

Rising Star: Hughes Hubbard's Mike DeBernardis

By Al Barbarino

Law360 (July 14, 2021, 3:02 PM EDT) -- Hughes Hubbard LLP's Mike DeBernardis is a budding star in the area of government investigations and compliance, guiding Chinese state-owned enterprises to adopt complex, multipronged compliance programs, landing him a spot as one of the top compliance law practitioners under age 40 honored as Law360 Rising Stars.

HIS BIGGEST CASE:

DeBernardis has assisted multiple Chinese state-owned enterprises in adopting and implementing integrity compliance programs, a historically difficult task due to these entities' reputations as often being resistant to adopting Western-style compliance policies.

In one case, he helped a \$60 billion Chinese hydropower and construction company in designing, adopting and implementing a compliance program, with the roughly two-year assignment leading to the company's early release from a conditional nondebarment in 2019.

"It stood out as a monumental challenge because we had to literally start by explaining the concepts of ethics and compliance, and this was a massive organization with well over 100,000 employees around the world," he said. "Trying to get this all done in a short time frame was a really tall order, but it was ultimately a massive success."

ANOTHER NOTABLE CASE:

Between 2011 and 2013, DeBernardis conducted a global compliance review of chemical company Innospec Inc. on behalf of the corporate compliance monitor appointed by the U.S. Department of Justice, the U.S. Securities and Exchange Commission and the U.K. Serious Fraud Office.

DeBernardis called it "maybe the most important case to the development of my career."



Mike DeBernardis
Hughes Hubbard

Age: 37
Home base: Washington, D.C.
Position: Partner
Law school: George Washington University Law School
First job after law school:
Associate at Hughes Hubbard LLP

"It happened at a perfect time of my career, as a mid-level associate, so I was able to really jump in for a period of three years, really get my hands dirty and be on the ground," he said.

DeBernardis traveled to Innospec's offices around the world to interview employees and assess the effectiveness of the company's compliance program, including the anti-corruption due diligence processes that the company used to screen its global network of sales agents and distributors.

"As a monitor, you take a really critical look at every element of a compliance program in a way that you just don't really have an opportunity to do when you're counseling companies," DeBernardis said.

"It was really unique and important work," he added. "The skills and lessons I learned in that matter stick with me today as I'm counseling clients."

WHY HE IS A COMPLIANCE ATTORNEY:

DeBernardis initially spent much of his time on anti-corruption and investigations work, but as his career developed, he's been more focused on fraud-related cases and anti-money laundering.

"One of the nice things about the compliance investigations field is that it's ever-shifting," he said.

It could shift again, but that's alright with DeBernardis.

"Ten years down the road, it could be environmentally-focused compliance and investigations," he said. "But the core of compliance and investigations, that's where my skill set is, and that's where I think I'll stay."

WHAT MOTIVATES HIM:

While he never really suspected it, there are clear parallels between DeBernardis' childhood love of math — "I really enjoy problem-solving," he said — and his drive behind his legal work.

"When I went to law school, or even when I started working at [Hughes Hubbard], I didn't recognize that these two things would marry up," he said. "[But] I think one of the really great things about this job is that every new matter and every question you get from a client is a problem, whether it's big or small."

"The process of thinking through solutions to a problem is a bit intoxicating for me, and I sort of live for those moments when a new [case] comes in, and I can really sit down and start planning a strategy to solve the problem," DeBernardis added.

HOW HE THINKS HIS PRACTICE WILL CHANGE IN THE NEXT 10 YEARS:

Until COVID-19 changed everything, conducting in-depth face-to-face interviews was a key component of DeBernardis' work as a partner in the firm's anti-corruption and internal investigations, and white collar and regulatory defense practice groups.

"It's such a different feeling," DeBernardis said when talking about conducting the interviews virtually. "It feels much more formal, ... much less of a conversation and more of a question-and-answer session. So that part's hard."

But sure enough, "everybody is more comfortable with video now than they were 18 months ago," he said.

Remote interviews won't continue forever, but DeBernardis does think certain elements will stick around for many years to come — part of the silver lining to the otherwise devastating pandemic.

"I still think that despite all the technology, a video investigation and video interview is less effective," he said. "But when you need things on a quick turnaround or follow-up interviews, I think having this new tool at our disposal is going to be incredibly beneficial."

The in-person interviews once required significant overseas travel, from Shanghai to Dubai, typically sending DeBernardis off on 10 to 15 trips per year.

So there are other benefits too, said DeBernardis, a married father of three.

"It's paying off for my family for sure. My wife and kids appreciate that I'm not jetting off as much," he said.

— *As told to Al Barbarino*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2021 Rising Stars winners after reviewing more than 1,400 submissions. Attorneys had to be under 40 as of April 30, 2021, to be eligible for this year's award. This interview has been edited and condensed.