



The 31st Annual National Institute on White Collar Crime

March 8-10, 2017
Fontainebleau
Miami Beach, FL

visit www.ShopABA.org/2017wcc to register

ABA
AMERICAN BAR ASSOCIATION
3/6/2017



The 31st Annual National Institute on White Collar Crime

March 8-10, 2017 | Fontainebleau | Miami Beach, FL

Description of Proceedings

The 2017 White Collar Crime National Institute will take place from Wednesday, March 8 to Friday, March 10, 2017, in Miami Beach, Florida. Once again, we will have three significant plenary panels. On March 8, following the luncheon break, we will have a panel devoted to general counsel. Thursday morning will open with a keynote speaker followed by a panel consisting of United States Circuit Judge Costa and United States District Judges Breyer, Brown, Friedman, Mendoza, St. Eve and Williams. On Friday morning, another panel of distinguished speakers will explore ethics issues arising from the tension between searches of new technologies and the Fourth Amendment.

Last year, attendance exceeded 1,200 at this nationally-recognized annual gathering of the national white collar bar. The Institute is proud to continue to present outstanding panelists who deal with some of the most significant and immediate issues of our time. This year we will continue to have the popular regional panels, as well as a panel that will tackle the role of women in white collar criminal cases. We are delighted that we will have thirteen federal trial and appellate judges on panels. Our keynote speakers will include Counsel to the President W. Neil Eggleston, and the Assistant Attorney General for the Criminal Division.

Since its establishment in 1987, the Institute has been attended by leading federal and state judges and prosecutors, law enforcement officials, defense attorneys, corporate in-house counsel and members of the academic community. The faculty regularly includes some of the top members of the white collar bar in the United States and abroad. Among the audience are nationally- renowned lawyers, as well as many who are beginning to concentrate in the white collar area. Attendees have consistently given the Institute high ratings for the exceptional quality of its publication, the panelists' presentations, the valuable updates on new developments and strategies, as well as the rare opportunity to meet colleagues in this field, renew acquaintances and exchange ideas.

Once again, we will have three panels that will qualify for ethics CLE credit. The Institute will have excellent representation from the corporate sector, including the general counsel and senior members of the management, legal and compliance groups of Delta, FMC Technologies, HSBC Holdings, the Las Vegas Sands Corporation, Merck, the NCHERM Group, Royal Caribbean Cruises, Safra National Bank, Tenet Healthcare, and the University of North Carolina. The Institute will also include senior members of the Department of Justice and distinguished members of academia.

PROGRAM FOCUS

- A plenary panel devoted to several leading members of the federal judiciary.
- General counsel of major corporations discussing their roles in white collar investigations.
- Ethical issues relating to the Fourth Amendment and searches of new technologies.
- Ethical issues during the pre-trial and trial stages of a white collar criminal case.
- Ethical issues in the representation of companies in white collar cases.
- Defending a Title IX investigation.
- Handling and defending criminal charges in major disasters.
- Defending medical necessity cases.
- A panel for young lawyers on preparing a white collar criminal defense case.
- New technologies and their impact on white collar cases.
- Resolving issues that arise during global investigations.
- Investigating and defending cases involving foreign countries and obtaining evidence from those countries.
- The federal sentencing guidelines and collateral consequences.
- The state of public corruption prosecutions following the McDonnell case.
- Collateral consequences – the intended and unintended impact of a conviction.
- Four panels discussing recent developments in the Northeast, Southern, Midwest-Central, and Western regions.
- **SUBSTANTIVE TOPICS**
 - Recent developments and new trends in FCPA enforcement.
 - Securities enforcement in 2017.
 - Emerging enforcement trends in health care.
 - Enforcement of economic sanctions and export control.
 - National security and cybercrime.
 - Antitrust prosecution trends.
 - Environmental crimes in a world of global markets.
 - Developments in tax enforcement.
 - Recent developments in anti-money laundering and asset forfeiture efforts.

ABA CLE National Institutes bring you face-to-face with nationally recognized experts on substantive topics—often while fulfilling most of your annual CLE requirements.



The 31st Annual National Institute on White Collar Crime

March 8-10, 2017 | Fontainebleau | Miami Beach, FL

Join the conversation with #ABAWCC2017
Register Now!

	Early-Bird Rate	Advance Rate Jan. 26, 2017	Standard Rate Feb. 15, 2017
General Public	\$1,225	\$1,380	\$1,475
ABA Members	\$1,185	\$1,275	\$1,355
Criminal Justice Section, Solo, Small Firm and General Practice Division and Young Lawyers Division Members	\$1,025	\$1,100	\$1,180
Government Lawyers	\$500	\$550	\$575

The ABA reserves the right to correct all typographical errors. Fees do not include travel or lodging.

To register, visit www.ShopABA.org/2017wcc






Presented by

Criminal Justice Section

Solo, Small Firm and General Practice Division

Section of Science & Technology Law

Young Lawyers Division

<p>Platinum:</p>  <p>pwc</p> <p>ZUCKERMAN SPAEDER LLP</p>	<p>Gold:</p>  <p>GT GreenbergTraurig</p>  <p>RSM</p>  <p>Guidepost</p>
<p>Pearl:</p>  <p>BAKER DONELSON</p>	
<p>Bronze:</p> <p>BDO USA, LLP</p> <p>CBIZ</p> <p>Nardello & Co.</p>	

Institute Reception: [Zuckerman Spaeder LLP](#)

Meeting Patron: [Carlton Fields](#), [Charles River Associates](#), [KPMG](#)

Bag Sponsor: [Guidepost Solutions LLC](#)

Lanyard Sponsor: [Stroz Friedberg](#)

Wifi Sponsor: [Baker Donelson](#)

Key Card Sponsor: [RSM](#)

Earn up to
13.25 CLE Credits

(including 4.5 hours of Ethics Credit)

Not an ABA Member?

Join Now!

www.ambar.org/join

Faculty

***Raymond Banoun**

Banoun Law
Washington, DC

Hon. Cecilia Altonaga

United States District Judge
Southern District of Florida
Miami, FL

Ilias Anagnostopoulos

iag
Athens, Greece

Audrey T. Andrews

*Senior Vice President &
General Counsel*
Tenet Healthcare Corp.
Dallas, TX

Antonia M. Apps

*Milbank, Tweed, Hadley &
McCloy LLP*
New York, NY

Cristina C. Arguedas

*Arguedas, Cassman &
Headley, LLP*
Berkeley, CA

Henry W. Asbill

Jones Day
Washington, DC

Juliane Balliro

*Nelson Mullins Riley &
Scarborough LLP*
Boston, MA

Prof. Ricardo J. Bascuas

Professor of Law
*University of Miami
School of Law*
Coral Gables, FL

Steven M. Bauer

Latham & Watkins LLP
San Francisco, CA

Karen A. Benson

Director, Global Compliance
and Ethics
Royal Caribbean Cruises Ltd.
Miami, FL

Kenneth A. Blanco

Acting Assistant Attorney
General
Criminal Division
U.S. Department of Justice
Washington, DC

Hon. Frederic Block

United States District Judge
Eastern District of New York
Brooklyn, NY

***Lanny A. Breuer**

Covington & Burling, LLP
Washington, DC

Hon. Charles R. Breyer

United States District Judge
Northern District of California
San Francisco, CA

Ellen C. Brotman

Brotman Law
Radnor, PA

Hon. Nannette Jolivette Brown

United States District Judge
Eastern District of Louisiana
New Orleans, LA

Hon. Leslie R. Caldwell

Washington, DC

Peter W. Carter

Executive Vice President –
Chief Legal Officer
Delta
Atlanta, GA

Robert M. Cary

Williams & Connolly LLP
Washington, DC

Winston Y. Chan

Gibson, Dunn & Crutcher LLP
San Francisco, CA

***Pamela Chepiga**

Allen & Overy LLP
New York, NY

Christine H. Chung

*Quinn Emanuel Urquhart &
Sullivan LLP*
New York, NY

Nadira Clarke

Katten Muchin Rosenman LLP
Washington, DC

***James M. Cole**

Sidley Austin LLP
Washington, DC

Michael A. Collora

Collora LLP
Boston, MA

Michael L. Collyer

Deputy Chief, Major Crimes &
Corruption Unit
Assistant U.S. Attorney
Northern District of Ohio
Cleveland, OH

Hon. Gregg J. Costa

United States Circuit Judge
Fifth Circuit
Houston, TX

M. Kendall Day

Chief, Asset Forfeiture &
Money Laundering Section
Criminal Division
U.S. Department of Justice
Washington, DC

Hon. Eileen M. Decker

US Attorney
Central District of California
Los Angeles, CA

Prof. Lucian E. Dervan

Associate Professor of Law
and Director of Faculty
Development
*Southern Illinois University
School of Law*
Carbondale, IL

***Marissel Descalzo**

Carlton Fields
Miami, FL

Catherine Dick

Assistant Chief –
Fraud Section
Criminal Division
U.S. Department of Justice
Washington, DC

Hon. Bernice B. Donald

United States Circuit Judge
Sixth Circuit
Cincinnati, OH

Prof. Laura K. Donohue

Director of Georgetown
Center on National Security
and the Law
*Georgetown University
Law Center*
Washington, DC

Michael Dondarski

Chief of Regulated Industries,
Oversight and Evaluation
Office of Foreign
Assets Control
*U.S. Department
of the Treasury*
Washington, DC

George B. Donnini

Butzel Long
Detroit, MI

Joshua L. Dratel

*Law Offices of Joshua L.
Dratel, P.C.*
New York, NY

Michael S. Dry

Vinson & Elkins LLP
Washington, DC

Faculty

Joseph J. Duffy

Stetler, Duffy & Rotert Ltd.
Chicago, IL

W. Neil Eggleston

Counsel to the President
2014-2017
Washington, DC

Todd A. Ellinwood

Assistant Chief
Southern Criminal
Enforcement Section, Tax
Division
U.S. Department of Justice
Washington, DC

Miguel A. Estrada

Gibson, Dunn & Crutcher LLP
Washington, DC

Andrew S. Feldman

Feldman Firm PLLC
Miami, FL

***James E. Felman**

Kynes Markman & Felman
Tampa, FL

James A. Ferg-Cadima

Acting Deputy Assistant
Secretary for Policy
Office for Civil Rights
U.S. Department of Education
Washington, DC

***Alice S. Fisher**

Latham & Watkins LLP
Washington, DC

Hon. Paul J. Fishman

US Attorney
District of New Jersey
Newark, NJ

Hon. Paul L. Friedman

United States District Judge
District of Columbia
Washington, DC

***Robert E. Gallagher**

Partner, Forensic Services
PricewaterhouseCoopers LLP
Atlanta, GA

Mark Gerber

PricewaterhouseCoopers LLP
Philadelphia, PA

David Gerger

*Quinn Emanuel Urquhart &
Sullivan, LLP*
Houston, TX

Hon. Nancy Gertner (Ret.)

Senior Lecturer on Law
Harvard Law School
Cambridge, MA

Katherine R. Goldstein

Former Chief, Securities and
Commodities Fraud Task Force
Assistant U.S. Attorney
Southern District of New York
New York, NY

Stacey F. Gottlieb

Cohen Dowd Quigley
Phoenix, AZ

Emily K. Greenfield

Assistant US Attorney
Eastern District of Louisiana
New Orleans, LA

Jason Halperin

Gibson, Dunn & Crutcher LLP
New York, NY

Deborah L. Harris

Chief, Environmental
Crimes Section
*Environment & Natural
Resources Division*
U.S. Department of Justice
Washington, DC

***Marcos E. Hasbun**

Zuckerman Spaeder LLP
Tampa, FL

Brian Hayes

Chief, Criminal Division
Assistant US Attorney
Northern District of Illinois
Chicago, IL

Karen P. Hewitt

Jones Day
San Diego, CA

***Philip H. Hilder**

Hilder & Associates, P.C.
Houston, TX

Nathan Hochman

Morgan, Lewis & Bockius LLP
Santa Monica, CA

Laura G. Hoey

Ropes & Gray LLP
Chicago, IL

Michael J. Holston

Executive Vice President &
General Counsel
Merck & Co., Inc.
Kenilworth, NJ

**Hon. Ketanji Brown
Jackson**

United States District Judge
District of Columbia
Washington, DC

Alexander W. Joel

Chief, Civil Liberties, Privacy,
and Transparency
*Bureau of the Director of
National Intelligence*
McLean, VA

Jenny L. Johnson

Johnson Moore
Chicago, IL

Nathan P. Judish

Senior Counsel
Computer Crimes and
Intellectual Property Section
Criminal Division
U.S. Department of Justice
Washington, DC

Daniel S. Kahn

Chief, FCPA Unit
Deputy Chief, Fraud Section
Criminal Division
US Department of Justice
Washington, DC

Norm Keith

Fasken Martineau
DuMoulin LLP
Toronto, Ontario, Canada

Thomas J. Kelly, Jr.

Dentons US LLP
Washington, DC

Prof. Orin S. Kerr

Fred C. Stevenson Research
Professor of Law
*The George Washington
University Law School*
Washington, DC

Regina L. Lamonica

Perkins Coie LLP
Chicago, IL

Douglas M. Lankler

Executive Vice President
Pfizer Inc.
New York, NY

Ibtissam Lassoued

Al Tamimi & Company
Dubai, UAE

Antoinette Lau

PwC Forensic Services
Shanghai, PRC

David H. Laufman

Chief, Counterintelligence and
Export Control Section
National Security Division
U.S. Department of Justice
Washington, DC

Saverio Lembo

Bär & Karrer Ltd.
Geneva, Switzerland

Faculty

Prof. Laurie L. Levenson

Professor of Law
David W. Burcham Chair in
Ethical Advocacy
Loyola Law School
Los Angeles, CA

***Janet I. Levine**

Crowell & Moring LLP
Los Angeles, CA

Greta Lichtenbaum

O'Melveny & Myers LLP
Washington, DC

***Gary S. Lincenberg**

*Bird, Marella, Boxer, Wolpert,
Nessim, Drooks, Lincenberg &
Rhow PC*
Los Angeles, CA

Jan Nielsen Little

Keker & Van Nest LLP
San Francisco, CA

Jennifer Lynch

Electronic Frontier Foundation
Washington, DC

Steven A. Mansfield

*Akin Gump Strauss Hauer &
Feld LLP*
Los Angeles, CA

***Vincent J. Marella**

*Bird, Marella, Boxer, Wolpert,
Nessim, Drooks, Lincenberg,
Rhow PC*
Los Angeles, CA

***Nina Marino**

Kaplan Marino, PC
Beverly Hills, CA

David O. Markus

Markus/Moss PLLC
Miami, FL

Brian F. McEvoy

Polsinelli
Atlanta, GA

***Caroline Judge Mehta**

Zuckerman Spaeder LLP
Washington, DC

Hon. Carlos E. Mendoza

United States District Judge
Middle District of Florida
Orlando, FL

Scott D. Michel

Caplin & Drysdale
Washington, DC

Hon. Donald M. Middlebrooks

United States District Judge
Southern District of Florida
Miami, FL

Planning Committee

William (Mitch) R. Mitchelson

Alston & Bird
Atlanta, GA

Heather S. Moore Paradis

Stoel Rives LLP
Seattle, WA

***Jane W. Moscovitz**

Moscovitz & Moscovitz, P.A.
Coral Gables, FL

Benjamin A. Naftalis

Latham & Watkins LLP
New York, NY

Gary P. Naftalis

*Kramer Levin Naftalis &
Frankel LLP*
New York, NY

Jessica Nall

Farella Braun & Martel
San Francisco, CA

***Kevin J. Napper**

Kevin J. Napper, P.A.
Tampa, FL

John Nassikas

*Arnold & Porter Kaye
Scholer LLP*
Washington, DC

Ariel A. Neuman

*Bird, Marella, Boxer, Wolpert,
Nessim, Drooks, Lincenberg,
Rhow, PC*
Los Angeles, CA

Jennifer G. Newstead

Davis Polk & Wardwell LLP
New York, NY

Lisa M. Noller

Foley & Lardner LLP
Chicago, IL

Gregory F. Noonan

Collora LLP
Boston, MA

***Margarita K. O'Donnell Morales**

Zuckerman Spaeder LLP
Washington, DC

Ryan O'Quinn

DLA Piper LLP (US)
Miami, FL

***Michael S. Pasano**

Carlton Fields
Miami, FL

John Potter

*Quinn Emanuel Urquhart &
Sullivan LLP*
San Francisco, CA

Joseph A. Poux

Assistant Chief
Environmental Crimes Section
*Environment and Natural
Resources Division*
U.S. Department of Justice
Washington, DC

Hon. William H. Pryor, Jr.

*United States Circuit Judge for
the Eleventh Circuit*
Atlanta, GA

Preston L. Pugh

Pugh, Jones & Johnson, P.C.
Chicago, IL

Dianne B. Ralston

Senior Vice President, General
Counsel and Secretary
FMC Technologies, Inc.
Houston, TX

Monty Raphael, QC

Peters & Peters
London, England

Ira H. Raphaelson

Washington, DC

Mark C. Ray

Director, Cyber Investigations
& Breach Response
Atlanta
PricewaterhouseCoopers LLP
Atlanta, GA

***Matt Redle**

CJS Chair
County Prosecuting Attorney
Sheridan, WY

Charles P. Rettig

*Hochman, Salkin, Rettig,
Toscher & Perez, P.C.*
Beverly Hills, CA

Katherine Fernandez Rundle

State's Attorney
Miami-Dade County
Miami, FL

Caitlin Sainsbury

Borden Ladner Gervais LLP
Toronto, Ontario, Canada

Ronald A. Sarachan

Drinker Biddle & Reath LLP
Philadelphia, PA

Joseph F. Savage, Jr.

Goodwin Proctor
Boston, MA

Faculty

Cheryl J. Scarboro

*Simpson Thatcher &
Bartlett LLP*
Washington, DC

Louis Scharringhausen

*Forensic & Cyber
Investigations*
CRA Charles River Associates
Dallas, TX

***Mark P. Schnapp**

Greenberg Traurig P.A.
Miami, FL

Phyllis Schneck

*Deputy Under Secretary
for Cybersecurity and
Communications*
*Department of
Homeland Security*
Washington, DC

Jack W. Selden

*Bradley Arant Boult
Cummings LLP*
Birmingham, AL

Karen Patton Seymour

Sullivan & Cromwell LLP
New York, NY

Thomas C. Shanahan

*Senior Vice President of Legal
Affairs & General Counsel*
*The University of
North Carolina*
Chapel Hill, NC

Robert E. Sims

Latham & Watkins LLP
San Francisco, CA

Brent C. Snyder

*Deputy Assistant
Attorney General*
Criminal Enforcement
Antitrust Division
U.S. Department of Justice
Washington, DC

Vanessa Snyder

Assistant U.S. Attorney
Southern District of Florida
Miami, FL

Gil M. Soffer

Katten Muchin Rosenman LLP
Chicago, IL

Brett A. Sokolow

President & CEO
The NCHERM Group, LLC
Berwyn, PA

Hon. Amy J. St. Eve

United States District Judge
Northern District of Illinois
Chicago, IL

Dr. Sabine Stetter

Stetter Rechtsanwälte
Munich, Germany

Sung-Hee Suh

*Deputy Assistant
Attorney General*
Criminal Division
U.S. Department of Justice
Washington, DC

***Kristofer Swanson**

Vice President
Charles River Associates
Chicago, IL

Robert W. Tarun

Baker & McKenzie LLP
San Francisco, CA

Lisa Tenorio-Kutzkey

DLA Piper LLP (US)
San Francisco, CA

***Larry D. Thompson**

Finch McCranie LLP
Atlanta, GA

Christopher E. Tierney

Senior Counsel – Compliance
Bechtel Corp.
Reston, Va

Jeffrey B. Vaden

Bracewell LLP
Houston, TX

Eric D. Vandavelde

Gibson, Dunn & Crutcher LLP
Los Angeles, CA

Theresa Van Vliet

*Genovese Joblove &
Battista, P.A.*
Fort Lauderdale, FL

***Morris (“Sandy”) Weinberg, Jr.**

Zuckerman Spaeder LLP
Tampa, FL

Reid H. Weingarten

Steptoe & Johnson LLP
Washington, DC

Andrew Weissmann

Chief, Fraud Section
Criminal Division
U.S. Department of Justice
Washington, DC

Peter H. White

Schulte, Roth & Zabel, LLP
Washington, DC

***Joe D. Whitley**

*Baker, Donelson, Bearman,
Caldwell & Berkowitz, PC*
Atlanta, GA

Hon. Kathleen M. Williams

United States District Judge
United States District Court
Southern District of Florida
Miami, FL

Jonathan J. Wroblewski

Ex Officio Sentencing
Commissioner
U.S. Department of Justice
Washington, DC

Sarah Q. Wirskey

Meadows, Collier
Dallas, TX

Ellen Zimiles

Managing Director
Navigant
New York, NY

Robert Zink

Assistant Chief
Fraud Section
Criminal Division
U.S. Department of Justice
Washington, DC

***Roger E. Zuckerman**

Zuckerman Spaeder LLP
Washington, DC

Agenda

Day One — Tuesday, March 7, 2017

2:00 p.m.– 6:00 p.m. **Registration**

Day Two — Wednesday, March 8, 2017

8:30 a.m. **Registration**

9:00 a.m. **Significant Legal Developments in the Regions**

A. Northeast Region
Jason Halperin, Moderator
Juliane Balliro, Mark Gerber, Benjamin A. Naftalis, Caitlin Sainsbury

B. South Region
William (Mitch) R. Mitchelson, Moderator
Hon. Donald M. Middlebrooks, Jack W. Selden, Sara Q. Wirskye

C. Central and Midwest Regions
Lisa M. Noller, Moderator
George B. Donnini, Brian Hayes, Regina L. Lamonica, Gil Soffer

D. Western Region
Winston Y. Chan, Moderator
Stacey F. Gottlieb, Heather S. Moore Paradis, Jessica Nall, Ariel A. Neuman

The panels will discuss new developments and trends in the region to better inform attorneys of case opportunities, contacts, and strategies and arguments being used in litigating these cases.

10:30 a.m. **Coffee Break**

11:00 a.m. **Breakout Sessions I**

A. Pre-trial Practice in Federal Criminal Cases
Andrew S. Feldman, Moderator
Hon. Cecilia Altonaga, Prof. Ricardo J. Bascuas, Ryan O’Quinn, David O. Markus, Vanessa Snyder

The panel will focus on pre-trial practice in federal criminal cases from the perspective of judges, defense attorneys, and prosecutors. It will evaluate the potential benefits and pitfalls of filing motions, including pre-trial motions to dismiss, motions in limine, and motions to suppress; the timing such filings; and ways to effectively challenge motions filed by the government.

B. Antitrust Enforcement
John Potter, Moderator
Jason J. Duffy, Steven A. Mansfield, Brent C. Snyder, Lisa Tenorio-Kutzkey

Panelists will focus on emerging trends in the investigation, prosecution and defense of corporations and individuals in criminal antitrust proceedings, and discuss the proliferation of antitrust cases with international ramifications which raise complex evidentiary issues, and explore how to obtain declinations under the DOJ Leniency Policy, as well as the key components of an effective antitrust defense at trial.

Agenda

C. 2017 and Beyond: Environmental Crimes Enforcement Trends

Thomas J. Kelly, Jr., Moderator
Nadira Clarke, Emily K. Greenfield, Deborah L. Harris, Ronald A. Sarachan

Panelists will discuss DOJ's enforcement priorities in 2017 and beyond, provide insights into recent enforcement actions, and underscore how these cases illustrate the themes that DOJ has emphasized about effective corporate responses to criminal conduct as affirmed by the Yates Memo and the recent expansion of the Worker Endangerment Initiative.

D. Money Laundering and Asset Forfeiture: The Spectrum of Penalties and Accountability for the Organization and the Individual

Ellen Zimiles, Moderator
M. Kendall Day, Monty Raphael QC, Robert E. Sims

The panel will examine the liability issues for the organization and the individual across the span of compliance program deficiencies to criminal violations. The panel will include a review of the issues domestically and internationally, as well as the complications of cross border investigations.

E. Tax Enforcement: Where in the World is the IRS Now?

Charles P. Rettig, Moderator
Todd A. Ellinwood, Jenny L. Johnson, Nathan Hochman, Scott D. Michel

The IRS and the DOJ continue to be very active in international enforcement, and also enhancing their focus on domestic tax fraud. The panelists will address current tax enforcement activity, and what enforcement may be expected across the range of tax crimes, including offshore evasion, employment tax enforcement, return preparer fraud, and business and individual tax crimes.

12:00 p.m. **Lunch on Own**

1:45 p.m. **Welcoming Remarks**
Raymond Banoun, Chair of the Institute
Matt Redle, Chair of the Criminal Justice Section

2:00 p.m. **The Inside Looking Out: Key Insights From Top General Counsel**
Alice S. Fisher, Moderator
Audrey T. Andrews, Peter W. Carter, Dianne B. Ralston, Ira H. Raphaelson

This panel of experienced General Counsel of multi-national corporations will discuss the latest policies and guidance from DOJ and SEC - including the Yates Memo, the FCPA Pilot program, the addition of the Compliance Expert at the Fraud Section, developments in the Whistleblower Program - and their impact on the legal department and the corporation. They will also share their views on best practices for responding to these agencies.

3:45 p.m. **Coffee Break**

4:00 p.m. **Breakout Sessions II**
A. Due Process on Today's Campus: Handling Title IX Abuse and Harassment Cases

Marcos Hasbun, Moderator
James A. Ferg-Cadima, Hon. Nancy Gertner (Ret.), Caroline Judge Mehta,
Thomas C. Shanahan, Brett A. Sokolow

Title IX tethers federal funding of colleges and universities to their commitment to investigate and promptly resolve allegations of sexual misconduct on campus. These investigations and hearings do not operate consistent with traditional standards of Due Process but under a standard unfamiliar to most criminal defense practitioners. The panel will discuss what criminal defense attorneys need to understand about these proceedings, how institutions of higher education are implementing Title IX directives and the accompanying challenges they face, and the interplay between campus discipline and parallel criminal investigations or civil suits brought by the alleged victim.

Agenda

4:00 p.m.	<p>Breakout Sessions II (cont'd)</p> <p>B. When Disasters Strike - Pipelines, Platforms, Poisons, & Other Perils: Who is “Criminally Liable” When People Die in Tragic Mishaps?</p> <p>David Gerger, Moderator Christina C. Arguedas, Steven M. Bauer, Joseph A. Poux, Reid H. Weingarten</p> <p>The BP Deepwater Blowout; the PG&E Pipeline Blast; the Massey Mine Explosion; FedEx-ing dangerous medicines; lead poisoning in Flint, Michigan. In the last year, prosecutors have had to determine how to treat industrial and other tragedies resulting in death or serious harm, with mixed results, ranging from billion-dollar fines for companies to acquittals and compromise verdicts. Panelists will discuss the lessons learned.</p> <p>C. Emerging Enforcement Trends in Health Care</p> <p>Gregory F. Noonan, Moderator Catherine Dick, Hon. Paul J. Fishman, Laura G. Hoey, Joseph F. Savage</p> <p>Panelists will address recent trends in governmental investigations, prosecutions, financial recoveries and compliance programs in healthcare fraud matters, and discuss recent prosecutions in the areas of False Claims Act, Anti-Kickback Act and Stark Law, and offer practical tips for navigating fraud, abuse and compliance issues.</p> <p>D. Liability for Cross-Border Activity: Increasing Enforcement of Economic Sanctions and Export Control Laws</p> <p>Greta Lichtenbaum, Moderator Christine H. Chung, Michael Dondarski, David Laufman, Jeffery B. Vaden</p> <p>U.S. economic sanctions and export control laws are critical tools supporting U.S. foreign policy and national security interests, and they change in response to international developments. The panel will discuss the evolving enforcement priorities of the DOJ, OFAC and the Department of Commerce’s Bureau of Industry and Security, and examine the extraterritorial reach of these laws, and liability risks related to Iran, China, Cuba and Russia.</p> <p>E. The Governor McDonnell Case - Where Do We Go From Here in Public Corruption</p> <p>James M. Cole, Moderator Henry W. Asbill, Michael A. Collora, Michael S. Dry, Miguel A. Estrada</p> <p>A discussion of the recent prosecution of Gov. Robert McDonnell, including the factual predicate for the case, the evolving law concerning bribery of public officials, and an analysis of the Supreme Court’s opinion and the guidance it provides not only for future prosecutions, but also for the behavior of public officials.</p>
5:15 p.m.	Adjourn
5:15 p.m.	White Collar Crime Committee Meeting
6:00 p.m.	Women in White Collar Cocktail Reception
6:00 p.m.	Young Lawyers Reception

Day Three — Thursday, March 9, 2017

8:00 a.m. **Registration Continues**

9:15 a.m. **Opening Remarks**
Raymond Banoun, Chair of the Institute

10:00 a.m. **The Challenge of Judging in the 21st Century, Through the Eyes of Judges**
Hon. Paul L. Friedman, Moderator
Hon. Charles R. Breyer, Hon. Gregg J. Costa, Hon. Nannette Jolivet Brown,
Hon. Carlos E. Mendoza, Hon. Amy J. St. Eve, Hon. Kathleen M. Williams

Seven noted federal judges, led by United States District Judge Paul L. Friedman, consider the personal and professional challenges they confront in the daily administration of justice from the benches on which they sit, including not merely the difficult substantive issues on which they are called to pass but the personal issues that affect them and the tasks they are required to pursue. A first for the Institute, this all-judicial panel will explore the task of judging in the 21st century and the qualities that it requires of those who are called to pursue it.

12:00 p.m. **Luncheon**
Lawrence Barcella, Jr. Memorial Address
Keynote Speaker: W. Neil Eggleston

1:45 p.m. **Breakout Sessions III**

A. The Foreign Corrupt Practices Act: Recent Developments and Government Priorities
Robert W. Tarun, Moderator
Karen P. Hewitt, Daniel S. Kahn, Jennifer G. Newstead, Ira H. Raphaelson

The panel will review the bribery enforcement actions announced during the past year, DOJ and SEC priorities, and will consider the actual impact of the Yates Memorandum on FCPA enforcement, SEC whistleblower rewards, and “state of the art” corporate compliance programs

B. Cyber Crimes—Cyber Solutions: National Security Beyond the Fourth Amendment
Janet I. Levine, Moderator
Hon. Eileen M. Decker, Mark C. Ray, Phyllis Schneck, Eric D. Vandeveld, Joe D. Whitley

Public and private networks are facing unprecedented cyber threats from rogue hackers, organized crime, and state actors. Law enforcement is undergoing a major transformation to address these pervasive and evolving threats. Panelists will discuss the legislative, administrative, and jurisprudential underpinnings of this transformation and the continued efforts of law enforcement to (en)force technology-based public-private alliances.

Agenda

Ethics
Credit

C. Ethical Issues in the Representation of Companies in White Collar Cases

Mark P. Schnapp, Moderator

Lanny A. Breuer, Douglas M. Lankler, Cheryl J. Scarboro, Karen P. Seymour, Andrew Weissmann

Panelists will consider such ethical issues as who is the client and whom should counsel report to – executive management, the board or the audit committee, what can be disclosed to outside auditors, who can waive the privilege, dealing with potential whistleblowers, counsel's responsibility with respect to employees when interviewing them, and advising employees who are contacted by the authorities.

D. International Series Part 1 - Locating, Reviewing, and Transferring Evidence During Cross-Border Investigations

Prof. Lucian E. Dervan, Moderator

Norm Keith, Saverio Lembo, Ibtissem Lassoued, Antoinette Lau

This multi-national panel will consider the issues associated with foreign evidence gathering during international investigations, and will discuss effective strategies for quickly and efficiently gathering, reviewing, and transferring evidence internationally and for identifying the pitfalls and perils that might be encountered along the way, including blocking statutes, state secrets laws, data privacy restrictions, and claims surrounding attorney privileges.

E. Defending Medical Necessity Cases

Marissel Descalzo, Moderator

Michael L. Collyer, Brian M. McEvoy, John Nassikas McEvoy, Peter H. White

Panelists will discuss strategies for defending, and winning, prosecutions of physicians charged with healthcare fraud based on the alleged lack of medical need for treatment, including the extent to which prosecutors should determine the need for medical treatment. Recent prosecutions have involved several prominent physicians for allegedly performing unnecessary procedures.

3:00 p.m. **Coffee Break**

3:15 p.m. **Breakout Sessions IV**

A. Sentencing and its Collateral Consequences Impact

James E. Felman, Moderator

Hon. Frederic Block, Hon. Ketanji Brown Jackson, Hon. William H. Pryor, Jr., Jonathan Wroblewski

The panel will discuss recent trends in the sentencing of economic crimes, provide an update on federal sentencing law and policy and practical tips for effective sentencing advocacy in white collar cases, address the growing collateral consequences of criminal convictions and their potential impact on sentencing options, and compare and contrast competing visions of the future of federal sentencing for economic and other crimes.

B. Insecurity in Securities Law

Gary S. Lincenberg, Moderator

Antonia M. Apps, Pamela Chepiga, Jan Nielsen Little, Katherine R. Goldstein

As all eyes await the decision in *Salman v. United States* – the first insider trading case to hit the Supreme Court docket in twenty years – securities enforcement is in the midst of an overhaul. Panelists will consider how practice is changing, discuss the potential course of future prosecutions, and offer tips on how to take advantage of these changes.

C. International Series Part 2 - Navigating the Minefield of a Multinational Bribery Case – From Investigation to Indictment

Nina Marino, Moderator

Ilias Anagnostopoulos, Karen A. Benson, Dr. Sabine Stetter, Sung-Hee Suh

Using a factual scenario, this international panel will discuss the legal and practical issues that arise when a multinational public corporation discovers potential bribery by its employees, including the complexities of the internal investigation, how to respond to multi-government investigations, and what happens when criminal charges are brought. It will address issues relating to jurisdiction, plea agreements, and trial strategies.

D. Ethical Traps in the Investigation, Defense and Prosecution of Individuals in White Collar Cases.

Michael S. Pasano, Moderator

Robert M. Cary, Gary P. Naftalis, Christopher E. Tierney Theresa Van Vliet, Robert Zink

Ethics
Credit

This panel will explore the tricky choices lawyers make in both prosecuting and defending white collar cases, including who to charge, what to charge, how to prep witnesses (including the defendant), joint defense agreements, the attorney client privilege, taint team practices, trials with co-defendants and more.

E. Getting, Producing, Resisting, Using and Abusing Electronic Evidence: How Technology is Changing Our Practice

Jane W. Moscovitz, Moderator

Ellen C. Brotman, Paul J. Fishman, Preston H. Pugh, Louis Scharringhausen,
Hon. Kathleen M. Williams

Panelists will explore the way in which electronic evidence and new technologies are affecting white collar criminal practice, including the scope and potential revisions of the ECPA and, the CFAA, dealing with the European Shield Act, act of production privilege and other e-discovery issues.

4:30 p.m. **Coffee Break**

4:45 p.m. The Art of Story Telling – As Told by Women Leaders in Government

Prof. Laurie Levenson, Moderator

Hon. Caroline Ciraolo, Hon. Leslie R. Caldwell, Hon. Eileen M. Decker,
Katherine Fernandez Rundle

In recognition of the achievements of women leaders in government, this panel of trailblazers will explore how to communicate a strategically designed theme in litigation, from pleadings to opening statement, direct and cross examination, to closing arguments.

6:00 p.m. **Adjourn**

6:30 p.m. Institute Reception

Sponsored by: Zuckerman Spaeder LLP

Agenda

Day Four — Friday, March 10, 2017

9:15 a.m. **Keynote Speaker**

Kenneth A. Blanco, Acting Assistant Attorney General, Criminal Division

9:45 a.m. **The New Frontier Surveillance Technology, Ethics and the Law**

Morris (Sandy) Weinberg, Moderator
Laura K. Donohue, Joshua L. Dratel, Alexander W. Joel, Nathan P. Judish,
Orin S. Kerr, Jennifer Lynch



The internet, smart phones, GPS and other digital devices have drastically changed the way people interact and have resulted in significant privacy and ethical dilemmas with criminal justice implications both for those under investigation and for traditional law enforcement and intelligence agencies. Judges have had to reconsider some of the traditional doctrines that have governed fourth amendment jurisprudence, leading to two recent blockbuster Supreme Court decisions regarding the digital age. Panelists will explore this “new frontier” of Fourth Amendment law the way this new technology and the developing law implicates ethics for all practitioners.

11:45 a.m. **End of Conference**

Register

Step 1: Registration Rates

	Early-Bird Rate	Advance Rate Jan. 26, 2017	Standard Rate Feb. 15, 2017
General Public	\$1,225	\$1,380	\$1,475
ABA Members	\$1,185	\$1,275	\$1,355
Criminal Justice Section, Solo, Small Firm and General Practice Division and Young Lawyers Division Members	\$1,025	\$1,100	\$1,180
Government Lawyers	\$500	\$550	\$575

The ABA reserves the right to correct all typographical errors. Fees do not include travel or lodging.

Save when you register one or more attorney for this National Institute.
3-5 attendees - save 5% 6-10 attendees - save 10%
10+ attendees - contact the ABA Center for Professional Development
To register your group of 3 to 10 and receive the discount, please call the ABA Service Center at 800-285-2221.

Step 2: Please check one workshop for each day and time slot.

WORKSHOPS

- Wednesday ▪ March 8, 2017 ▪ Significant Legal Developments in the Regions – Regional Breakouts ▪ 9:00 a.m.**
- ☐ A. Northeast Region
 - ☐ B. South Region
 - ☐ C. Central and Midwest Regions
 - ☐ D. Western Region
- Wednesday ▪ March 8, 2017 ▪ Breakout Sessions I ▪ 11:00 a.m.**
- ☐ A. Pre-trial Practice in Federal Criminal Cases
 - ☐ B. Antitrust Enforcement
 - ☐ C. 2017 and Beyond: Environmental Crimes Enforcement Trends
 - ☐ D. Money Laundering and Asset Forfeiture: The Spectrum of Penalties and Accountability for the Organization and the Individual
 - ☐ E. Tax Enforcement: Where in the World is the IRS Now?
- Wednesday ▪ March 8, 2017 ▪ Breakout Sessions II ▪ 4:00 p.m.**
- ☐ A. Due Process on Today's Campus: Handling Title IX Abuse and Harassment Cases
 - ☐ B. When Disasters Strike – Pipelines, Platforms, Poisons, & Other Perils: Who is "Criminally Liable" When People Die in Tragic Mishaps?
 - ☐ C. Emerging Enforcement Trends in Health Care
 - ☐ D. Liability for Cross-Border Activity: Increasing Enforcement of Economic Sanctions and Export Control Laws
 - ☐ E. The Governor McDonnell Case – Where Do We Go From Here in Public Corruption
- Thursday ▪ March 9, 2017 ▪ Luncheon ▪ 12:00 p.m.**
(This luncheon is an additional \$55. All Registrants welcome. Ticketed event. Space is limited.)
- Thursday ▪ March 9, 2017 ▪ Breakout Sessions III ▪ 1:45 p.m.**
- ☐ A. The Foreign Corrupt Practices Act – Recent Developments and New Trends
 - ☐ B. Cyber Crimes-Cyber Solutions: National Security Beyond the Fourth Amendment
 - ☐ C. Ethical Issues in the Representation of Companies in White Collar Cases
 - ☐ D. International Series Part 1 – Locating, Reviewing, and Transferring Evidence During Cross-Border Investigations
 - ☐ E. Defending Medical Necessity Cases
- Thursday ▪ March 9, 2017 ▪ Breakout Sessions IV ▪ 3:15 p.m.**
- ☐ A. Sentencing and its Collateral Consequences Impact
 - ☐ B. Insecurity in Securities Law
 - ☐ C. International Series Part 2-Navigating the Minefield of a Multinational Bribery Case-From Investigation to Indictment
 - ☐ D. Ethical Traps in the Investigation, Defense and Prosecution of Individuals in White Collar Cases
 - ☐ E. Getting, Producing, Resisting, Using and Abusing Electronic Evidence: How Technology is Changing Our Practice

Step 3: Section Membership

- ☐ Criminal Justice Section – \$45
- ☐ Solo, Small Firm and General Practice Division - \$45
- ☐ Section of Science & Technology Law - \$55 (for Lawyers and Associate members; free for Law Students)
- ☐ Young Lawyers Division – Enroll me in the Young Lawyers Division. Membership in the Young Lawyers Division is free and automatic for all ABA members under 36 years old or admitted to practice for less than 5 years

Step 4: Course Materials *

Electronic course materials will be provided via download at least 48 hours prior to the start of the Institute. Printed course materials are available on-site for an additional \$75 fee.

- ☐ Please provide printed course materials on-site for \$75. **Enter your \$75 fee on line 6E.**

* If you cannot attend, but would like to order the Course materials, please visit us at www.ShopABA.org/2017wcc or call (800) 285-2221 for pricing and availability. Course materials will be shipped after the event.

Register (Cont'd.)

Step 5: Your Information

Name		
Law Firm/Organization		
Address		Suite/Apt.
City	State	Zip Code
Telephone		
Email	ABA Member ID	

The ABA and many of its entities provide content through email. We do not share email addresses with anyone outside the ABA.

Step 6: Your Total Due Amount

Registration Rate (from Step 1)	6A \$ _____
Three or More People Registering (from Step 1) Save when you register one or more attorney for this National Institute. 3-5 attendees - save 5% 6-10 attendees - save 10% 10+ attendees - contact the ABA Center for Professional Development To register your group of 3 to 10 and receive the discount, please call the ABA Service Center at 800-285-2221.	6B \$ - _____
ABA Criminal Justice Section Enrollment - \$45 (from Step 3)	6C \$ + _____
ABA Solo, Small Firm and General Practice Division Enrollment - \$45 (from Step 3)	6D \$ + _____
ABA Section of Science & Technology Law Enrollment - \$55 (from Step 3)	6E \$ + _____
Printed Course Materials - \$75 (from Step 4)	6F \$ + _____
White Collar Crime Committee Luncheon - \$55 (from Step 2) (Ticketed event)	6G \$ + _____
	Total \$ _____

Step 7: Payment Information

<input type="checkbox"/> ABA Credit Card from Bank of America	<input type="checkbox"/> Visa®/MasterCard
<input type="checkbox"/> Check Payable to American Bar Association	<input type="checkbox"/> American Express
Name as it appears on Card	
Account Number	Expiration Date
Signature	

Step 8: 4 Easy Ways to Register

 Visit http: www.ShopABA.org/2017wcc	 Complete and mail this form:
 Call (800) 285-2221	The American Bar Association Event Registration Unit 321 N Clark St., FI 16 Chicago, IL 60654-7598
 Fax this form to (312) 988-5850	

MCLE

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 13.25 CLE credit hours in 60-minute states, including 4.5 ethics credit and 15.9 credit hours, including 5.4 ethics hours) in 50-minute-hour states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit www.ShopABA.org/2017wcc.

NASBA

The American Bar Association is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be submitted to the National Registry of CPE Sponsors through its website: www.learningmarket.org.

Scholarships

For more information on scholarships, visit www.americanbar.org/groups/cle/scholarship.

Attire

Business casual attire is appropriate for all activities.

Cancellations

Cancellations received five business days or more before the program will receive a full refund, less a \$50 cancellation fee. No refunds will be provided for cancellations after that date; however, substitute registrants are welcome at any time. To cancel your registration or substitute another individual, please call the ABA at **(800) 285-2221** or fax your request to **(312) 988-5850**. Registrants who do not cancel within the allotted time period and who do not attend the program will receive a copy of the program course materials after program completion.

Services for Persons with Disabilities

If special arrangements are required, please contact Donna Williams at (312) 988-6210 or Donna.Williams@americanbar.org. Reasonable advance notice is requested.

In-Person Registration

If you plan to register in person, please call the ABA at least 24 hours in advance to confirm that the program is being held as scheduled and that space is available. Cash payments will not be accepted.

Program Confirmation

Written confirmation of your registration will be sent to you upon receipt. If you do not receive the confirmation notice prior to the program, please call the ABA at **(800) 285-2221** at least 24 hours in advance to confirm that your registration was received and that the program is being held as scheduled.

Hotel Information

Institute Location:

Fontainebleau **SOLD OUT**
4441 Collins Avenue
Miami Beach, FL 33140

Overflow Hotel:

Grand Beach Hotel Miami
4835 Collins Avenue
Miami Beach, FL 33140
Room Rate: \$349.00/night

Hotel Deadline: February 15, 2017

Reservations can be made by calling the hotel directly at 877-538-8666. All room rates are subject to city occupancy and sales tax. Refer to the ABA National Institute on White Collar Crime to receive the group rate.

Aba Negotiated Airfare Discounts - Available Online!

With **ABA Egencia***, you can automatically obtain ABA negotiated airfare discounts for travel to the ABA Meetings. ABA Egencia enables you to purchase the best airfare at the time of booking, by providing you with the ability to search for and compare fares from virtually every airline serving the destination.

Reservations with ABA Egencia can be made online or offline. For offline reservations, call **(877) 833-6285**. ABA Egencia is available online via **ABA Travel Services***. ABA airfare discounts on some carriers may also be obtained by purchasing your tickets under the ABA Discount Codes directly from the airline or through your travel agent.

American Airlines: ABA Discount only available at ABA Egencia

United Airlines: **800-426-1122** For ABA Meetings Only - Agreement Code: **621691** / Z Code: **ZXDR**
Discount available at www.united.com
Online Discount Code: **ZXDR621691**
Not for Leisure Travel

Delta Airlines: **800-328-1111** ABA File Global Meeting Code: **NMP56**
Discount available at www.delta.com
Online Meeting Event Code: **NMP56**

Egencia: *A Travel Profile is required when booking airline reservations with ABA Egencia.
Visit www.egencia.com for more information.

Standing Committee on Continuing Legal Education

Under the guidance of the Standing Committee on Continuing Legal Education, the Center for Professional Development administers and produces National Institutes, webinars, and other technology-based products and written course materials to assist lawyers' professional development efforts.