SOUTHEASTERN WHITE COLLAR CRIME INSTITUTE

SEPTEMBER 4-6, 2019
100 RUE CHARLEMAGNE ~ BRASELTON, GEORGIA 30517
FACULTY

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Buckley LLP

Erica W. Barnes  
Maynard Cooper & Gale

Hon. Jean Paul Boulee  
Judge, U.S. District Court for the Northern District of Georgia

Christopher (Chris) M. Carr  
Attorney General of Georgia

Robert (Rob) Cary (Moderator)  
Williams & Connolly LLP

Bobby L. Christine  
U.S. Attorney, Southern District of Georgia

J. Thomas Clarkson  
U.S. Attorney’s Office, Southern District of Georgia

Charles (Chuck) E. Duross  
Morrison Foerster

Alan F. Enslen  
Baker Donelson Bearman Caldwell & Berkowitz, PC

John E. Floyd (Moderator)  
Bondurant Mixson & Elmore, LLP

Noel J. Francisco  
Solicitor General of the United States

Harold (Trey) Watson Gowdy III  
Nelson Mullins Riley & Scarborough LLP

Jamila Hall  
Jones Day

Amy Jeffress  
Arnold & Porter LLP

Meredith J. Kingsley  
Alston & Bird, LLP

Simon A. Latcovich  
Williams & Connolly LLP

Nina Marino  
Kaplan Marino

Kathleen McDermott  
Morgan Lewis

Brian F. McEvoy  
Polsinelli PC

William (Mitch) R. Mitchelson, Jr.  
Alston & Bird

Kirk Ogrosky  
Arnold & Porter LLP

Byung J. Pak (Moderator)  
U.S. Attorney, Northern District of Georgia

Charles E. Peeler  
U.S. Attorney, Middle District of Georgia

Jason D. Popp  
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Brian T. Rafferty  
Polsinelli

Hon. W. Louis Sands  
Judge, U.S. District Court for the Middle District of Georgia

Jack W. Selden (Moderator)  
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Jackson (Jack) R. Sharman, III  
Lightfoot, Franklin & White, LLC

William (Bill) N. Shepherd (Moderator)  
Holland & Knight

Jay E. Town  
U.S. Attorney’s Office, District of Alabama

Anne M. Tompkins  
Cadwalader, Wickersham & Taft LLP

Amy Levin Weil (Moderator)  
The Weil Firm

Joe D. Whitley (Moderator)  
Baker Donelson, Bearman, Caldwell & Berkowitz, PC

Hon. Lisa Godbey Wood  
Judge, U.S. District Court for the Southern District of Georgia

Program Co-Chairs
Bar-B-Que & Sweet Tea

Wednesday, September 4
6:30-9:30 PM | Poolside Pavilion

THIS IS ONE NETWORKING EVENT YOU WON'T WANT TO MISS!

ALL Faculty & Registered Attendees are invited to join us for this evening event.
There’ll be plenty of Old-Fashioned Bar-B-Que, a few new Twists, Southern Sweet Tea, & more!

Sponsored by: Nardello & Co.

RESORT AMENITIES

Fitness
The Fitness Room at the Inn boasts a variety of health and fitness facilities, including a seasonal outdoor pool available to all overnight guests.

Resort Style Pool
Le Soleil offers a poolside bar with light snacks and refreshments. A hot tub with cascading stone waterfall, fireside patio with lounge seating, and entertainment during the summer season.

Tennis
The Stan Smith designed Tennis Center offers only first class programs and service. We have three clay courts and four hard courts lighted for night play, including a stadium court with spectator grandstands. seasonal outdoor pool, available to all overnight guests.

Winery
The Winery was opened in 1984 by Don and Nancy Panoz and currently sits among acres of estate vineyards. All Wine Tours & Tastings begin in the Wine Market.

Spa & Wellness
Celebrated as Atlanta's only spa destination experience for both women and men, the European-style Spa has 14 luxurious overnight guest suites and is nestled inside a 35,000 square foot mansion.

Golf
Few golf resorts possess the beauty and variety offered by Château Élan’s 63 holes of championship golf. Each course, unique in character and design, challenges golfers of all levels of ability while entertaining their imaginations. Book your tee time!

Dining
Decide between our seven restaurants to enjoy a cultural array of dishes and ingredients from regional Southern and All-American to Mediterranean, Classic French, Irish, and healthful Spa Cuisine. The ambiance ranges from casual to fine dining.

Bikes & Trails
Pedal or hike your way throughout our beautiful 3,500 acre property. Enjoy the private roads of our estate or off-the-beaten-path trails through canopied forests of trees, quiet nature trails surrounding our equestrian center, and past acres of vineyards.
# Day One – Thursday, September 5

<table>
<thead>
<tr>
<th>Event</th>
<th>Time</th>
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<tbody>
<tr>
<td>Registration &amp; Continental Breakfast</td>
<td>7:30 AM – 8:30 AM</td>
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<tr>
<td>Welcome and Introductions</td>
<td>8:30 AM – 8:45 AM</td>
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<tr>
<td><strong>Electronically Discovered and the Evolution of Rule 16 in the Digital Era</strong></td>
<td>8:45 AM – 10:15 AM</td>
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<td>This panel will discuss recent developments in the law of criminal discovery, especially as it relates to electronic discovery. The panel will discuss how counsel can get what they need to prosecute or defend a case and give practical advice on how to deal with large quantities of electronic evidence. The panel will also discuss privacy concerns raised by the production of electronic discovery and how technology has changed and is likely to continue to change the practice of criminal law.</td>
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<tr>
<td><strong>15-Minute Break</strong></td>
<td>10:15 AM – 10:30 AM</td>
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<tr>
<td><strong>Through the Looking Glass: A Glimpse at International Criminal Enforcement in 2019</strong></td>
<td>10:30 AM – 12:00 PM</td>
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<td>This panel of experts will examine three discrete areas of international criminal enforcement: 1) extraterritorial jurisdiction and extradition treaties; 2) export control and sanctions; and 3) the Foreign Corrupt Practices Act (FCPA). The panelists will address one or more hypotheticals that will be based on real situations that the panelists have encountered in their practices.</td>
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<tr>
<td><strong>LUNCH (included with registration)</strong></td>
<td>12:00 PM – 1:00 PM</td>
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<tr>
<td>Atrium</td>
<td>Sponsored by Bennett Thrasher</td>
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<tr>
<td><strong>Big Data: The Evolution of Health Care, RICO and Money Laundering Investigations</strong></td>
<td>1:00 PM – 2:30 PM</td>
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<td>This panel will look at the impact of data on federal and state investigations, focusing on health care, money laundering and RICO. The panel will look at the developing criminal and civil litigation surrounding prescription opioids to illustrate the impact of data on these matters and will also discuss data's impact on corporate compliance.</td>
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<tr>
<td><strong>15-Minute Break</strong></td>
<td>2:30 PM – 2:45 PM</td>
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<tr>
<td><strong>A View from the Federal Judicial Bench: Examining Sentencing Issues</strong></td>
<td>2:45 PM – 4:15 PM</td>
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<td>From Bench Trials to Jury Trials, complex white collar criminal prosecutions offer many challenges and opportunities. Advocacy occurs at every stage of the proceeding from bond hearings, through motions, trial...and sentencing. This panel discussion will focus on a view from both sides of the bench on the most effective arguments and ones to avoid.</td>
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**Introductions & Announcements**
- Brian F. McEvoy, William R. Mitchelson, Jr., and Joe D. Whitley

**Electronically Discovered and the Evolution of Rule 16 in the Digital Era**
- Robert (Rob) M. Cary (Moderator), Williams & Connolly LLP
- Meredith J. Kingsley, Alston & Bird LLP
- Simon A. Latcovich, Williams & Connolly LLP
- Anne M. Tompkins, Cadwalader

**Through the Looking Glass: A Glimpse at International Criminal Enforcement in 2019**
- Joe D. Whitley (Moderator), Baker Donelson
- Charles (Chuck) E. Duross, Morrison Foerster
- Alan F. Enden, Baker Donelson
- Nina Marino, Kaplan Marino

**Big Data: The Evolution of Health Care, RICO and Money Laundering Investigations**
- John E. Floyd (Moderator), Bondurant Mixson & Elmore, LLP
- Erika W. Barnes, Maynard Cooper & Gale
- Jamila M. Hall, Jones Day
- Jackson R. Sharman, III, Lightfoot, Franklin & White, LLC
**SAVE THE DATE!**

Southeastern White Collar Crime Institute  
September 9-11, 2020  
Chateau Elan Winery & Resorts  
100 Rue Charlemagne Drive  
Braselton, GA 30517
Day Two – Friday, September 6

CONTINENTAL NETWORKING BREAKFAST &
ABA CJS SOUTHEASTERN SUBCOMMITTEE ON WHITE COLLAR CRIME MEETING 8:00 AM – 8:30 AM

KEYNOTE SPEAKER | "STATE OF ENFORCEMENT AGENDA" 8:30 AM – 9:00 AM

Christopher (Chris) M. Carr, Attorney General of Georgia

WHITE COLLAR ENFORCEMENT UNDER NEW DEPARTMENT OF JUSTICE LEADERSHIP:
WHAT AREAS SHOULD PRACTITIONERS LOOK FOR? 9:00 AM – 10:15 AM

This roundtable discussion of U.S. Attorneys will address how Department of Justice white collar enforcement priorities have changed under Attorney General Barr and what these changes mean for corporate, healthcare, and anti-fraud enforcement. We will discuss the latest trends and initiatives that the DOJ and the U.S. Attorney's Offices are executing, including cybersecurity, corporate fraud, public corruption, and other white collar criminal investigations.


15-MINUTE BREAK 10:15 AM – 10:30 AM

A FIRESIDE CHAT | ANNUAL REVIEW OF SUPREME COURT AND
SIGNIFICANT APPELLATE COURT DECISIONS 10:30 AM – 12:00 PM

In this session, you will get to know the Solicitor General of the United States, Noel J. Francisco. He will discuss his background, the inner workings of his office, issues that are percolating within his office and across the country, and what is on the horizon – with a special emphasis on white collar crime.

Amy Levin Weil (Moderator), The Weil Firm and Noel J. Francisco, Solicitor General of the United States

LUNCH (included with registration) 12:00 PM – 1:00 PM

HEALTH CARE FRAUD ENFORCEMENT - THE FINAL FRONTIER 1:00 PM – 2:15 PM

This panel will examine the state of health care fraud investigations and prosecutions over the past year. As baby boomers swell the ranks and costs of Medicare beneficiaries, health care fraud cases remain the predominant area for False Claims Act civil actions and are increasingly being pursued criminally, often in parallel investigations. Panel members will discuss the implications of recent DOJ policy announcements—including the May 2019 guidance regarding cooperation credit in FCA investigations, which has impacted strategic decisions to be made by defendants, and the implementation of the 2018 Granston Memo and the related debate about the proper standard for DOJ dismissal. The panel will also discuss key recent court opinions in healthcare fraud, as well as the government enforcement approach to the opioid epidemic and its continued focus on kickback violations, implied false certification and Escobar materiality, and the use of sampling and extrapolation to drive massive damage calculations.


ETHICAL GUIDANCE IN CONDUCTING INTERNAL INVESTIGATIONS:
THE INTERSECTION OF YATES AND UPJOHN 2:15 PM – 3:30 PM

It has been nearly four years since Deputy Attorney General Sally Yates revised Department of Justice policy to require that corporations provide all relevant facts about individuals involved in corporate misconduct in order to receive credit for their cooperation. This policy increased the pressure on corporations to focus on individual culpability for wrongdoing in pursuing internal investigations and providing information to the government. Our panelists will discuss how this policy has changed the way that companies treat individuals in the course of conducting internal investigations: Are companies hiring separate counsel for employees more, or less? Should employees be afforded separate counsel before being interviewed by company counsel? Have companies changed the traditional Upjohn warnings provided to individuals during the course of interviews conducted by company counsel? What ethical obligations do corporate counsel have to individual employees of their client? Our panelists will address these questions and others raised by the Department's increased focus on individual culpability in the context of corporate criminal investigations.

Amy Jeffress (Moderator), Arnold & Porter LLP, Henry (Hank) Ashill, Buckley LLP, Harold (Trey) Watson Gowdy III, Nelson Mullins Riley & Scarborough LLP, and Brian T. Rafferty, Polsinelli

CONFERENCE ADJOURNS 3:30 PM
A Special Note of Thanks to Our Sponsors

PREMIERE SPONSORS

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Conference Sponsors:

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Lightfoot

Bondurant Mixson & Elmore LLP

The Weil Firm
CONFERENCE LUNCHEON
Thursday - September 5, 2019

Sponsored by:

WOMEN IN WHITE COLLAR SUBCOMMITTEE AFTERNOON TEA
Thursday - September 5, 2019
Chateau Elan Winery
Registration is Required (See Page 9)

Sponsored by:
Co-Sponsored by:

WOMEN'S WHITE COLLAR DEFENSE ASSOCIATION™
Advancing Women in Law Around the World

COCKTAIL RECESSION
Thursday - September 5, 2019
Chateau Elan Winery

Sponsored by:

CONFERENCE DINNER
Thursday - September 5, 2019
The Cask Room - Chateau Elan Winery
Ticketed Event - $100.00 per person
Registration is Required (See Page 9)

CONFERENCE LUNCHEON
Friday - September 6, 2019

Sponsored by:

Lightfoot
REGISTER & SAVE

STEP 1: Registration Rates

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<tr>
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<th>Early Bird Rate through June 30</th>
<th>July 1 - July 31</th>
<th>August 1 - August 31</th>
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<tr>
<td>Non-ABA CJS Members &amp; General Public</td>
<td>$385</td>
<td>$410</td>
<td>$460</td>
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<td>ABA CJS Members Only</td>
<td>$350</td>
<td>$375</td>
<td>$415</td>
<td>$484</td>
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<tr>
<td>Government/Academia</td>
<td>$310</td>
<td>$354</td>
<td>$384</td>
<td>$424</td>
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☐ Group Discount: I qualify for a $25/person discount. Enter your $25 discount on line item 2 at Step 5.

To qualify for a group discount, three (3) or more people from the same company, firm, organization must register together.

Please contact Regina Ashmon at Regina.Ashmon@americanbar.org to register a group. Online registration does not accept group discounts. The Group Discount does not apply to government rates.

STEP 2: Please check all that apply:

☐ I will attend the Women In White Collar Afternoon Tea on Thursday, September 5

☐ I will attend the Conference Dinner at Chateau Élan Winery on Thursday, September 5 (This is a ticketed event – $100.00 per person)

STEP 3: Course Materials

☐ Please provide printed course materials. Enter $75 fee on line item 4 at Step 5. Electronic course materials are provided as part of the registration fee. Printed course materials are available for an additional fee and will be mailed to you after the conference.

STEP 4: Your Information (Please Print)

Name

Law Firm/Organization

Address

City

Telephone

Email

ABA Member ID

Step 5: Total Due Amount

Registration Rate (See Step 1) $____________________

Group Discount (See Step 1)

($25/person discount. Applications must register together to receive discount. Not applicable to government rates.) $____________________

Conference Dinner at Chateau Élan Winery

* Ticketed event – $100.00 per person (See Step 2) $____________________

Printed Course Materials - $75 (See Step 3) $____________________

TOTAL AMOUNT DUE: $____________________
STEP 6: Payment Information

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Step 7: Easy Ways to Register

* Please allow up to 2 weeks for processing. Thank you.

https://www.americanbar.org/groups/criminal_justice/events_cle/sewcc2019/

Mail Form to:  
American Bar Association  
Attn: Service Center/Meeting & Events  
Registration Department  
321 N. Clark Street, Floor 16  
Chicago, IL 60654

Fax to: (312) 988-5850

MCLE INFORMATION – The ABA will seek 12 hours of CLE credit, including 1.25 Ethics credit for this program in 60-minute states, and 14.40 hours of CLE credit, including 1.5 Ethics credit for this program in 50-minute states. Credit hours are estimated and are subject to each state’s approval and credit rounding rules. Please visit the program website at https://www.americanbar.org/groups/criminal_justice/events_cle/sewcc2019/ for program CLE details or visit www.americanbar.org/mcle for general information on CLE at the ABA.

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. Recommended CPE Credits and Fields of Study: Program attendees can earn up to 14.40 CPE credits in Specialized Knowledge and Behavioral Ethics fields of study. Prerequisites: None. Advanced Preparation: None. Program Level: Intermediate – Advanced. Delivery Method: Group Live.

Scholarships – For more information on scholarships, email Carol Rose at Carol.Rose@americanbar.org.

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 Carol Rose at (202) 662-1519. Registrants who do not cancel within the allotted time period and who do not attend the program will receive a copy of the course materials after program completion.

Services for Persons with Disabilities – If special arrangements are required, please contact Carol Rose at (202) 662-1519 or Carol.Rose@americanbar.org. Reasonable advance notice is requested.

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 (202) 662-1519 at least 24 hours in advance to confirm that your registration was received and that the program is being held as scheduled.

HOTEL INFORMATION

Chateau Elan Winery & Resort  
100 Rue Charlemagne Drive  
Braselton, GA 30517  
(678) 425-0900

Hotel rate for this program is $189.00 per night. Please book online using the link below or call the hotel at 800-233-9463 and mention the Southeastern White Collar Crime Institute Room Block for September 4-7, 2019.

2019 Southeastern White Collar Crime Institute

Please book your room on or before August 14, 2019 by 5:00 pm.

For ABA Travel Information & Discounts visit: https://www.americanbar.org/membership/aba_advantage_discounts/hotel-and-travel.html.