

企业内控与反舞弊 法律中心

Corporate Compliance &
Anti-Corruption Center

热爱法律的技术派

关于星瀚企业内控与反舞弊法律中心

Introduction of Corporate Compliance & Anti-Corruption Center

星瀚反舞弊法律中心成立于2016年4月，2018年1月更名为星瀚企业内控和反舞弊法律中心，旨在为客户提供专业、高效的内控、合规和反舞弊法律服务。

中心由星瀚律师事务所擅长公司治理、反舞弊调查、法律诉讼的多名高级合伙人联合领衔，下设专业团队，能够为企业客户提供优质的反舞弊和内控领域咨询及配套法律服务。中心服务内容涵盖企业内控体系建设、上市公司内控合规、反舞弊调查、舞弊案件刑事控告、高管/员工损害公司利益民事追索、员工劳动关系处理等。

星瀚企业内控和反舞弊法律中心每季度召开内控和反舞弊论坛活动，每年发布权威大数据报告，为企业客户提供内控和反舞弊领域的前沿资讯和专业信息。

多年来，星瀚企业内控和反舞弊中心围绕企业内控和反舞弊司法实务做了大量研究，并承办了诸多大中型企业的近百起员工职务犯罪案件，积累了丰厚经验。目前，星瀚企业内控和反舞弊法律中心已经为大量知名跨国企业、上市公司、民营企业提供相关服务，涵盖金融、零售消费、物流、医疗健康、房地产、制造、科技、教育、互联网等众多行业和领域，均受到客户的充分认可和好评。



核心竞争力

Core Competitiveness

- 技术

熟练掌握各种可能获取证据、线索的平台和路径，掌握前沿的多种电子数据痕迹鉴定方法。
- 法律

精通刑事司法程序以及和舞弊有关的行政、刑事法律规定，熟悉取证合法要求和证据规格要求，对法律的定性判断精准，善于运用各种刑事罪名、调查手段、设定管辖等技巧，为案件提供最佳解决方案。
- 侦查思维

依靠多年的警务工作经验，善于通过舞弊案情和有限的线索，推演舞弊人员的心态和行为轨迹，针对性地发现和获取舞弊的证据、线索。

专业优势

Professional Advantages



前沿、丰富的调查手段

中心会根据具体案情确定综合的调查方案，组合不同的调查手段，按照从暗到明、从外到里等原则对案件进行调查，包括电子取证（恢复电子文档、邮件、在线聊天记录等电子数据，还原系统操作日志、轨迹和行为路径等）、财务审计、书证线索分析、外围（线上、线下）的梳理排查、涉事人员谈话等专业调查手段。

与传统的反舞弊业务相比，星瀚内控和反舞弊法律中心更加侧重主动性的收集证据，而非仅仅被动地整理客户已经掌握的案件线索，在反舞弊的初期利用上述调查手段为案件获取关键性的证据线索。

综合、有效的解决方案

在反舞弊刑事案件处理上，中心的解决方案综合涵盖调查取证、刑事控告、刑事索赔、完善内控等环节。对于不构成刑事犯罪，但符合高管不尽忠实勤勉义务损害公司利益的，中心亦为企业客户提供民事诉讼索赔法律服务。中心还可以为客户同步提供专业的舞弊人员劳动关系处理解决方案。

五大调查内容

Investigation Methods



■ 电子取证

电子数据提取与分析，包括涉案电子设备存储介质无损镜像提取，电子数据扫描、恢复及基础分析。可以针对性恢复、提取舞弊人员电子设备中的邮件、文档、图片等文件，也能确认USB设备插拔、应用安装使用等操作痕迹。以还原涉案员工的舞弊行为轨迹，获取案件证据和线索。



■ 外围调查

在法律规定的范围内，对舞弊人员在公开渠道可获取的个人生活记录及可疑线索，舞弊人员的父母、配偶、子女等亲属关系情况和家庭背景，舞弊人员及其关系人所持有或参与的公司情况，包括经营状况、员工在职等情况进行调查，获取关联性信息。



■ 财务审计

就案件涉及的财务信息进行审计判断，如案情材料复杂，将引入查账实务经验丰富的司法审计机构，就银行流水、银行回单、财务邮件、财务软件记录、记账凭证等财务资料进行全面核查，检索非正常资金往来。



■ 书证处理

根据客户提供的相关书面材料，如舞弊人员涉嫌违规操作的项目合同、结算文书、审批文件等签章文书，调查舞弊人员涉嫌违规操作的相应项目。以公安办案的视角，排查被调查人员的相关舞弊线索。

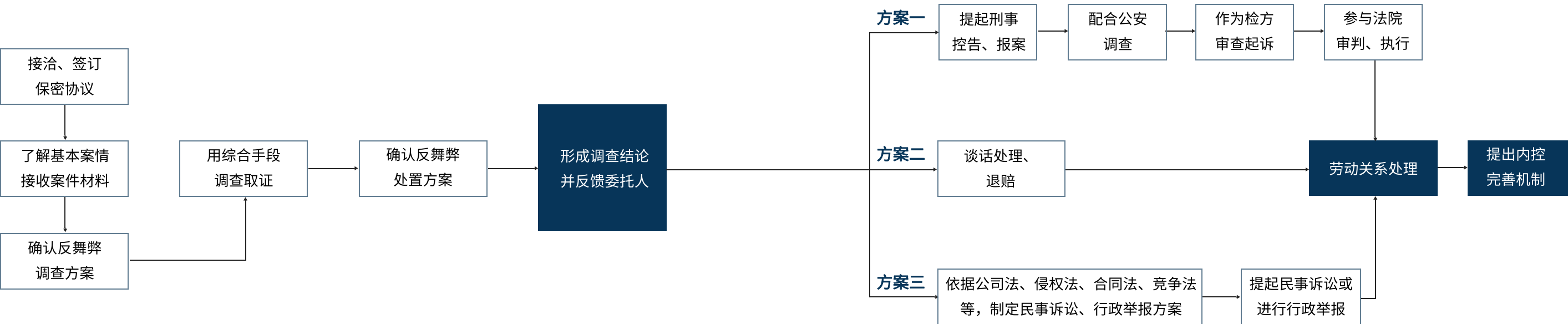


■ 人员谈话

运用警方审讯技巧，根据案情和相关人员性格背景，制定谈话策略和问话提纲，对举报人、相关知情人员以及舞弊嫌疑人员开展谈话，获取和核实信息，固定证据。

反舞弊办案流程

Case Processing Flow



我们的团队

Professionals



汪银平
高级合伙人/内控和反舞弊法律中心负责人/11年公安刑侦经验

汪银平律师毕业于华东政法大学法律系，获得硕士学位。汪银平律师还是华东政法大学律师学院特聘教授，上海市法学会社会治理研究会理事。

汪银平律师所负责的反舞弊业务不拘泥于传统的风控、合规范围，擅长从刑事角度协助客户通过电子取证等先进的手段锁定舞弊人员、确定舞弊行为线索，并协助客户整理证据材料进行刑事立案，最终达到对舞弊人员采取刑事强制措施并为客户挽回经济损失的目标。



杨晖
合伙人/10余年税务机关税务稽查经验

杨晖律师本科毕业于华东政法大学，后于同济大学获得法学硕士学位。杨晖律师专业从事财税相关法律服务，在财税筹划、财税纠纷法律服务等业务上具有丰富的实务经验。杨晖律师擅于以数据为基础，利用财务分析方法，识别出企业员工的舞弊行为，从财务方面为企业提供员工舞弊线索。



冒小建
合伙人/15年检察机关经验

冒小建律师本科毕业于华东政法大学、后于上海财经大学获得硕士学位，具有基金、证券、期货从业资格。冒小建长期从事刑法理论研究和办案实务工作，具备深厚的专业理论与丰富的实务经验。曾在上海检察系统工作十五年，参与过重大职务犯罪侦查及重大经济案件审查起诉，有丰富的检察实务司法经验。冒小建律师擅长金融犯罪、贪污贿赂犯罪等重大刑事案件辩护，金融机构、上市公司、私募基金等公司合规及刑事风险防控，国家工作人员及公司高管职务犯罪预防等综合性法律服务。



卫新
高级合伙人/公司法专家

卫新律师毕业于华东政法大学法律系，为上海星瀚律师事务所创始人、高级合伙人。卫新律师亦为华东政法大学兼职教授、华东政法大学兼职硕士生导师、上海政法学院校外硕士生导师。卫新律师擅长公司内控制度建设、高管违反忠实勤勉义务民事索赔诉讼，有着丰富的实务经验，曾代理某企业股东利用利益输送手段掏空公司案件，通过多重诉讼为客户获得亿元赔偿。



周晓鸣
网安和技术专家

周晓鸣毕业于复旦大学，曾在上海市公安局网监总队、治安总队任职13年，先后从事互联网管理、情报分析研判、刑事案件侦办、电子数据取证等工作，现为星瀚内控和反舞弊法律中心电子取证专家。



职务侵占	<ul style="list-style-type: none">某上市公司（教育行业）IT高管职务侵占案某上市公司（房地产行业）高管职务侵占案某外资公司（物流行业）高管集体职务侵占案某上市公司（制药行业）销售人员职务侵占案某知名互联网公司高管职务侵占案某大型融资租赁公司（外资）员工职务侵占案某船运公司高管职务侵占案
商业贿赂	<ul style="list-style-type: none">某大型外资化妆品公司高管收受贿赂案某大型融资租赁公司员工收受贿赂案某互联网金融公司员工收受贿赂案
商业秘密	<ul style="list-style-type: none">某知名互联网公司员工侵犯公民个人信息案某知名互联网公司技术人员非法获取计算机信息系统数据案某汽车研发公司技术人员侵犯商业秘密案
其他类型	<ul style="list-style-type: none">某信托公司项目经理收受贿赂致公司被合同诈骗案某大型融资租赁公司被合同诈骗案

代表案例

Representative Cases



上海星瀚律师事务所

Introduction of the Law Firm

上海星瀚律师事务所是一家一体化运营的精品律师事务所，业务领域涵盖公司、金融、海商、刑事、涉外、财税、家事、房产、行政、海关等，能够为客户提供一站式、综合性的法律解决方案。

2019年3月，上海星瀚律师事务所获评2015-2018年度“**上海市优秀律师事务所**”，并被授予“**上海市十佳律师事务所**”称号。



以专业为核心

星瀚各业务部门坚持专业化发展，由在该领域专业领先的合伙人、资深律师领衔。律所根据案件的专业特点指派对应部门承办，在跨专业领域的案件中指定多部门合作办理，确保客户获得优质专业的法律服务。



一体化管理

星瀚律师事务所始终坚持一体化运营，全所执行相同的制度、接受统一的管理，业务流程规范、严谨，律师代理的每一个案子均在行政部登记、录入电子系统、接受利益冲突查询、由客户服务部全程跟踪，律所至今保持零投诉的优秀记录。



跨地域、国际化发展

为了迎合行业需要、向客户提供跨区域的法律服务，星瀚在南京、武汉设立了分所，在北京、大连等城市设有代表处，并与英国、新加坡、澳大利亚、韩国、日本、美国、德国、以色列、南非等世界各地的知名律师事务所保持良好的合作。此外，星瀚律师可以用中文、英文、韩文、日文作为工作语言，为全球客户提供法律服务。



联系我们



“内控和反舞弊研究”是星瀚律师事务所内控和反舞弊法律中心设立的微信公众号，专注于研究和发布和企业内控反舞弊相关的科研成果、案例解读和新闻动态信息，发布内容均由星瀚律师事务所内控和反舞弊法律中心原创、收集整理或相关从事反舞弊岗位的专业人士撰写，是展示企业内控和反舞弊领域研究成果的专业微信公众号。

☎ 021-5109 6488

✉ CCAC@ricc.com.cn

🏠 上海市长宁路1193号
长宁来福士广场T3办公楼7层

Introduction of Corporate Compliance & Anti-Corruption Center

RICC&CO. first founded Anti-Corruption Center in April 2016 and later renamed it to Corporate Compliance & Anti-Corruption Center (“CCAC”) in January 2018. Since the establishment, CCAC has been dedicated to being one of the leading teams for corporate compliance, internal control and anti-corruption in China and has been keeping providing its clients with professional insights as well as highly efficient resolutions.

With its professional team formed by senior partners who specialize in corporate governance, anti-corruption investigations and litigation, CCAC has become one of the most reliable firms for corporate compliance and has been providing various legal services to clients, including the construction of corporate compliance systems, regulatory compliance of listed companies, anti-corruption investigations, criminal complaints of fraud cases, civil affairs/employees' damage to corporate interests and labor relation management etc.

CCAC holds professional forums and publishes big-data reports on a regular basis to share our observations, insights and cutting-edge information in the field of corporate compliance and anti-corruption.

CCAC has done a lot of researches on corporate compliance and anti-corruption judicial practice. Meanwhile, CCAC has dealt with nearly 100 employee duty crime cases and accumulated rich experience. At present, CCAC has provided services for a large number of well-known multinational corporations, listed companies and private enterprises, covering finance, retail consumption, logistics, medical health, real estate, manufacturing, technology, education, internet and many other industries, which are fully recognized and praised by clients.



Core Competitiveness

- Techniques

Skilled at utilizing all kinds of platforms and resources to obtain relevant evidences and clues and proficient with the latest methods of identifying electronic data traces.
- Law

Proficient in criminal justice as well as administrative and criminal law provisions related to fraud; familiar with forensics legitimacy and evidence specification requirements; accurate judgment of the case; good at using various criminal charges, investigation methods and jurisdiction setting to provide the best solution for the case.
- Investigation Thinking

Relying on years of experience in police work, we are good at deducing the mentality and behavior trajectory of fraudulent personnel according to case circumstances and limited clues, detecting and obtaining evidence and clues of fraud targetedly.

Professional Advantages



Frontier and varied investigation methods

CCAC will design a comprehensive investigation plan based on the specific circumstances of the case, combining different investigation methods thoroughly. The investigation methods include electronic forensics (recovering electronic information such as documents, mails, online chat records, system operation logs, trajectories and behavior paths, etc.), financial audits, documentary analysis, due diligence checking (online, offline) and troubleshooting, personnel interviews as well as other professional investigation skills.

Compared with the traditional anti-corruption methods, CCAC focuses more on proactive evidence-collecting than merely passively sorting out the clues that clients have already mastered. In the initial stage of anti-corruption, the above-mentioned investigation skills can often be used to obtain critical evidence and clues.

Comprehensive and effective solution

In the handling of anti-corruption criminal cases, CCAC's solutions comprehensively cover investigation and evidence collection, criminal charges, criminal claims, and improvement of corporate compliance etc. For those senior management personnel who do not constitute a criminal offence, but violate the duty of diligence and loyalty and cause damage to company's interests, CCAC collects evidence and provides clients with civil litigation claims. At the same time, CCAC can also provide professional labor dispute solutions for clients.

Investigation Methods

- 

Electronic forensics

Electronic data compiles an employee's various activities, not only in documentary and files, but also in electronic traces such as data logs. The extraction and analysis of the data can recover fraudulent emails, documents, pictures and other files. It can also confirm the traces of USB device, application installation and use. Through electronic data, the behavior of fraudulent employees can be restored, and case evidence and clues can be sought.
- 

Due diligence check

To the extent prescribed by law, we investigate into personal life records and suspicious clues which are available on public channels, as well as their parents, spouses, children and any other relatives. We also perform background checks on relevant affiliates, and investigate into the situation of the company, including business conditions, employee on-the-job status, etc., to obtain related information.
- 

Financial Audit

For cases involving complicated financial information, judicial audit institutions with rich experience are introduced to conduct comprehensive verification on financial information such as account statements, bank receipts, finance related mails and software records, and accounting vouchers, searching for abnormal transactions.
- 

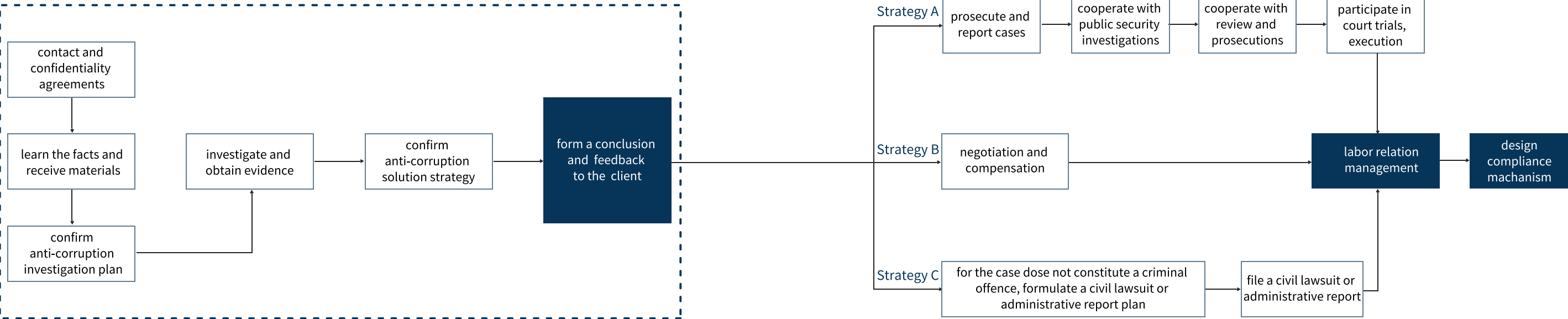
Documentary Analysis

The relevant written materials provided by clients, such as project contracts, settlement documents, approval documents which are suspected of illegal operations by fraudulent personnel, will be investigated. The relevant personnel are investigated from the perspective of the public security department.
- 

Personnel Interview

Using police interrogation skills, a conversation strategy will be formulated based on the case and the personality of the relevant personnel. Conversations are conducted with relevant informed personnel and suspected fraud personnel, in order to obtain and verify information as well as fix evidence.

Case Processing Flow



Professionals

Wang Jinping

Senior Partner / Head of CCAC / 11 years of experience in public security investigation



Mr. Wang Jinping was graduated from the East China University of Political Science and Law with a Master degree in Law. Mr. Wang is a distinguished professor at the Faculty of Law at East China University of Political Science and Law, and council of the Social Governance Research Association of Shanghai Law Society.

The anti-corruption services under the leadership of Mr. Wang is not constrained to the traditional scope of risk control and compliance. Instead, he specializes in assisting clients from a criminal point of view by gathering electronic evidence and using other advanced means to target fraudulent personnel, to detect clues, and to assist clients in combing evidence for criminal charges. Ultimately, criminal measures will be taken against fraudulent personnel and compensation will be attained.

Yang Hui

Over 10 years of experience in tax auditing and planning



Mr. Yang Hui was graduated from East China University of Political Science and Law with a Bachelor degree in Law and then obtained a Master degree in law from Tongji University. Mr. Yang specializes in financial and tax related legal services and has rich practical experience in fiscal planning and tax disputes solution. Mr. Yang is adept at using data and financial analysis methods to identify the fraudulent behavior, and to provide, from a financial viewpoint, corporations with clues about potential employee fraud.



Mao Xiaojian

Partner / 15 years of prosecutorial experience

Mr. Mao Xiaojian was graduated with an undergraduate degree from East China University of Political Science and Law and succeeded to obtain a Master's degree from Shanghai University of Finance and Economics. Mr. Mao has qualifications in fund, securities and futures. He has long been engaged in the theoretical research and practice of criminal law, and has both profound knowledge and rich practical experience. He has worked in the Shanghai prosecutorial system for 15 years, participating in the investigation of duty crimes and economic cases, and thus has rich judicial experience in the prosecutorial practice. Mr. Mao specializes in the defense of criminal cases such as financial crimes, corruption and bribery crimes, compliance and criminal risk prevention, control of financial institutions, listed companies, private equity funds and other companies, and comprehensive legal services such as crime risk prevention for state employees and corporate executives.

Wei Xin

Senior Partner / Corporate Law Specialist



Mr. Wei Xin was graduated from the Law School of East China University of Political Science and Law, and is the founder and senior partner of RICC&CO.. He is also a professor at the East China University of Political Science and Law, as well as a postgraduate supervisor at both the East China University of Political Science and Law and the Shanghai University of Political Science and Law. Mr. Wei specializes in the construction of corporate compliance system, and litigation involving senior executives in violation of their duty of diligence. Mr. Wei once obtained 100 - million - yuan compensation for the client through multiple litigations in the case which the opposite shareholders transferred the profit to cash out the company.



Zhou Xiaoming

Cyber security and technical expert

Mr. Zhou Xiaoming was graduated from Fudan University. He has worked in the Shanghai Public Security Bureau Cyber Inspection Team and the Public Security Team for 13 years. He has experience in Internet management, intelligence analysis and investigation, criminal case investigation, electronic data forensics, etc. He is now the digital forensics expert of the CCAC.



Embezzlement case

- Embezzlement case of an IT senior executive in a listed company (Education industry)
- Embezzlement case of an senior executive in a listed company (Real estate industry)
- Embezzlement case of a senior executive in a foreign-funded company (Logistic industry)
- Embezzlement case of sales staff in a listed company (Pharmaceutical industry)
- Embezzlement case of a senior executive in a well-known Internet company
- Embezzlement case of a staff in a large financial leasing company (Foreign-funded)
- Embezzlement case of a senior executive in a shipping company

Commercial bribery case

- Bribery case of a senior executive in a well-known cosmetic company (Foreign-funded)
- Bribery case of a staff in a large financial leasing company
- Bribery case of a staff in an Internet finance company

Trade secret case

- Violation of citizens' personal information in a well-known Internet company
- Illegal acquisition of computer information system data of a technician in a well-known internet company
- Violation of trade secrets of technical staff in a well-known automotive research and development company

Others

- Contract fraud case of a project manager of a well-known trust company
- Contract fraud case of a large financial leasing company

Representative Cases



Introduction of the Law Firm

RICC&CO. is a boutique law firm established in Shanghai. The Firm renders professional and comprehensive services in corporate, financial, maritime, criminal, cross-border issues and tax, family, administrative and custom.

In March 2019, RICC&CO. was awarded the **2015-2018 Shanghai Excellent Law Firm** and was awarded the title of **Shanghai Top 10 Law Firm**.



FOCUS ON PROFESSIONALISM

RICC&CO. has been dedicated to professionalism. Each team is led by the professional partners and senior lawyers. The corresponding teams and professional lawyers will be assigned based on the characteristics of the cases. As for cases which cross multiple sectors, teams will cooperate with each other, so as to provide the clients with high efficient and high quality services.



COMPANY MANAGEMENT

RICC&CO. insists on integrated company operation and everyone is under uniform management. RICC&CO. has standard processing flow and every case will accept interest conflict check, be registered by the case management department and tracked by the client service department. The Firm has maintained a record of zero complaint.



CROSS-BORDER AND INTERNATIONAL DEVELOPMENT

In order to provide clients with cross-border services, RICC&CO. has branches in Nanjing and Wuhan and representative offices in Beijing and Dalian. RICC&CO. has close cooperation with top law firms in UK, Singapore, Australia, South Korea, Japan, USA, Israel, and South Africa. RICC&CO. has an abundance of international resources and can provide clients worldwide with legal services in Chinese, English, Korean and Japanese.



Contact Us

-  86 21-5109 6488
-  CCAC@ricc.com.cn
-  7th Floor, Tower 3 of Raffles,
No.1193 Changning Road,
Shanghai 200051, P.R.China

