

2015

GOVERNMENT ENFORCEMENT INSTITUTE

Must-have insights and strategies for corporate counsel and practitioners



May 13–14, 2015
Belo Mansion ■ Dallas, Texas

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2015
GOVERNMENT ENFORCEMENT INSTITUTE

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WEDNESDAY MORNING, MAY 13, 2015

Presiding Officer:
Steve Korotash, Partner, Morgan,
Lewis & Bockius LLP, Dallas, TX

8:00 a.m. Registration Opens
Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .75 hr

OPENING KEYNOTE PRESENTATION
Andrew Ceresney
Director of Enforcement
U.S. Securities and Exchange Commission
Washington, DC

The SEC's Cooperation Program: Reflections on Five Years of Experience

A look at the Enforcement Division's cooperation program, including how the Division has made use of its cooperation tools, what individuals and entities have to gain by cooperating, and what to expect from the Division in the future.

9:45 a.m. 1.00 hr | .50 hr ethics

The Company in Crisis: Talking to Investors, Regulators and the Media

Best practices for crisis communication, including strategies for dealing with the media, investors and the public, plus a discussion of both the legal requirements and strategic considerations pertaining to required disclosures in company filings.

Moderator:
Audrey T. Andrews, Senior Vice President and General Counsel, Tenet Healthcare Corporation, Dallas, TX

Panelists:
Kit Addleman, Partner, Haynes and Boone, LLP, Dallas, TX
Paul A. Castanon, Vice President, Deputy General Counsel and Corporate Secretary, Tenet Healthcare Corporation, Dallas, TX
Paul E. Coggins, Partner, Locke Lord LLP, Dallas, TX
Erik Hotmire, Director, Brunswick Group, LLP, Washington, DC

10:45 a.m. Break

11:00 a.m. 1.00 hr

SEC and DOJ Financial Fraud Investigations

An update on the SEC's and DOJ's recent enforcement efforts involving accounting fraud investigations and related litigation.

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

Panelists:
David King, Enforcement Accountant, U.S. Securities and Exchange Commission, Fort Worth, TX
Jason S. Varnado, Deputy Criminal Chief-Major Fraud, United States Attorney's Office, Southern District of Texas, Houston, TX
David R. Woodcock, Regional Director, U.S. Securities and Exchange Commission, Fort Worth, TX

WEDNESDAY AFTERNOON

Presiding Officer:
Steve Korotash, Partner, Morgan,
Lewis & Bockius LLP, Dallas, TX

NETWORKING LUNCHEON

12:00 p.m.
Interact and network with faculty and fellow colleagues. Buffet lunch included in registration.

12:45 p.m. Break

1:00 p.m. 1.00 hr | .50 hr ethics

The Corporate Board and Its Role in Government Investigations

An examination of the legal responsibilities, regulator expectations and best practices for corporate board members in connection with government investigations and in authorizing and responding to internal investigations.

Moderator:
Alan J. Berkeley, Partner, K&L Gates, Washington, DC

Panelists:
Raymond C. Marshall, Partner, Sheppard, Mullin, Richter & Hampton LLP, San Francisco, CA
Matthew D. Orwig, Partner, Jones Day, Dallas, TX
Robb L. Voyles, Executive Vice President and General Counsel, Halliburton, Houston, TX

The Lightning Round

AGENCY RECENT DEVELOPMENTS AND CURRENT PRIORITIES

2:00 p.m. .25 hr

Consumer Financial Protection Bureau

David Hendricks, Attorney Advisor, Office of Enforcement's Field Litigation Team, Consumer Financial Protection Bureau, Chicago, IL

2:15 p.m. .25 hr

Federal Trade Commission

Dama J. Brown, Regional Director, Federal Trade Commission, Dallas, TX

2:30 p.m. .25 hr

Commodity Futures Trading Commission

Richard Foelber, Chief, Office of Cooperative Enforcement, U.S. Commodity Futures Trading Commission, Washington, DC

2:45 p.m. .25 hr

Department of Justice Fraud Section

Benjamin D. Singer, Deputy Chief, Fraud Section, U.S. Department of Justice, Washington, DC

3:00 p.m. .25 hr

Securities and Exchange Commission

David L. Peavler, Associate Regional Director, U.S. Securities and Exchange Commission, Fort Worth, TX

3:15 p.m. Break

3:30 p.m. .50 hr ethics

Professionals in the Cross-Hairs: Update on the Government's Gatekeeper Focus

Recent developments in the crusade for greater accountability of officers, directors, attorneys and accountants, plus a survey of recent cases and trends with a discussion of the SEC's focus on disciplining attorneys involved in representing clients in SEC investigations.

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

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

4:00 p.m. .75 hr

**D&O Insurance:
What You Absolutely Need to Know**

Understand policy selection criteria, coverage notices, negotiations, demands and litigation.

Moderator:

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

Panelists:

Jane Njavro, Vice President, Woodruff Sawyer & Company, San Francisco, CA
Jeffrey M. Schumm, Chief Administrative Officer, General Counsel, and Corporate Secretary, Orthofix International N.V., Lewisville, TX
Jonathan A. Shapiro, Member, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., San Francisco, CA

4:45 p.m. .75 hr

**The Forensic Auditor:
A Key Witness in the Defense Arsenal**

Explore the numerous and critical contributions that a forensic auditor can provide in conducting internal investigations and preparing to defend a government action.

Moderator:

Eric W. Sitarchuk, Partner, Morgan, Lewis & Bockius LLP, Philadelphia, PA

Panelists:

Robert P. Gray, Partner, Forensic, Litigation & Valuation Services, Baker Tilly Virchow Krause, LLP, Dallas, TX
Julie L. Nielsen, Director, Berkeley Research Group, LLC, Tampa, FL
Todd C. Ranta, Partner, PwC, Dallas, TX

5:30 p.m. Adjourn to Reception

NETWORKING RECEPTION

5:30 – 6:30 p.m.

Join Institute faculty and attendees for drinks and hors d'oeuvres.

THANK YOU TO OUR SPONSORS

THURSDAY MORNING, MAY 14, 2015

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. .75 hr

False Claims Act Update

The government reports a continued inflow of new FCA actions and billions of dollars in FCA judgments and settlements. These high stakes and the courts' acceptance of novel theories of FCA liability continue to mold the landscape for FCA enforcement. Review current FCA enforcement and investigations and what it means for government contractors.

Moderator:

B. Scott McBride, Partner, Baker & Hostetler LLP, Houston, TX

Panelists:

Jeremy D. Kernodle, Partner, Haynes and Boone, LLP, Dallas, TX
Clay B. Scheitzach, Senior Vice President & Group Counsel, Xerox Business Services, LLC, Dallas, TX
Susan Strawn, Assistant U.S. Attorney, United States Attorney's Office, Western District of Texas, San Antonio, TX

9:15 a.m. 1.00 hr

Government Investigations and the External Auditor

Review the critical considerations involved in the company-auditor and defense counsel-auditor relationship during the pendency of an internal investigation or government probe.

Moderator:

Danny S. Ashby, Partner, Morgan, Lewis & Bockius LLP, Dallas, TX

Panelists:

Dale E. Barnes, Partner, Morgan, Lewis & Bockius LLP, San Francisco, CA
Claudius B. Modesti, Director, Public Company Accounting Oversight Board, Washington, DC
Sarah Simpson, Associate General Counsel, Deloitte, LLP, Stamford, CT

10:15 a.m. Break

10:30 a.m. 1.00 hr | .50 hr ethics

**Cyber Security:
Proactive Steps to Minimize Liability**

Under the assumption that no steps will guarantee freedom from an intrusion, analyze the steps that a company should take to minimize the likely liability when an intrusion occurs.

Moderator:

Mark L. Krotoski, Partner, Morgan, Lewis & Bockius LLP, Silicon Valley, CA

Panelists:

Ronald W. Breaux, Partner, Haynes and Boone, LLP, Dallas, TX
Erin Nealy Cox, Executive Managing Director, Stroz Friedberg, Dallas, TX
Tracy M. Preston, SVP & General Counsel, The Neiman Marcus Group, Dallas, TX

11:30 a.m. 1.00 hr

Current Trends in Criminal and Civil Investigations

Review investigative strategies and tactics that the government is using and related legal issues that counsel may face.

Moderator:

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

Panelists:

Peter J. Henning, Professor of Law, Wayne State University Law School, Detroit, MI
Benjamin D. Singer, Deputy Chief, Fraud Section, U.S. Department of Justice, Washington, DC
Robert L. Webster, Partner, Fitzpatrick Hagood Smith & Uhl LLP, Dallas, TX

12:30 p.m. Adjourn

REASONS TO ATTEND GOVERNMENT ENFORCEMENT INSTITUTE

- **Andrew Ceresney**, Director of Enforcement for the SEC, opens with the Keynote Presentation
- *The Company in Crisis: Talking to Investors, Regulators and the Media* provides best practices for crisis communication, including strategies for dealing with the media, investors and the public, featuring **Audrey T. Andrews**, General Counsel, Tenet Healthcare
- Examination of the role of the corporate board in a government investigation with **Robb Voyles**, General Counsel, Halliburton
- The SEC's new emphasis on accounting fraud, featuring **David Woodcock**, Regional Director SEC
- An overview of key recent cases and legislative developments
- A look at the SEC's recent focus on attorney disciplinary actions with former U.S. Attorney, **Jim Letten** and SEC Associate Director for Enforcement, **Scott Friestad**
- "The Lightning Round" updates on current priorities and actions from the SEC, FTC, CFTC, DOJ and CFPB
- Discussion of the role of the external auditor and key considerations during an investigation featuring **Claudius B. Modesti**, Director of Enforcement at the Public Company Accounting Oversight Board
- *Cybersecurity: Proactive Steps to Minimize Liability*
- Invaluable networking opportunities to interact with speakers and attendees, including the Wednesday Networking Luncheon and Evening Reception

INSTITUTE FACULTY AND PLANNING COMMITTEE

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DALLAS

May 13–14, 2015

CONFERENCE LOCATION



Belo Mansion
 2101 Ross Avenue
 Dallas, Texas
 214.220.0239

Self-Parking:

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

NEARBY ACCOMODATIONS

Fairmont Hotel
 1717 N. Akard Street
 Dallas, Texas
 214.720.2020

KEY DATES

May 6, 2015

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

May 8, 2015

last day for cancellation (full refund)

May 11, 2015

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

May 13, 2015, 8:50 a.m.

Institute begins

GOVERNMENT ENFORCEMENT INSTITUTE ACCREDITATION

CALIFORNIA—10.75 hrs | 2.00 hrs ethics

The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944).

DELAWARE—10.80 credits | 2.00 credits ethics

This course has been approved for 10.80 credits, including 2.00 Enhanced Ethics credits by the Delaware Commission on Continuing Legal Education.

ILLINOIS—10.75 general hrs | 2.00 hrs professional responsibility (Expected)

This course has been submitted to the Minimum Continuing Legal Education Board of the Supreme Court of Illinois for 10.75 total general CLE and 2.00 Professional Responsibility.

NEBRASKA—10.75 hrs | 1.00 hr professional responsibility

This course has been approved by the Nebraska Supreme Court Continuing Legal Education Commission for 10.75 total CLE hours and 1.00 hour Professional Responsibility. Additional 1.00 hour of Professional Responsibility expected.

NEW JERSEY—12.00 hrs | 2.00 hrs ethics

As The University of Texas School of Law is a State Bar of Texas approved MCLE provider (Sponsor #13), our courses are presumptively approved for MCLE credit based on a 50-minute credit hour, and in accordance with the Regulations of the Supreme Court of New Jersey Board on Continuing Legal Education.

NEW YORK—12.00 hrs | 2.00 hrs ethics

As The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), our courses are presumptively approved for MCLE credit based on a 50-minute credit hour, and in accordance with the Program Rules and the Regulations and Guidelines of the New York State Bar Association.

OHIO—10.75 total hrs | 2.00 hrs ethics

This course has been approved by the Supreme Court of Ohio Commission on Continuing Legal Education for 10.75 total CLE hours, with 2.00 hours of ethics instruction.

OKLAHOMA—12.50 hrs | 2.50 hrs ethics

This course has been approved for Minimum Continuing Legal Education credit by the Oklahoma Bar Association in the amount of 12.50 hours, of which 2.50 hours will apply to legal ethics credit.

PENNSYLVANIA—8.75 S hrs | 2.00 E credits (Expected)

This program has been submitted to the Pennsylvania Continuing Legal Education Board for 8.75 credits of substantive law, practice and procedure CLE and 2.00 credits of ethics, professionalism or substance abuse CLE credit.

TEXAS—10.75 hrs | 2.00 hrs ethics

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 10.75 hours, of which 2.00 credit hours will apply to legal ethics/professional responsibility credit.
 TX Legal Specialization credit approved for Administrative Law, Civil Appellate Law, Civil Trial Law, Criminal Appellate Law and Criminal Law.

OTHER STATES

Many jurisdictions accept conferences offered by The University of Texas School of Law, and approved by the State Bar of Texas, for CLE credit. Please check with your jurisdiction's regulatory authority. A Certificate of Attendance and credit reporting documentation will be provided at the conference.