

Insights



Wade Weems and Joshua Huang in Caixin Global: Here's How Chinese Targets Should Respond to U.S. Subpoenas

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As U.S.-China tensions mount, Chinese individuals and entities are facing rising risks of becoming targets of U.S. criminal investigations. Shanghai-based Wade Weems, a former U.S. federal prosecutor, and Joshua Huang, a former PRC prosecutor focused on cross-border enforcement, share how Chinese targets should respond to protect their liberty and assets in an article for *Caixin Global*.

The first sign a Chinese individual or entity gets that they are targeted by U.S. investigators may come as a subpoena. Targets should immediately consider whether they should respond at all, given U.S. subpoenas' extraterritoriality must meet procedural and international requirements. Still, with the potential for extradition from third countries, as well as expanded powers for U.S. authorities to pressure banks, a risk assessment should be broad.

If a target decides to respond, it is critical they obtain advice and assistance from experienced legal counsel familiar with U.S. legal procedures and investigations, as well as the interaction of laws between the U.S., China and other jurisdictions where a target may be vulnerable to, for example, extradition, asset confiscation and even data seizure.

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