

Partner Neil Barofsky Appointed Monitor of United Auto Workers Union

News

May 12, 2021

A judge granted a motion to appoint Jenner & Block Partner Neil M. Barofsky as monitor in response to a government investigation involving high-level officials at the union.

Earlier this year, the government and the UAW reached an agreement to resolve civil and criminal liability of the union through a consent decree. The agreement calls for a monitor to help carry out the mandates and goals set forth in the consent decree, which requires the monitor to work in several areas, including overseeing the union's elections, its overhaul of its compliance and control functions, and to investigate and seek the removal of union officials who engage in certain types of misconduct.

The government's motion asking Judge David M. Lawson to appoint Mr. Barofsky noted that he leads the firm's Monitorship Practice and previously served as monitor of Credit Suisse Securities LLC and Credit Suisse AG following billion dollar settlements. "The government has spoken with representatives from all sides of these monitorships, all of whom endorsed Mr. Barofsky's tough but fair approach," said the motion, filed last month.

The motion also referred to Mr. Barofsky's past experience as the special inspector general of the Troubled Asset Relief Program, "an investigative agency that he built from scratch," as well as his time as Assistant United States Attorney in the United States Attorney's Office in the Southern District of New York.

In the motion, the government cited the experience and important roles that the leaders of the monitorship team would play: Partners Reid J. Schar, Kali Bracey, and Erin R. Schrantz. The government's motion notes that Mr. Schar, co-chair of the firm's Litigation Department, would head the investigations effort, drawing on his experience investigating corruption as an Assistant United States Attorney, as well as his work in private practice. Ms. Bracey is noted for participating in a Citigroup monitorship and election-related litigation; in this monitorship, she will oversee the union's elections. The motion also recognized Ms. Schrantz as "an expert in corporate compliance matters," citing her work on the Credit Suisse monitorship.

On May 12, Judge Nelson approved the motion. In his approval, Judge Nelson said that Mr. Barofsky's appointment was unopposed and that he has the “knowledge and experience” to perform the role.

News of the government’s motion was covered by outlets including *Law360*. Judge Nelson’s approval was announced by the Department of Justice and covered by outlets including *Automotive News*, *The Detroit News* and Reuters.

Mr. Barofsky's appointment is another success for the firm’s Monitorship Practice, and follows in the firm’s tradition of being appointed monitors for such global companies and organizations as Credit Suisse and Education Management Corporation. Last November, firm Chair Thomas J. Perrelli released the 13th and final report as independent monitor of Citigroup Inc. More recently, a team led by Partners Lee S. Wolosky and Dawn L. Smalls completed a monitorship for a tier-one financial institution.

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