

15. The question of whether to charge Julia individually requires analysis of (1) her actual liability under the FCPA and (2) the risk of Fifth Amendment litigation concerning the circumstances under which her statement was taken, and the possible remedial consequences that could flow from a court finding a violation. In a twist on the *Connolly/KPMG* fact patterns, here the threat is not termination but refusal to protect privileged conversations. Surely no court has addressed this question. It would seem intuitively that the individual's claim would be weaker in this context—but there is abundant opportunity for novel analysis here.