



## SEC. CFTC & FINANCIAL FRAUD

Kessler Topaz has a long history of success fighting financial fraud by taking on some of the biggest corporations in the world.

In the wake of the 2008 financial crisis, the Securities Exchange Commission and the Commodities Futures Trading Commission implemented whistleblower programs directly targeting financial fraud. Like the False Claims Act, these programs empower whistleblowers by providing monetary rewards for individuals who supply information leading to successful enforcement actions. Kessler Topaz -- nationally renowned for our work in combatting securities fraud -- has recovered millions for whistleblowers and represents numerous clients in reporting complex financial fraud to enforcement agencies. We staff each case not only with former government enforcement attorneys who have worked as prosecutors at the Department of Justice, but with securities lawyers who have litigated complicated financial fraud cases against some of the largest corporations in the world. Our attorneys focus on thorough investigation, compelling presentation, protection from retaliation, and preservation (where requested) of your anonymity.

### **i. Who can be an SEC or CFTC whistleblower?**

An individual is eligible for an SEC whistleblower reward by voluntarily providing original information or analysis to the SEC about a securities law violation, where that information leads to a successful enforcement action of greater than \$1 million. The same eligibility requirements apply to CFTC whistleblowers who provide original information or analysis to the CFTC about a commodities law violation.

Whistleblowers come from a wide array of backgrounds including financial sector employees, corporate executives, market analysts, traders, and compliance officers. Corporations and organizations are not eligible to be whistleblowers under either program.

### **ii. Can an SEC or CFTC whistleblower remain anonymous?**

Yes, but only by authorizing an attorney to file a case on their behalf.

### **iii. What does it mean to “voluntarily” provide information to the SEC or CFTC?**

The SEC considers a whistleblower's submission "voluntary" if the whistleblower provides the information to the SEC before the SEC or other relevant authority (such as Congress or FINRA) requests or demands information from the whistleblower (or whistleblower's attorney) relating to that submission. A submission is not considered voluntary if the whistleblower was already under a pre-existing legal or contractual duty to disclose the violation to the SEC. The same is true of the CFTC.

#### **iv. What is "original" information?**

The SEC Whistleblower Program seeks "original" information, which means information derived from the whistleblower's own knowledge or own independent analysis. This includes analysis of information which is in the public domain. This definition also applies to the CFTC whistleblower program.

If you would like to speak to a member of our whistleblower group about a potential whistleblower matter, please contact us to schedule a case evaluation. All case evaluations are confidential and free.