



National Institute on Internal Corporate Investigations and In-House Counsel

**May
6-8, 2009**

The Ritz-Carlton
Washington, DC



Presented by
**The American Bar Association
Section of Business Law,
Criminal Justice Section,
and the ABA Center for
Continuing Legal Education**

10:00 a.m. Audit Committee in the Spotlight: Critical Evaluating of the Role of the Audit Committee in the Investigative Process and upon a Finding of Wrongdoing (Continued)

What to Do About Concurrent Civil Actions
Scope of the Audit Committee's Authority
Role and Responsibilities of the Audit Committee Compliance and Governance Measures

11:00 a.m. Break

11:15 a.m. Internal Investigations in the Era of Global Business

James M. Cole, **Moderator**, Partner, *Bryan Cave, LLP*, Washington, DC
Kirby D. Behre, Partner, *Paul Hastings*, Washington, DC
Warren Feldman, Partner, *Skadden Arps*, New York, NY
Adrian D. Mebane, Counsel, *Crowell & Moring*, Washington, DC
Thomas H. Suddath, Jr., Partner, *ReedSmith*, Philadelphia, PA

Challenges in Conducting the Cross-Border Internal Investigations

How to Approach Different Rules, Regulations and Government Policies

- Clash of Culture Offenses: Conduct That Is Illegal In the U.S. But Not Elsewhere
- Different Approaches to Corporate and Individual Liability
- Explaining U.S. Laws to Foreign Clients

Dealing with Differing Privilege and Ethical Standards

Push-back from Foreign Governments

Recent Developments in International Investigations

- Recent FCPA Cases
- Supply-Chain Problems
- OFAC Cases
- Tax-Based Violations

12:15 p.m. Luncheon with Keynote Speaker

Eric H. Holder, Jr., Attorney General, *U.S. Department of Justice*, Washington, DC

1:30 p.m. Representing the Individual (Breakout Session A)

Janet I. Levine, **Moderator**, Partner, *Crowell & Moring LLP*, Los Angeles, CA
Barry Coburn, *Coburn & Coffman PLLC*, Washington, DC
Richard A. Greenberg, *Newman & Greenberg*, New York, NY
David Rosenfield, Of Counsel, *Herrick Feinstein*, New York, NY
Charles A. Ross, Principal, *Charles A. Ross & Associates*, New York, NY

Conflicts of Interests: When Is Separate Counsel Necessary

Disclosures by Company Counsel to Employees in Interviews

Obligations to Employees Who Incriminate Themselves

Minefields in Cooperating with Internal Investigations

- Company Cooperation Policies
- Internal Investigations as Government Agents: Computer Associates & Tyco
- Deferred Compensation, Options & Other Employment Issues

Advancement, Indemnification and Coverage

When the Employee Is the Target

1:30 p.m. Whistleblowers and Subtle Retribution – Is the Concept of Whistleblower Protection Illusory? (Breakout Session B)

Thomas A. Hanusik, **Moderator**, Partner, *Crowell & Moring, LLP*, Washington, DC
John T. Boese, Partner, *Fried, Frank, Harris, Shriver & Jacobson LLP*, Washington, DC
Philip H. Hilder, *Hilder & Associates, P.C.*, Houston, TX
Marc S. Raspanti, Partner, *Pietragallo Gordon Alfano Bosick & Raspanti, LLP*, Philadelphia, PA
Peter J. Romatowski, Partner, *Jones Day*, Washington, DC