

The 2010 UK Bribery Act (FCPA On Steroids) V. The Reinvigorated FCPA -- Who Has the Bigger Stick!

Franklin Club, 1300 I Street, NW, Washington, DC
09.16.2010

Sheppard Mullin, Trust Strategy Group and Charles River Associates Present:

The 2010 UK Bribery Act (FCPA On Steroids) V. The Reinvigorated FCPA -- Who Has the Bigger Stick!

After thirty years of arguably lackluster application of the Foreign Corrupt Practices Act (FCPA), the U.S. Department of Justice has now escalated its position on corruption and bribery in international business and re-defined it as a "national security issue."

Analogously, in keeping with the obligations of the Organization for Economic Co-Operation and Development (OECD) Anti-Bribery Convention, its various signatories have passed FCPA-type laws to try to fight these problems world-wide. Remarkably, the United Kingdom, has taken an even harder line on these forms of corruption -- the 2010 UK Bribery Act.

As a result of this new focus and realignment of investigative and prosecutorial resources around the globe, criminal prosecutions and civil actions, against both companies and individuals, are on the rise.

THE KEY QUESTION: How do you as a company or you as a corporate officer stay compliant with applicable laws in your international operations?

8:00 – 9:00 AM

Registration and Breakfast

9:00 – 9:15 AM

Opening Remarks

David Geneson, Partner, Sheppard Mullin
Bio

David's practice focuses on white-collar criminal defense and civil enforcement litigation. His areas of experience include: numerous significant federal and state criminal and civil trials; domestic and international internal investigations; SEC investigations and enforcement proceedings; representations of corporate and financial officers and accountants; litigation of monetary transactions, including tax and securities

transactions; customs inquiries and OFAC matters; civil and criminal forfeiture proceedings; Independent Counsel and Congressional inquiries; and proceedings before international tribunals.

John Brennan, Managing Partner, TSG

Bio

John is Founder and Managing Partner of the Trust Strategy Group (TSG). He is a highly motivated professional and dedicated investigator with over 29 years experience working at the highest level within both the law enforcement and commercial arenas.

9:15 – 10:15 AM

UK Bribery Act - History and It's Impact in Civil and Criminal Proceedings

Brendan Kelly, Q.C.

Barrister & Queen's Counsel

Bio

Appointed as Queen's Counsel in March 2008, Brendan was cited in *The Legal 500* as having "a phenomenal court presence" and also in *Chambers and Partners Guide* he is recognised as one of the youngest Queen's Counsel practising in Criminal Law in the UK.

As is revealed by his case 'list' he enjoys high profile in both a defence and prosecution capacity. His practice is spread both between serious crime and 'white collar' fraud.

10:15 – 10:30 AM

Coffee Break

10:30 – 11:15 AM

Practical Application - Interactive Demonstration of UK Two-Tier System

Brendan Kelly, Q.C.

Barrister & Queen's Counsel

Andrew Picken

Partner, McGrigors

Bio

Andrew specialises in defending corporations against prosecutions brought by regulatory agencies and representing company directors facing disqualification. He has acted in a large number of extradition cases relating to white collar crime. Andrew is one of the few UK lawyers to have extensive experience of defending

persons subject to United States Treasury Office of Foreign Assets Control and EU sanctions, and regularly works with US attorneys in Washington DC.

He continues to advise companies undertaking pre-acquisition due diligence, particularly in respect of US Foreign Corrupt Practices Act ("FCPA") and, in anticipation of the UK Bribery Act 2010.

11:15 AM – 12:15 PM

Civil implications for US Companies of the UK Bribery Act & Unique Evidence Gathering Techniques

Andrew Picken

Partner, McGrigors

Brendan Kelly, Q.C.

Barrister & Queen's Counsel

12:15 – 1:00 PM

FCPA and the 2010 UK Act - (Between a Rock and a Hard Place) -- How Does It Relate?

Bethany Hengsbach

Partner, Sheppard Mullin

Bio

Bethany specializes in commercial litigation and government contracts, with an emphasis on the Foreign Corrupt Practices Act. She has developed anti-corruption compliance programs for numerous multinational corporations, including policy drafting, the design and implementation of training programs, and third-party due diligence. She has also represented domestic and international businesses as well as individuals in FCPA investigations.

1:00 – 2:00 PM

Keynote Presentation Luncheon

Mike Kramer

W. Michael Kramer, JD, CFE, is a former US prosecutor who specializes in providing investigative, training and consulting services to US and international clients in the area of fraud and corruption.

Mike's clients have included eight of the ten largest corporations in the world, a number of US federal and state agencies and federal and state Inspector's General offices, the World Bank, several agencies of the United Nations, the European Investment Bank, USAID, the Asian Development Bank and numerous other international agencies.

Mike served as a senior adviser to the Independent Investigating Committee into the UN Oil for Food Program in Iraq (The Volcker Committee). He has worked on fraud and corruption cases throughout the US and in more than fifty countries throughout Europe, Asia and Africa.

He is the author of numerous professional publications and articles on fraud, corruption and money laundering and computer aided-fraud investigations. He was a contributor to and editor of the Fraud Examination Manual for the Association of Certified Fraud Examiners, and authored the legal section of the Certified Fraud Examiner's examination. He is widely recognized by his peers and professional organizations as one of the leading experts in the field.

Before entering the private sector, Mike was a Special Attorney with the United States Department of Justice, Organized Crime and Racketeering Section, assigned to the investigation and trial of fraud and corruption cases throughout the United States.

2:00 – 4:00 PM

The Solutions – What To Do To Minimize Risk - Internal Reviews and Investigations, and Instituting Compliance Programs

Luke Steadman
Vice President, Charles River Associates
Bio

Luke is a vice president in CRA's Forensic Accounting Practice in London and New York, and he heads the fraud and forensic accounting investigations team. He has over 15 years' experience in this area across Europe, Asia, and the United States. He acts as an accounting expert in a wide range of disputes and industries, specializing in the quantification of losses, asset tracing, and fraud to or for courts and juries. He has considerable court room experience and has appeared as an expert in a number of jurisdictions to explain often complex accounting transactions and financial irregularities to courts, tribunals, and juries.

John Brennan
Managing Partner, Trust Strategy Group

David Geneson
Partner, Sheppard Mullin

4:00 – 5:00 PM

Question and Answer Panel - All Presenters

Moderator:

Bob Magielnicki

Partner, Sheppard Mullin
Bio

Mr. Magielnicki has more than 35 years of experience in the fields of antitrust and trade regulation, and business law, both domestically and internationally, including having served as General Electric Company's Associate Litigation and Antitrust Counsel. In addition, Mr. Magielnicki also served as the Division General Counsel of GE's Factory Automation Products Division in Charlottesville, Virginia and was counsel to GE at its corporate headquarters in Fairfield, Connecticut.

Mr. Magielnicki provides antitrust counseling on a broad spectrum of business matters including mergers and acquisitions, joint ventures, licensing, distribution systems, trade association and standard development issues, Robinson-Patman Act issues, physician-hospital arrangements, teaming agreements, and joint buying arrangements. His experience includes counseling clients on the requirements of and numerous filings under the Hart-Scott-Rodino Act, as well as Exon-Florio and Office of Foreign Assets Control matters.

5:00 – 7:00 PM

Networking Cocktail Reception

Because of the exclusive and unique nature of the Key speakers, the limited 65 spaces are expected to fill quickly.

Please RSVP by August 30th.

This activity has been approved for Minimum Continuing Legal Education credit by the State Bar of California. Sheppard Mullin Richter & Hampton LLP certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing minimum continuing legal education.

This program has been approved in accordance with the requirements of the New York State Continuing Legal Education Board for a maximum of 4 credit hours which may be applied toward Areas of Professional Practice requirement, and is suitable for both transitional and non-transitional attorneys.

Attorneys

Robert L. Magielnicki