducts are committed.

In this field we are able to assure to our clients highly qualified and efficient legal advice by granting the best technical defence in all civil, regulatory and criminal proceedings.

This, thanks to the well-established experience of our professionals, developed over years through the management, for national and international clients, of relevant issues in corporate criminal and corporate compliance matters and thanks to their constant professional updating focused on the international legislation other than the national one.



... in addition to its prominent international client base, CMS AACS represents some of Italy's largest industrial and financial companies ...

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Our Services

Fraud prevention

Our solid experience in corporate matters and in compliance issues allow us to provide organisations with effective recommendations regarding fraud prevention and protection.

We also assist clients in civil disputes involving all types of misconduct.

Corporate compliance

We assist Italian and foreign companies in preparing or updating complete compliance programs – in some cases, taking into consideration FCPA provisions - to prevent employees negligence and misconducts that may lead to civil or criminal liability for the company.

We also provide ongoing advice to company compliance monitoring functions and legal assistance to internal auditing functions in the exercise of their duties to check the compliance of internal controls.

Internal investigation

We have a solid expertise in conducting internal inquiries and investigations for multinational and Italian companies in case of potential and suspected misconduct by their employees, managers and directors, gathering and analysing large amounts of information from witness and documents.

In accordance with Italian law (further to article 391-bis et seq. of the Italian Criminal Procedure Code), we conduct defence investigation in order to procure evidence in the interest of our clients.

Decree 231/01 and organizational models

One of our group's key area of expertise is managing issues related to the liability of companies introduced in Italy by Legislative Decree No. 231/01, which provides that an Italian or a foreign company – that acts in Italian territory – is liable for certain crimes (i.e. corruption, corporate crimes, homicide and serious injuries due to the breach of occupational and safety regulations, insider trading and market manipulation etc...) committed in the interest or to the advantage of the company by its representatives or their subordinates. This liability can be avoided by the company only by adopting and implementing adequate compliance programs. We represent companies charged with the liability for criminal offences, assisting them in all phases of criminal proceedings (preliminary investigations included).

Thanks to a vast experience gained through the years, we can provide top notch assistance in order to avoid the risk of committing crimes thus avoiding that the company could be considered responsible for a crime committed by its employees.





Money laundering

We have a wide experience in assisting corporations in order to avoid money laundering crimes by providing strategic and policy considerations compliant with Italian and international regulations. We are able to help clients evaluate their procedures, assist their employees in understanding their obligations, manage crisis, and act should regulatory problems be present.

Corruption

We assist clients in developing anti-corruption compliance policies in accordance with domestic and international regulations. Our professionals have a particular knowledge of the US Foreign Corrupt Practices Act 'FCPA'. When an indictment cannot be avoided, we have the capability to assist the client in all phases of the investigations arising from corruption, embezzlement, theft and offences against public bodies.

Financial and securities fraud

Financial fraud (above all offences related to market abuse area) can give rise to civil, regulatory or criminal proceedings. We give assistance with financial compliance policies which are able to minimise the risk of regulatory infringement. Should this occur, we have a specific competence in assisting and defending clients (both individual and companies) in regulatory proceedings arising from financial frauds brought by governmental authorities, such as the Consob and in the probable criminal proceedings.

Tax offences

We are experts in advising corporations on liability arising from tax and VAT issues, giving assistance during tax authorities investigations and in case of criminal prosecutions.

Occupational health and safety

Our professionals boast specific expertise in relation to the infringement of occupational health and safety rules, representing and defending individuals (company directors and managers) and companies (in case of homicide and serious personal injuries due to the violation of occupational and safety measures provided for by law) in criminal proceedings.

Intellectual and Industry property – ICT and Internet Law

We act for national and foreign clients to protect intellectual property rights and we have significant experience in patent and trademark protection that allows us to represent and defend clients in civil and criminal proceedings. In this context we have gained a solid expertise in health, pharmaceutical and biotechnological sectors as well as in copyright protection and in information technology matters.

Asset refund and damages

We assist victims of fraud or other types of malfeasance to recover their assets. This includes working with government authorities in order to obtain compensation for damage arising from misconducts.

*... this well-reputed firm
has dealt with some
extremely high-profile cases
in the past year ...*

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Expertise in practise

- ✓ Defending the Italian branch of a multinational group leader in oil & gas market in criminal proceeding (precautionary phase of prosecution) arising from corruption and bribery;
- ✓ Defending the Italian branch of a major multinational pharmaceutical group from charges of corporate liability for crimes committed by its representatives and their subordinates in a leading criminal case of corruption and fraud against the State, obtaining (for the first time in Italy), the judgmental evaluation of adequacy of the 'Model' that we have drafted for the company;
- ✓ Defending several managers of a multinational company in criminal proceedings arising from tax offences;
- ✓ Conducting internal investigations for a major multinational pharmaceutical group, in order to discover frauds and malfeasances committed by its managers and employees and providing legal advice to its corporate compliance team;
- ✓ Conducting internal investigations for a leading pharmaceutical group, leading the international team of consultants appointed to carry out these investigations and redefining the system of internal controls for crime prevention;
- ✓ Designing, assisting and implementing complete compliance programs (in some cases, taking into consideration parent company compliance programs and FCPA provisions) for several companies (the Italian branches of multinational groups: pharmaceutical and medical devices; Italian listed companies and groups: multi-utilities; energy; manufacturing; oil & gas);
- ✓ Assisting and defending a major investment international company and its managers, involved in investigations arisen from insider trading issues, in the Italian regulatory proceeding brought by the Consob;
- ✓ Representing a major multinational pharmaceutical company in more than 100 criminal trials against pharmacists and distributor companies charged with counterfeiting patents.

Key Contacts

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Where to find us

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CMS is the organisation of independent European law and tax firms of choice for organisations based in, or looking to move into, Europe. CMS provides a deep local understanding of legal, tax and business issues and delivers client-focused services through a joint strategy executed locally across 28 jurisdictions with 56 offices in Western and Central Europe and beyond. CMS was established in 1999 and today comprises nine CMS firms, employing over 2,200 lawyers and is headquartered in Frankfurt, Germany.

CMS nine member firms are: CMS Adonnino Ascoli & Cavasola Scamoni (Italy); CMS Albiñana & Suárez de Lezo (Spain); CMS Bureau Francis Lefebvre (France); CMS Cameron McKenna LLP (UK); CMS DeBacker (Belgium); CMS Derks Star Busmann (Netherlands); CMS von Erlach Henrici (Switzerland); CMS Hasche Sigle (Germany); and CMS Reich-Rohrwig Hainz (Austria).

CMS offices and associated offices: Amsterdam, Berlin, Brussels, London, Madrid, Paris, Rome, Vienna, Zurich, Aberdeen, Algiers, Antwerp, Arnhem, Beijing, Belgrade, Bratislava, Bristol, Bucharest, Budapest, Buenos Aires, Casablanca, Cologne, Dresden, Duesseldorf, Edinburgh, Frankfurt, Hamburg, Kyiv, Leipzig, Ljubljana, Lyon, Marbella, Milan, Montevideo, Moscow, Munich, New York, Prague, Sao Paulo, Sarajevo, Seville, Shanghai, Sofia, Strasbourg, Stuttgart, Utrecht, Warsaw and Zagreb.

The members of CMS are in association with The Levant Lawyers with offices in Beirut, Abu Dhabi, Dubai and Kuwait.

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