The 32nd Annual National Institute on White Collar Crime

February 28-March 2, 2018
San Diego Bayfront
San Diego, CA

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The 32nd Annual National Institute on White Collar Crime
February 28-March 2, 2018 | San Diego Bayfront | San Diego, CA

Description of Proceedings
The 2018 White Collar Crime National Institute will take place from Wednesday, February 28 to Friday, March 2, 2018, in San Diego, California. On February 28, following the luncheon break, we will have a panel devoted to general counsel. That panel will be followed by a discussion with Stephanie Avakian and Steven Peikin, Co-Directors of the Division of Enforcement of the Securities and Exchange Commission regarding the agency’s enforcement priorities.

Once again, we will have three significant plenary panels. On the morning of March 1, our main keynote speaker David Green, Director of the UK’s Serious Fraud Office will address the whole conference rather than speaking at the luncheon. He will be followed by a panel consisting of United States Circuit and District Court Judges. On Friday morning, immediately following the traditional address by the Assistant Attorney General for the Criminal Division, another plenary panel of distinguished speakers will explore the ethical issues that confront all attorneys when entering the United States and protecting their attorney-client privileged and work product material from the prying eyes of US border officials.

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.

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 and the judiciary, including Chief Judges Beryl Howell and Brian Jackson, and United States District Judges Paul Borman, Charles Breyer, Paul Friedman, Lucy Koh, Amy St. Eve, Benita Pearson, and Janis L. Sammartino, as well as Judge Peter R. Zahra from Australia. The general counsel and senior members of corporate legal and compliance groups are from Blackberry, Goldman Sachs, JP Morgan, Johnson Controls, Pfizer, Hyatt Hotels, PayPal, PetSmart, and Tishman Speyer. 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
• A panel dedicated to substance abuse, mental health, and the white collar lawyer
• Ethics - Protecting privileged attorney client and work product material from the prying eyes of US border officials when entering the United States
• Ethics - Representing clients investigated for or charged with perjury, obstruction, and conflicts of interest
• Ethics - Representing audit committees and dealing with company outside auditors
• Representing clients in State AG investigations
• Navigating parallel US and foreign civil, criminal, administrative, and legislative inquiries
• A panel dedicated to Substance Abuse, Mental Health, and the White Collar Lawyer
• Defending a criminal case in an age of new technology
• Two international panels of distinguished lawyers and judges - one regarding the emerging role of whistleblowers in foreign inquiries and the other on representing parties given the ever-increasing cooperation between law enforcement authorities
• A panel dedicated to the sentencing guidelines and collateral prison consequences
• 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 2018
• Commodities enforcement priorities
• Emerging enforcement trends in health care fraud
• Enforcement of economic sanctions and export control
• National security, cybercrime, and hacking
• Antitrust enforcement trends
• Environmental crimes in a global world
• Developments in tax enforcement
• Recent developments in anti-money laundering and asset forfeiture efforts
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<thead>
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<th>Early-Bird Rate</th>
<th>Advance Rate Jan. 11, 2018</th>
<th>Standard Rate Feb. 8, 2018</th>
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<td>General Public</td>
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<td>Government Lawyers</td>
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The ABA reserves the right to correct all typographical errors. Fees do not include travel or lodging.

To register, visit www.ambar.org/2018wcc

Presented by
Criminal Justice Section
Section of Science & Technology Law
Solo, Small Firm and General Practice Division
Section of Science & Technology Law
Young Lawyers Division

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Gold: RSM
Bronze: Greenberg Traurig, LLP
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## Agenda

### Day One — Tuesday, February 27, 2018

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<td>2:00 p.m.-</td>
<td><strong>Registration</strong></td>
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### Day Two — Wednesday, February 28, 2018

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<tr>
<td>8:30 a.m.</td>
<td><strong>Registration</strong></td>
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<tr>
<td>9:00 a.m.</td>
<td><strong>Significant Legal Developments in the Regions</strong></td>
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<tr>
<td>10:15 a.m.</td>
<td><strong>Coffee Break</strong></td>
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<tr>
<td>10:30 a.m.</td>
<td><strong>Breakout Sessions I</strong></td>
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<tr>
<td>11:45 a.m.</td>
<td><strong>Grab “n” Go Lunch</strong></td>
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### Significant Legal Developments in the Regions

#### A. Northeast Region
- Benjamin A. Naftalis, Moderator
- Carrie H. Cohen, Virginia A. Gibson, Brian M. Heberlig, Kristin V. Mayer

#### B. South Region
- Brian F. McEvoy, Moderator
- Vanessa Salinas Beckstrom, James D. Durham, Marcos E. Hasbun, Jack Sharman

#### C. Central and Midwest Regions
- Daniel D. Rubinstein, Moderator
- Hal A. Goldsmith, Beth A. Savage, Caryn L. Trombino, Mark Weinhardt

#### D. Western Region
- Winston Y. Chan, Moderator
- Patty A. Eakes, Stacey F. Gottlieb, Michael L. Lipman, Nicole Rodriguez Van Dyk

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

### Breakout Sessions I

#### A. State AGs Enforcement Trends
- Michael G. Freedman, Moderator
- Mónica Ramírez Almadani, Jeffrey E. Tsai, Scott R. Wilson

The panel will address trends in investigations initiated by state attorneys general and their overlap and coordination with other law enforcement and regulatory agencies, and offer practical tips on handling such cases.

#### B. Antitrust Enforcement
- David Gerger, Moderator
- Craig Y. Lee, E. Kate Patchen, Mark R. Rosman, Lisa Tenorio-Kutzkey

Panelists will focus on emerging trends in the investigation, prosecution and defense of corporations and individuals in criminal antitrust matters, including the proliferation of such cases with international ramifications, and explore key components in developing an effective defense.

#### C. The Global Reach of Money Laundering Enforcement
- Mara V. J. Senn, Moderator
- Stephanie L. Brooker, M. Kendall Day, Giselle J. Joffre, Saverio Mirarchi, Monty Raphael QC

This panel will discuss the ever increasing number of international matters initiated and resolved by the DOJ, and will explore the foreign crimes that can be predicate offenses for money laundering, and the required U.S. nexus for the same.

#### D. Taking on a Criminal Tax Case? Don’t Leave Home Without These Critical Practice Tips!
- Caroline D. Ciraolo, Moderator
- Thomas Coker, Kathryn Keneally, Scott D. Michel, Charles P. Rettig

Criminal tax investigations and prosecutions can be highly complex and sophisticated, generally involving the expertise of Tax Division lawyers and IRS Special Agents. Panelists will explore some of the unique aspects of such matters - conference procedures, tax loss calculations, confronting IRS witnesses, sentencing enhancements, restitution, the civil tax aftermath – and offer tips on avoiding the minefield that awaits the unwary.

### Coffee Break

#### Grab “n” Go Lunch

Agenda subject to change without notice.
Agenda

1:30 p.m.  **Welcoming Remarks**
Raymond Banoun, Chair of the Institute

1:45 p.m.  **General Counsel Forum - Responding to a Crisis**
Michael S. Pasano, Moderator
This panel of general counsel will discuss the pressures and stakes involved when companies discover criminal conduct, and explore their reactions depending on the scope of the problem, including their approach to conducting internal investigations, engaging outside counsel, dealing with conflicts, responding to employees’ concerns, and the role that in-house counsel and audit committees continue to play during an investigation.

3:15 p.m.  **Coffee Break**

3:00 p.m.  **SPECIAL SESSION - Meet the SEC Enforcement Directors**
**Q & A on SEC Enforcement**
Pamela R. Chepiga, Moderator
Stephanie Avakian, Steven R. Peikin
The Co-Directors of the SEC Division of Enforcement will discuss the agency's enforcement priorities.

4:15 p.m.  **Breakout Sessions II (cont’d)**

A.  **Substance Abuse, Mental Health, and the White Collar Lawyer**
Nina Marino, Moderator
David B. Jaffe, Patrick R. Krill, Laura J. Lokker, Psy.D., Lisa F. Smith
This panel seeks to shatter the proverbial conspiracy of silence and will explore why white collar lawyers are prone to substance abuse issues and how law school, law firms, and the practice of litigation all contribute to the problem, as well as how to recognize signs of substance abuse and to obtain help.

B.  **Health Care Fraud and Abuse**
Caroline Judge Mehta, Moderator
Laura B. Angelini, Marissel Descalzo, Laura G. Hoey, Joseph G. Petrosinelli, Gregg Shapiro
The panel will discuss, among other things, the ongoing DOJ investigation of patient assistance programs backed by health care companies, which affect multiple sectors of the health care industry.

C.  **Environmental Crimes Enforcement**
Gary S. Lincenberg, Moderator
Michael S. Diamant, Joseph O. Johns, Carolyn Kubota, Steven P. Solow
The panel will discuss what is happening to the environmental crime caseload inherited by the new Administration, how it is being handled, how courts are and may be reacting, and offer advice on adjusting defenses.

D.  **Cross-Border Enforcement: US Economic and Trade Sanctions Prosecutions**
Christine H. Chung, Moderator
Jay I. Bratt, Michael Dondarski, Greta Lichtenbaum, Wendy L. Wysong
Panelists will discuss the regulatory and enforcement priorities of the DOJ, OFAC, and Department of Commerce, the evolving reach of U.S. sanctions law, and the assessment of risk for clients engaged in business relating to Iran, China, Russia, and Cuba.

E.  **Keeping up with Cybercrime: State Actors, Private Hackers, and the State of Private and National Cybersecurity**
Janet I. Levine, Moderator
James M. Aquilina, Stephanie S. Christensen, Robert P. Silvers, Joe D. Whitley
2016 and 2017 witnessed an unprecedented barrage of cybercrime impacting both major public and ordinary private sectors. The panel 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.

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<tr>
<td>5:30 p.m.</td>
<td><strong>White Collar Crime Committee Meeting</strong></td>
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<td>6:15 p.m.</td>
<td><strong>Women in White Collar Cocktail Reception</strong></td>
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<td>6:15 p.m.</td>
<td><strong>Young Lawyers Reception</strong></td>
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**Day Three — Thursday, March 1, 2018**

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<tr>
<td>8:00 a.m.</td>
<td><strong>Registration Continues</strong></td>
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<tr>
<td>9:15 a.m.</td>
<td><strong>Opening Remarks</strong></td>
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<tr>
<td></td>
<td>Raymond Banoun, Chair of the Institute</td>
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<td>Morris “Sandy” Weinberg, Jr., CJS Chair</td>
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<tr>
<td>9:30 a.m.</td>
<td><strong>E. Lawrence Barcella Memorial Keynote Address:</strong></td>
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<td>David Green CB QC, Director, UK Serious Fraud Office</td>
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<td>10:00 a.m.</td>
<td><strong>The Evolving Challenge of Judging: 2018 Edition</strong></td>
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<td>Hon. Paul L. Friedman, Moderator</td>
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<td>Six noted federal judges, led by United States District Judge Paul L. Friedman, will again consider some of the personal and professional challenges and difficult substantive issues they confront in the daily administration of justice. This continuing annual judicial panel explores the evolving task of judging in the 21st century.</td>
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<tr>
<td>12:00 p.m.</td>
<td><strong>Grab “n” Go Lunch</strong></td>
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<tr>
<td>1:45 p.m.</td>
<td><strong>Breakout Sessions III</strong></td>
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<tr>
<td>A.</td>
<td><strong>The Foreign Corrupt Practices Act: Recent Developments and Government Priorities</strong></td>
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<td>Robert W. Tarun, Moderator</td>
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<td>Charles E. Cain, Daniel S. Kahn, Karen P. Hewitt, Christopher E. Tierney</td>
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<td>Panelists will review bribery enforcement during the past year, DOJ and SEC priorities under the new Administration, including any changes in extraterritorial reach and cooperation, credit policies, sharing of fines with foreign law enforcement authorities, and application of the Pilot Program. It will also consider the recent limits on SEC disgorgement actions.</td>
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<td>B.</td>
<td><strong>CFTC Enforcement: Recent Developments and Speculative Prognostication</strong></td>
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<td></td>
<td>Aitan D. Goelman, Moderator</td>
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<td>Christian T. Kemnitz, James McDonald, Michael L. Spafford, Manal Sultan</td>
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<td>Dodd-Frank changed many things for many people in the American financial markets, but perhaps no agency was as profoundly impacted as the CFTC. Eight years on, the Enforcement Division is making regular use of its new authority and has obtained significant results. Will the toughness continue, or will the current administration be more deferential to the derivatives industry?</td>
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<td>C.</td>
<td><strong>A Lawyer's Worry: Ethics Issues in Investigations</strong></td>
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<td>Alice S. Fisher, Moderator</td>
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<td>W. Neil Eggleston, Zachary T. Fardon, Hon. Noel L. Hillman, Sandra Moser</td>
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<td>This panel will consider ethics issues encountered by in-house and outside counsel during government enforcement investigations, such as dealing with perjury, obstruction of justice and potential conflicts of interest in dealing with corporate witnesses.</td>
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<td>D.</td>
<td><strong>Whistleblowing Around the Globe</strong></td>
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<td>Prof. Lucian E. Dervan, Moderator</td>
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<td>Nicholas Johnson QC, Norm Keith, Shin Jae Kim, Lisa van der Wal, Hon. Peter R. Zahra</td>
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<td>International practitioners will discuss varying approaches to whistleblowing, including laws protecting them, incentive and reward programs, and offer best practices for corporations and counsel responding to whistleblowers’ complaints.</td>
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Agenda subject to change without notice.
1:45 p.m. **Breakout Sessions III (Cont’d)**

E. **Navigating Parallel Federal, State and Congressional White Collar Investigations**  
   Ira H. Raphaelson, Moderator  
   Lanny A. Breuer, Noah Perlman, Karen Patten Seymour, Cheryl J. Scarboro, G. Zachary Terwilliger

A panel of in-house counsel and seasoned defense attorneys and prosecutors, will consider various strategies for dealing with overlapping criminal, regulatory, civil and legislative inquiries and proceedings.

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

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

A. **Sentencing, Prison Designations & Post Sentencing Remedies**  
   James E. Felman, Moderator  
   Alan Ellis, Hon. Charles R. Breyer, Hon. Beryl A. Howell, Jonathan J. Wroblewski

Panelists will analyze the most recent changes to the economic crimes sentencing guidelines and recent cases addressing them, discuss potential reforms, suggest effective advocacy approaches, and provide practical tips for dealing with the Federal Bureau of Prisons on behalf of clients.

B. **Securities Enforcement in 2018 and Beyond**  
   Leslie R. Caldwell, Moderator  
   Andrew J. Ceresney, Gary P. Naftalis, Benjamin Singer

Panelists will analyze recent enforcement actions by DOJ and the SEC, consider the evolving landscape of securities practice, and offer tips on defending cases.

C. **Defending Multi-National Investigations**  
   Prof. Julie Rose O’Sullivan, Moderator  
   Adriana Dantas, Saverio Lembo, Stéphane de Navacelle, Judith Seddon

The panel will discuss the expanding cooperation between national law enforcement authorities, the scope and limits of corporate liability in major foreign jurisdictions, differing enforcement tools and trends, self-reporting, joint efforts by an international defense team, and fashioning global settlements.

D. **Audit Committee Investigations and the Role of Outside Accountants**  
   Mark P. Schnapp, Moderator  
   Raja Chatterjee, Charles E. Duross, Kristin D. Rivera, Charles V. Senatore

Panelists will consider ethical issues confronted by counsel in dealing with audit committees and outside auditors, including how to protect the attorney-client privilege and work product protection, coordinating their work with company counsel, and, where disclosures are made, with the government.

E. **New Technology in the Courtroom**  
   Jane W. Moscowitz, Moderator  
   Ellen C. Brotman, Robert M. Cary, Lawanda N. Hodges, Christine P. Payne, Andrew P. Young

The panel will consider how to make the best and ethical use of available new electronic technology, the Internet, dark web, and social media during the investigation, discovery and trial phase, and how to handle encryption and document preservation.

4:30 p.m. **Women in the First Chair in High-Profile White Collar Cases**  
   Susan Bozorgi, Moderator  
   Cristina C. Arguedas, Susan E. Brune, Jamila M. Hall, Beth A. Wilkinson

The panel will highlight recent high-profile white collar cases in which women lawyers served in the first-chair role and discuss their management of client relationships and expectations, developing litigation strategy, navigating media attention, and provide practical tips on how to gain first chair experience in white collar cases.

5:45 p.m.– 7:45 p.m. **Cocktail Reception**  
   Sponsored By Zuckerman Spaeder

**Agenda subject to change without notice.**
<table>
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<th>Time</th>
<th>Event Description</th>
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<tr>
<td>9:15 a.m.</td>
<td><strong>Keynote Speaker - Assistant Attorney General, Criminal Division (Invited)</strong></td>
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| 9:45 a.m. | **Prying Eyes: Think Confidential and Privileged Client Information is Safe at the Border? Think Again**  
Morris “Sandy” Weinberg, Jr., Moderator  
Prof. Bruce A. Green, Katie Fallow, David Green CB QC, Joseph B. Maher,  
Adam Schwartz, James R. Wooley  
This panel will discuss the ethical issues presented by warrantless searches of digital devices by DHS at the border, even where there is no reasonable suspicion of wrongdoing, the recent raid of Jones Day’s offices in Munich in the Audi investigation, and the UK High Court ruling requiring the disclosure of attorneys’ interview notes taken during an internal investigation. |
| 11:45 a.m. | **End of Conference** |

*Agenda subject to change without notice.*
Register

Step 1: Registration Rates

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<th>Early-Bird Rate</th>
<th>Advance Rate Jan. 1, 2018</th>
<th>Standard Rate Feb. 8, 2018</th>
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<tr>
<td>General Public</td>
<td>$1,225</td>
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- Criminal Justice Section - $45
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- Please provide printed course materials on-site for $75. Enter your $75 fee on line 5E.

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| Registration Rate (from Step 1) | 5A $ __________________ |
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| ABA Criminal Justice Section Enrollment - $45 (from Step 3) | 5E $ __________________ |
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| Printed Course Materials - $75 (from Step 4) |

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MCLE

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Business casual attire is appropriate for all activities.
Attendees with Special Needs
Please specify your special needs below. To ensure your request is fulfilled, the registration form must be received by January 31, 2018. For questions, please contact staff designee Donna Williams, Meetings Manager, at donna.williams@americanbar.org; 312.988.6210.

Every effort will be made to accommodate advance requests; onsite requests cannot be guaranteed.

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Interpreters: □ ASL Translator □ Oral □ Tactile □ Trilingual □ Deaf □ Other (please specify): ___________________________
□ Communication Access Realtime Translation (CART) (realtime speech to text translation displayed on computer or large screen)
□ Captioned videos □ Notetaker □ Reader □ Assistive Listening Devices: □ Hearing/Induction Loops □ FM Systems □ Infrared Systems □ Other (please specify): ___________________________
□ Headphones/Earbuds to Connect to Assistive Listening System
Materials in Alternative Formats:
□ Large Print (specify font size: ___)
□ Braille □ Audio □ Digital Files □ Flash Drive/CD
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Special Diet: □ Vegetarian □ Vegan □ Gluten-free □ Dairy-free □ Nut-free □ Pre-cut Meal □ Other (please specify): ___________________________
□ Accessible Transportation: Event Date(s) ____________ Time(s) ____________ Location(s) ___________________________
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San Diego, CA
Room Rate: $279.00/night

Hotel Deadline: February 5, 2018
All room rates are subject to city occupancy and sales tax. Make reservations by either calling 1800-HILTONS and mention the group code, WCC or online at https://aws.passkey.com/go/WCC18.

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