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Message from the Committee Chair

David M. Rosenfield

As Chair of the White Collar Crime Committee, I am very pleased and excited to present to the Committee the first issue of the White Collar Crime Committee Newsletter. I am very proud of the work that the editors of the Newsletter have done, and want to thank them for all of their hard work. I believe that you will find the Newsletter both interesting and informative. Enjoy!

Sincerely,

David M. Rosenfield
Chairperson, White Collar Crime Committee

Message from the Editors

Welcome to the first edition of the White Collar Crime Committee Newsletter! Our team will be bringing you a newsletter three times a year with updates on the latest case law, policy developments, and trends in White Collar crime. In addition, we will let you know about upcoming Committee activities. We welcome you to submit articles concerning your areas of interest or expertise in White Collar crime. To submit an article or to suggest topics of interest that you would like our editors to consider, please e-mail any of the editors, noted on the final page of the Newsletter.

Sincerely,

Nikita Mehta, Chantelle Aris, Philip Raimondi & Jessica Natbony
Editors, White Collar Crime Committee Newsletter
HEALTHCARE FRAUD

GENERAL TRENDS

The past year involved a record number of healthcare fraud cases. The latest data, drawn from federal records by the Transactional Records Access database at Syracuse University, showed total prosecutions jumped 68.9 percent, to 1,235 new cases, compared to only 731 cases in 2010. The Justice Department reported that it secured more than $3 billion in settlements and judgments under the False Claims Act, a significant portion of which involved healthcare fraud. U.S. Attorney's Offices in Miami, Puerto Rico and Houston accounted for the largest number of cases. For more information, visit: http://trac.syr.edu/trareports/crim/270/.

DOJ'S MEDICARE FRAUD STRIKE FORCE CHARGES 91 INDIVIDUALS IN FALSE BILLING SCANDAL

In early September 2011, the Medicare Fraud Strike Force of the Justice Department conducted a nationwide “takedown operation” which resulted in charges against 91 individuals in 8 different cities for their alleged participation in Medicare fraud schemes involving approximately $295 million in false billings. The charges include conspiracy to defraud the Medicare program, healthcare fraud, violations of the anti-kickback statutes, and money laundering. The defendants allegedly received Medicare payments for procedures that were either unnecessary or were never provided. Medicare beneficiaries were paid kickbacks for providing beneficiary information to providers so that those providers could submit fraudulent bills to Medicare. Indictments can be found on the DOJ website: http://www.justice.gov/opa/mediate-fraud-docs.html.

GLAXOSMITHKLINE REACHES RECORD SETTLEMENT WITH GOVERNMENT EXCEEDING $3 BILLION

On November 3, 2011, Glaxo Smith Kline (“GSK”) announced that it had reached an agreement in principle with the Justice Department to resolve several pending lawsuits regarding the company’s alleged promotion of drugs for unapproved uses. GSK agreed to pay civil and criminal fines exceeding $3 billion. The case involved a seven-year investigation of sales and marketing practices of several drugs, including Advair, Wellbutrin, and Paxil. The agreement is expected to be finalized in 2012. The GlaxoSmithKline press release can be found at: http://www.gsk.com/media/pressreleases/2011/2011-pressrelease-710182.htm.

GE HEALTHCARE REACHES $30 MILLION SETTLEMENT WITH DOJ

GE Healthcare agreed to pay $30 million to settle a False Claims Act lawsuit in which a whistleblower alleged that a GE Healthcare affiliated company caused Medicare to overpay for Myoview, a drug used in nuclear medicine cardiac imaging. Myoview is distributed in multi-dose vials of powder, and certain Medicare payments were made per dose rather than per vial. The Justice Department alleged that Amersham Health Inc., a company which GE Healthcare had acquired, provided false or misleading information regarding the number of doses per vial, causing Medicare to pay artificially inflated prices per vial. The whistleblower, James Wagel, will receive over $5.1 million under the qui tam provisions of the False Claims Act. The Department of Justice press release can be found at: http://www.justice.gov/opa/pr/2011/December/11-civ-1717.html.

TEXAS DOCTOR GETS 25 YEARS FOR HEALTH CARE FRAUD

On January 6, 2012, a U.S. District Court Judge sentenced Dr. Anthony F. Valdez to 25 years in federal prison for his role in a $42 million healthcare fraud. Prosecutors alleged that Dr. Valdez, the owner of the Institute of Pain Management in Texas, falsely billed Medicare to overpay for Myoview. He was originally facing a maximum potential sentence of 160 years in jail. The Department of Justice press release can be found at: http://www.justice.gov/usao/txw/press_releases/2011/Valdez_medfraud_verdict_final.pdf.
LEGAL DEVELOPMENTS

FOREIGN CORRUPT PRACTICES ACT

REGULATORY DEVELOPMENTS

A Republican congressman has sponsored H.R. 3531, the Foreign Business Bribery Prohibition Act of 2011, which would authorize certain private rights of action under the FCPA for violations by foreign companies that damage domestic businesses. The bill can be viewed on the Library of Congress website at: http://thomas.loc.gov/cgi-bin/query/z?c112:H.R.3531.11H.

BRIDGESTONE AGREES TO PAY A CRIMINAL FINE OF $28 MILLION

Bridgestone Corporation has agreed to plead guilty and pay a $28 million criminal fine for its role in an 8 year conspiracy to rig bids, fix prices, and make corrupt payments to foreign government officials in Latin America related to the sale of marine hose and other industrial products manufactured by the company and sold throughout the world. The case is U.S. v. Bridgestone Corp., 11-cr-0651 (S.D. Tex. 2011).

UK CORRUPTION CASE AGAINST AON LEADS TO FCPA ACTION IN U.S.

A UK corruption case against Aon led to a settlement in the United States. On December 20, 2011, Aon, a U.S. headquartered global insurance broker, and its U.K. subsidiary, announced a settlement of FCPA charges with the DOJ and SEC. The charges involved over $3.6 million in bribes to government officials in Myanmar, Bangladesh, Indonesia and Vietnam in the form of training, travel and entertainment in exchange for the awarding of insurance contracts. Aon entered into a two-year non-prosecution agreement with the DOJ, and agreed to pay a $1.76 million fine. Aon simultaneously settled with the SEC for $14.5 million. The Department of Justice press release can be found at: http://www.justice.gov/opa/pr/2011/December/11-crm-1678.html.

MORE FCPA DISMISSALS

In what has become a recent trend, U.S. District Judge Lynn Hughes of the Southern District of Texas dismissed foreign bribery charges against defendant John O’Shea on January 16, 2012. O’Shea was accused of bribing Mexican government officials in his role as general manager of Sugar Land, a unit of ABB, Inc. According to transcripts from the case, Judge Hughes stated that the government’s principal witness “knows almost nothing.” This decision comes after the December 2011 dismissal of several FCPA related cases brought as a result of a government coordinated FCPA sting filed in the U.S. District Court for the District of Columbia. The Texas case is U.S. v. O’Shea, No. 09-cr-0629 (S.D. Tex.), and the D.C. case is U.S. v. Goncalves, No. 09-cr-0335 (D.C.).

FCPA BRIBERY CHARGES AGAINST EX-SIEMENS EXECUTIVES

On December 13, 2011, federal prosecutors in New York brought a significant FCPA bribery indictment. In a scheme that allegedly lasted over a 10-year period, eight former executives of Siemens were charged jointly by the SEC and the DOJ for FCPA violations. Specifically, the criminal indictment alleges that the defendants conspired from 1996 to early 2007 to bribe Argentinian officials. In furtherance of the conspiracy, defendants allegedly agreed to pay $100 million in bribes to officials in an effort to secure a $1 billion contract for the company. The contract involved the production of national identity cards for Argentinian citizens. The SEC civil prosecution is SEC v. Sharef, et al., No. 11-cv-9073 (S.D.N.Y.) and the criminal case is U.S. v. Sharef, et al., No. 11-cr-1056 (S.D.N.Y.).

CYBERFRAUD

RUSSIAN CITIZEN EXTRADITED TO FACE CYBER-CRIME CHARGES IN S.D.N.Y.

On January 17, 2012, Preet Bharara, the United States Attorney for the Southern District of New York announced the unsealing of a nine-count indictment against two Russian citizens for a host of cyber-crimes, including aggravated identity theft, computer fraud, wire fraud and securities fraud. The indictment accuses a Russian father and son of stealing American citizens’ sensitive financial information through various cyber-crime techniques, including the installation of malware programs on the victims’ computers. Besides simple identity theft, the pair allegedly accessed and executed trades in victims’ brokerage accounts in order to favorably manipulate the prices of stocks that the perpetrators owned.

Continued on page 4.
**LEGAL DEVELOPMENTS**

The father was extradited from Switzerland and pled not guilty before District Judge Gardephe. The son remains at large. If convicted on all counts, the father faces a maximum sentence of 142 years in prison. The case is *U.S. v. Zdorovenin*, No. 07-cv-0440 (S.D.N.Y.).

**SEcurities Fraud**

**NEW INSIDER TRADING CHARGES - ONE HEDGE FUND ESCAPES WITH A DEAL**

On January 18, 2012, the SEC and DOJ announced charges against two multi-billion dollar hedge funds and several employees in an alleged insider trading scheme. The government alleged that the scheme netted a total of $78 million in illicit profits, and was based on non-public information regarding the earnings of technology companies Dell and Nvidia. The scheme was allegedly carried out through a network of trading professionals. Initially, one investment analyst discovered inside information on Dell’s earnings and proceeded to tip an analyst friend at Diamondback Capital Management LLC, a hedge fund. The Diamondback analyst then allegedly tipped one of Diamondback’s portfolio managers and an analyst at Level Global Investors LP, who then traded on the information and reaped substantial illicit profits. On January 23, 2012, the government announced that Diamondback Capital had agreed to settle the SEC’s charges for $9 million, and to enter into a deferred prosecution agreement with the DOJ. The civil prosecution is *SEC v. Adondakis, et al.*, No. 12-cv-0409 (S.D.N.Y.) and the criminal prosecution is *U.S. v. Newman, et al.*, No. 12-cr-0124 (S.D.N.Y.).

**EX-GOLDMAN DIRECTOR CHARGED WITH SECURITIES FRAUD**

On October 26, 2011, the U.S. Attorney’s Office for the Southern District of New York announced securities fraud charges against well-known businessman Rajat Gupta. The charges stem from Gupta’s alleged involvement in the Galleon insider trading scandal. Specifically, prosecutors allege that Gupta tipped Raj Rajaratnam with non-public information obtained in Gupta’s capacity as a director on the board of Goldman Sachs & Co. Gupta had previously fought off similar administrative charges by the SEC in May 2011. However, the SEC re-filed parallel civil charges against Gupta in sync with the October indictment filed by the U.S. Attorney’s Office. Gupta pled not guilty to the criminal charges and was released on $10 million bail. The trial is set for April 2012. The criminal prosecution is *U.S. v. Gupta*, No. 11-cr-0907 (S.D.N.Y.) and the civil case is *SEC v. Gupta*, No. 11-cv-7566 (S.D.N.Y.).

**RAJARATNAM HANDED RECORD INSIDER TRADING SENTENCE**

After being convicted on all 14 counts of securities fraud and conspiracy to commit securities fraud in May 2011, Raj Rajaratnam was sentenced in October 2011 by a federal judge to 11 years in prison. The sentence is the longest on record for an insider trading conviction. The investigation originated from a government probe of a large scale insider trading ring, and resulted in several guilty pleas and convictions. Mr. Rajaratnam and his hedge fund, Galleon Group, were at the center of the government’s investigation. Previously, another Galleon employee, Zvi Goffer, was sentenced to 10 years in prison for his conviction. Raj began his sentence on December 5 after reporting to a federal prison in Massachusetts. The criminal case is *U.S. v. Rajaratnam*, No. 09-cr-1184 (S.D.N.Y.).

**FAMILY TIPPING RESULTS IN HEDGE FUND INSIDER TRADING CHARGES**

The SEC and DOJ jointly charged three participants in an alleged insider trading scheme, a father and son and a Denver hedge fund manager. The tip came from H. Clayton Peterson, a Denver resident who served on the board of directors of Mariner Energy Inc. The director informed his son, Drew Peterson, of a pending merger between Mariner and Apache Corp. The son allegedly traded on the information and profited by about $60,000. After receiving the information from his father, Drew Peterson contemporaneously tipped his life-long friend, Drew “Bo” Brownstein, the founder of the hedge fund Big 5 Asset Management LLC. Brownstein’s funds made more than $2.5 million on the tip. After pleading guilty, Brownstein, 35, was sentenced on Dec. 20, 2011 to one year and one day in prison.

*Continued on page 5.*
U.S. District Judge Patterson cited the frustrations with the financial industry expressed by the Occupy Wall Street movement during the sentencing hearing. The criminal case is *U.S. v. Peterson*, No. 11-cr-0665 (S.D.N.Y.), and the related civil prosecution is *SEC v. Peterson, et al.*, No. 11-cv-5448 (S.D.N.Y.).

**LEGAL DEVELOPMENTS**

**FINANCIAL INSTITUTIONS**

**LARGEST INDEPENDENT COMMODITIES BROKERAGE HOUSE FAILS**

Futures broker MF Global, Ltd. was forced into bankruptcy on Oct. 31, 2011 amid concerns that customer money had suddenly disappeared from accounts. Jon Corzine was the CEO of the firm, and has already testified three times before Congressional committees about his lack of knowledge regarding the missing funds. While there are no government charges yet, there are several agencies investigating MF Global’s downfall. In addition, numerous civil class actions have already been filed on behalf of the firm’s brokerage customers, shareholders, bondholders and former employees.

**MAJOR HEDGE FUND RECEIVES WELLS NOTICE**

The multi-billion dollar hedge fund group Harbinger Capital Partners revealed that it received Wells notices from the SEC in December 2010 relating to two separate incidents at the firm. The fund group is run by well-known money manager Philip Falcone. The Wells notices reportedly relate to two separate investigations. One investigation concerns allegedly improper preferential treatment of certain fund investors, such as Goldman Sachs & Co. Specifically, the SEC alleges that many investors were wrongly disadvantaged when Harbinger allowed certain investors to withdraw funds freely, while other investors were restricted.

The second investigation relates to the possible market manipulation of debt securities that the fund group traded during the economic turmoil in 2008. A recent *Wall Street Journal* article on this matter, originally published on December 9, 2011, can be found at: http://online.wsj.com/article/SB10001424052970203413304577088440283592970.html.

**SEC V. CITIGROUP COULD BRING HISTORIC SETTLEMENT CHANGES**

In October 2011, the SEC and Citigroup were prepared for a routine settlement of charges in an action brought relating to the sale of collateralized debt instruments by the bank’s Global Markets group. Specifically, the SEC alleged that the bank took various short positions in the same complex debt assets that it had structured and sold to the public, without disclosing its positions. Citigroup agreed to settle the charges for $285 million in disgorgement and fines without “admitting or denying” liability. This settlement was rejected by District Court Judge Jed Rakoff. In his order, Judge Rakoff denied the settlement and expressed his frustration with the SEC’s practice of entering into these routine settlements with defendants, who allegedly rationalize such fines as a “cost of doing business.” The SEC requested a stay in the district court along with an emergency stay in the Second Circuit Court of Appeals. Rakoff denied the request, but the Second Circuit issued a temporary stay to decide whether appellate review was appropriate. Amid the court drama, the SEC announced in December a minor policy change: removing the “neither admit nor deny” language from settlements where the defendant had already accepted responsibility for his actions in a criminal case. The Second Circuit case is *SEC v. Citigroup Global Mkts. Inc.*, No. 11-05227 (2d Cir.), and the district court case is *SEC v. Citigroup Global Mkts. Inc.*, No. 11-cv-7387 (S.D.N.Y.).

Continued on page 6.
Since August 2011, there have been various reports that the SEC and the DOJ’s Civil Division have begun investigating the ratings agencies over how they rated hundreds of mortgage-backed securities. These highly-rated securities were one factor that led to the economic recession which began in 2008. In September 2011, the McGraw Hill Cos. (owner of Standard & Poor’s, “S&P”) revealed that it received a Wells Notice from the SEC regarding S&P’s rating of a 2007 mortgage-backed instrument labeled Delphinus 2007-1. In mid-January 2012, several news agencies learned that at least five former S&P analysts had been in communication with government authorities regarding a related probe. Some commentators believe the government is focused on whether a practice labeled as “forum shopping” occurred among the rating agencies. The term refers to instances where rating agencies allegedly express a willingness to relax their typical requirements for certain high-paying investment banker clients who come to the rating agencies seeking high ratings for highly complex financial instruments. The recent Wall Street Journal article can be found here: http://online.wsj.com/article/SB1000142405297020372170457715696813900028.html.

The Circuit Court agreed with the SEC and held that the previous DOJ production of certain privileged documents had no bearing on the FOIA requests at issue. Williams & Connolly was hoping to use the documents for the appeal of Mr. Forbes’ conviction. The case is Williams & Connolly LLP v. SEC, No. 10-5330 (D.C. Cir.).

The D.C. Circuit Court of Appeals dealt a blow to defense attorneys seeking documents related to joint SEC and criminal investigations of their convicted client. The law firm of Williams & Connolly brought a FOIA action to compel the government to produce documents related to the conviction of former Cendant chairman Walter Forbes. The documents in question were given to the DOJ by the SEC in a parallel investigation. The DOJ then produced some of those documents to Williams & Connolly during discovery in the underlying criminal action. Williams & Connolly alleged that the action of turning over those documents during the criminal trial resulted in a waiver of privilege for all identical documents. The SEC countered that the documents sought were clearly work product and were further protected as “pre-decisional deliberations.”
Both the SEC and CFTC established whistleblower rules in 2011 pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act. The SEC rules, contained in Section 21F of the Securities Exchange Act of 1934, became effective on August 12, 2011. The CFTC rules, contained in Section 23 of the Commodity Exchange Act, became effective on October 24, 2011. The SEC and CFTC rules are largely parallel. Under both sets of rules, eligible whistleblowers who voluntarily provide original information to relevant authorities about violations that lead to a successful enforcement action, resulting in a monetary sanction either alone or together with related actions exceeding $1,000,000, will be able to collect not less than 10 and not more than 30 percent of the monetary sanctions collected. This article contains a review of the SEC and CFTC whistleblower rules.

**ANTI-RETAILIATORY MEASURES**

The SEC and CFTC are providing statutory anti-retaliation protection for whistleblowers. A whistleblower will be afforded anti-retaliation protection even if the whistleblower fails to satisfy the procedures or conditions necessary for a whistleblower award. In order to be eligible for the protection, the whistleblower must report information in accordance with relevant agency rules, and have a reasonable belief that the information he or she provides relates to possible securities law violations. One key distinction between the SEC and CFTC rules is the statute of limitations for retaliation claims. Under the CFTC whistleblower rules, whistleblowers have two years from the date of violation to bring a claim. In contrast, the SEC allows a claim within six years from the date of violation or three years from the date that the material facts of the claim were known or should have been known to the whistleblower.

**INELIGIBLE INDIVIDUALS**

Under both the SEC and CFTC rules, only individuals are eligible for whistleblower status; companies and other entities are excluded.

However, individuals who have been convicted of a criminal violation that is the subject of the action or a related action for which the whistleblower would have otherwise received an award are ineligible for whistleblower status. Both the SEC and CFTC articulated three exceptions that would permit a person to qualify as a whistleblower – (1) if the person has a reasonable basis to believe that the disclosure is necessary to prevent the relevant entity from engaging in conduct likely to cause substantial injury to the financial interest or property of the entity or investor, (2) the whistleblower has a reasonable basis to believe that the relevant entity is engaging in conduct that will impede an investigation of the misconduct, or (3) at least 120 days have elapsed since the whistleblower provided the information to the relevant internal supervisor, executive, or committee.

**REQUIREMENTS THAT INFORMATION BE PROVIDED VOLUNTARILY**

The SEC and CFTC both require whistleblowers to voluntarily provide information – that is, to provide information prior to any request, inquiry, or demand, or pre-existing legal or contractual duty (including Court Order) from the SEC, CFTC, Congress, the Department of Justice, federal or state authority, self-regulatory organization, or securities regulatory authority.

The SEC and CFTC rules differ slightly. The SEC additionally requires a whistleblower to provide information prior to requests from the Public Company Accounting Oversight Board, and the CFTC requires that whistleblower information be provided prior to requests from registered entities and registered futures associations. The CFTC further restricts whistleblower submissions by requiring an individual to provide information to an authority prior to any request for information from the whistleblower’s employer, unless the employer fails to provide the documents or information received from the whistleblower to a requesting authority in a timely manner. The SEC in contrast does not consider any employer requests when determining whether a submission is voluntary.

*Continued on page 8.*
PAYMENT OF AWARDS

Whistleblowers are eligible for awards only when the information provided results in a monetary sanction exceeding $1,000,000. Both the SEC and CFTC will aggregate actions resulting from the same original information that relevant authorities are able to collect in a “related action.” Both the SEC and the CFTC have discretion as to the total amount of reward the whistleblower will receive, although the award must range between 10 and 30 percent of the total monetary sanction, as aggregated. If more than one whistleblower may receive payment in the same case or set of related cases, the total aggregated award between whistleblowers must also range from 10 to 30 percent of the total monetary sanctions collected.

Only certain authorities’ actions will be considered “related actions.” The CFTC will consider actions brought by the following entities to be related actions: the Department of Justice, an appropriate department or agency of the federal government, a registered entity, a registered futures association, a self-regulatory organization, a state criminal or a civil agency, or a foreign futures authority. The SEC will consider actions by the following entities to be related actions: the Attorney General of the United States, an appropriate regulatory authority, a self-regulatory organization, or a state attorney general in a criminal case.

The SEC will not make any payment of awards based on a related action where the whistleblower has already received payment from the CFTC. However because the CFTC does not have the same requirements, a whistleblower may receive payments from both the SEC and CFTC if the SEC’s payment to the whistleblower is prior to the CFTC payment.

CRITERIA FOR DETERMINING AWARD

Both agencies articulated particular criteria for determining an award. The criteria for a whistleblower to receive an increased award includes: (1) the significance of the information provided by the whistleblower, (2) assistance provided by the whistleblower, (3) law enforcement interest in deterring violations by making a whistleblower award, and (4) participation by the whistleblower in internal compliance systems. The CFTC will additionally consider potential adverse incentives from oversize awards, and whether the award enhances the CFTC’s ability to enforce its rules and regulations, protect customers, and encourage submissions of quality information.

Factors that may decrease an award include (1) culpability, (2) unreasonable delay in reporting information, and (3) interference with internal compliance and reporting systems. The whistleblower need not meet all criteria to receive an award for the full amount permitted under the statute, nor must he or she meet all factors for an award to be decreased to the minimum award amount.

REQUIREMENTS REGARDING INTERNAL COMPLIANCE

Neither the SEC nor CFTC require an individual to report to its employer’s internal compliance group in order to be eligible for whistleblower status, though both provide incentives to do so. An employee who reports to internal compliance or via internal reporting systems may still be eligible for a whistleblower award if he or she submits the same information to the relevant agency within 120 days of reporting internally. Both agencies will also consider internal compliance reporting as a factor in providing higher reward amounts.

CONFIDENTIALITY AND AMNESTY

The SEC and CFTC permit the whistleblower to report anonymously through an attorney. The attorney will then be required to submit certain information to either the SEC or CFTC, and maintain certain signed disclosures from the whistleblower. The whistleblower cannot remain anonymous when actually receiving payment of an award. Neither the SEC nor CFTC provide the whistleblower with immunity from prosecution.

PRE-DODD FRANK ACT VIOLATIONS

Whistleblowers who reported violations to either the SEC or the CFTC for the first time after the enactment of the Dodd-Frank Act on July 21, 2010, but before the SEC and/or the CFTC implemented relevant rules, are eligible for monetary awards subject to certain procedural requirements. Information submitted prior to that date will not be considered “original information.”

The White Collar Crime Committee is made up of approximately 270 attorneys and associates, and includes several former U.S. Attorneys, many current and former Assistant U.S. Attorneys and some of the leading practitioners in the White Collar field. Our members represent either the Government or the defendants in many of the most significant White Collar cases, and also participate in a variety of meetings and events throughout the calendar year. The Committee focuses on those aspects of White Collar criminal law that impact businesses and executives. Committee members collaborate on a wide range of White Collar topics and provide input to the ABA’s Business Law Section on issues of concern in the field.

The Committee includes the following Subcommittees:

1. Corporate Internal Investigations
2. FCPA/Anti-Corruption
3. Securities Fraud
4. Prosecution/Cooperation/Sentencing
5. Financial Institutions
6. Healthcare Fraud
7. Cyberfraud

The Committee’s relatively small size provides any member who is interested with a significant opportunity to participate in Committee activities.

Committee Activities

The Committee meets three times a year, in the Fall, Winter and Spring. Committee meetings usually include a presentation on a key topic and a social event affording members the opportunity to network with other Committee members.

The Committee also sponsors and co-sponsors programs at various ABA events concerning issues of significant interest to practitioners, including the latest developments in the White Collar field.

The Committee is one of the primary sponsors of the ABA’s National Institute on Internal Corporate Investigations and Forum for In-House Counsel, an annual event designed to bring together leading practitioners to address the legal, ethical, strategic and managerial considerations involved in corporate internal investigations. Currently in its fourth year, this year’s Institute is scheduled to take place in San Francisco from May 16-18. For more information or to register, please go to the ABA’s website.

Calendar of Upcoming Events

Winter Committee Meeting
February 2, 2012 - Herrick, Feinstein LLP
2 Park Avenue, New York City

Everyone is invited to attend the Winter Committee meeting, which will include a discussion of Committee business and upcoming programs, as well as a presentation on current trends in the FCPA/Anti-Corruption field by Matt Queler of Proskauer Rose and Alan Brudner of Paul Hastings. Food and drink to follow.

To accommodate those who cannot attend in person, we have set up the following call-in number:
Dial in: 1-866-805-0738
Participant Code: 2125921513

Business Law Section 2012 Spring Meeting
March 22-24 - Caesars Palace, Las Vegas, Nevada

Join members of the White Collar Crime, Corporate Compliance, Corporate Counsel and Cyberspace Law Committees for a Joint Dinner Sushi Roku at the Caesars Palace Forum Shops Thursday, March 22, 2012 Arrival at 7:30 p.m. (Dinner to Begin at 8:00 p.m.) Event Ticket: $90.00 (Note: Ticket price does not include alcoholic beverages)

Committee-Sponsored Panels at the Spring Meeting

“New and Evolving Threats from the Responsible Corporate Officers Doctrine”
Saturday, March 24, 2012 from 10:30 a.m. to 12:30 p.m.

Saturday, March 24, 2012 from 2:30 p.m. - 4:30 p.m.
NEWS

S.D.N.Y U.S. ATTORNEY’S OFFICE BRINGS MAJOR INSIDER TRADING CASE

On January 18, 2012, the U.S. Attorney’s Office for the Southern District of New York announced charges against seven investment professionals for one of the largest insider trading schemes to date. Chris Garcia, Committee member and Co-Chair of the Securities Fraud Subcommittee, heads the Securities and Commodities Fraud Task Force in the Southern District. For more information, see discussion of SEC v. Adondakis and U.S. v. Newman in the Securities Fraud section above.

REMEMBRANCES

ROBERT G. MORVILLO (1938-2011)

The White Collar legal community remembers legendary trial lawyer Robert G. Morvillo (1938-2011), who passed away in December. Some of Mr. Morvillo’s notable cases include federal obstruction-of-justice charges brought against Martha Stewart and fraud charges brought against former AIG chairman, Maurice Greenberg, by the New York State Attorney General. Mr. Morvillo was a founding partner of the highly regarded law firm that bears his name. Prior to starting his own firm, he spent a number of years as a federal prosecutor in the Southern District of New York and clerked for Judge William B. Herlands in the SDNY. U.S. District Judge Jed Rakoff emphasized, “win or lose, he was always thinking three steps ahead of anyone else in the room.” Mr. Morvillo was a Brooklyn native and grew up in Long Island. He was 73.

KUDOS

CHRIS SCUDERO

Committee member Chris Scudero, Senior Manager at Marcum LLP, will be receiving a Special Award from inMotion as the leader of Marcum’s pro-bono initiative at the Feb 9th Commitment to Justice Awards. The award recognizes Marcum’s support of the organization and work providing forensic consulting and expert witness services to assist counsel in their representation of women in domestic crisis. Mention of Chris’s award can be found at the following website: http://www.inmotiononline.org/content/view/220/490/lang,en/#Marcum

* * *

We would like to highlight any case victories, awards or accolades received by Committee members in this section. Please contact Chantelle Aris at caris@herrick.com with any information for this section.