

Whistleblower Lawyer David J. Marshall Presents on New SEC Whistleblower Program Rules from the Whistleblower's Perspective

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On July 6, 2011, whistleblower lawyer [David J. Marshall](#) of the law firm Katz, Marshall & Banks in Washington, DC, who recently authored a [comprehensive guide](#) to the new SEC whistleblower program, presented on a panel discussing those new whistleblower provisions in connection with the D.C. Bar CLE Program. Mr. Marshall presented from the whistleblower's perspective, and was joined by Paul Monsees and Kenneth B. Winer of the firm Foley & Lardner, as well as Thomas A. Sporkin, the Chief of the SEC Office of Market Intelligence.

The Bureau of National Affairs Corporate Accountability Report cites Mr. Marshall's presentation. The BNA Report explains that "David Marshall...said the SEC responds best to tipsters who can provide ledger entries, logbooks, or other documents that show direct evidence of wrongdoing. He also explained that the SEC is interested in cases with large dollar amounts, but also wants to see a public interest served in prosecuting a claim, such as preventing fraud, particularly against retirement funds and groups of smaller investors."

The Report also quotes Mr. Marshall's response to a question about the possibility of companies establishing internal whistleblower programs to encourage internal reporting. Marshall responded "Rewarding whistleblowers would certainly provide an incentive to employees to report their concerns internally, although some employees are still going to fear retaliation." In order for such a program to be effective, he said "this would have to be just one component of an internal compliance program that assured would-be whistleblowers that they would not be endangering their jobs for reporting securities violations within the company."