

# Commandment #9: Don't Expect Immediate Resolution - Investigations May Last For Years

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## Practices

Litigation

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Over the last several months, I've shared my thoughts on what I've observed and experienced both as a federal prosecutor, criminal defense attorney and civil litigator in regards to federal, state or local investigations. This list of ten commandments on what not to do "when the feds come knockin'" is not complete without a warning on the timing and length of investigations. While I will focus on federal criminal investigations, the rationale is equally applicable to any type of litigation including civil, regulatory or administrative processing.

## So here's Commandment # 9: Don't Expect Immediate Resolution - Investigations May Last For Years!

The vast majority of cases are resolved without trial, but *immediate resolution* (including notification the case will not be pursued) seldom, if ever, occurs. After the first knock on the door, don't expect it to be resolved the next month...or two...or six. Instead, as a general rule, you should expect a Federal Grand Jury Investigation to last over a year and in some instances even longer. During my seven year span as a Federal Prosecutor, I witnessed some prosecutions resolved from start to finish, without trial, within the year while others lasted multiple years. My Federal Grand Jury Investigations often started and stopped over and over, due in part to the fact that the Federal Grand Jury only meets once a month. Additionally, there were times when the monthly Grand Jury was in heavy demand and months could pass before you could get back before it, or when the Prosecutor might be investigating one case but then called to trial for another matter. In some cases, there are even lengthy statues of limitation which give the Government the ability to prosecute civil, regulatory, and criminal cases long after the events may have occurred.

## Be patient.

Just because a Grand Jury testimony has concluded or a deposition has been taken does not mean the end is near. Federal, civil, and criminal cases often take years to work their way up to the filing of federal indictment or civil complaint. Take care of business and don't obsess over the case. Keep your records. Don't talk about your case with anyone other than your lawyer. And don't expect immediate resolution.

**Next week: Commandment #10 - Don't Hesitate to Call an Attorney - and Chose One with Experience**

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