

Rising Star: Cravath's Benjamin Gruenstein

By **Maria Chutchian**

Law360, New York (March 25, 2013, 2:41 PM ET) – Cravath, Swaine & Moore LLP partner Benjamin Gruenstein spends his days advising corporations such as NCR Corp. on their internal and government investigations with expertise honed by several years as a prosecutor, placing him among five young white collar attorneys recognized by Law360.

Gruenstein came to Cravath in 2008, was promoted to partner in 2012 and for the first time appears on Law360's Rising Star list of top attorneys under 40. The onetime law clerk for U.S. Supreme Court Justice David H. Souter was an assistant U.S. attorney in the Criminal Division of the U.S. Attorney's Office for the Southern District of New York for five and a half years before making the jump to Cravath, where he still relies heavily on his prosecutorial experience.

Much of Gruenstein's practice focuses on investigations for clients on issues involving the Foreign Corrupt Practices Act, insider trading, criminal antitrust, accounting fraud and trade sanctions.

He advises corporations, executives and boards in a wide variety of industries, including financial services, retail, manufacturing and technology, on how to craft compliance programs and address potential problems before formal proceedings are commenced by the government.

Gruenstein began at the firm as an associate in the litigation department, where he split his time between white collar and general litigation matters. As a senior associate, he ran large cases, handled discovery, played an in-court role on cases that went to trial and sometimes served as the lead attorney on smaller white collar investigations, all of which helped boost him to partner.

“Proving that I could handle those matters in a partner-type role helped make my case,” he said.

Recently, Gruenstein has handled probes for major corporations like NCR, IBM Corp. and Avon Products Inc. He counseled NCR on internal and government investigations into whistleblower allegations under the FCPA and trade sanctions violations in China, the Middle East and Africa.

He is also handling the U.S. Department of Justice and U.S. Securities and Exchange Commission probes into possible FCPA violations by Avon's operations in China and other countries.

He is currently waiting on a federal judge's approval of the \$10 million settlement he helped negotiate for IBM with the SEC to resolve allegations concerning the company's operations in China and South

Korea. IBM entered the agreement in March 2011 to end claims that it violated provisions of the FCPA in connection with allegedly improper payments and travel and entertainment provided to government officials in these countries.

As a younger partner, Gruenstein says he makes sure that he operates in a “very hands-on” manner, ensuring that he masters the facts related to an investigation, conducts multiple interviews and studies the key documents. It's an exciting time to be in white collar law, he says, with clients in high-stress situations coming through the door at all times.

Though Gruenstein says he draws on his experience as a prosecutor frequently, he has relied on the guidance of his Cravath colleagues on certain matters — including when a company should self-report potential legal issues, when to publicly disclose an investigation in an SEC filing and how to develop a compliance program.

“I'm very lucky to have partners in the litigation department as well as in the corporate department from whom I've learned a great deal [on how] to deal with these sorts of issues,” he said.

Gruenstein says his fellow partners in the litigation and corporate departments at Cravath each bring their own perspective to the work at hand, culminating in a very collaborative atmosphere. He advises younger attorneys to take opportunities wherever they can.

“I work closely with my associates, and I encourage them to assume significant responsibility, to exercise judgment and to challenge themselves to go beyond their comfort zone,” he said. “I'm continually impressed by their work.”

Cravath Chairman Evan Chesler began working with Gruenstein when Gruenstein was an associate. They continue to team up now that Gruenstein is a partner, especially for FCPA-related matters.

According to Chesler, Gruenstein's smarts and “effective demeanor” in coaxing meaningful answers out of people are two of the characteristics that make him stand out.

“It's more than his just having extensive experience as a prosecutor,” Chesler said. “Not everybody who's had prosecutorial experience is nearly so good as Ben is at getting the facts from witnesses in a very effective way.”

--Editing by Andrew Park.

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