

White Collar Practice



November 11-12, 2021

Virtual Conference

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12
CLE Credit
Hours

Presented by the



PACDL

PENNSYLVANIA ASSOCIATION OF
CRIMINAL DEFENSE LAWYERS

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2021 White Collar Conference

Thursday, November 11, 2021

9:00 A.M. – 10:30 A.M.

HAVING A GRAND OLD TIME – NAVIGATING PENNSYLVANIA STATE AND FEDERAL GRAND JURY PRACTICE.

This panel will provide a practical overview of the differences between Pennsylvania state and federal grand jury practice and highlight recent developments in state grand jury secrecy, treatment of joint defense agreements and similar privilege-protective arrangements, and the scope and role of investigating grand juries. *Moderator and Presenters: Abraham J. Rein (Post & Schell), Mark B. Sheppard (Klehr Harrison Harvey Branzburg, LLP), and Carson B. Morris (Saxton & Stump)*

10:30 A.M.

BREAK (15 MINUTES)

10:45 A.M. – 12:15 P.M.

ANTI-MONEY LAUNDERING TRENDS: THE USE OF DOMESTIC MONEY LAUNDERING TOOLS TO TARGET FOREIGN CORRUPTION AND U.S. PROFESSIONALS.

This panel will focus on recent U.S. prosecutions of foreign corruption schemes – with an emphasis not on the FCPA, but on money laundering statutes. It will also analyze the related risks that U.S. professionals servicing foreign clients or transactions may face. *Moderator and Presenters: Peter Hardy (Ballard Spahr), Shirley U. Emehelu (Chiesa Shahinian & Giantomasi), and Jonathan R. Barr (BakerHostetler)*

12:30 – 1:15 P.M.

VIRTUAL LUNCH PROGRAM WWCD, PHILADELPHIA CHAPTER *Presenter: Delaware Attorney General Kathleen Jennings*

1:45 – 2:45 P.M.

CAPTURING THE ZEITGEIST: CRIMINAL JUSTICE REFORM AND YOUR CLIENT'S SENTENCING.

This session will cover the most recent trends in criminal justice reform legislation and policy. Panelists will share perspectives from both the government and the defense about the use of criminal justice reform arguments in sentences and provide practical tips and strategies for using changing perspectives on the criminal justice system in your sentencings. *Moderator and Presenters: Mira Baylson (Cozen O'Connor), and Patrick Egan (Fox Rothschild)*

2:45 P.M.

BREAK (10 MINUTES)

2:55 – 3:55 P.M.

ANTITRUST AND POLITICS: ARE WE ENTERING A NEW ERA?

The panel will discuss the political push for more aggressive antitrust enforcement and resulting activity in Washington, including the President's Executive Order on Competition, and recently-introduced congressional bills to invigorate federal antitrust law, and how that push has led to DOJ and FTC investigations and cases against large technology companies. The panel will also discuss the DOJ's decision to begin criminally prosecuting wage-fixing and no-poach agreements, and the resulting indictments, and the DOJ's efforts to rein in pharmaceutical companies; including the civil and criminal generic price-fixing cases in E.D. Pennsylvania. *Moderator and Presenters: Christopher H. Casey (Duane Morris), Melissa Maxman (Cohen & Gresser), and David I. Gelfand (Cleary Gottlieb)*

3:55 P.M.

BREAK (5 MINUTES)

4:00 – 5:00 P.M.

THE FUTURE OF CONTROLLED SUBSTANCE COMPLIANCE AND SUSPICIOUS ORDER MONITORING IN THE WAKE OF THE NATIONAL OPIOID SETTLEMENTS (ETHICS).

The panel will provide an update on suspicious order monitoring ("SOM") requirements, including the DEA's most recently proposed rule updating SOM requirements; the application of big data analytics and proposals for industry-wide data sharing; and ethical questions that have been seen in the opioid MDL and bankruptcies. *Moderator and Presenter: Justin C. Danilewitz (Saul Ewing Arnstein & Lehr) and Jodi Avergun (Cadwalader, Wickersham & Taft)*

5:00 P.M.

VIRTUAL COCKTAIL RECEPTION Sponsored By Marcum

Friday, November 12, 2021

9:00 – 10:30 A.M.

CREATING CLARITY OUT OF CHAOS: NAVIGATING THE MURKY WATERS OF FCA ENFORCEMENT.

This session will explore recent developments in the law and defense strategy under the civil False Claims Act. These include critical questions as to how the concept of causation applies in kickback cases, and how courts and litigants address materiality in the wake of the Supreme Court's seminal opinion in *Escobar*. Because regulatory guidance often fails to keep up with potential FCA issues with evolving industry practices, defendants face uncertainty and potential significant liability for conduct stretching back many years. We will discuss opportunities for greater clarity in guidance to help encourage rather than inhibit innovation. *Moderator and Presenters: Ryan P. McCarthy (Morgan Lewis), Richard Scheff (Armstrong Teasdale), and Galia Porat (Teva Pharmaceuticals)*

10:30 A.M.

BREAK (15 MINUTES)

10:45 A.M. – 12:15 P.M.

DIGITAL EVIDENCE.

The session will include the following: what digital evidence is and where it can be found, statutory considerations, case law updates, and a discussion of the Third Party Doctrine and the Fourth Amendment. *Moderator and Presenters: Caroline Goldner Cinquanto (The Law Firm of Caroline Goldner Cinquanto), Michael Levy (ret., USAO, EDPA), and Justin D. Price (Kroll)*

12:30 -1:15 P.M.

VIRTUAL LUNCH PROGRAM Speaker

Presenter: Assistant Attorney General, DOJ Criminal Division Kenneth Polite

1:45 – 2:45 P.M.

TIP OF THE ICEBERG: PPP LOAN FRAUD AND WHAT LIES BENEATH THE SURFACE.

This interactive panel discussion will focus on the Paycheck Protection Program, including the billions of dollars in loans distributed in the wake of the COVID-19 pandemic in anticipation of forgiveness by the federal government. Issuing banks and the Small Business Administration are reviewing forgiveness applications, but is there anyone else watching? Should we expect increased enforcement looming beyond the horizon? What agencies might be involved, and what statutes might be used to hold any fraudsters accountable? *Moderator and Presenters: Douglas Rosenblum (Pietragallo Gordon Alfano Bosick & Raspanti, LLP), Kyle R. Freeny (Greenberg Traurig, LLP), and Stephanie K. Benecchi (Montgomery, McCracken, Walker & Rhoads)*

2:45 P.M.

BREAK (10 MINUTES)

2:55 – 3:55 P.M.

DOGECOIN, BITCOIN, AND THE US GOVERNMENT: REGULATORY TRENDS IN CRYPTOCURRENCY.

The panel will focus on recent enforcement trends by the IRS, FinCEN, the SEC and other regulatory agencies, as well as provide practical advice when representing a client who has purchased or sold cryptocurrency. *Moderator and Presenters: Jed M. Silversmith (Blank Rome), Noah Axler (Anderson Kill), and Joshua Schmidt (Marcum Technology)*

3:55 P.M.

BREAK (5 MINUTES)

4:00 – 5:00 P.M.

THE COATESVILLE LYNCHING (ETHICS).

In 1911, many of the leading citizens of Coatesville brutally lynching a Black man under charges for manslaughter. The lynching followed the normal pattern, but the district attorney indicted 22 people for murder and even charged the deputy who held the victim in custody with criminal negligence. In the event, juries acquitted the defendants in trial after trial. This program will explore the ethical commitment of the district attorney and the impact of jury nullification which the trial judge characterized as a "conspiracy of silence." *Presenters: Robert E. Welsh (Welsh & Recker) and Caroline G. Donato (MacEfree Harvey, Ltd.)*

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 1, 2021.
Contact information:

Online: www.pacdl.org

Mail: PACDL, 115 State Street, Harrisburg, PA 17101 Email: pacdl@pacdl.org · Telephone: 717-234-7403 · Fax 717-234-7462

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

Registration Fees

Seminar Registration Includes meals, social events, and Pennsylvania CLE reporting fees. (Please check one)

	NON-MEMBER	PACDL MEMBER	
<input type="checkbox"/> Thursday & Friday (12 credits)	\$575	\$475	\$ _____
<input type="checkbox"/> Thursday only (6 credits)	\$375	\$275	\$ _____
<input type="checkbox"/> Friday only (6 credits)	\$375	\$275	\$ _____

Social Events Social events are included with your registration. Please indicate the event(s) that you will attend.

- Thursday Virtual Cocktail Reception
- Thursday Lunch Program
- Friday Lunch Program

Course Materials

- Electronic Copy (uploaded for you to download and print) Free

Social Events Only Tickets (for guests or individuals not registering)

- Guest Name _____
- Thursday Lunch Program \$100
 - Thursday Virtual Cocktail Reception \$100
 - Friday Lunch Program \$100

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Cancellation Policy: All cancellation and refund requests must be made in writing on or before November 1, 2021. A refund of the full conference fee, minus a \$75 administration fee, will be given for cancellations received on or before November 1. You must submit your cancellation via email to pacdl@pacdl.org.

Substitutions: If you cannot attend, a colleague may take your seat or your course materials will be emailed to you.

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 2 ethics credit hours 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, likeness, or voice in by PACDL without your express written permission. No names or other personal identifying information will be used without written approval from you.

COVID: Participants are expected to adhere to CDC, state, and local guidelines. You may not attend the event if you have experienced signs 10 days prior to the event.