

In-House Perspective: Changes in the Enforcement Space

5th Annual
Government Enforcement Institute

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PANELISTS

Panelists:

Audrey T. Andrews

Senior Vice President and General Counsel, Tenet Healthcare Corporation,

Leonard C. Sherer

Vice President, Associate General Counsel – Employment & Compliance, Sabre Corporation

Richard C. Vint

Assistant General Counsel, Corporate and Compliance, Exxon Mobil Corporation

Moderator:

Kit Addleman

Partner, Haynes and Boone, LLP

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The Dual Role of In-House Counsel

“The General Counsel has one foot planted firmly in the shifting treacherous terrain of the law, and the other planted just as firmly in the oozing swamp of business.”

– Timothy Terrell, Professor of Law, Emory University



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THE BRAND MEMO

- Issued January 25, 2018 by Rachel Brand, Associate Attorney General
The Office of the Associate Attorney General issued a new policy that prohibits the Department of Justice from using its civil enforcement authority to convert agency guidance documents into binding rules. Under the Department’s new policy, Department civil litigators are prohibited from using guidance documents—or noncompliance with guidance documents—to establish violations of law in affirmative civil enforcement actions.
- However, DOJ can use sub-regulatory policy documents to “explain or paraphrase legal mandates from existing statutes or regulations,” and as evidence that a defendant “had knowledge of the mandate.”



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