

WHITE COLLAR PRACTICE



November 20 – 22, 2019

The Ritz-Carlton Philadelphia, Philadelphia, PA

12
CLE CREDIT
HOURS
Including 2
Ethics Hours

Presented by the



PACDL

PENNSYLVANIA ASSOCIATION OF
CRIMINAL DEFENSE LAWYERS

Thank You Sponsors

PLATINUM



SILVER



GOLD



ELLIOT L. ATKINS ASSOCIATES
psychology and the law



LAW OFFICES OF
ARTHUR THOMAS DONATO



McMONAGLE PERRI
McHUGH MISCHAK DAVIS
TRIAL LAWYERS
A PROFESSIONAL CORPORATION



DEFENDER OF FREEDOM SPONSOR



Thursday Lunch Program co-sponsored by



Welcome Reception – Join us for cocktails and appetizers.
Wednesday, November 20, 2019 • 5:00 p.m. • The Ritz-Carlton Philadelphia

2019 White Collar Practice Seminar

Co-Chairs of PACDL White Collar Practice Committee:

Art Donato, The Law Offices of Arthur T. Donato
Michael Engle, Buchanan Ingersoll & Rooney

Course Planning Committee:

Mira Baylson, Akin Gump
Ryan Becker, Fox Rothschild
Caroline Donato, MacElree Harvey Ltd.
Laurel Gift, Schnader, Harrison, Segal & Lewis
Jessica Natali, Greenberg Traurig
Catherine Recker, Welsh & Recker
Ashley Shapiro, Buchanan Ingersoll & Rooney
Robert Welsh, Welsh & Recker
Jaclyn Whittaker, Morgan Lewis

Cancellation Policy: All cancellation and refund requests must be made in writing on or before November 15, 2019. A refund of the full conference fee, minus a \$75 administration fee, will be given for cancellations received on or before November 15. No refunds will be granted for requests submitted, dated or postmarked after that date. You must submit your cancellation via email to pacdl@pacdl.org. Refunds will not issue for no-shows.

Substitutions: If you cannot attend, a colleague may take your seat or your course materials will be emailed to you. The individual submitting the transfer request is responsible for all financial obligations (any balance due) associated with that substitution.

CLE Credits: You will be eligible to receive up to 12 continuing legal education credits including ten substantive hours of law, practice and procedure credit and 1 ethics credit hour from the Pennsylvania Continuing Legal Education Board of the Supreme Court of Pennsylvania.

Consent to Use of Photographic Images: Registration and attendance at PACDL activities constitutes an agreement to the use and distribution of the registrant's image or voice in brochures, publications, photographs, website, online, videotapes, electronic reproductions, audiotapes or other materials by PACDL without your express written permission. No names or other personal identifying information will be used without written approval from you.

Questions: Please contact us at pacdl@pacdl.org or 717.234.7403.

PACDL Membership: Check out www.pacdl.org for our membership application.

Ritz-Carlton Philadelphia
10 Avenue of the Arts, Philadelphia, PA 19102
215.523.8000

THURSDAY, NOVEMBER 21, 2019

- 8:30 a.m. Registration and Continental Breakfast**
- 9:00 a.m. The First Step Act Takes Its First Steps: Implementation of the Act and Implications for Federal Practitioners.** The panel will take stock of progress (or lack thereof) toward implementation of the First Step Act, which has been heralded as one of the most far-reaching pieces of criminal justice reform legislation. We will examine the implications for federal practitioners and highlights of note for white collar counsel and their clients. *Moderator and Presenters: Justin C. Danilewitz (Saul Ewing Arnstein & Lehr); Todd A. Bussert (Frost Bussert) and Fabiana Pierre-Louis (Montgomery, McCracken, Walker & Rhoads)*
- 10:00 a.m. Sentencing in White Collar Cases: Preparing For Sentencing From the Pre-Sentence Investigation Interview to the Sentencing Hearing.** The panel will address aspects of preparing a white collar defendant for sentencing, such as pertinent information to provide to United States Probation during the pre-sentence investigation interview; conducting research on the appropriate Bureau of Prisons facility your client needs; and key facts and arguments to present to the courts to obtain the best possible sentencing result. Particular attention will be paid to considerations for preparing a white-collar defendant to navigate successful completion of a prison sentence. *Moderator and Presenter: A. Nicole Phillips (Montgomery, McCracken, Walker & Rhoads) and Joel Sickler (Justice Advocacy Group)*
- 11:15 a.m. What You Really Need to Know if You are Taking on a Criminal Tax Case.** Criminal tax investigations and prosecutions can be highly complex and sophisticated. The government relies on the support and financial expertise of IRS Special Agents and the prosecution team often includes the DOJ Tax Division. Defense counsel must be able to identify and address the issues unique to criminal tax matters, including conference procedures, charging decisions, common defenses, tax loss calculations, confronting IRS witnesses, sentencing enhancements and relevant conduct, restitution, and the civil tax aftermath. This panel will explore all these aspects and offer tips on avoiding the minefield that awaits the unwary. *Moderator and Presenters: Christopher Casey (Duane Morris); Caroline Ciraolo (Kostelanetz & Fink) and Matthew Lee (Fox Rothschild)*
- 12:15 p.m. Special Lunch Program: The Evolution of White Collar Practice, Future Trends and Why Women Are Having Unprecedented Success in the Field.** *Presenter: Karen Popp of Sidley Austin and Founder of the Women's White Collar Defense Association; Moderator: Meredith S. Auten of Morgan Lewis and WWCD Philadelphia Chapter President*
- 1:45 p.m. Top Secret: When the Interests of National Security Conflict with Your Client's Rights in a Criminal Investigation.** A discussion of the interface between the gathering of intelligence and criminal law, focusing on important statutes such as the Foreign Intelligence Surveillance Act and the Classified Information Protection Act. The panel will also look at some recent high-profile events, including the indictment of Julian Assange and the Mueller investigation, and how they were shaped by foreign surveillance activities. *Moderator and Presenter: Amy Carver (Welsh & Recker) and George Croner ((retired) OGC, National Security Agency)*
- 2:45 p.m. Data Privacy and Cybersecurity: Compliance Planning.** In the wake of high-profile actions like Facebook's \$5 billion fine from the Federal Trade Commission and \$100 million penalty paid to the SEC, your clients need a defensible data privacy and cybersecurity compliance program before gaining the attention of an enforcement authority. This panel will focus on cyber-related controls and disclosures and developing a compliance program with insights from the regulator's perspective and the in-house compliance perspective. *Moderator and Presenters: Kristin J. Jones (Stradley Ronon Stevens & Young); Angela Curry (Bentley Systems, Inc.) and Kelly L. Gibson (U.S. SEC)*
- 4:00 p.m. Getting Paid: Insurance Coverage Related to Criminal Investigations.** The presentation will focus on insurance coverage that may respond to criminal and regulatory investigations. The presentation will address recent caselaw extending coverage under D&O policies to criminal subpoenas, as well as challenges and potential pitfalls for counsel related to obtaining such coverage. (Ethics) *Presenters: Harvey Bartle (Morgan Lewis) and David A. Luttinger, Jr. (Covington & Burling)*
- 5:00 p.m. Networking Cocktail Reception**

FRIDAY, NOVEMBER 22, 2019

- 8:30 a.m. Registration and Continental Breakfast**
- 9:00 a.m. Internal Investigations: Protecting Your Client While Placating the Government.** Few things are more stressful than when your client is contacted by the Government. Oftentimes, that contact requires clients to institute internal investigations in order to identify the conduct that the Government is inquiring about and determine if any laws were broken. This panel will discuss the emerging trends related to internal investigations, and some of the issues that arise when conducting these types of inquiries. One area of focus is how to handle situations when the Government “outsources” its investigation to the client, essentially requiring the client to act as the Government’s investigators, and the implications that has for corporate clients and their individual employees. *Moderator and Presenters: Ryan Becker (Fox Rothschild), Breon S. Peace (Cleary Gottlieb Steen & Hamilton) and Catherine M. Recker (Welsh & Recker)*
- 10:45 a.m. Is It Time to Cooperate with DOJ in FCA Matters?** The Government has long rewarded cooperation in other areas, but in 2019 extended cooperation credit to the FCA context. Why should clients consider self-reporting or cooperating with the Government and what are the hurdles and requirements to benefit? In addition, DOJ’s recent Granston memo encouraging dismissal of meritless qui tam cases may affect the analysis. *Moderator and Presenters: Daniel Filor (Greenberg Traurig), Kathryn Wozny (Medtronic) and Kristin Graham Koehler (Sidley Austin)*
- 12:15 p.m. Special Lunch Program: The Last Stone: A Conversation with author Mark Bowden About Cracking a Decades Old Double Murder Case.** *Presenter: Mark Bowden, author of Black Hawk Down, Killing Pablo, and Hue 1968.*
- 1:45 p.m. Emerging Trends in Opioid Enforcement.** As the opioid epidemic rages on, resulting in heightened enforcement measures and activities, white collar practitioners increasingly find themselves representing medical professionals, providers, hospitals, and other medical institutions during often protracted criminal investigations and enforcement. The panel will discuss emerging trends in opioid enforcement, the recent expansion of opioid enforcement at the federal and state levels, and discuss strategies to protect clients in the face of these developments. *Moderator and Presenters: Randall P. Hsia (Schnader, Harrison, Segal and Lewis), Ronald W. Chapman, II (Chapman Law Group) and Erica Liu (U.S. Attorney’s Office, D. NJ)*
- 2:45 p.m. Recent Decisions Affecting Civil and Criminal Investigations and Prosecutions Involving the Federal Securities Laws.** Over the last few years, there have been several significant decisions, including Supreme Court decisions, that affect the SEC’s and DOJ’s handling of investigations and prosecutions involving the federal securities laws. The panel will discuss several significant emerging legal issues affecting these investigations and prosecutions, including the statute of limitations applicable to civil and criminal prosecutions, the SEC’s definition of willfulness, scheme liability under Section 10(b) of the Securities Exchange Act, collateral consequences of joint and parallel civil and criminal investigations and whistleblower developments. *Moderator and Presenters: Mary Hansen (Drinker Biddle & Reath), Mauro M. Wolfe (Duane Morris) and Michael J. Rinaldi (U.S. Attorney’s Office, EDPA)*
- 4:00 p.m. A Look at Legal Ethics Through the Lens of the Mueller Investigation.** The Mueller investigation and resulting report involved an unprecedented investigation at the highest possible level, in the most unique media environment in history, by executive agencies into the conduct of a sitting president and others in and around power. Lawyers played myriad roles in and during the investigation: lawyers were targets, lawyers were witnesses, lawyers were subjects, lawyers went on TV, lawyers commented on Twitter, lawyers testified before the grand jury, lawyers cooperated with the government, lawyers chose not to cooperate with the government, lawyers testified before Congress, lawyers chose not to answer certain questions posed by Congress, and lawyers also served as lawyers, actually providing counsel to their clients. This panel—presented by three former federal prosecutors—takes a closer look at how the role of attorney ethics guided the paths of those involved, and examines certain choices faced by some of the key attorneys involved—along with the ramifications of those choices. *Moderator and Presenters: James Petkun (Klehr Harrison Harvey Branzburg), Adam Saltzman (Buchanan Ingersoll) and Anthony Pozos (Drinker Biddle & Reath)*

White Collar Practice Seminar Registration

Register online at www.pacdl.org or mail, fax or email your completed registration form with payment no later than November 15, 2019. Only prepaid attendees are guaranteed seating. Door registrations are permitted only as space and material are available. Contact information:

Online: www.pacdl.org
Mail: PACDL, 115 State Street, Harrisburg, PA 17101
Email: pacdl@pacdl.org • Telephone: 717.234.7403

Name _____
Firm _____
Address _____ City _____ State _____ Zip _____
Attorney ID _____
Telephone Number _____ Email _____
Special Dietary Needs _____

Registration Fees

Seminar Registration

(Please check one)

	NON-MEMBER	PACDL MEMBER	PACDL NEW LAWYERS	
<input type="checkbox"/> Thursday & Friday (12 credits)	\$875	\$725	\$675	\$ _____
<input type="checkbox"/> Thursday only (6 credits)	\$625	\$475	\$450	\$ _____
<input type="checkbox"/> Friday only (6 credits)	\$625	\$475	\$450	\$ _____

Social Events

Social events are included with your registration.

Please indicate the event(s) that you will attend.

- Wednesday Welcome Reception at The Ritz-Carlton Phila. (5:30 p.m.)
- Thursday Cocktail Reception - The Ritz-Carlton Phila. (5:00 p.m.)
- Thursday Lunch Program
- Friday Lunch Program

Course Materials

- Electronic Copy (uploaded for you to download and print) Free
- Thumb Drive (\$15) \$ _____
- Course Notebook (\$50 single day) \$ _____
- Course Notebook (\$95 both days) \$ _____

TOTAL \$ _____

Social Events Only Tickets

(for guests or individuals not registering)

Guest Name _____

- Wednesday Welcome Reception at The Ritz-Carlton Phila. \$100
- Thursday Lunch Program with Karen Popp \$100
- Thursday Cocktail Reception - The Ritz Carlton Phila. \$100
- Friday Lunch Program with Mark Bowden \$100

Payment Information

Pay by credit card or send a check payable to PACDL, 115 State Street, Harrisburg, PA 17101.

Name on Card _____
Card Number _____
Card Type _____
Card Verification Code _____ Exp. Date _____
Address _____ City _____ State _____ Zip _____