



SOUTHEASTERN WHITE COLLAR CRIME INSTITUTE



CHÂTEAU ÉLAN
SEPTEMBER 5-7, 2018

100 Rue Charlemagne ~ Braselton, Georgia 30517

FACULTY

Ramona C. Albin

Assistant Professor of Law and Director of Advocacy, Cumberland School of Law, Samford University

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Banoun Law PLLC

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Craig Carpenito

U.S. Attorney, District of New Jersey

Bobby L. Christine

U.S. Attorney, Southern District of Georgia

Lucian E. Dervan

Chair-Elect, American Bar Association, Criminal Justice Section

Professor Daniel Epps

Washington University School of Law

Kurt R. Erskine

First Assistant U.S. Attorney, Northern District of Georgia

Benjamin G. Greenberg

U.S. Attorney, Southern District of Florida

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U.S. Attorney, Northern District of Georgia

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U.S. Attorney, Middle District of Georgia

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Mark C. Ray

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Robert S. Salcido

Akin Gump

Professor Ian Samuel

Harvard University

Scott N. Schools (Moderator)

Associate Deputy Attorney General, U.S. Department of Justice

Ron Schwartz

Deloitte US

Jack W. Selden

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Amy Levin Weil (Moderator)

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Hon. Lisa Godbey Wood

Judge, U.S. District Court for the Southern District of Georgia

Sally Q. Yates

King & Spalding LLP

➤ Program Co-Chair

Southern Style BBQ & Sweet Tea

Wednesday, September 5

6:30-9:30 PM

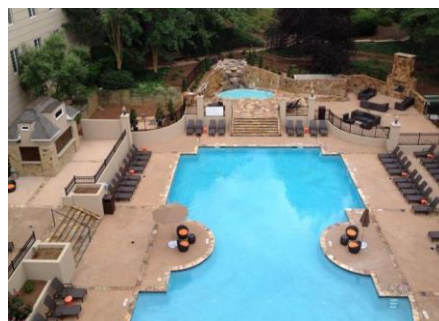
Poolside Pavilion

This is one networking event you won't want to miss!

All Faculty & Registered Attendees are invited to join us for an evening of good 'Ole Fashioned Southern Style BBQ and Deliciously Refreshing Sweet Tea. **See ya'll there!**

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Day One – Thursday, September 6

Registration & Continental Breakfast

7:30 - 8:30 AM

Welcome and Introductions

8:30 - 8:45 AM

Welcome Remarks - **Lucian E. Dervan**, Chair-Elect, American Bar Association, Criminal Justice Section

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

**SEARCH WARRANTS AND TAINT TEAMS - RE-EXAMINING THE PROCESS
OF DEFENDING CLIENTS IN A DIGITAL AGE FOR SEARCHES & SEIZURES**

8:45 - 10:15 AM

In light of the high profile execution of search warrants on the offices of lawyers, this panel explores the implications of the use of search warrants to obtain confidential records and the protections the law has and should have to safeguard the rights of those whose information is held in confidence. Join us for this lively HOT TOPIC discussion!

Robert Cary, Williams & Connelly LLP - Moderator

Daniel P. Griffin, Miller & Martin

Jamila Hall, Jones Day

Gary P. Naftalis, Kramer Levin Naftalis & Frankel LLP

Mark Ray, Nardello & Co. LLC

15-Minute Break**10:15-10:30 AM**

**ALL FOR ONE AND ONE FOR ALL? - JOINT DEFENSE AGREEMENTS IN
COMPLEX WHITE COLLAR CASES AFTER THE YATES MEMORANDUM****10:30 - 12:00 PM**

After the Yates Memorandum's policy incentives for corporations to disclose all relevant facts relating to corporate wrongdoing and those officers engaging in it, what is left of the joint defense agreement? This panel explores the impact of the DOJ's policies on multiparty investigations and prosecutions and how to navigate the requirements of those policies while obtaining the information necessary to represent the client.

Henry W. Asbill, Buckley Sandler LLP - Moderator
Raymond Banoun, Banoun Law PLLC
Paul B. Murphy, King & Spalding LLP
Justin Offen, PwC
Karen A. Popp, Sidley Austin LLP

LUNCH (included with registration)
Atrium

Sponsored by

**12:00 – 1:00 PM**

**HEALTH CARE ENFORCEMENT AND THE FALSE CLAIMS ACT (FCA) -
INDUSTRY TRENDS AND LEGAL DEVELOPMENTS****1:00 - 2:30 PM**

This panel will examine the state of health care investigations and prosecutions at the federal and state levels in 2017-2018. In recent months the Affordable Care Act has undergone substantial modification by the actions of the Trump Administration and Congress; however, the civil and criminal enforcement landscape has remained largely the same. Both the DOJ and HHS have shown increased interests in holding individuals together with corporations responsible under the continuation of the guidance developed by the Yates Memo. The Anti-Kickback Statute continued to be the favorite weapon in the government's arsenal with the increasing utilization of RICO in the indictments of doctors, pharmacists and pharmaceutical companies. On the civil side of things, the False Claims Act continued to play a central role in driving large settlements. Both the implied certification theory of liability in FCA cases and statistical sampling in establishing liability remained central to the developments that this panel will discuss.

Brian F. McEvoy, Polsinelli - Moderator
Thomas Gregory, Ernst & Young
Robert S. Salcido, Akin Gump
Jack W. Selden, Bradley Arant Boult Cummings LLP
Kristin N. Tahler, Quinn Emanuel Urquhart & Sullivan, LLP
Morris Weinberg, Jr., Zuckerman Spaeder LLP

15-Minute Break**2:30-2:45 PM**

**THE DEPARTMENT OF JUSTICE IN THE TRUMP ADMINISTRATION - AN ANALYSIS
OF CHANGES IN DOJ POLICY AND STRUCTURE, AND ENFORCEMENT PRIORITIES****2:45 – 4:15 PM**

This panel, composed of both current and former high ranking DOJ officials, will examine several discrete topics, to include the direction that the Sessions' Department of Justice is taking with white collar enforcement both nationally and internationally. As a former Senator, the now United States Attorney General Sessions was at times wary of DPA and NPA resolutions. For example, it remains to be seen how the Attorney General's predilections in this area will impact FCPA enforcement. Also, what is the benefit corporations and businesses will receive from DOJ for voluntary disclosure? How does voluntary disclosure work alongside the recent guidance from Deputy Attorney General Rosenstein on "non-piling on"? At the U.S. Attorney level the nearly full complement of Senate-confirmed Trump U.S. Attorneys are in place and they will likely be enforcing laws under their own separate initiatives in areas such as public corruption matters, financial fraud, immigration enforcement and crimes against vulnerable groups like women and children in the 94 federal judicial districts. This panel will explore these and other related topics.

Scott N. Schools, Associate Deputy Attorney General, U.S. Department of Justice - Moderator
Craig Carpenito, U.S. Attorney, District of New Jersey
Bobby L. Christine, U.S. Attorney, Southern District of Georgia
Benjamin G. Greenberg, U.S. Attorney, Southern District of Florida
Byung J. Pak, U.S. Attorney, Northern District of Georgia
Charles E. Peeler, U.S. Attorney, Middle District of Georgia

ABA WOMEN IN WHITE COLLAR SUBCOMMITTEE

"AFTERNOON TEA" AT THE WINERY

4:30 PM – 6:00 PM

Sponsored by



COCKTAIL RECEPTION

AT THE WINERY

7:00 PM – 8:00 PM

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CONFERENCE DINNER

The Cask Room at the Winery

8:00 PM – 9:30 PM

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**** This Is A Ticketed Event – Please See Registration Form for Details ****

Day Two – Friday, September 7

Networking Continental Breakfast & Southeastern Subcommittee on White Collar Crime Meeting

8:00 – 8:30 AM

Read the Menu Carefully - Charging Decisions & Defense Strategies in Public Corruption Cases

8:30 - 10:00 AM

The trial team from the Menendez trial discusses how they addressed the evolving standard for proving corruption before a jury and recent developments in the law in this important area of white collar enforcement.

Steven D. Grimberg, Nardello & Co. LLC - Moderator
Kurt R. Erskine, First Assistant U.S. Attorney, Northern District of Georgia
Jenny Kramer, Alston & Bird
Abbe D. Lowell, Winston & Strawn LLP
William R. Mitchelson, Jr., Alston & Bird

Above and Below - An Annual Review of Supreme Court & Significant Appellate Court Decisions

10:00 – 11:30 AM

Join us for this lively panel as they review the latest developments in the Supreme Court and elsewhere. This will be one discussion you won't want to miss!

Amy Levin Weil, The Weil Firm - Moderator
Professor Daniel Epps, Washington University School of Law
Professor Ian Samuel, Harvard University

LUNCH (included with registration)

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11:30 AM - 12:15 PM

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TRIAL & APPELLATE COUNSEL

A View from the Bench - The Most Effective Argument is A [?] Argument

12:15 – 1:45 PM

From Bench Trials to Jury Trials, complex white collar criminal prosecutions offer many challenges and opportunities. This panel discussion will focus on a view from both sides of the bench on the most effective arguments and ones to avoid.

William N. Shepherd, Holland & Knight - Moderator
Ramona C. Albin, Assistant Professor of Law and Director of Advocacy, Cumberland School of Law, Samford University
Hon. Michael L. Brown, U.S. District Judge, U.S. District Court for the Northern District of Georgia
Hon. Lisa Godbey Wood, U.S. District Judge, U.S. District Court for the Southern District of Georgia

Ethical Guidance in the Corporate Board Room (Yates?)

1:45 – 3:15 PM

This panel will look at the role of corporate leadership and corporate boards of directors in preventing and preempting unethical and criminal behavior in "C Suite". The panel will examine several different real life examples to include the Volkswagen case and the recent imposition of a corporate monitor on VW that was an outgrowth of a flawed ethical culture. Additionally, this panel will examine the critical roles to be played by in house counsel, compliance officers and outside counsel in conducting training and internal investigations of employee conduct in a wide range of decision making situations. Finally, this panel will assess the cost benefit of voluntary disclosure of corporate and individual misconduct to regulatory and enforcement entities. **(Ethics Panel)**

Joe D. Whitley, Baker Donelson - Moderator
Norman M. Brothers, Jr., UPS
Ron Schwartz, Deloitte US
Anne M. Tompkins, Cadwalader, Wickersham & Taft LLP
Sally Q. Yates, King & Spalding LLP

Conference Adjourns

3:15 PM

RESORT AMENITIES



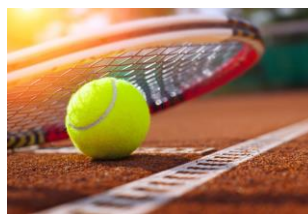
Fitness

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.



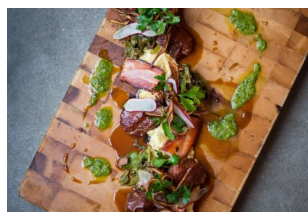
Spa & Wellness

Celebrated as Atlanta's only spa destination experience for both women and men, the European-style Spa has 14 newly-renovated 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.

Mark Your Calendar for Next Year!

SEPTEMBER 4-6, 2019



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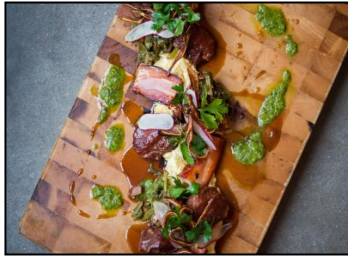
VERITAS FORENSIC ACCOUNTING, LLC

CONFERENCE LUNCHEON

Thursday

September 6, 2018

Registration is Required (See Page 10)



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WOMEN IN WHITE COLLAR SUBCOMMITTEE

AFTERNOON TEA

Thursday

September 6, 2018

Chateau Elan Winery

Registration is Required (See Page 10)



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COCKTAIL RECEPTION

Thursday

September 6, 2018

Chateau Elan Winery

Registration is Required (See Page 10)



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CONFERENCE DINNER

Thursday

September 6, 2018

The Cask Room

Chateau Elan Winery



Sponsored by



Ticketed Event - \$75.00 per person

Registration is Required (See Page 10)

REGISTER & SAVE

Step 1: Registration Rates

Online Registration closes by 3 PM Eastern on Friday - August 31, 2018

| | EARLY BIRD RATE thru June 30 | July 1 - July 31 | August 1 - August 31 | Onsite |
|---------------------------------------|---------------------------------|---------------------|-------------------------|--------|
| Non- ABA CJS Members & General Public | \$360 | \$385 | \$435 | \$499 |
| ABA CJS Members Only | \$325 | \$350 | \$390 | \$459 |
| Government/Academia | \$285 | \$329 | \$359 | \$399 |

Enter your registration rate on line item 1 at Step 5.

- ☐ **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 6 | *Sponsored by PwC*
- ☐ I will attend the **Cocktail Reception** on Thursday, September 6 | *Sponsored by Ernst & Young*
- ☐ I will attend the **Conference Dinner** at **Chateau Élan Winery** on Thursday, September 6

**** This is a ticketed event – \$75.00 per person (see page 8)**

- ☐ I am interested in **Golfing** (*Discounts Coupons Available - first come, first served*)
- ☐ **Spa & Wellness** – I am interested in utilizing the Spa Facilities

To schedule an appointment at the Spa and receive a group discount, please notify the reservations agent when calling to make hotel accommodations. Payments for services are to be made directly to the Resort by the Attendee.

Step 3: Course Materials*

Electronic course materials are provided as part of your registration fee. Printed course materials are available for an additional fee and will be mailed to you after the conference.

- ☐ Please provide printed course materials. Enter \$75 fee on line item 4 at Step 5.

If you cannot attend the program this year, but would like to order the Course Materials only, please visit us at www.americanbar.org/groups/criminal_justice.html or call 202.662.1519 for pricing and availability. Course materials will be shipped after the Institute.

Step 4: Your Information

Name

Law Firm/Organization

Address

Suite/Apt.

City

State

Zip code

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** (See Step 2)

\$ _____

*** Ticketed event – \$75.00 per person**

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

\$ _____

TOTAL

\$ _____

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://shop.americanbar.org/ebus/ABAEventsCalendar/EventDetails.aspx?productId=310380285>



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

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 9.1 CLE credit hours in 60-minute states, and 11 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.

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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 Élan Winery & Resort
100 Rue Charlemagne
Braselton, GA 30517

Call (678) 425-0900 and reference **“2018 WCC SE Regional Conference”**

Online: <https://booking.chateauelan.com/default.aspx?p&GROUP=63V8GP&ratecode=16ZABA&bookingstep=1>

You must book your room **by Monday, August 13**. Rate is \$189 for single/double rate. **Discount hotel rates are available through Sunday, September 9, 2018**

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

Conference Notes



Chateau Elan

WINERY & RESORT

