

# Q&A with Luis Dantón Martínez

**Luis Dantón Martínez Corres**, Partner and Head of the Compliance, Anti-Corruption and Investigations practice at Ritch Mueller, speaks with *Benchmark Latin America* editor **Shailyn Tirado** about his years of experience, the varying types of risk assessments, and what the future holds for anticorruption and investigations work in Mexico

## How has your career experience, before and after joining Ritch Mueller prepared you to best serve as leader of the Compliance, Anticorruption and Investigations practice?

I have been very fortunate to have had a wide variety of relevant experiences, both in the private and public sector, and also to have lived and played a key role through major corporate events and crisis, such as being a member of the team of major M&A transactions, such as the acquisition of Banamex by Citi in Mexico 2002, participating directly while working in New York as part of the team leading the revamping of Citi's global compliance program in 2005-2008 and working through the first year of Walmart Mexico's FCPA violations investigation in 2012. I think that throughout my career, and especially at Ritch Mueller, I have gained valuable firsthand insights and expertise in my area of practice of compliance, anticorruption and investigations. All of this has made me aware of some of the best practices and the worst mistakes that can be made in my areas of expertise, and how to avoid them.

## In what ways does Ritch Mueller help companies do the necessary types of risk assessments?

We help companies in the preventive side to develop their compliance programs and doing risk assessments is usually the first step in the process. You need to thoroughly understand the business, operations and specific risks facing an organization in order to be able to help them develop and improve their compliance program. We also do risk assessments when situations change, such as with the current Covid19 crisis, when companies need to be mindful that their risks may have changed although their risk appetite has not changed.

## You have participated in FCPA and crime investigations for multinational companies regarding their business operations and projects in Mexico, what would you advise local companies do to ensure they have strong and compliant protocols in place?

Mike Tyson once said that "Everybody has a plan until they get punched in the face". I think that an investigation can be such unexpected punch. However, you can be prepared and still have a plan if you have invested in a compliance program that is real and effective. That is why before you get hit by an investigation or crisis it is essential for local companies to have their leadership understand the value and importance of developing an effective compliance program. Without the leadership buy in it is very difficult to get the resources and tone from the top necessary to develop such program and to be prepared to defend your company. Some local companies are clearly



waiting to see a more proactive prosecution to fully believe that they need to dedicate the resources and attention to a compliance program. Those that don't waste time waiting for prosecutors to act, will be better off and will have a competitive advantage as we move to a stricter enforcement environment.

## What is the one thing the public should understand about government investigations and anticorruption work across Latin America, compared to the rest of the world?

They need to understand that Latin America is comprised by a collective of countries that, while similar in many respects, still have marked differences, both legal and cultural. In particular in the anticorruption, compliance and investigations practice the level of development differs greatly, with Brazil leading the field as the most developed country in these areas given the 200+ investigations that have taken place in the last few years as a result of Lava Jato and its aftermath, Peru and Colombia are quickly catching up with the Odebrecht investigations, Argentina also has made great strides with the Cuadernos investigations. Mexico has had an Anticorruption Prosecutor for only one year and she is slowly building up institutional capabilities while beginning to do investigations at the same time. So given our differences in development of our anticorruption institutions and courts, we also have similarities, such as the fact that the architecture of our anticorruption systems is very similar and will allow greater cooperation among Latin American countries, but also with the US and other more developed jurisdictions.

**Now that the world is relying heavily on technology and virtual development, do you anticipate cybersecurity and data privacy issues to become more rampant?**

Of course, and the changes prompted by the massive adoption of remote work practices as a result of COVID-19 have further accelerated this trend. Cybersecurity and data privacy issues should be at the core of any well-designed compliance program.

**What are some market trends that you foresee happening in Mexico relative to anti-corruption and investigations in the next five years, and how will your practice group prepare for those changes?**

I think that in Mexico we will see our prosecutors become quickly engaged in corporate investigations and international cooperation and this will be a game changer for anticorruption, compliance and investigations work. Those that miss the opportunity to prepare and prevent by having an effective compliance program will likely face significant setbacks and damage. In the next five years Mexico will be one of the countries with more significant multinational investigations in the world, particularly in conjunction with the U.S. Department of Justice. Our geographic proximity and economic links make this cooperation inevitable. We have been preparing for such trend by being a key player in the market helping companies getting ready and by contributing to the discussion and development of the system with key stakeholders and the government.

**What part of this profession do you personally find most satisfying? Most challenging?**

I have to say that personally it is helping clients avoid problems, although what gets more visibility is to help them get through crisis periods and overcome problems. I like the challenges presented by investigations and the interaction with prosecutors.

**How important are your relationships with law firms in other countries/regions who do this same of high-stakes investigations work?**

It is very important, and an integral part of our work given the multijurisdictional nature of this area of practice. At Ritch Mueller, we have developed

strong working relationships with the best firms in the U.S., Europe and in Latin America over many years. Particularly in compliance, anticorruption and investigations work we form part of a tight knit group of practitioners that work closely in cases and in the discussion of challenges and best practices.

**How important is mentorship in this profession and what advice, if any, would you give lawyers who are just starting their legal careers in this area of law?**

Mentorship is very important to the legal profession, not only in this area of law. If I had to give advice to lawyers just starting their legal careers in this area of law it would be to be dedicated both in work and study, to be patient, to believe in yourself and to never quit.

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