

2014

# GOVERNMENT ENFORCEMENT INSTITUTE



May 21–22, 2014  
Belo Mansion ■ Dallas, Texas

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2014  
**GOVERNMENT ENFORCEMENT INSTITUTE**

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**WEDNESDAY MORNING, MAY 21, 2014**

**Presiding Officer:**

**Steve Korotash, Partner, K&L Gates LLP,  
Dallas, TX**

**8:00 a.m. Registration Opens**

Includes continental breakfast.

**8:50 a.m. Welcoming Remarks**

**9:00 a.m. .50 hr**

**OPENING KEYNOTE PRESENTATION**

**James M. Cole,  
Deputy Attorney General,  
U.S. Department of Justice,  
Washington, DC**

**9:30 a.m. 1.00 hr | .33 hr ethics**

**Government Investigations, Part I:  
Investigative Triggers**

An examination of the early and perhaps most critical stages of the investigative process, including considerations, strategies and ethical issues related to responding to a whistleblower, the government's request for voluntary assistance, the investigatory subpoena, document preservation, early settlement and cooperation agreements, advising the board, and public reporting and public relations.

**Moderator:**

Paul E. Pelletier, Member, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., Washington, DC

**Panelists:**

Scott W. Friestad, Associate Director, Division of Enforcement, U.S. Securities and Exchange Commission, Washington, DC

Kevin J. Harnisch, Partner, Steptoe & Johnson LLP, Washington, DC

Bruce Wark, Associate General Counsel, American Airlines Inc., Fort Worth, TX

**10:30 a.m. Break**

**10:45 a.m. 1.00 hr | .50 hr ethics**

**Government Investigations, Part II:  
Best Practices for Internal Investigations**

A look at the factors and circumstances that inform the decision to conduct an internal investigation—when is an independent investigation advisable and what are the best practices for conducting those inquiries. The panel also discusses strategies in selecting outside counsel, scoping the appropriate inquiry, pitfalls in document preservation and

production, the “horrors” of email and ESI, self-reporting to the government, and considerations in advising the board.

**Moderator:**

Kit Addeleman, Partner, Haynes and Boone, LLP, Dallas, TX

**Panelists:**

Brad Bennett, Executive Vice President, Chief of Enforcement, FINRA, Rockville, MD

Holly L. Clarke, Senior Vice President and General Counsel, L-3 Communications Integrated Systems, L.P., Rockwall, TX

Barrett R. Howell, Partner, K&L Gates LLP, Dallas, TX

Mark Shaw, Vice President, General Counsel and Corporate Secretary, Southwest Airlines Co., Dallas, TX

**11:45 a.m. Pick Up Lunch**

Included in registration.

**WEDNESDAY AFTERNOON**

**12:05 p.m. .75 hr**

**KEYNOTE LUNCHEON PRESENTATION**

**Jim Letten,  
Former U.S. Attorney and Assistant Dean,  
Tulane University Law School,  
New Orleans, LA**

**Major Corruption Prosecutions and Their Pitfalls: Recognizing, Engaging, Surviving and Overcoming the Maze of Obstacles and Challenges for Law Enforcement**

Based on experience and marked by periodic anecdotes, this presentation analyzes the often-unexpected (and sometimes subtle but critical) obstacles to effectively investigating and prosecuting public corruption cases of all types. These range from economic bribery and extortion cases resulting from the (often-reluctant) complicity of business people who comply with illegal demands under duress, to the need to earn and keep the hearts and minds of the press and public upon whom law enforcement depends, to the equally important task of steeling oneself and staff against universally, increasingly-proactive and aggressive offensives by subjects and defendants. It also addresses the necessity of investigators, prosecutors, and staff to vigorously discharge their Brady and other disclosure obligations, while utilizing methods and maintaining lifestyles which are unflinchingly fair and beyond reproach, with little or no room for error.

**12:50 p.m. Break**

**1:00 p.m. 1.00 hr | .33 hr ethics**

**Government Investigations, Part III:  
Moving Forward**

What happens when the internal investigation uncovers evidence of possible wrongdoing? How might you handle bad facts, difficult investigation witnesses, and the dreaded “smoking gun” document? This panel explores the considerations and best practices in proceeding, including the possibility of continued voluntary cooperation, what to do when the government's case is ill-founded, understanding the government's focus, isolating critical documents and key witnesses, dealing with an Achilles heel, and considerations for early settlement.

**Moderator:**

Danny S. Ashby, Partner, K&L Gates LLP, Dallas, TX

**Panelists:**

Chad N. Boudreaux, Corporate VP for Litigation & Chief Compliance Officer, Huntington Ingalls Industries, Inc., Newport News, VA

Jim Letten, Former U.S. Attorney and Assistant Dean, Tulane University Law School, New Orleans, LA

Weston C. Loegering, Partner, Jones Day, Dallas, TX

**2:00 p.m. 1.00 hr | .50 hr ethics**

**Government Investigations, Part IV:  
The Litigation Process**

FFight or flee? This panel focuses on the key issues and ethical considerations presented as the government's investigation moves into its most active phase. It explores issues in representing the company, representing individuals, and possible conflicts of interest in multiple representation, strategies in preparing for testimony, 5th Amendment considerations, dealing with parallel proceedings, and taking proactive measures.

**Moderator:**

Merril Jo Gillette, Partner, Morgan, Lewis & Bockius LLP, Chicago, IL

**Panelists:**

Paul E. Pelletier, Member, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., Washington, DC

David B. Reece, Regional Trial Counsel, U.S. Securities and Exchange Commission, Fort Worth, TX

Clay B. Scheitzach, Senior Vice President & Group Counsel, Xerox Business Services, LLC, Dallas, TX

**3:00 p.m. Break**

**M  
C  
L  
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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.25 hours, of which 2.50 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

## Concurrent Sessions

### A: RECENT TRENDS IN HEALTHCARE ENFORCEMENT

3:20 p.m. 1.00 hr

#### Recent Trends in Healthcare Enforcement

A look at recent trends in governmental strategies, recoveries, and prosecutions in healthcare enforcement cases, including the federal anti-kickback statute, the intersection of the Stark Law and False Claims Act, liability of directors and officers of health care organizations, and best practices for compliance and defense.

##### Moderator:

William B. Mateja, Principal, Fish & Richardson, Dallas, TX

##### Panelists:

Audrey T. Andrews, Senior Vice President and General Counsel, Tenet Healthcare Corporation, Dallas, TX  
Julie L. Nielsen, Director, Berkeley Research Group, LLC, Tampa, FL  
Sarah R. Teachout, Partner, Akin Gump Strauss Hauer & Feld LLP, Dallas, TX

4:20 p.m. Break

### B: FINANCIAL SERVICES COMPLIANCE AND ENFORCEMENT TRENDS

3:20 p.m. 1.00 hr

#### Financial Services Compliance and Enforcement Trends

An examination of enforcement priorities related to registered entities, anti-money laundering, and private offering fraud, as well as best practices in responding to regulatory inquiries and cutting edge-defense tactics.

##### Moderator:

Brad Bennett, Executive Vice President, Chief of Enforcement, FINRA, Rockville, MD

##### Panelists:

Ed Balsmann, Chief Compliance Officer, Tudor, Pickering, Holt & Co., Houston, TX  
Marshall M. Gandy, Associate Regional Director for Examinations, U.S. Securities and Exchange Commission, Fort Worth, TX  
Ronak V. Patel, Deputy Securities Commissioner, Texas State Securities Board, Austin, TX  
Joel Sauer, Chief Compliance Officer, Hudson Advisors LLC, Dallas, TX

## Concurrent Sessions

### C: THE SEC: IMPACT OF CHANGE

4:30 p.m. 1.00 hr

#### The SEC: Impact of Change

A look at the anticipated effects of the change in leadership at the Commission and recent enforcement efforts.

##### Moderator:

Scott W. Friestad, Associate Director, Division of Enforcement, U.S. Securities and Exchange Commission, Washington, DC

##### Panelists:

Merri Jo Gillette, Partner, Morgan, Lewis & Bockius LLP, Chicago, IL  
David L. Peavler, Associate Regional Director for Enforcement, U.S. Securities and Exchange Commission, Fort Worth, TX  
Rose L. Romero, Partner, Thompson & Knight LLP, Dallas, TX

5:30 p.m. Adjourn to Reception

### NETWORKING RECEPTION

5:30 – 6:30 p.m.

Enjoy refreshments and a networking opportunity with Institute faculty and attendees.

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THURSDAY MORNING, MAY 22, 2014

### Presiding Officer:

Barrett R. Howell, Partner,  
K&L Gates LLP, Dallas, TX

8:00 a.m. Conference Room Opens  
Includes continental breakfast.

8:30 a.m. 1.00 hr | .25 hr ethics

### White Collar Update

An update on DOJ priorities, recent enforcement trends, and case developments; plus panelists share their experiences prior to, during, and post-trial.

##### Moderator:

Robert L. Webster, Partner, Fitzpatrick Hagood Smith & Uhl LLP, Dallas, TX

##### Panelists:

Hon. Reed O'Connor, U.S. District Judge, Northern District of Texas, Dallas, TX  
Matthew D. Orwig, Partner, Jones Day, Dallas, TX  
Shamoi T. Shipchandler, Deputy Criminal Chief, U.S. Attorney's Office, Eastern District of Texas, Plano, TX

9:30 a.m. 1.00 hr

### Foreign Corrupt Practices Act

A look at recent FCPA enforcement priorities, recent actions, cooperation and self-reporting considerations, as well as issues related to parallel government and civil proceedings.

##### Moderator:

Michael King, Chief Compliance Counsel, Gerson Lehrman Group, Inc., Austin, TX

##### Panelists:

Charles E. Duross, Partner, Morrison & Foerster LLP, Washington, DC  
David N. Kelley, Partner, Cahill Gordon & Reinel LLP, New York, NY  
Jason Rose, Enforcement Attorney, U.S. Securities and Exchange Commission, Fort Worth, TX

10:30 a.m. Break

10:45 a.m. 1.00 hr

### Accounting Fraud: The SEC's New Game Plan

A discussion of the SEC's continued heightened focus on accounting fraud, including recent accounting and auditor-related cases.

##### Moderator:

Jason S. Flemmons, Senior Managing Director, FTI Consulting, Inc., Washington, DC

##### Panelists:

Michael F. Maloney (Invited), Chief Accountant, Division of Enforcement, U.S. Securities and Exchange Commission, Washington, DC  
David R. Woodcock, Regional Director, U.S. Securities and Exchange Commission, Fort Worth, TX

11:45 a.m. Pick Up Lunch

Included in registration.

**LUNCHEON PRESENTATION**

**12:05 p.m.** 1.00 hr | .25 hr ethics

**The General Counsel: Quarterbacking the Team**

This panel of veteran in-house counsel share their insights into managing all aspects of government investigations, with a particular focus on the relationship between in-house counsel and outside counsel throughout the investigative process.

**Moderator:**

Steven Rogers, Chief Counsel, The Boeing Company, Seattle, WA

**Panelists:**

Laura A. Brevetti, General Counsel and Secretary, WWE, Inc., Stamford, CT

Randall M. Ebner, Assistant General Counsel- Compliance and Corporate, Exxon Mobil Corporation, Irving, TX

Clay B. Scheitzach, Senior Vice President & Group Counsel, Xerox Business Services, LLC, Dallas, TX

**1:05 p.m.** Break

**CONFERENCE FACULTY**

**KIT ADDLEMAN**  
Haynes and Boone, LLP  
Dallas, TX

**ANTHONY ALEXIS**  
Consumer Financial Protection Bureau  
Washington, DC

**AUDREY T. ANDREWS**  
Tenet Healthcare Corporation  
Dallas, TX

**DANNY S. ASHBY**  
K&L Gates LLP  
Dallas, TX

**ED BALSAMANN**  
Tudor, Pickering, Holt & Co.  
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**BRAD BENNETT**  
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Rockville, MD

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Huntington Ingalls Industries, Inc.  
Newport News, VA

**LAURA A. BREVETTI**  
WWE, Inc.  
Stamford, CT

**ALAN M. BUIE**  
The U.S. Attorney's Office, Western  
District of Texas  
Austin, TX

**JAMES L. CARLEY**  
Consumer Financial Protection Bureau  
Washington, DC

**HOLLY L. CLARKE**  
L-3 Communications Integrated  
Systems, L.P.  
Rockwall, TX

**PAUL E. COGGINS**  
Locke Lord LLP  
Dallas, TX

**JAMES M. COLE**  
Deputy Attorney General  
U.S. Department of Justice  
Washington, DC

**PATRICK CRAINE**  
Chesapeake Energy Corporation  
Oklahoma City, OK

**CHARLES E. DUROSS**  
Morrison & Foerster LLP  
Washington, DC

**RANDALL M. EBNER**  
Exxon Mobil Corporation  
Irving, TX

**DONNA EPPS**  
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Chicago, IL

**KEVIN J. HARNISCH**  
Steptoe & Johnson LLP  
Washington, DC

**DAVID HENDRICKS**  
Consumer Financial Protection Bureau  
Chicago, IL

**KEITH C. HENNESSEE**  
National Oilwell Varco  
Houston, TX

**BARRETT R. HOWELL**  
K&L Gates LLP  
Dallas, TX

**DAVID N. KELLEY**  
Cahill Gordon & Reinel LLP  
New York, NY

**MICHAEL KING**  
Gerson Lehrman Group, Inc.  
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Tampa, FL

**HON. REED O'CONNOR**  
U.S. District Court, Northern  
District of Texas  
Dallas, TX

**MATTHEW D. ORWIG**  
Jones Day  
Dallas, TX

**RONAK V. PATEL**  
Texas State Securities Board  
Austin, TX

**DAVID L. PEAVLER**  
U.S. Securities and Exchange  
Commission  
Fort Worth, TX

**1:15 p.m.**

1.00 hr

**Corporate Compliance Challenges**

An examination of current challenges facing compliance departments, including integrating enterprise risk management, utilizing cross-functional collaboration, and targeting training to effectively address emerging risks.

**Moderator:**

Patrick Craine, Chief Compliance Officer, Chesapeake Energy Corporation, Oklahoma City, OK

**Panelists:**

Donna Epps, Partner, Deloitte Financial Advisory Services LLP, Dallas, TX

Keith C. Hennessee, Vice President, Chief Compliance Officer, National Oilwell Varco, Houston, TX

Kenneth R. Lench, Partner, Kirkland & Ellis LLP, Washington, DC

Robert R. Michalski, Chief Compliance Officer, Baylor Scott & White Health, Dallas, TX

**2:15 p.m.**

1.00 hr | .33 hr ethics

**Government Investigations, Part V: The End Game**

This panel addresses the issues surrounding the resolution of a government investigation, plus looks at future risk assessment and proactive measures that can help prevent or at least prepare for possible investigations. It looks at strategic settlement considerations, the cost of defense vs. the cost of settlement, discussing settlement with the government, strategies in crafting an agreement, collateral consequences of settlement, seeking a high-level review of a charging decision, SOX clawbacks, and PR, IR, and SEC disclosures.

**Moderator:**

Paul E. Coggins, Partner, Locke Lord LLP, Dallas, TX

**Panelists:**

Laura A. Brevetti, General Counsel and Secretary, WWE, Inc., Stamford, CT

Alan M. Buie, Assistant U.S. Attorney, U.S. Attorney's Office, Western District of Texas, Austin, TX

Toby M. Galloway, Partner, Kelly Hart & Hallman LLP, Fort Worth, TX

**3:15 p.m.**

Adjourn

## HOW TO REGISTER

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The University of Texas  
School of Law  
Attn. Registration  
PO Box 7759  
Austin, TX 78713-7759

**Fax:**  
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**Questions? 512.475.6700**

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**Before the Conference:** Access course materials—downloadable PDFs of papers and slides—and speaker and attendee roster in *Your Briefcase* 48 hours before the conference.

**After the Conference:** Unlimited access to final, complete course materials—downloadable PDFs of papers and slides—in *Your Briefcase*.

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### REGISTRATION—Includes Wednesday and Thursday Luncheon Presentations and Wednesday Networking Reception

For Group registration, call 512.475.6700.

#### 1. Select Registration Type

- Individual registration by Wednesday, May 14, 2014 . . . . . \$575  
 Individual registration after Wednesday, May 14, 2014 . . . . . \$625

#### 2. Select Course Materials Format

- Electronic Course Binder on USB Key ONLY  
 Printed Course Binder ONLY

#### 3. Wednesday 3:20 p.m. Concurrent Sessions—Select One

- A: Recent Trends in Healthcare Enforcement  
 B: Financial Services Compliance and Enforcement Trends

#### 4. Wednesday 4:30 p.m. Concurrent Sessions—Select One

- C: The SEC: Impact of Change  
 D: The Consumer Financial Protection Bureau: Enforcement and Examinations

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**May 21–22, 2014**

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 214.720.2020

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\$4 per day for Dallas Bar Members;  
 \$10 per day for non-Dallas Bar Members

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**KEY DATES**

**May 14, 2014**

*last day for early registration*  
 add \$50 for registrations  
 received after this time

**May 16, 2014**

*last day for cancellation (full refund)*

**May 19, 2014**

*last day for cancellation (partial refund)*  
 \$50 processing fee applied

**May 21, 2014, 8:50 a.m.**

*Conference begins*

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