

MEMORANDUM TO: FDIC Counsel

FROM:

SUBJECT: Referral of Possible  
Criminal Misconduct For Prosecution

Attached is a memorandum to outside counsel describing the longstanding policy of the FDIC of promptly notifying the appropriate authorities of possible criminal behavior. Outside counsel have a responsibility to immediately notify the Legal Division when they become aware of possible criminal activity so the FDIC may fulfill its responsibilities in this regard. This memorandum establishes a procedure for the Legal Division to follow each time an FDIC attorney becomes aware of possible criminal activity whether that information is transmitted by outside counsel or if it comes to your attention by any other source.

Attached is a criminal referral form which has been developed to accommodate such concerns as the Right to Financial Privacy Act and the attorney-client privilege. When you receive notice of potential criminal activity, you must fill out the form, or cause it to be filled out, and send it to the appropriate criminal authorities as soon as possible. A copy of the form must always be sent to the Senior Attorney, Regional Affairs Section in Washington, D.C.

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