

ABA Criminal Justice Section

2012 ABA Mid-Year Meeting

February 3, 2012

**Royal Sonesta Hotel, Royal Conti Room, Lower Level
300 Bourbon Street, New Orleans, LA**

A COMPREHENSIVE VIEW OF WHERE CYBER CRIME IS HEADING IN 2012

Program: 1:00 – 3:00 pm

Cyber crimes affect us all, and cyber-security has been identified by President Obama as “one of the most serious economic and national security threats our nation faces.” The area of cyber crime is vast, diverse, highly complex, ever growing, and ever changing. It has been observed that the biggest challenge for law makers, the judiciary, attorneys, and private business is to keep up with the pace of emerging technologies, track and trace cyber criminal activities, and understand the increasing sophistication of cyber attacks.

Panelists will provide an overview of the laws relating to cyber crime and proposed changes, and the problems and emerging trends in cyber crime investigations. Panelists will focus on the area of cyber-security and the types of breaches that occur as a result of cyber attacks, internal compromises by disgruntled and former employees, negligence, vulnerable software, and inadvertent user error. With the theft of industrial data constituting a great risk to every corporation today, it has become absolutely necessary to study the issues and formulate approaches to deal with the inevitable breach or theft of data when it occurs. Panelists will conclude with practice tips for how to handle the inevitable cyber attack or data breach, highlighting the unique challenges corporations and their counsel, as well as government officials, face. Other topics will include social media as an instrument of crime, and as a source of evidence, and legislation around the country regarding cyber-bullying.

WHY IS QUI TAM LITIGATION OFTEN SO DIFFICULT TO RESOLVE

**WHAT HAS AND HAS NOT WORKED IN THE
PAST AND WAYS TO DO IT BETTER**

Program: 3:30 – 5:00 pm
Complimentary Reception to Follow

There is a new paradigm in qui tam cases. There seem to be more qui tam cases being filed now than ever before. They are more complex and more far reaching than those historically filed. There is also a confluence of federal and state false claims acts that has changed the legal landscape forever. These new cases represent a hybrid mixture of state FCA cases, and federal FCA cases driven by private relators and their counsel sometimes moving forward in tandem, sometimes not. Federal district courts and a growing number of state courts are becoming more comfortable with private relators moving forward with these often complicated cases, with or without the government. Are there ways in which to resolve the cases that should be efficiently, fairly, appropriately, and without making them into scorched-earth land wars? This panel will discuss the new paradigm and the practices and procedures that can be utilized to find quicker, more efficient and more equitable settlements of appropriate qui tam cases. Whether meritorious or not, these cases consume massive amounts of counsel, corporate and judicial resources. This panel will also examine what has and has not worked in the resolution of complex FCA cases and what should be more carefully examined going forward to adapt to the ever-changing face of vigorous qui tam enforcement.

**For More Information on this program or other CLE
Programs Contact Carol Rose at
Carol.Rose@americanbar.org**

A COMPREHENSIVE VIEW OF WHERE CYBER CRIME IS HEADING IN 2012

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Pablo A. Martinez

Deputy Special Agent in Charge, United Secret Service
Washington, D.C.

Erez Liebermann

Assistant United States Attorney for the District of New Jersey

Jordan Ginsberg

Assistant United States Attorney for the Eastern District of
Louisiana

Virginia Schlueter

Federal Public Defender for the Eastern District of Louisiana

John Reed Stark

Managing Director and Deputy General Counsel, Stroz
Friedberg
Washington, D.C.

Eric Christopher Nemecek

Ian N. Friedman & Associates, LLC
Cleveland, Ohio

Moderator

Matthew A.S. Esworthy

Partner at Shapiro Sher Guinot & Sandler
Baltimore, Maryland

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Friday, February 3, 2012

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WHAT HAS AND HAS NOT WORKED IN THE PAST AND WAYS TO DO IT BETTER

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Panelists

Marc S. Raspanti, Esquire

Pietragallo Gordon Alfano Bosick & Raspanti, LLP
Philadelphia, PA

David L. Douglass, Esquire

Shook, Hardy & Bacon LLP
Washington, D.C.

Margaret (Peg) Hutchinson

Chief, Civil Division
USAO for the EDPA
Philadelphia, PA

Meredith S. Auten

Morgan Lewis
Philadelphia, PA

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