



First, a basic reality. All of us, as attorneys counseling companies on white collar matters, are likely to have discovered crimes such as theft, bribery, and embezzlement committed by current and former employees, as well as by competitors. We also know that such bad acts (and bad actors) are not regularly reported to law enforcement.

In fact, what prevents more widespread reporting is the understandable fear that the "whistleblowing" company—or individual—may face civil exposure for, say, defamation or tortious interference, not to mention the potential negative publicity accompanying such law enforcement outreach.

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