

MEMORANDUM TO: FEE COUNSEL

FROM:

SUBJECT: Possession of Information  
Regarding Possible Criminal Misconduct

The FDIC has a longstanding responsibility and policy of promptly notifying and, where appropriate, assisting law enforcement officials in investigating conduct which may constitute a violation of the criminal statutes.

From time to time the FDIC's outside counsel may obtain information pursuant to civil litigation which may indicate possible criminal behavior. If this is ever the case, outside counsel must immediately notify the FDIC attorney who is monitoring the case or any other member of the FDIC Legal Division. Unless directed to do so by a member of the Legal Division, outside counsel should not deal directly with the criminal authorities. This is only because of the unique position of the FDIC which makes it subject to certain federal laws and other procedures. Under no circumstances, however, are outside counsel to delay informing FDIC counsel of possible criminal conduct.

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