AGENDA  |  13TH ABA/IBA INTERNATIONAL CARTEL WORKSHOP
FEBRUARY 19-21, 2020 @ THE PALACE HOTEL IN SAN FRANCISCO, CA

As of 12.18.19

ONSITE REGISTRATION HOURS:

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Sessions are located in the Grand Ballroom
Lunches are located in the Gold Ballroom

WEDNESDAY, FEBRUARY 19

8:45-9:00  WELCOME
A Brief Welcome from ABA Antitrust Law Section Chair.

Brian R. HENRY, ABA Antitrust Law Section Chair, Vice President & Senior Managing Counsel, Coca-Cola, Atlanta, GA

WORKSHOP OVERVIEW
D. Jarrett ARP, Workshop Chair, Gibson Dunn & Crutcher LLP, Washington, DC
Daniel G. Swanson, IBA, Gibson Dunn & Crutcher LLP, Los Angeles, CA

9:00-9:20  ANTITRUST DIVISION WELCOME
Welcome and Opening Remarks.

Richard A. POWERS, Deputy Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC

9:20-10:20 1. DEMONSTRATION
An Unexpected Discovery
A Company’s General Counsel Discovers Improper Competitor Contacts.

Scene 1
Casey W. HALLADAY, McMillan LLP, Toronto
Elizabeth PREWITT, Latham & Watkins LLP, New York, NY

Scene 2
Casey W. HALLADAY, McMillan LLP, Toronto
Thomas MUELLER, WilmerHale LLP, Washington, DC
Elizabeth PREWITT, Latham & Watkins LLP, New York, NY

10:20-10:30  BREAK

10:30-12:10 2. DEMONSTRATION
To Be or Not to Be (A Leniency Applicant)?
A Company’s Board Grapples with Discovery of Misconduct, Options in Response, Corporate Governance & Other Issues.

Demonstration
Ulrich DENZEL, Gleiss Lutz, Stuttgart
Thomas MUELLER, WilmerHale LLP, Washington, DC
Barbara ROSENBERG, Barbosa Müssnich Aragão, Sao Paulo
WEDNESDAY, FEBRUARY 19

12:10 – 13:00 LUNCH

13:00 – 14:50 3. ROUNDTABLE
Has the Leniency Revolution Stalled?
What are the Major Trends in Cartel Enforcement?

Moderator:
Sarretta MCDONOUGH, Associate General Counsel, Antitrust & Commercial Litigation, Intel Corporation, Santa Clara, CA

Speakers:
Rachel S. BRASS, Gibson Dunn & Crutcher LLP, San Francisco, CA
Alexandre CORDEIRO MACEDO, General Superintendent, Brazilian Administrative Council for Economic Defense, Brasilia
Frank MONTAG, Freshfields LLP, Brussels
Richard A. POWERS, Deputy Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC
Brent SNYDER, Chief Executive Officer, Hong Kong Competition Commission, Hong Kong
Mariana TAVARES DE ARAUJO, Levey & Salmao, Rio de Janeiro
John F. TERZAKEN, Simpson Thacher & Bartlett LLP, Washington, DC

14:50-15:10 BREAK

15:10 – 17:25 4. DEMONSTRATION
A Series of Unfortunate Events

Video
James H. MUTCHNIK, Kirkland & Ellis LLP, Chicago, IL

Demonstration
John H. CHOI, Shin & Kim, Seoul
Randal T. HUGHES, Bennett Jones LLP, Toronto
Carlos MENA LABARTHE, Creel, García-Cuéllar, Aiza & Enriquez, Mexico City
Philip MANSFIELD, Allen & Overy, London
Raven MOORE, Managing Counsel of Commercial Litigation, McDonald’s USA, Chicago, IL
Phillip H. WARREN, Covington & Burling LLP, San Francisco, CA
Kimitoshi YABUKI, Yabuki Law Office, Tokyo

17:25 – 17:30 ANNOUNCEMENTS

17:30-18:30 WINE RECEPTION

Introduction:
Brian R. HENRY, Vice President & Senior Managing Counsel, Coca-Cola, Atlanta, GA

Welcome to San Francisco:
Gary R. SPRATLING, Gibson Dunn & Crutcher LLP, San Francisco, CA
THURSDAY, FEBRUARY 20

08:45 – 09:45  5. DEMONSTRATION
Do I Need a Lawyer?
An Individual Meets with Counsel.

Demonstration
Marc SIEGEL, Jones Day, San Francisco, CA
Lisa TENORIO-KUTZKEY, DLA Piper, San Francisco, CA

09:45 – 10:35  6. AUTHOR DISCUSSION
Inside the Mind of a White-Collar Criminal
A Conversation with Eugene Soltes, Author of “Why They Do It: Inside the Mind of a White-Collar Criminal.”

Interviewer
Jasvinder NAKHWAL, Peters & Peters LLP, London

Interviewee
Eugene SOLTES, Harvard Business School, Cambridge, MA

10:35 – 10:50  BREAK

10:50 – 12:10  7. DEMONSTRATION
Organizing the Defense
Defense Counsel Meet to Consider Joint Defense & Response to Civil Litigation.

Demonstration
Boris BERSHTEYN, Skadden Arps Slate Meagher & Flom LLP, New York, NY
Jeremy J. CALSYN, Cleary Gottlieb Steen & Hamilton LLP, Washington, DC
Kathryn HELLINGS, Hogan Lovells LLP, Washington, DC
Lisa M. PHELAN, Morrison & Foerster LLP, Washington, DC
Douglas M. TWEEN, Linklaters LLP, New York, NY

12:10-13:00  LUNCH

13:00-15:10  8. DEMONSTRATION
Getting to Yes
Negotiating a Disposition in the United States & the EU.

Demonstration
Andre GEVEROLA, Director of Criminal Litigation, U.S. Department of Justice, Antitrust Division, Washington, DC
Manish KUMAR, Section Chief, U.S. Department of Justice, Antitrust Division, San Francisco, CA
Alexandra SHEPARD, Trial Attorney, U.S. Department of Justice, Antitrust Division, San Francisco, CA
Eyitayo ST. MATTHEW-DANIEL, Counsel to the Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC

Negotiation Demonstration (U.S. DOJ)
Peter HUSTON, Baker Botts LLP, San Francisco, CA
Jacklin C. LEM, Assistant Section Chief, U.S. Department of Justice, Antitrust Division,
15:10-15:25  BREAK

15:25-17:15  9. ROUNDTABLE
A Brief Trip Around the World
A Discussion with Cartel Enforcers from Across the Globe.

Moderator:  Elizabeth PREWITT, Latham & Watkins LLP, New York, NY

Speakers:
Andres BARETTO GONZALES, Superintendent, Superintendence of Industry and Commerce, Bogota
Howard CARTLIDGE, Senior Director, Cartels, Competition and Markets Authority, London
Makgale MOHLALA, Manager, Cartels Division, Competition Commission South Africa, Pretoria
Konrad OST, Vice President, Bundeskartellamt, Berlin
Brent SNYDER, Chief Executive Officer, Hong Kong Competition Commission, Hong Kong
Sriraj VENKATASAMY, Joint Director (Law), Competition Commission of India, New Delhi

17:15-17:20  ANNOUNCEMENTS

17:20-18:20  WINE RECESSION

18:30-19:30  YOUNG LAWYERS’ NETWORKING EVENT

FRIDAY, FEBRUARY 21

8:45 – 10:25  10. DEMONSTRATION
Managing the Unmanageable
Implementing a Leniency Strategy & Managing Government Requests on a Global Scale.

Demonstration
Ameera ASHRAF, Wong Partnership LLP, Singapore
Elizabeth AVERY, Gilbert & Tobin, Sydney
Marcelo CALLIARI, Tozzini Freire Advogados, Sao Paulo
Cani FERNANDEZ, Cuatrecasas, Madrid
Kenji ITO, Mori Hamada & Matsumoto, Tokyo
Rebecca JUSTICE LAZARUS, Vice President & Deputy General Counsel, Matson Navigation Company, Oakland, CA
John F. TERZAKEN, Simpson Thacher & Bartlett LLP, Washington, DC

10:25 – 10:40  BREAK
10:40 – 12:15

**11. DEMONSTRATION**
When Clients Get Angry
*Defense Counsel for the Leniency Applicant Face Second-Guessing by a Client.*

**Demonstration**
Katherine L. KAY, Stikeman Elliott LLP, Toronto
Karen R. KOWALSKI, Executive Director and Counsel, UBS AG, New York, NY
Thomas MUELLER, WilmerHale LLP, Washington, DC
Frank MONTAG, Freshfields LLP, Brussels
Elizabeth PREWITT, Latham & Watkins LLP, New York, NY

12:15 – 13:15

**LUNCH**

13:15 – 14:45

**12. DEMONSTRATION**
Taking it to Trial
*The Government and Counsel for a Defendant Company Present Opening Arguments at a Contested Criminal Trial.*

**Demonstration**
The Honorable Jon S. TIGAR, U.S. District Court Judge, U.S. District Court for the Northern District of California, San Francisco, CA
Andrew MAST, Trial Attorney, U.S. Department of Justice, Antitrust Division, San Francisco, CA
Wendy Huang WASZMER, Wilson Sonsini Goodrich & Rosati PC, New York, NY
Leslie WULFF, Trial Attorney, U.S. Department of Justice, Antitrust Division, San Francisco, CA

14:45 – 15:00

**BREAK**

15:00 – 17:00

**13. ROUNDTABLE**
The Enforcer Roundtable

**Moderator:**
D. Jarrett ARP, Gibson Dunn & Crutcher LLP, Washington, DC

**Speakers:**
Australia:
Sarah COURT, Commissioner, Australian Competition & Consumer Commission, Canberra

Canada:
Matthew BOSWELL, Commissioner, Competition Bureau Canada, Gatineau

Japan:
REIKO AOKI, Commissioner, Japan Fair Trade Commission, Tokyo

Mexico:
Alejandra PALACIOS PRIETO, Chairwoman, Comisión Federal de Competencia Económica, Mexico City

United States:
The Honorable Makan DELRAHIM, Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC

17:00 – 17:05

**CONCLUDING COMMENTS**
COMMENTATORS:
Commentators are a new feature. After each Demonstration, our cartel experts will assess what took place and why, address inflection points, and offer their observations highlighting decisions made and paths taken during the Demonstrations that could have been approached differently. The commentary will be lively and unscripted; they will call it as they see it!

WEDNESDAY

_Anchor:_ Kenneth R. O’ROURKE, Wilson Sonsini Goodrich & Rosati PC, Washington, DC

_AM:_
Marcus BEZZI, Executive General Manager, Specialized Enforcement and Advocacy, Australian Competition & Consumer Commission, Sydney
Sarretta MCDONOUGH, Associate General Counsel, Antitrust & Commercial Litigation, Intel Corporation, Santa Clara, CA

_PM:_
Marcus BEZZI, Executive General Manager, Specialized Enforcement and Advocacy, Australian Competition & Consumer Commission, Sydney
Sarretta MCDONOUGH, Associate General Counsel, Antitrust & Commercial Litigation, Intel Corporation, Santa Clara, CA

THURSDAY

_Anchor:_ Katherine L. KAY, Stikeman Elliott LLP, Toronto

_AM:_
Elizabeth AVERY, Gilbert & Tobin, Sydney
James H. MUTCHNIK, Kirkland & Ellis LLP, Chicago, IL
Bruce L. SIMON, Pearson, Simon & Warshaw LLP, San Francisco, CA

_PM:_
Katherine L. KAY, Stikeman Elliott LLP, Toronto

FRIDAY

_Anchor:_ Daniel SWANSON, Gibson Dunn & Crutcher LLP, Los Angeles, CA

_AM:_
Mikal CONDON, Trial Attorney, U.S. Department of Justice, Antitrust Division, San Francisco, CA
Barbara ROSENBERG, Barbosa Mussnich Aragao, Sao Paulo
Brent SNYDER, Chief Executive Officer, Hong Kong Competition Commission, Hong Kong
Leslie WULFF, Trial Attorney, U.S. Department of Justice, Antitrust Division, San Francisco, CA

_PM:_
Amy B. MANNING, McGuireWoods, Chicago, IL
The Honorable Jon S. TIGAR, Judge, U.S. District Court Judge, U.S. District Court for the Northern District of California, San Francisco, CA

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