

2nd Annual White Collar Crime Institute

Monday May 20, 2013 9-5 p.m.
Networking Reception 5-6:30 p.m.

REGISTER NOW

PROGRAM CHAIR



John F. Savarese
Wachtell, Lipton, Rosen & Katz

KEYNOTE SPEAKER



Honorable Loretta E. Lynch
U.S. Attorney, EDNY

KEYNOTE SPEAKER









Honorable Cyrus R. Vance, Jr.
Manhattan District Attorney

Sponsoring Association Committee:
White Collar Crime, John F. Savarese, Chair



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DESCRIPTION

White collar criminal prosecutions continue to dominate the legal landscape and the headlines. In particular, prosecutors and regulators are focusing on market abuse cases, such as insider trading, and the dangers presented to corporations and individuals from cyber crime. White collar defendants continue to face severe consequences if charges are brought, in the form of massive fines and substantial prison sentences, making effective pre-indictment advocacy increasingly important. Once charges are brought, technology is transforming the process of criminal discovery, particularly for corporate defendants. And ethical traps, both on the government side and the defense side, are everywhere, requiring careful focus for all of the lawyers involved.

The White Collar Criminal Law Committee has assembled a comprehensive full-day program that will explore these and other critical developments that have characterized this new era of white collar enforcement. Our keynote speakers will be Cyrus R. Vance, Jr., Manhattan District Attorney and Loretta E. Lynch, United States Attorney for the Eastern District of New York. Our panels will include senior government enforcement officials, judges, academics, general counsel of leading New York-based corporations and financial institutions, and top practitioners in the field. Plenary sessions will focus on the media's impact on prosecutorial decision-making in white collar criminal cases, and also on what works and doesn't work during the critical phase of pre-indictment advocacy. Break-out sessions will focus on conflict of interest issues presented by white-collar corporate investigations, market abuse, including insider trading, recent important developments concerning criminal discovery, and the challenges faced both by the government and private sector in responding to cyber crime.

Live Program (includes materials):

\$1095 NYCB Member \$1225 Nonmember

Walk-in Registration (includes materials):

\$1120 NYCB Member \$1250 Nonmember

Materials Only (no CLE credit):

\$155 NYCB Member \$235 Nonmember

Save \$\$ on CDs & DVDs

CDs (includes materials):

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DVDs (includes materials):

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This program is partially exempt from **firm passports**. **Firm passports** include two registrations to the program. Additional registrations receive 20% off member fees.

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AGENDA

- 9:00 - 9:45 a.m. **Welcome Remarks**
John F. Savarese
Morning Keynote Address
Honorable Cyrus R. Vance, Jr.
- 9:45 - 11:00 a.m. **Morning Plenary Session**
Media Impact on Prosecutorial Decision Making
- Discussion of the impact of the media on prosecutorial decision-making from the perspective of the prosecutor, the defense counsel, the public relations professional, the jury consultant, and the press
 - Effect of the press on the pursuit and timing of charges
 - Use of the media by prosecutors in investigating and prosecuting cases
 - Use of the media by defense counsel
 - Public relations during an investigation and trial
 - Press perspectives on obtaining and assessing information
 - Impact of media on jurors and jury selection
- Moderator: Floyd Abrams*
Panelists: David B. Anders, Robert Chlopak, Reiko Hasuike, Gary P. Naftalis & Kara Scannell
- 11:00 - 11:15 a.m. **Coffee Break Sponsored by Analysis Group**
- 11:15 - 12:30 p.m. **Morning Break-Out Sessions**
- (a) Market Abuse: It Ain't Just Insider Trading
Sponsored by NERA
- Libor and other reference rate manipulation
 - Sub-penny pricing
 - High-frequency trading
 - Quote-stuffing
 - Insider trading
 - Other practices on the radar screens of prosecutors and regulators
- Moderator: Lee S. Richards, III*
Panelists: Daniel M. Hawke, Joanna C. Hendon, David Meister & Joseph Polizzotto
- (b) Emerging Trends and Challenges in Criminal Discovery Sponsored by DOAR
- Recent Brady/Giglio decisions
 - The pros and cons of "open file" discovery
 - The government's discovery obligations in parallel proceedings
 - Corporate cooperators-how far does the government's discovery obligation extend
 - The new frontier: electronically stored information
- Moderator: Honorable John Gleeson*
Panelists: Daniel R. Alonso, Lev L. Dassin, Andrew D. Goldsmith, Andrew J. Levander & Anjan Sahni
- 12:40 - 1:40 p.m. **Luncheon**
Sponsored by Wachtell, Lipton, Rosen & Katz
- 1:40 - 2:15 p.m. **Afternoon Keynote Address**
Honorable Loretta E. Lynch

- 2:15 - 3:30 p.m. **Afternoon Plenary Session: How to Win (Without Trial): Pre-Indictment Advocacy**
- Proffers, attorney proffers, and proffer agreements
 - Strategic waiver of attorney-client privilege
 - Intent defense of reliance on advice of counsel
 - Government policy and practice on waiver of corporate privilege after KPMG case
 - Pre-indictment litigation (e.g. responding to grand jury subpoenas)
 - Pitches to prosecutors: what works, what doesn't
 - Joint defense agreements
 - Minimizing collateral damage in parallel civil proceedings
- Moderator: Honorable Raymond J. Lohier, Jr.*
Panelists: Elkan Abramowitz, Karen Patton Seymour, Bruce E. Yannett, Richard B. Zabel
- 3:30 - 3:45 p.m. **Coffee Break**
- 3:45 - 5:00 p.m. **Afternoon Break-Out Sessions:**
- (a) When Representations Collide: Navigating Conflicts in Corporate and Executive Representations
- Defining the parameters of corporate representations
 - Multiple representations-privileges, waivers and government consent
 - When do witness inconsistencies create real conflicts
 - No-contact rules-when interpretations differ
 - Overview of the SEC and DOJ's privilege policies
 - Handling simultaneous SEC, DOJ and private civil litigation
- Moderator: Mei Lin Kwan-Gett*
Panelists: Marc P. Berger, Andrew M. Calamari, Wayne M. Carlin, Guy Petrillo & Elizabeth M. Sacksteder
- (b) Cyber Crime
- Cyber security risks and the duty if any to cooperate with the FBI and SEC after a cyber-attack or breach
 - Is cooperation with law enforcement the best policy
 - What the computer crime laws actually cover (what is unauthorized access) and a victim's ability to "hack back"
 - What kind of record collection is permitted in response to an intrusion
 - How to get the US Attorney or the District Attorney to protect you or your company from harassment or qattack
 - The future of cyber security and computer crime
 - The line between lawful discovery and investigation and illegal intrusion or obstruction
- Moderator: Harriet Pearson*
Panelists: Joseph V. DeMarco, Mary Galligan, Orin S. Kerr, Edward M. Stroz & David Szuchman
- 5:00 - 6:30 p.m. **Networking Reception**

New York CLE Credit: 6.0 breakdown tbd

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REGISTRATION INFORMATION

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Advance Registration

A \$25.00 walk-in fee will be charged if registration and payment are received by our office later than 3:00 p.m. on the previous business day of the program. Payment must accompany registration; reservations are not accepted.

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If you need special accommodations please contact Madeline Montalvo 382-6657 at least 3 days prior to the program.

All information is subject to change.

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