



White-collar and corporate crime

Our commercial criminal law team defends and advises companies and private individuals against public prosecutors' offices, courts and authorities throughout Germany, in all areas of white collar crime, criminal tax law and administrative offences law. Another key area of our practice is preventive advice and corporate compliance.

„Leading law firm for compliance and criminal law 2019“

WirtschaftsWoche Top-Kanzleien 2019

„Ranked as one of the best law firms for compliance and D&O liability“

WirtschaftsWoche "Top-Kanzleien" ranking of 12 May 2017

„Leading law firm for compliance advice; The group has a good understanding of clients' needs and convinces with flexibility and speed, good communication and a decent price-performance ratio“

Legal 500 Deutschland 2021

„Recommended law firm for competition law and penal tax law“

Handelsblatt/Best Lawyers® 'Germany's Best Law Firms and Lawyers 2024'

Advice to companies

On the whole, it is highly unusual for a company to find itself in a crisis situation arising from criminal law issues. This means they usually have very little, if any, experience in how to approach such a situation. In light of the possibly far-reaching consequences, obtaining experienced and forward-looking legal advice is therefore essential.

Our team has the necessary expertise to steer companies through the crisis. If a company is investigated on the grounds that employees have allegedly behaved in a criminal manner, then – where appropriate – we will coordinate a collaborative defence of the employees and the company in order to protect their common interests.

We defend the company itself against sanctions such as fines and forfeitures. In doing so, we maintain close communication with the investigating authorities in order to minimise all possible risks and exposure.

Selected references

- Defending several international groups of companies against corporate fines and forfeiture
- Advising a telecommunications group in investigation proceedings against employees on grounds of embezzlement and tax evasion
- Defending several companies (i.a. active in plant engineering) against charges of negligent homicide due to occupational or

industrial accidents

- Defending a German commercial airport against charges in the field of environmental criminal law
- Defending a construction company against corruption and competition law charges

Defence of individuals

We defend private individuals in investigation proceedings as well as in all other criminal law proceedings. In the event of coercive measures, for example, searches, we provide on-the-spot "first aid" and put things on the right track for further proceedings. Swift action is crucial in such situations. From our six German offices we are able to support our clients in person nationwide very quickly.

The objective of our experienced defence lawyers is to respond strategically to any investigative procedures as quickly as possible in order to avoid charges and a possible trial.

Selected references

- Defending board members of several banks and savings banks as well political officials, i.a. against charges of embezzlement
- Defending an internationally active hotel investor against an accusation of subsidy fraud
- Representation in numerous corruption proceedings including corruption abroad
- Defending a managing director in a complex procedure concerning fiscal offences
- Defending a construction company against corruption and competition law charges
- Defending a member of a supervisory board against charges in the field of employment-related criminal law

Criminal law compliance

In recent years, the number of regulations that companies must observe in their daily work and the sanctions for breaching them have been rising steadily. It is therefore in the interest of companies, managers and employees to avoid serious legal infringements. We also provide preventive criminal law advice and support our clients in the area of criminal compliance.

Our team supports companies in identifying and minimising criminal law risks at an early stage. We assist in the development of compliance systems, draft specially tailored guidelines and provide training for employees. In this, we work closely with our multi-disciplinary > **corporate compliance competence team**, for example, on issues of competition, employment or data protection law.

We also regularly carry out audits, both for the clarification of possible internal infringements as well as on the grounds of good practice. Where there are concrete grounds for suspicion, we may take over the internal investigation, in close cooperation with the company concerned. Our focus is usually on finding and evaluating evidence and interviewing employees, but where required we will also liaise with the relevant investigative or supervisory authorities.

In the area of computer forensics, we work with the leading service providers as well as with psychologists and other experts as necessary.

Selected references

- Development and implementation of corporate compliance programmes and training courses in numerous large and medium-sized companies as well as public sector companies
- Audits for numerous globally active industrial companies (including several DAX companies), sometimes including extensive internal investigations

PUBLICATIONS

Books and book contributions



> **Die Formalisierung der konsensualen Erledigung nach § 153a StPO**

> **Nomos Kommentar zum Medienstrafrecht**

> **Strafprozessrecht**

> **Kollektivierung als Herausforderung für das Strafrecht**

> **Handbuch des Strafrechts Band 5: Strafrecht Besonderer Teil II**

> **Klausurtraining Strafrecht**

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Articles

- > **Schumann, Kay H.** und Corsten, Johannes: Unterscheidung zwischen Tatertrag und Tatobjekt, Urteilsanmerkung zu BGH, Urt. v. 8.3.2023 – 1 StR 281/22 in wistra 2023, S. 335.
- > **Prechtl**, Entscheidungsanmerkung zu BGH, Beschl. vom 8.5.2019 - 5 StR 146/19 in: ZJS 6 (2019), 522
- > **Schumann**, Die Imperativentheorie John Austins im Schatten der Lehre Jeremy Benthams, RphZ 2018, 97 ff.
- > **Schumann**, Die besondere Handlungsqualität des „Schwörens“: Zur eigenständigen strafrechtlichen Erfassung des Meineides, Zeitschrift für die gesamte Strafrechtswissenschaft (ZStW) 2014, 615 ff.
- > **Schumann/Mayer/Lux**, Zur Betrugsrelevanz eines abgebrochenen Telefonanrufs (sog. Ping-Anrufe), Zeitschrift für Wirtschaftsstrafrecht und Haftung im Unternehmen (NZWiSt) 2013, 10 ff.
- > **Schumann**, Telefonische Sterbehilfe? – Zu der Beteiligungsfrage im „Sterbehilfe-Urteil“ des BGH, Juristische Rundschau (JR) 2011, 142 ff.
- > **Schumann**, Der neue Straftatbestand der Zwangsheirat (§ 237 StGB), Juristische Schulung (JuS) 2011, 789 ff.
- > **Schumann**, Von der sog. "objektiven Zurechnung" im Strafrecht, Juristische Ausbildung (JA) 2008, 408 ff. 2012 übersetzt ins Chinesische von Dr. Guisheng Cai, erschienen in Tsinghua Law Review 2013, 213 ff.
- > **Schumann**, Das 41. Strafrechtsänderungsgesetz, Neue Zeitschrift für Strafrecht (NStZ) 2007, 675 ff.
- > **Schumann**, Protokollberichtigung, freie Beweiswürdigung und formelle Wahrheit im Strafverfahren, Juristenzeitung (JZ) 2007, 927 ff.
- > **Schumann**, "Brechmitteleinsatz ist Folter"?, Strafverteidiger (StV) 2006, 661 ff.
- > **Schumann/Dornseif**, Probleme des Datenbegriffs am Beispiel des § 269 StGB, Juristische Rundschau (JR) 2002, 52 ff.
- > **Schumann/Dornseif/Klein**, Tatsächliche und rechtliche Risiken drahtloser Computernetzwerke, Datenschutz und Datensicherheit (DuD) 2002, 226 ff.

Commemorative publications

- > **Schumann**, "Überlegungen zum Anwendungsbereich des §184i StGB", Liber amicorum - Festgabe für José de Faria Costa zum 70. Geburtstag | Liber amicorum - Estudos Comemorativos para José de Faria Costa pelo 70.^o Aniversário 2020, hrsg. von Prof. Dr.

Miscellaneous

- > **Schumann**, A reflexão Binding/Hoche. Simultaneamente uma reflexão sobre a protecção da vida em direito penal (übers. v. Gondinho),
n: O Sentido e o Conteúdo do Bem Jurídico Vida Humana, Coimbra: Coimbra Editora, 2013, S. 37 ff
Mit einem Beitrag von: > **Prof. Dr. Kay H. Schumann**
- > **Giesen**, Die Tatmittel in der Diebstahls- und Raubqualifikation gemäß §§ 244, 250 StGB
- > **Langen, J.**, Historische Entwicklung und aktuelle Rechtslage des Betrugstatbestandes, 2003, GRIN Verlag München