SOUTHEASTERN WHITE COLLAR CRIME INSTITUTE

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

Henry (Hank) Asbill
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 & Connelly 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

Michael V. Herskowitz
U.S. Attorney’s Office, Northern District of Georgia

Amy Jeffress
Arnold & Porter LLP

Meredith J. Kingsley
Alston & Bird, LLP

Simon A. Latcovich
Williams & Connolly LLP

Nina Marino
Kaplan Marino

Stephen H. McClain
U.S. Attorney’s Office, Northern District of Georgia

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
Alston & Bird LLP

Brian T. Rafferty
Polsinelli

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

Jack W. Selden (Moderator)
Bradley Arant Boult Cummings LLP

Jackson (Jack) R. Sharman, III
Lightfoot, Franklin & White, LLP

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

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
Day One – Thursday, September 5

Registration & Continental Breakfast 7:30 AM – 8:30 AM

Welcome and Introductions 8:30 AM – 8:45 AM

Introductions & Announcements - Brian F. McEvoy, William R. Mitchelson, Jr., and Joe D. Whitley

**Electronic Discovery and the Evolution of Rule 16 in the Digital Era** 8:45 AM – 10:15 AM

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.

Robert (Rob) M. Cary (Moderator), Williams & Connolly LLP
Meredith J. Kingsley, Alston & Bird LLP
Simon A. Latcovich, Williams & Connolly LLP
Anne M. Tompkins, Cadwalader

15-Minute Break 10:15 AM – 10:30 AM
THROUGH THE LOOKING GLASS: A GLIMPSE AT INTERNATIONAL CRIMINAL ENFORCEMENT IN 2019 10:30 AM – 12:00 PM

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.

Joe D. Whitley (Moderator), Baker Donelson
Charles (Chuck) E. Duross, Morrison Foerster
Alan F. Enslen, Baker Donelson
Nina Marino, Kaplan Marino

LUNCH (included with registration) Sponsored by

12:00 PM – 1:00 PM

Big Data: The Evolution of Health Care, RICO and Money Laundering Investigations 1:00 PM – 2:30 PM

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.

John E. Floyd (Moderator), Bondurant Mixson & Elmore, LLP
Erica W. Barnes, Maynard Cooper & Gale
Jamila M. Hall, Jones Day
Jackson R. Sharman, III, Lightfoot, Franklin & White, LLC

15-Minute Break 2:30 PM – 2:45 PM

A View from the Federal Judicial Bench: Examining Sentencing Issues 2:45 PM – 4:15 PM

William (Bill) N. Shepherd (Moderator), Holland & Knight
Jean Paul Boulee, Judge, United States District Court, Northern District of Georgia
W. Louis Sands, Senior Judge, United States District Court, Middle District of Georgia
Lisa Godbey Wood, Chief Judge, United States District Court, Southern District of Georgia

ABA Women in White Collar Subcommittee
"Afternoon Tea" at the Winery (Bordeaux Room - Second Level) 4:30 PM – 6:00 PM

Sponsored by

Cocktail Reception
The Lawn at The Winery 7:00 PM – 8:00 PM

Sponsored by
**This Event Requires A Ticket – Please See Registration Form for Details**

Sponsored by

Deloitte.

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**CONFERENCE DINNER**

**THE CASK ROOM AT THE WINERY**

8:00 PM – 9:30 PM

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**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 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

UNITED STATES ATTORNEYS ROUNDTABLE DISCUSSION:
DOJ PRIORITIES AND THE IMPACT ON WHITE COLLAR CRIMINAL INVESTIGATIONS 9:00 AM – 10:15 AM

Byung J. (BJay) Pak (Moderator), U.S. Attorney, Northern District of Georgia
Bobby L. Christine, U.S. Attorney, Southern District of Georgia
Michael V. Herskowitz, Chief, Cyber & Intellectual Property Crime Section, U.S. Attorney’s Office, Northern District of Georgia
Stephen H. McClain, Chief, Complex Fraud Section, U.S. Attorney’s Office, Northern District of Georgia
Charles (Charlie) E. Peeler, U.S. Attorney, Middle District of Georgia

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
Noel J. Francisco, Solicitor General of the United States

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

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 dispute 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.

Jack W. Selden (Moderator), Bradley Arant Boult Cummings LLP
J. Thomas Clarkson, U.S. Attorney’s Office, Southern District of Georgia
Kathleen McDermott, Morgan Lewis
Kirk Ogrosky, Arnold & Porter
Jason D. Popp, Alston & Bird, LLP

ETHICAL GUIDANCE IN CONDUCTING INTERNAL INVESTIGATIONS:
The Intersection of Yates and Upjohn 2:15 PM – 3:30 PM

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

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

ALSTON & BIRD LLP

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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:

COCKTAIL RECEPTION
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)

Sponsored by:

Deloitte.
CONFERENCE LUNCHEON
Friday
September 6, 2019

REGISTER & SAVE

STEP 1: Registration Rates
Enter your registration rate on line item 1 at Step 5.

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<th>August 1 - August 31</th>
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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 Elan 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)*

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Step 5: Total Due Amount

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Step 6: Payment Information

| Name (as it appears on credit card)              |
| Account Number                                   |
| Expiration Date                                  |
| Security Code                                    |
| Signature                                        |

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.

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SAVE THE DATE!

Southeastern White Collar Crime Institute
September 9-11, 2020

Chateau Elan Winery & Resorts
100 Rue Charlemagne Drive
Braselton, GA 30517