



White Collar Practice

12 CLE credit hours including 1 ethics hour

November 18 – 19, 2011

Ritz-Carlton • Ten Avenue of the Arts • Philadelphia, PA



PACDL

Pennsylvania Association of
Criminal Defense Lawyers

SCHEDULE OF EVENTS

Friday, November 18, 2011 (6 substantive CLE credit hours)

WELCOME RECEPTION

**Thursday
November 17, 2011**

5:30 p.m. – 7:30 p.m.

**Welcome Reception at Capital Grille
1338 Chestnut Street**

Come join your colleagues and make new friends while we enjoy the atmosphere of this award-winning restaurant.

2011 COURSE PLANNERS

Arthur T. Donato, Jr.,
Law Offices of Arthur T. Donato, Jr.

Michael J. Engle,
Law Offices of Michael J. Engle

Peter F. Vaira,
Vaira & Riley, P.C.

Catherine M. Recker,
Welsh & Recker, P.C.

Robert E. Welsh, Jr.,
Welsh & Recker, P.C.

- | | |
|--------------------------|--|
| 8:00 a.m. – 9:00 a.m. | Registration and Continental Breakfast |
| 9:00 a.m. – 10:00 a.m. | Marcellus Shale: State and Federal Law Enforcement Issues
Moderator: Barry Gross; <i>Drinker Biddle, Philadelphia, PA</i>
David Dillon; <i>Assistant Director of U.S. EPA Criminal Investigation Division – Training Branch</i>
Ronald A. Sarachan; <i>Drinker Biddle, Philadelphia, PA</i> |
| 10:00 a.m. – 11:00 a.m. | Ponzi Schemes: Within the Realm of Reason?
Moderator: Catherine Recker; <i>Welsh & Recker, P.C., Philadelphia, PA</i>
Donald J. Goldberg; <i>Ballard Spahr, LLP, Philadelphia, PA</i>
Gerald L. Shargel; <i>Law Offices of Gerald L. Shargel, New York, NY</i> |
| 11:00 p.m. – 11:15 p.m. | Break |
| 11:15 a.m. to 12:15 p.m. | Federal Qui Tam Litigation: Hot Topics and New Initiatives
Moderator: Marc S. Raspanti; <i>Pietragallo Gordon Bosick & Raspanti, LLP, Philadelphia, PA</i>
Daniel R. Anderson; <i>Deputy Director for Commercial Litigation Branch of U.S. Department of Justice</i>
Gabriel Imperato; <i>Broad and Cassel, Fort Lauderdale, FL</i> |
| 12:15 p.m. to 1:45 p.m. | Lunch on your own |
| 1:45 p.m. to 2:45 p.m. | Developments in Insider Trading Law: Defense Strategy and Compliance Issues in the Wake of Galleon
Moderator: Cheryl A. Krause; <i>Dechert, LLP, Philadelphia, PA</i>
Professor Jill E. Fisch; <i>Institute for Law and Economics, University of Pennsylvania Law School</i>
Daniel M. Hawke; <i>Chief of SEC Division of Enforcement's Market Abuse Unit and Director of SEC Philadelphia Regional Office</i>
Robert H. Hotz; <i>Akin Gump, New York, NY</i> |
| 2:45 p.m. to 3:45 p.m. | From Stolen Briefcases to Malicious Hackers: What Criminal Defense Lawyers Need to Know about Data Breaches
Moderator: Jack L. Gruenstein; <i>Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA</i>
Alan E. Brill; <i>Senior Managing Director for Secure Information Services at Kroll Ontrack, Secaucus, NJ</i>
Theodore J. Kobus, III; <i>Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA</i> |
| 3:45 p.m. to 4:00 p.m. | Break |



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LOCATION

The Ritz-Carlton is located at Ten Avenue of the Arts, Philadelphia, PA 19102. Walk in the footsteps of America's forefathers and become a part of history. Stay in one of America's most venerable cities and absorb the character of landmark buildings. The Ritz-Carlton offers easy access to fine dining, shopping, and the city's business district.

For overnight reservations, call 800-241-3333.

This seminar has been approved for 1 hour of ethics and 11 hours of substantive credit hours by the Continuing Legal Education Board of the Supreme Court of Pennsylvania.

CANCELLATION POLICY

There will be no refunds after November 10, 2011 (a colleague may take your place or your material will be sent to you). Cancellations prior to that date will be subject to a \$50 cancellation fee.

SCHEDULE OF EVENTS

Friday, November 18, 2011 (6 substantive CLE credit hours)

- 4:00 p.m. to 5:00 p.m. **Have Declinations Been Written Out of the Playbook in Pharmaceutical Cases?**
Moderator: Richard L. Scheff; *Montgomery, McCracken, Walker & Rhoads, LLP, Philadelphia, PA*
Christopher R. Hall; *Saul Ewing LLP, Philadelphia, PA*
Eric W. Sitarchuk; *Morgan, Lewis & Bockius LLP, Philadelphia, PA*
- 5:00 p.m. to 7:00 p.m. Cocktail Reception at the Ritz Carlton

Saturday, November 19, 2011 (5 substantive CLE credits; 1 hour of ethics)

- 8:00 a.m. to 9:00 a.m. Registration and Continental Breakfast
- 9:00 a.m. to 10:00 a.m. **Sarbanes-Oxley: Where Are We Now?**
Moderator: John C. Dodds; *Morgan, Lewis & Bockius LLP, Philadelphia, PA*
Justin W. Chairman; *Morgan, Lewis & Bockius LLP, Philadelphia, PA*
Thomas H. Suddath, Jr.; *Reed Smith, Philadelphia, PA*
- 10:00 a.m. to 11:00 a.m. **The Luzerne County Corruption Cases and the Media**
Moderator: Peter F. Vaira; *Vaira & Riley, P.C., Philadelphia, PA*
Hank Grezlak; *Editor of the Legal Intelligencer*
Joseph Slobodzian; *Reporter for the Philadelphia Inquirer*
- 11:00 a.m. to 11:15 a.m. Break
- 11:15 a.m. to 12:15 p.m. **Investigations & Discovery in the Digital Age: Preservation, Production, Privilege and Beyond**
Moderator: Ronald H. Levine; *Post & Schell, P.C., Philadelphia, PA*
The Honorable John M. Facciola; *U.S. Magistrate Judge for the District of Columbia*
The Honorable Lee H. Rosenthal; *U.S. District Court Judge for the Southern District of Texas*
Abraham J. Rein; *Post & Schell, P.C., Philadelphia, PA*
- 12:15 p.m. to 1:45 p.m. **Lunch with John W. Dean, III**
- 1:45 p.m. to 2:45 p.m. **Whistleblower Junction: Where Employment Law and Criminal Law MeetSM**
Moderator: Joseph G. Poluka; *Blank Rome LLP, Philadelphia, PA*
Denise Houghton; *Vice President and Chief Litigation Counsel for Synthes*
Brian P. Kenney; *Kenney & McCafferty, P.C., Blue Bell, PA*
- 2:45 p.m. to 3:45 p.m. **Investigations from the FBI Agent's Perspective: Undercover Operations, Hostages, and Informants**
Moderator: Robert E. Welsh, Jr.; *Welsh & Recker, P.C., Philadelphia, PA*
Gregory J. Auld; *Auld & Associates, Inc. (former FBI Special Agent)*
Jesse L. Coleman; *Auld & Associates, Inc. (former FBI Special Agent)*
- 3:45 p.m. to 4:00 p.m. Break
- 4:00 p.m. to 5:00 p.m. **The Prevailing Chaos: Honest Services Fraud in the Aftermath of Skilling**
Moderator: Lisa A. Mathewson; *Law Offices of Lisa A. Mathewson, Philadelphia, PA*
Robert Zauzmer, *Assistant United States Attorney for E.D. of PA*



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Please return this form no later than Nov. 10, 2011
with a check made payable to PACDL and mail it to:
PACDL • 115 State Street • Harrisburg, PA 17101

*Walk-ins will be accepted but
we cannot guarantee seating nor materials.*
Telephone 717-234-7403. Fax 717-234-7462.

SPONSORSHIP OPPORTUNITIES

Opportunities are available to sponsor this year's
White Collar Practice seminar. If you choose to be
a sponsor, please **send your company name and a
high resolution logo** (if available). You can
either email the text and logo to pacdl@aol.com or
mail it along with your check to:

PACDL • 115 State Street • Harrisburg, PA 17101

- Gold Sponsorship** \$3500
One seminar registration and recognition on
signs at social events & at registration desk,
and in course materials.
- Silver Sponsorship** \$1500
Recognition on signs at social events & at
registration desk, and in course materials.
- Patron Sponsorship**
any amount under \$1500

The sponsorship deadline is
Friday, November 10, 2011.

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REGISTRATION

Seminar Prices:

Prices include meals, social events and CLE reporting fees.

Material will be supplied in electronic PDF format.

- Attorney Registration \$600
- Public Defender or Attorney in Practice Less than 5 Years \$545
- Friday Only (includes reception) \$400
- Saturday Only (includes lunch with John W. Dean, III) \$400

Social Events Only (or Guest) Prices:

- One Thursday Reception Ticket \$75
- One Friday Reception Ticket \$75

Save 10% if 3 or more people from one office attends.

Enclosed is \$ _____

I will be attending the following:

- Thursday Reception
- Friday Reception
- Friday Seminar
- Saturday Seminar & Lunch

Pre-registration to all events is required.

Address Information

Name _____

Attorney ID _____

Mailing Address _____

City _____ State _____ Zip _____

Phone _____

FAX _____

Email _____

Please note any dietary needs or needs related to disabilities:

Payment Information

- Pay by check
- Pay by credit card

Type of Card _____ Expiration Date _____

Card Number _____ CVV Code* _____

Name on Card _____

Billing Address _____

City _____ State _____ Zip _____

*Card Verification Value, the 3-digit number found on the back of Visa, Mastercard,
or the 4-digit number on the front of American Express Cards.



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SPEAKER BIOS

*PACDL is honored and thrilled to announce that the keynote speaker for this year's Annual White Collar Seminar is **John W. Dean, III**. At the age of 31, Mr. Dean was hired as White House Counsel by then President Richard Nixon. He served in that capacity from July 1970 until he was fired in April of 1973. He became a key witness against the White House after he sensed he was going to be the Watergate scapegoat. On June 25, 1973 he began his testimony before the Senate Watergate Committee, in which he implicated administration officials including Attorney General John Mitchell, Nixon and himself. He was the first administration official to accuse the President of direct involvement in Watergate. Mr. Dean is an author of many books including "Blind Ambition" and is a frequent commentator and contributor for several national media outlets. He currently conducts a seminar on ethical issues which is based, in part, on his experience as White House Counsel during the early days of Watergate. He has agreed not only to be our keynote speaker this year, but is also considering presenting at the 2012 White Collar Seminar. He will speak for approximately 45 minutes and he will take questions from all in attendance. This session will be very interesting, entertaining and informative.*

Daniel R. Anderson is a Deputy Director of the Commercial Litigation Branch of the Civil Division of the U.S. Department of Justice. Since joining the Department in 1996, Mr. Anderson has worked on a variety of health care fraud investigations, involving some of the nation's largest healthcare providers.

Gregory J. Auld is currently a principal of Auld and Associates, Inc., a firm providing investigation and security consulting services to lawyers and businesses. With the FBI for 33 years, he worked in New York City and Philadelphia on a wide variety of matters, including general criminal investigations, white collar matters, national security and antiterrorism efforts. A trained hostage negotiator and responsible for recruiting and monitoring informants from every walk of life, his experience is vast.

Alan Brill, CISSP, CFE, CIFI, CIPP is a senior managing director at Kroll Ontrack. He consults on investigative issues relating to computers and digital technology, including the investigation of computer intrusions, Internet fraud, identity theft, misappropriation of intellectual property, cases of internal fraud, data theft, sabotage and computer security projects designed to prevent such events.

Justin W. Chairman is a partner in Morgan Lewis's Business and Finance and Securities Practices. Mr. Chairman's practice focuses on representing private and public companies in a variety of industries, including life sciences, technology, and media, with a special focus on REITs.

Jesse L. Coleman is currently associated with Auld and Associates, Inc. He was a Special Agent of the FBI for 27 years. He worked on a wide variety of matters, including organized crime and drug investigations, as well as fraud matters. He worked "deep cover" in a long-term investigation of the Sicilian Mafia and was responsible for working with informants in many kinds of cases.

David Dillon is the Assistant Director of United States Environmental Protection Agency's Criminal Investigation Division – Training Branch.

John C. Dodds is a partner in Morgan Lewis's Litigation Practice. Mr. Dodds' practice centers on the representation of organizations and individuals in government investigations, internal investigations and litigation involving claims of fraud and abuse.

Hon. John M. Facciola was appointed a United States Magistrate Judge in the District of Columbia in 1997. Prior to being appointed to the bench, he served as an Assistant District Attorney in Manhattan from 1969-1973, and was in private practice in the District of Columbia from 1974-1982. Judge Facciola joined the U.S. Attorney's Office in 1982 and served as Chief of the Special Proceedings section from 1989 until his appointment as Magistrate Judge. Judge Facciola is a frequent lecturer and speaker on the topic of electronic discovery.

Jill E. Fisch is the Perry Golkin Professor of Law and co-director of the Institute for Law and Economics at the University of Pennsylvania Law School where she teaches and writes on corporate law, corporate governance and securities regulation. Recent projects examine mutual fund regulation, the role of proxy advisors, and the SEC's new proxy access rule.

Donald J. Goldberg is Special Counsel in Ballard Spahr LLP's Litigation Department and a member of the Corporate and Government Investigations and White Collar Defense Group. His practice is concentrated in the area of white-collar crime.

Barry Gross, a former federal prosecutor, is a partner in Drinker Biddle's White Collar Criminal Defense and Corporate Investigations Practice Group. His practice focuses on white collar criminal investigations, internal corporate investigations, the defense of white collar criminal prosecutions, Foreign Corrupt Practices Act Violations (FCPA) and complex civil litigation including civil RICO and *qui tam* matters.

Hank Grezlak is the Editor in Chief of the *Legal Intelligence*.

Jack L. Gruenstein is Special Counsel with Marshall, Dennehey, Warner, Coleman & Groggin where he leads the firm's white collar defense practice. He also represents health care, privacy and professional liability clients in government audits, investigations and prosecutions and conducts internal investigations.

Christopher R. Hall is a partner at Saul Ewing LLP. He assists clients during internal investigations, government criminal investigations, government civil enforcement actions, and related civil proceedings such as False Claims Act and securities fraud proceedings. Mr. Hall places particular emphasis on the healthcare, financial service, defense, and government contract industries. His subject matter expertise within these industries includes wire/mail fraud, securities fraud, tax crimes, false claims, healthcare fraud and abuse, government contract fraud, export law violations, and public corruption.



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Daniel M. Hawke is the Unit Chief of the SEC Division of Enforcement's Market Abuse Unit and the Director of its Philadelphia Regional Office (PA, DE, MD, VA, WV & DC). In his capacity as Unit Chief, Mr. Hawke oversees nationwide investigations into large-scale insider trading, large cap market manipulations, system-based and platform-driven trading violations as well as other systematic, institutional regulatory violations, internal control violations and other abusive market practices.

Robert H. Hotz, Jr., is a partner at Akin Gump who focuses on complex criminal and civil litigation. Since entering private practice in 2004, Mr. Hotz has worked on a variety of complex matters, including representing Raj Rajaratnam in the recent investigation and prosecution for insider trading.

Denise Houghton is Vice President and Chief Litigation Counsel for Synthes, a global medical device manufacturer which develops implants and biomaterials for surgical fixation, correction and regeneration of the human skeleton and its soft tissues. Synthes has offices in every country in the world and employs over 12,000 people. Denise oversees and manages the company's North American litigation including matters involving fraud and whistle blower liability.

Gabriel Imperato is the Managing Partner of Broad and Cassel's Fort Lauderdale office and head of the firm's White Collar/Health Care Criminal and Civil Fraud Practice. He has practiced health care law in both the public and private sectors for more than twenty years and is Board certified as a specialist in health law by the Florida Bar. He is also certified in Healthcare Compliance by the Health Care Compliance Association.

Brian P. Kenney is a partner in Kenny & McCafferty, P.C., and has represented whistleblowers in the two largest False Claims Act litigations in history, the 2009 \$2.3 billion settlement with Pfizer and the \$1.3 billion settlement with Eli Lilly for its off-label marketing of the drug Zyprexa. Mr. Kenney has thirty years of experience investigating and trying complex criminal and civil fraud and tax matters. Over the past fifteen years, Mr. Kenney has been the lead attorney in over twenty-five successful qui tam cases, in all forms.

Theodore J. Kobus, III is the Chair of the Technology, Media & Intellectual Property Practice Group and the Privacy and Data Security Practice Group at Marshall, Dennehey, Warner, Coleman & Groggin. He has experience in the litigation of technology, media, trademark, trade dress, patent, copyright, and data security matters in jurisdictions throughout the country.

Cheryl A. Krause is a partner in Dechert's white collar and securities litigation group who represents individuals and companies in domestic and international government investigations, SEC proceedings, securities class actions and other complex litigation.

Ronald H. Levine, former Criminal Division Chief at the U.S. Attorney's Office in the Eastern District of Pennsylvania, is a partner in the Philadelphia office of Post & Schell, P.C., where he heads its national practice in white collar defense, internal investigations and corporate compliance. Mr. Levine assists enterprises and individuals that are subject to government regulation or investigation, conducts internal corporate investigations of alleged misconduct, consults on compliance plans, and defends enterprises, directors, officers and other professionals accused of misconduct at criminal or civil trials and on appeal. Mr. Levine has frequently taught or spoken on white collar crime, criminal procedure or trial.

Lisa A. Mathewson has defended clients in white collar criminal matters for fifteen years. Prior to forming The Law Offices of Lisa A. Mathewson in October 2009, Ms. Mathewson was a partner with a boutique Philadelphia white collar defense firm. Prior to that she worked in a large international law firm, where she handled white collar criminal defense and First Amendment matters.

Joseph G Poluka is a partner in the White Collar Defense & Investigations group at the law firm of Blank Rome LLP. Mr Poluka represents clients in the investigation and defense of a wide variety of criminal offenses including complex fraud, corruption, and tax schemes, and also advises on corporate compliance policies.

Marc S. Raspanti is a name partner of Pietragallo Gordon Alfano Bostick & Raspanti, LLP, where he founded the firm's national Qui Tam Practice Group. He also serves as Chair of the firm's White Collar Criminal defense practice group. Mr. Raspanti focuses his national litigation practice on affirmative federal and state qui tam litigation, white collar criminal defense, health care litigation and complex commercial litigation.

Catherine M. Recker is a partner in the firm of Welsh & Recker, P.C. and has nearly twenty years' experience representing individuals and corporations in criminal investigations, trials and appeals and in other government enforcement and regulatory matters.

Abraham J. Rein is a member of Post & Schell's White Collar Defense, Compliance & Risk Management Practice Group, whose national practice defends clients in a broad spectrum of industries, including health care, pharmaceutical, medical device, insurance, financial services, securities, communications, defense and transportation. Mr. Rein, whose background spans criminal defense, internal investigations, and complex civil litigation, and who co-founded and managed a web development firm before becoming a lawyer, focuses much of his practice on the difficult technical and legal issues surrounding electronically stored information.

Hon. Lee H. Rosenthal was confirmed as a District Judge for the Southern District of Texas in 1992. She chairs the Judicial Conference Committee on Rules of Practice and Procedure. Prior to 2007, Judge Rosenthal was a member, then chair, of the Judicial Conference Advisory Committee on the Federal Rules of Civil Procedure. Under Judge Rosenthal's leadership, the discovery rules were amended to address the impact on litigation of the exponential increase in the volume and complexity of electronically stored information. She is a member of the board of editors for the Manual for Complex Litigation, published by the Federal Judicial Center. Judge Rosenthal is a frequent lecturer and writer on the topic of electronic discovery.



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Ron Sarachan is a partner at Drinker, Biddle, and Reath, L.L.P. where he concentrates his practice on white collar litigation, environmental law, regulatory enforcement, and complex civil litigation. Ron was Chief of the Environmental Crimes Section at the U.S. Dept. of Justice. He regularly counsels companies and individuals regarding compliance with federal and state environmental laws.

Richard L. Scheff is a partner and firm chairman, and former chair of the Litigation Department of Montgomery, McCracken, Walker & Rhoads, LLP. With a special emphasis on pharmaceutical and medical device companies, Mr. Scheff's government and corporate investigations practice focuses on False Claims Act matters, off-label promotion, pricing issues, compliance programs, securities fraud, inside trading and civil fraud and other white collar criminal and fraud matters.

Gerald L. Shargel, a member of the New York Bar since 1969, limits his practice to the defense of serious criminal cases. Over the past several decades, Mr. Shargel has handled numerous high profile cases at both the trial and appellate level. His cases include a broad array of white collar and non-white collar crimes.

Eric W. Sitarchuk is a partner in Morgan Lewis's Litigation Practice and chair of the Corporate Investigations and White Collar Practice. Mr. Sitarchuk focuses his practice on white collar litigation and has more than 25 years of experience in this area.

Joseph Slobodzian is a Reporter for the *Philadelphia Inquirer*.

Thomas H. Suddath, Jr. is a member of Reed Smith's Government Investigations and White Collar Defense Group. In recent years, he has represented pharmaceutical and medical device companies and their executives in investigations of alleged violations of the False Claims Act, the Anti-kickback Statute, the Food, Drug and Cosmetic Act, as well as the Foreign Corrupt Practices Act, and has represented clients in investigations involving antitrust, securities fraud, political corruption, tax fraud, environmental violations and economic espionage. He also has extensive experience conducting confidential domestic and international internal investigations for corporate clients and counsels companies on issues related to voluntary disclosures.

Peter F. Vaira is a shareholder in Vaira & Riley, P.C. and a fifteen year veteran of the U.S. Department of Justice. He served in the Organized Crime Section for ten years, during which time he was the Attorney in Charge of both the Philadelphia and Chicago Strike Forces on Organized Crime. He served as United States Attorney for the Eastern District of Pennsylvania for five years and later was the Executive Director of the President's Commission on Organized Crime in Washington, D.C.

Robert E. Welsh, Jr. is a partner in the firm of Welsh & Recker, P.C. and a former Assistant United States Attorney in Philadelphia. Bob Welsh has been practicing as a defense lawyer for 25 years.

Robert A. Zauzmer has prosecuted all manner of federal crimes, focusing on corruption and fraud matters. His cases have included the prosecution of former Congressman Edward Mezvinsky for a \$10 million fraud; the Philadelphia City Hall corruption case, and the prosecution of former State Senator Vincent J. Fumo. In addition, since 1998 Zauzmer has supervised all federal criminal appeals in the district, and frequently appeared before the Third Circuit in that capacity.