

The American Bar Association's Criminal Justice Section and
the City of London Law Society's Corporate Crime & Corruption Committee
Present the

2013 INTERNATIONAL WHITE COLLAR CRIME CONFERENCE
October 7-8, 2013
London, United Kingdom

Hosted at the Offices of
Berwin Leighton Paisner LLP
Adelaide House, London Bridge

Platinum Sponsors:



Workshop Schedule

Day 1 – Monday, October 7

- 8:00 – 9:00 am **Registration**
Coffee & Tea Meet and Greet
- 9:00 – 9:15 am **Welcoming Remarks**
Mathias H. Heck, Jr., Chair, ABA Criminal Justice Section and
Michael Caplan QC, Chair, CLLS Corporate Crime & Corruption Committee
- 9:15 – 10:15 am **Session I – Plenary**

Governmental Perspectives Regarding the Enforcement of International White Collar Criminal Laws – A Discussion with David Green CB QC, Director, UK Serious Fraud Office
- 10:15 – 10:30 am **Networking Break**
- 10:30 – 11:30 am **Session II – Plenary**

The Evolving Challenges of Investigating and Preventing Corporate Espionage and Cyber Crimes in the Twenty-First Century. *As the issues of corporate espionage and cyber-crimes take center stage in the twenty-first century's global business environment, this session will consider a broad range of issues, including techniques for preventing, detecting, and investigating this illicit behavior*
- Moderator: *Scott L. Marrah*, Kilpatrick Townsend, Atlanta
- *Neil H. MacBride*, U.S. Attorney, E.D. Virginia
 - *David Garfield*, Managing Director of Cyber Security, BAE Systems Detica, London
 - *Andy Archibald*, Interim Head, National Cyber Crime Unit, UK National Crime Agency, London
 - *Alice Fisher*, Latham & Watkins, Washington, D.C.
- 11:30 – 11:45 pm **Networking Break**

- A. Anti-Corruption Enforcement Trends: What Every Global Company Needs to Know.** If your company does business in foreign nations, particularly in emerging markets, it is essential that it have an understanding of FCPA, the UK Bribery Act and other similar statutory regimes in place in key global markets. This discussion will provide you an overview of these laws and a blueprint for protecting your company and employees from the risk of corruption.

The discussion will feature: a dissection of the rise of China in anti-corruption enforcement; review of recent enforcement actions and government guidance; a roadmap for management of the big three corruption risk factors in emerging markets -- third parties, gifts/entertainment, and travel; and strategies for development of an effective global anti-corruption compliance program

Moderator: *Z Scott*, Kaye Scholer, Chicago

- *Judith Seddon*, Director, Business Crime and Regulatory Enforcement, Clifford Chance LLP, London
- *Robertson Park*, Murphy & McGonigle, Washington, D.C.
- *Karli Denier*, Deutsche Bank, London
- *Kristine Robidoux QC*, Gowlings LP, Calgary

- B. Aggressive Enforcement of Tax Laws by the US, UK, and Other EU Members against Bank Secrecy Jurisdictions – The Impact of FATCA and Other legislation.** As authorities with various institutions in the U.S., U.K (FCA), and around the globe increase scrutiny of corporate tax strategy and regulatory framework, this session will consider recent trends in this field. This discussion will include review of recent enforcement actions and guidance, examination of emerging risk areas, and consideration of strategies for developing and implementing an effective tax compliance program.

Moderator: *Jeffrey A. Neiman*, Law Offices of Jeffrey A. Neiman, Ft. Lauderdale

- *Kevin E. Packman*, Holland & Knight, Miami
- *Andrew Keltie*, Baker McKenzie, London
- *Mark Beardsworth*, Brown Rudnick, London

Luncheon at Fishmonger’s Banqueting Hall

Keynote Address given by: **Caroline Binham**, Legal Correspondent for the *Financial Times*, London

Note: The Fishmonger’s Banqueting Hall is located on London Bridge, directly across from Adelaide House.

Session IV – Breakouts

- A. Anti-Trust/Anti-Cartel – Competition Law Across the Globe.** This session will explore the choices company’s and individuals make when confronted with cartel enforcement in multi jurisdictional investigations and actions. This highly qualified panel will discuss how resolutions are impacted by internal investigations, first-in amnesty, non- prosecution agreements, and the intended and unintended effect of carve outs. Specific cases discussed will include the marine hose cases and the air cargo cases, and how determinations are made in multi jurisdictional investigations as to what constitutes “anti competitive” versus what constitutes “business as usual,” as exemplified by the Google/Motorola Mobility matter, and other similar matters.

Moderator: *Nina Marino*, Kaplan Marino, Beverly Hills

- *Michael Pasano*, Carlton Fields, Miami
- *Kristina Nordlander*, Sidley Austin, Brussels
- *Elizabeth Morony*, Clifford Chance, London
- *Adrienne Pitts*, Baker & McKenzie LLP, Chicago

- B. The Globalization of Enforcement Actions and Internal Investigations.** This panel will consider the challenges presented by the globalization of enforcement action and internal investigations. In particular, this panel will consider recent trends in the field, including analysis of current investigations and cases, discussion of best practices when structuring and executing international internal investigations, and the challenges of privilege issues in the international setting.

Moderator: *Prof. Lucian E. Dervan*, Southern Illinois University School of Law

- *Joe D. Whitley*, Greenberg Traurig, LLP, Atlanta
- *Lisa Kate Osofsky*, European Chair, Brightline GRC, London
- *Andreas D. Länzlinger*, Bär & Karrer, Zurich
- *Gary S. Lincenberg*, Bird Marella, Los Angeles
- *Jonathan Fisher QC*, Devereux Chambers, London
- *Dr. Vinita Juneja*, NERA Economic Consulting, New York

3:30 – 3:45 pm

Networking Break

3:45 – 4:45 pm

Session V – Breakouts

A. Money Laundering & Sanctions Violations in the Context of a Diverse and Globalized Economy. This panel will consider how to identify high-risk individuals and organizations among suppliers, vendors and clients. Further, this panel will consider pressing issues in the field, including subsidiaries, the inventory rule, and conflicts between the U.S., E.U, and U.K. law.

Moderator: *Elizabeth Robertson*, K & L Gates, London

- *Louise Delahunty*, Sullivan & Cromwell, London
- *Daren Allen*, Berwin Leighton Paisner, London
- *Lynn Neils*, Covington & Burling, New York
- *Aaron Marcu*, Freshfields, New York

B. The Challenges of Document Collection, Data Dissemination, and Employee Contacts During International Internal Investigations. This panel will consider the challenges of collecting, reviewing and transferring documents during international internal investigations. In particular, the panel will examine strategies for dealing with documents and the impact of data privacy laws and other restrictions. Further, this panel will explore the complexities of interacting with various individuals during international internal investigations, including consideration of labor laws in various jurisdictions, some of which include stringent requirements regarding notification to employees under investigation and the timing and procedures for employee sanctions.

Moderator: *Karen Popp*, Sidley Austin, LLP, Washington, D.C.

- *Gene Kleinhendler*, GKH, Tel Aviv
- *Debra Wong Yang*, Gibson Dunn, Los Angeles
- *Dr. Markus Rübenstahl*, Friedrich Graf von Westphalen & Partner, Cologne, Germany

4:45 pm

Reception at Fishmonger's Court Room

Note: The Fishmonger's Banqueting Hall is located on London Bridge, directly across from Adelaide House.

Day 2 – Tuesday, October 8

8:30 – 9:30 am

Coffee, Tea & Networking

9:30 – 10:30 am

Session I – Plenary

Global Trends in Whistleblowing: Best Practices for International Corporations Facing Whistleblowers Armed with New Legal Incentives & Technologies. As the United States and others begin increasing the monetary incentives for whistleblowing and whistleblowers become more technologically sophisticated, corporations must prepare for this new global environment. This session will examine recent whistleblowing laws, including the Dodd-Frank Act and subsequent regulations, best practices for encouraging internal whistleblowing, and strategies for responding to external whistleblowing.

Moderator: *Aaron Stephens*, Berwin Leighton Paisner LLP, London

- *William "Widge" Devaney*, Venable LLP, New York
- *Sharon Campbell*, Financial Crime & Intelligence Department, Financial Conduct Authority, London
- *Alice Pezard*, Retired Judge in the Supreme Court in Paris, and of Counsel, Heenan Blaikie, Paris

- *Treazure Johnson*, McKenna Long & Aldridge LLP, Washington, D.C.

10:30 – 10:45 am **Networking Break**

10:45 – 11:45 am **Session II – Plenary**

The Global Expansion of Deferred and Non-Prosecution Agreements - Lessons Learned from the U.S. and Strategies for Avoiding Collateral Consequences of Settlement. As the U.K. and other jurisdictions prepare to implement deferred and non-prosecution agreements as potential settlement tools in white collar criminal investigations, this panel will explore the lessons learned from the utilization of these tools in the United States, including strategies for anticipating and avoiding the collateral consequences that such settlements might bring.

Moderator: *Raymond Banoun*, Cadwalader, Wickersham & Taft LLP, Washington, D.C.

- *Monty Raphael QC*, London
- *Jimmy Pappas*, Alvarez & Marsal, Boston
- *William Shepherd*, Holland & Knight, West Palm Beach
- *Gary G. Grindler*, King & Spalding LLP, Washington, D.C.
- *Jane de Lozey*, Head of Fraud, UK Serious Fraud Office, London

11:45 – 12:00 pm** **Closing Remarks – Lord Ken Macdonald QC**, Matrix Chambers, London

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**** WOMEN'S LEADERSHIP LUNCHEON EVENT AT K & L GATES IMMEDIATELY FOLLOWING****

**The American Bar Association's Criminal Justice Section's Women in White Collar Subcommittee
Presents**

WOMEN LEADERS IN WHITE COLLAR & THE GLOBAL CORPORATE COMMUNITY

Graciously hosted at the offices of
K & L Gates
One New Change
London EC4M 9AF

K&L GATES



Please join white collar practitioners and corporate general counsel from around the globe at this first-ever event organized for woman-to-woman networking, appreciation, and mutual support. The panel discussion will inspire, educate, and empower. This event is not to be missed. **There is a \$25.00 fee for this program. Registration is required. Please register in advance.**

12:30 – 2:30 pm **Networking Luncheon & Panel Presentation**

Moderator: *Nina Marino*, Kaplan Marino, Beverly Hills

- *Amanda Pinto QC*, Five Paper Buildings, London
- *Judy Krieg*, Chief Compliance Officer, Rolls Royce, London
- *Elise Noble*, Royal Bank of Scotland, Group Internal Audit, London
- *Anthea Lawson*, Senior Investigator, Global Witness, London

HOTEL INFORMATION - The following hotels are holding a block of sleeping rooms for the conference:

The Grange St. Paul's Hotel

10 Godliman Street, London EC4V 5AJ. www.grangehotels.com

Rate: £219 per night Please make reservations by **September 4**, and use Reference Code 041013R to obtain this rate. Email reservation request to stpauls.reservations@grangehotels.com

London Bridge Hotel

8-18 London Bridge Street, London SE1 9SG www.londonbridgehotel.com

Rate: £119 (Sat/Sun); £160 (Mon-Wed). Please make reservations by **September 14**, and use Reference Code BERW051013 to obtain this rate. Email reservation request to reservations@londonbridgehotel.com or call +44 (0) 207 855 2200

CLE/CPD INFORMATION – This program is expected to qualify for 7 CPD Points.

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, NM, NV, NY, NC, ND, OH, OK, OR, PA, 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 7 CLE credit hours in 60-minute states, and 8.4 credit hours in 50-minute 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 http://www.americanbar.org/publications_cle/mandatory_cle.html or contact Carol.Rose@americanbar.org

Registration Form for 2013 International White Collar Crime Conference

To register on-line, please visit:

https://apps.americanbar.org/aba_timssnet/meetings/tnt_meetings.cfm?action=long&primary_id=CR1310A&webtextid=78034&Subsystem=MTG&related_prod_flag=0

OR Return this form to: American Bar Association
Criminal Justice Section (ATTN: Carol Rose)
1050 Connecticut Avenue, NW
Washington, DC 20036, USA

OR Fax this form to: 202-662-1501

I will require ADA assistance: Audio Mobile Visual

Program Fee: \$550 (£355, €412) for those in Private Practice
 \$495 (£320, €370) for ABA or Law Society members
 \$350 (£225, €262) for Government & Nonprofit Employees & Academics
 \$25 (£16, €19) *Women's Leadership Luncheon immediately following the conference.*

Amount: \$ _____

Contact our office for a wire transfer option. Cancellations must be received by September 15, 2013. Substitutions are allowed. Cancellations are subject to an administrative fee of \$50, except for law students. Please contact Carol Rose at 202-662-1519 or carol.rose@americanbar.org with any questions or concerns.

Attendee's Name: _____

Organization: _____

Address: _____

City/State/Zip/Country: _____

Telephone (including country code): _____ Fax: _____

Attendee's Email: _____

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