

# Detering Corporate Crime: Effective Principles for Corporate Enforcement

April 4-5, 2014  
New York University  
School of Law

Lester Pollack Colloquium Room  
245 Sullivan Street, 9th Floor

Sponsored by the  
NYU Program on Corporate  
Compliance and Enforcement  
and the American Law Institute





# Program on Corporate Compliance and Enforcement

The NYU Program on Corporate Compliance and Enforcement promotes research on the effective enforcement of legal rules governing corporate crime and on methods and strategies for enhancing compliance with applicable standards. The program hosts annual conferences and other programs designed to improve our understanding of existing practices and facilitate effective enforcement policy and compliance. The program's directors are Professors Jennifer Arlen and Geoffrey Miller.



# Deterring Corporate Crime: Effective Principles for Corporate Enforcement

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and the American Law Institute

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## Conference Goal

To be effective, corporate criminal and civil enforcement must deter wrongdoing by corporations and the employees operating within them. To do this, criminal and civil liability ideally should ensure that crime does not pay: individual and corporate sanctions should ensure that neither firms nor individual wrongdoers expect to benefit from corporate crime and securities fraud. In the case of publicly-held firms, corporate liability also should encourage firms to help deter wrongs and sanction wrongdoers. Accordingly, corporate liability should be structured to encourage effective corporate compliance, reporting, cooperation, and whistleblowing. This requires a sophisticated blend of criminal and civil liability aimed at corporations and individuals that punishes wrongdoing while rewarding good behavior. It also may require a complex blend of sanctions, including structural reforms that operate as a form of firm-specific regulation.

The Department of Justice, individual US Attorney Offices, and the Securities and Exchange Commission each have developed policies designed in part to achieve these aims, as well as others. These policies have evolved across time and also differ across offices.

The goal of the conference is to bring together academics, enforcement officials, and defense lawyers to discuss criminal and SEC enforcement policy for individuals and firms. The goal is to consider how enforcement policy can best be structured to achieve its goal, focusing on general

deterrence. Issues to be considered include the appropriate scope and content of corporate criminal liability (including oversight liability imposed on parent firms), appropriate mandates to impose through pretrial diversion agreements, the appropriate scope of individual liability (including the use of oversight liability and debarment to reach senior officers), liability for securities fraud, FCPA liability (focusing on the application to overseas defendants and parent firms), and principles to govern government interaction with private investigations (either internal investigations of firms or external by qui tam relators).

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## Conference Structure: Invitation only; Chatham House Rules

This is a one-and-a-half-day, invitation-only conference involving academics, enforcement officials, defense lawyers, and in-house lawyers. Each session will involve a panel of experts that will discuss specific proposals and issues guided by a moderator who will encourage the panelists to determine central points of convergence and disagreement, with a view towards identifying the factors that should be most important in making particular enforcement decisions. The panelists will present their views, which will be followed by a discussion with audience members, who are encouraged to be active participants, both in asking questions and suggesting solutions.

## Conference Program

# Detering Corporate Crime: Effective Principles for Corporate Enforcement

**Sponsored by the NYU Program on Corporate Compliance and Enforcement  
and the American Law Institute**

**Lester Pollack Colloquium Room, 245 Sullivan Street, 9th Floor**

**Chatham House Rules** *Participants are free to use the information received,  
but neither the identity nor the affiliation of the speaker(s) may be revealed.*

## Friday, April 4, 2014

8:20-8:45

**Breakfast and Registration**

**Lester Pollack Colloquium Room**

8:45-9:00

**Opening Remarks**

9:00-9:30

**Corporate and Individual Criminal Liability:  
Theory and Evidence**

*Empirical Analysis of Corporate Criminal Enforcement*

**Brandon Garrett**, Roy L. and Rosamond Woodruff Morgan  
Professor of Law, University of Virginia School of Law

*Structuring Corporate and Individual Liability to  
Deter Corporate Crime*

**Jennifer Arlen**, Norma Z. Paige Professor of Law,  
NYU School of Law



9:30-10:50

**Corporate Enforcement: Deciding Whether to Prosecute or Use Pretrial Diversion**

What factors should determine whether a firm is indicted/convicted or gets a pretrial diversion agreement (DPA or NPA)? The US Attorneys’ Manual lists many relevant criteria. Do these criteria promote general deterrence by encouraging self-reporting and cooperation? Should DPAs ever be granted to firms that detected wrongdoing and failed to report it? Should full cooperation be a necessary condition for a DPA or NPA? What should that entail? Should the SEC and DOJ provide more oversight of or guidance on the decision to pursue a formal enforcement action? What role should collateral consequences or the fear of the Arthur Andersen effect play?

9:30-10:20

**Panel Discussion**

**Moderator: Reinier Kraakman**, Ezra Ripley Thayer Professor of Law, Harvard Law School

**Denis McInerney**, former Deputy Assistant Attorney General, Criminal Division, Department of Justice

**Bonnie Jonas**, Deputy Chief of the Criminal Division and Assistant US Attorney, US Attorney’s Office for the Southern District of New York

**Judge Jed S. Rakoff**, US District Judge, Southern District of New York

**Lanny Breuer**, Vice Chairman and Partner, Covington & Burling; former Assistant Attorney General, Criminal Division, Department of Justice

**Eric Grossman**, Chief Legal Officer, Morgan Stanley

10:20-10:50

**Questions and Discussion**



10:50-11:05

**Coffee Break**

**Lester Pollack Colloquium Room**

11:05-12:30

## Non-Monetary Corporate Sanctions: Appropriate Use and Content of Structural Reforms and Monitorships

This panel will discuss (1) what goals and specific factors should determine the decision of whether to impose a structural reform, such as a compliance program or monitor, (2) what considerations should govern the nature of the compliance program imposed (including whether it should conform to the Sentencing Guidelines), (3) what types of structural reforms should not be used, (4) when external oversight (such as a monitorship) is warranted, and (5) what enforcement officials can do to ensure that the compliance programs imposed are effective.

11:05-12:00

### Panel Discussion

**Moderator: Jennifer Arlen**, Norma Z. Paige Professor of Law, NYU School of Law

**Jeffrey Knox**, Chief, Fraud Section, Criminal Division, Department of Justice

**Judge John Gleeson**, US District Judge, Eastern District of New York

**John D. Buretta**, Partner, Cravath, Swaine & Moore; former Deputy Assistant Attorney General, Criminal Division, Department of Justice

**Mark Califano**, Senior Vice President and Managing Counsel, Litigation, American Express

**Cindy Alexander**, former Economist, Department of Justice

12:00-12:30

### Questions and Discussion

12:30-2:15

## Lunch

Lipton Hall

## Keynote Speaker: Preet Bharara

US Attorney, Southern District of New York

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2:20-3:45

**Individual Liability: Appropriate Form, Scope, and Reach**

How do prosecutors and enforcement officials approach individual liability, and how should they approach it? When should prosecutors proceed against individuals? Which ones? What sanctions are appropriate? To what extent and when should prosecutors and civil enforcement authorities sanction senior executives for oversight failures? To what extent should enforcement authorities make greater (or lesser) use of debarment and clawbacks on the one hand, and consent decrees on the other?

2:20-3:15

**Panel Discussion**

**Moderator: Daniel Richman**, Paul J. Kellner Professor of Law, Columbia Law School  
**Mythili Raman**, former Acting Assistant Attorney General, Criminal Division, Department of Justice  
**Andrew Ceresney**, Director, Division of Enforcement, Securities and Exchange Commission  
**Judge Gerard E. Lynch**, US Court of Appeals for the Second Circuit  
**Scott Muller**, Partner, Davis Polk & Wardwell  
**Samuel Buell**, Professor of Law, Duke University School of Law

3:15-3:45

**Questions and Discussion**

3:45-4:00

**Coffee Break**

**Lester Pollack Colloquium Room**

4:00-5:45

**Securities Fraud and Financial Institution Liability**

This panel will consider two topics: (1) Securities fraud: When should firms be subject to formal enforcement action for securities fraud or accounting fraud? Should they ever get complete leniency if they fail to self-report? How should

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collateral consequences and civil liability affect the enforcement decision? What approach should be used when senior officers are responsible for the wrong but cannot be charged?  
(2) Financial Institutions: What is the appropriate reach of liability for oversight failures?

4:00-4:15

Security Fraud Enforcement

**Michael Klausner**, Caryl Louise Boies Visiting Professor of Law, NYU School of Law; Nancy and Charles Munger Professor of Business and Professor of Law, Stanford Law School

4:15-5:10

Panel Discussion

**Moderator: Michael Klausner**

**George Canellos**, Global Head, Litigation Department, Milbank, Tweed, Hadley & McCloy; former Director, Division of Enforcement, Securities and Exchange Commission

**Daniel Alter**, General Counsel, New York State Department of Financial Services

**Judge Raymond Lohier**, US Court of Appeals for the Second Circuit

**Robert Khuzami**, Partner, Kirkland & Ellis; former Director, Division of Enforcement, Securities and Exchange Commission

**Stephen M.Cutler**, Executive Vice President and General Counsel, JP Morgan Chase & Co.; former Director, Division of Enforcement, Securities and Exchange Commission

5:10-5:40

Questions and Discussion

5:40-6:00

Reception

Lipton Hall

6:00-8:00

Dinner

Lipton Hall

Keynote Speaker: Benjamin Lawsky

Superintendent of Financial Services, New York State Department of Financial Services

# Saturday April 5, 2014

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**8:30-9:00**

## **Breakfast**

**Lester Pollack Colloquium Room**

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**9:00-10:40**

## **Foreign Corrupt Practices Act: Extending Liability Beyond Borders and Beyond Corporate Veils**

This panel will examine existing and optimal FCPA-related enforcement policy: (1) when to sanction parent firms for bribes paid by subsidiaries and what should govern the choice between leniency and D/NPAs, (2) when it is appropriate to sanction a firm without imposing criminal liability on the individuals responsible, and (3) when to impose liability on individuals.

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**9:00-9:15**

## **Empirical Evidence on FCPA Enforcement**

**Stephen Choi**, Murray and Kathleen Bring Professor of Law, NYU School of Law

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**9:15-10:10**

## **Panel Discussion**

**Moderator: Kevin E. Davis**, Vice Dean, Beller Family Professor of Business Law, NYU School of Law

**Matthew Queler**, Assistant Chief, FCPA Unit, Fraud Section, Criminal Division, Department of Justice

**Charles Cain**, Deputy Chief, FCPA Unit, Securities and Exchange Commission

**Bruce Yannett**, Partner, Debevoise & Plimpton

**Andrew Weissmann**, Senior Fellow, NYU School of Law; former General Counsel, Federal Bureau of Investigation

**Bradford Berenson**, Vice President and Senior Counsel, Litigation & Legal Policy, General Electric Company

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**10:10-10:40**

## **Questions and Discussion**

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10:40-10:55

### Coffee Break

Lester Pollack Colloquium Room

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10:55-12:30

### Private Investigation of Public Wrongs: Self-Reporting and Whistleblowing

Investigations of public wrongs are increasingly conducted by private parties acting on behalf of firms seeking to investigate their own employees and discover potential whistleblowers. The panelists will first consider how the new whistleblowing bounty provisions and qui tam actions affect the design of firms' compliance systems, as well as the decision to self-investigate and self-report. The panel also will discuss ways to improve whistleblowing bounties. The panel then will consider the implications of private investigations for employees' rights and the principles that prosecutors should consider when integrating with an on-going private investigation.

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10:55-11:10

### Empirical Analysis of Qui Tam

**David Freeman Engstrom**, Associate Professor of Law,  
Stanford Law School

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11:10-12:00

### Panel Discussion

**Moderator: Julie O'Sullivan**, Professor of Law,  
Georgetown Law School

**Michael Granston**, Director Commercial Litigation Branch,  
Fraud Section, Civil Division, Department of Justice

**Sheila Cheston**, Corporate Vice President and  
General Counsel, Northrop Grumman Corporation

**Judge Valerie E. Caproni**, US District Court,  
Southern District of New York

**Jules Kroll**, Co-Founder, K2 Intelligence

**Miriam Baer**, Associate Professor of Law,  
Brooklyn Law School

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12:00-12:30

### Questions and Discussion

# Conference Speakers



## **Preet Bharara**

**Keynote Speaker, US Attorney,  
Southern District of New York**

On May 15, 2009, President Barack Obama nominated Preet Bharara to become the US Attorney for the Southern District of New York. The US Senate unanimously confirmed his nomination on August 7, 2009, and Bharara was sworn in six days later. As US attorney, Bharara oversees the investigation and litigation of all criminal and civil cases brought on behalf of the United States in the Southern District of New York, which encompasses New York, Bronx, Westchester, Dutchess, Orange, Putnam, Rockland, and Sullivan counties. He supervises an office of more than 200 assistant US attorneys, who handle a high volume of cases that involve domestic and international terrorism, narcotics and arms trafficking, financial and healthcare fraud, public corruption, gang violence, organized crime, and civil rights violations. Bharara graduated magna cum laude in 1990 from Harvard College with an AB in government, then in 1993 with a JD from Columbia Law School, where he was a member of the *Columbia Law Review*.



## **Benjamin Lawskey**

**Superintendent of Financial Services,  
New York State Department of  
Financial Services**

As New York State's first superintendent of Financial Services, Benjamin Lawskey is the supervisor of all insurance companies in New York, all New York State-chartered depository institutions, and the majority of US-based branches and agencies of foreign banking institutions. He also regulates all of New York State's mortgage brokers, mortgage bankers, check cashers, money transmitters, budget planners, and similar providers of financial services. Entities supervised by the department number approximately 4,400, with assets of about \$6.2 trillion.

Lawskey led Governor Andrew Cuomo's initiative to make the Department of Financial Services, which includes the former New York State Banking and Insurance departments, into a modern unified financial regulator. The superintendent's objectives for the new department include three main goals: keeping New York on the cutting edge as the financial capital of the world, protecting consumers better than ever, and serving as a model of efficient government.

Before his current position, Lawskey was Cuomo's chief of staff. Previously, he served as deputy counselor and special assistant to then-Attorney General Cuomo. Lawskey also spent more than five years as an assistant US attorney in the Southern District of New York, where he prosecuted white-collar crime, organized crime, and terrorism cases. He began his career as chief counsel to Senator Charles Schumer on the Senate Judiciary Committee and as a trial attorney in the Civil Division of the Department of Justice. Lawskey graduated from Columbia Law School and Columbia College.



### **Cindy Alexander**

**Senior Economic Adviser, Division  
of Economic and Risk Analysis,  
Securities and Exchange Commission**

Cindy Alexander is senior economic adviser at the Division of Economic and Risk Analysis in the Securities and Exchange Commission. Her work at the SEC is in the areas of corporate governance and financial market regulation. Before joining the commission as a senior financial economist in November 2003, she served as senior economist at the Council of Economic Advisers and as an expert economist in the Economic Analysis Group of the Antitrust Division in the Department of Justice.

Alexander's published research and work at the Department of Justice has focused on corporate governance, the effects on competition of mergers and vertical contracts, the design of sanctions, and the causes and consequences of corporate crime. Her work has appeared in the *Review of Financial Studies*, *Journal of Accounting and Economics*, *Journal of Corporate Finance*, and *Journal of Economics and Management Strategy*, in addition to the *Yale Journal on Regulation*, *Journal of Law & Economics*, and *Federal Sentencing Reporter*.

Alexander received her PhD in economics from the University of California, Los Angeles, where she studied financial economics, industrial organization and the theory of the firm, and the economics of law. She has served on the faculty of the Vanderbilt University Owen Graduate School of Management and as a research fellow at the University of Chicago Law School (Victor H. Kramer Fellowship), the Yale Law School Center for the Study of Corporate Law, and the Law & Economics Center at George Mason University School of Law.



### **Daniel Alter**

**General Counsel, New York State  
Department of Financial Services**

In addition to serving as chief legal officer of the New York State Department of Financial Services, Daniel Alter oversees the department's international sanctions enforcement program and the DFS initiative to strengthen the autonomy and objectivity of independent consultants employed in support of financial services regulation. Before joining DFS, Alter was special counsel and senior adviser to the New York State Attorney General, where he focused on matters of economic justice and co-led the attorney general's investigation of systemic fraud in the residential mortgage-backed securities market and nationwide mortgage foreclosure abuse.

Alter also served as acting and deputy chief of the Civil Division of the US Attorney's Office for the Southern District of New York. In that role, he coordinated all terrorism-related civil litigation conducted in the Southern District and directed the federal government's participation in litigation arising from the September 11 terrorist attacks.

His experience extends to the private and not-for-profit sectors as well. Alter was a director in the Fixed Income Division of Credit Suisse Securities, the national civil rights director for the Anti-Defamation League, and a litigation partner at Hogan & Hartson. Early in his career, Alter clerked for Judges John M. Walker Jr. and Guido Calabresi, both of the US Court of Appeals for the Second Circuit. He earned his JD from Yale Law School, where he was a Coker Fellow in constitutional law, and received his BA from Columbia College.



### **Jennifer Arlen**

**Norma Z. Paige Professor of Law,  
NYU School of Law; Director,  
NYU Program on Corporate Compliance  
and Enforcement**

Jennifer Arlen—who received her BA from Harvard University (magna cum laude in economics), and her JD and PhD (economics) from New York University—is the Norma Z. Paige Professor of Law at NYU School of Law, and the founder and co-director of the NYU Program on Corporate Compliance and Enforcement. She teaches Business Crime, Corporations, and a seminar on corporate crime and financial misdealing.

Arlen's scholarship focuses on corporate criminal liability, securities fraud, experimental economics, and medical malpractice. Arlen has published over 35 articles and book chapters in leading scholarly publications, including the *RAND Journal of Economics*, *Journal of Law, Economics and Organization*, *Journal of Legal Studies*, *Journal of Law and Economics*, the *Yale Law Journal*, and the *New York University Law Review*. Three of her articles were selected by the *Corporate Practice Commentator* as one of the 10 best corporate and securities law articles published that year. She has edited two books, including the *Research Handbook on the Economic Analysis of Torts* (2013), and is currently editing the *Research Handbook on Corporate Crime and Financial Misdealing*.

Arlen is a co-founder, past president, and director of the Society of Empirical Legal Studies. She is on the editorial board of the *American Law and Economics Review*, and has twice been elected to the board of the American Law and Economics Association. She has been a visiting professor at Harvard Law School, Yale Law School, the California Institute of Technology, and USC Law School. She regularly teaches one-week graduate law and economics classes overseas.



### **Miriam Baer**

**Associate Professor of Law,  
Brooklyn Law School**

Miriam Baer is an associate professor of law at Brooklyn Law School, where she teaches

classes in criminal law and procedure, as well as corporate law and white-collar crime. Before joining Brooklyn's faculty in 2008, Baer spent two years as an acting assistant professor in New York University School of Law's Lawyering Program. Before entering academia, she was an assistant general counsel for compliance with Verizon and an assistant US attorney in the Criminal Division of the US Attorney's Office for the Southern District of New York, where she eventually focused on white-collar criminal prosecutions. She also practiced as a litigation associate with Cravath, Swaine & Moore and was a law clerk to Judge Jane Roth of the US Court of Appeals for the Third Circuit.

Baer's scholarship broadly focuses on the use of various public law tools to deter criminal conduct arising in organizational settings. Her articles have appeared in a number of journals, including the *Virginia Law Review*, *Washington University Law Review*, *Boston University Law Review*, *Indiana Law Journal*, *Boston College Law Review*, *Florida Law Review*, and *Columbia Law Review Sidebar*. In 2010, Baer's article "Cooperation's Cost," analyzing the costs and benefits of cooperation between federal prosecutors and criminal defendants, was one of two criminal law papers selected for the 2010 Stanford/Yale Junior Faculty Forum.



### **Bradford Berenson**

#### **Vice President and Senior Counsel for Litigation and Legal Policy, General Electric**

Bradford Berenson joined GE in October 2012 as vice president and senior counsel for litigation and legal policy. In this role, he has responsibility at the corporate level for litigation, government and internal investigations, compliance, and legal policy worldwide. Before joining GE, Berenson was a partner at Sidley Austin in Washington, DC, where he specialized in white-collar criminal defense, international civil litigation, and regulatory litigation. From 2001 to 2003, he served as associate counsel to President George W. Bush in the White House. He is a graduate of Yale College and Harvard Law School, where he was Supreme Court editor of the *Harvard Law Review*. After law school, Berenson served as a law clerk to the Honorable Laurence H. Silberman of the US Court of Appeals for the District of Columbia Circuit and the Honorable Anthony M. Kennedy of the US Supreme Court.



### **Lanny Breuer**

#### **Vice Chairman and Partner, Covington & Burling**

Lanny Breuer is one of the leading trial and white-collar defense attorneys in the United States. He specializes in helping clients navigate corporate crises, anti-corruption matters, money laundering investigations, cybercrime incidents, Congressional investigations, securities enforcement actions, and other criminal and civil matters presenting complex regulatory, political, and public relations risks.

Breuer served from 2009 to 2013 as assistant attorney general for the Criminal Division at the Department of Justice. As one of the longest-serving Criminal Division chiefs in history, he oversaw nearly 600 lawyers at the center of federal criminal prosecution, policy, and legislation in the United States. As assistant attorney general, Breuer was widely recognized as a national leader on a range of federal law enforcement priorities, including the US Foreign Corrupt Practices Act, healthcare fraud, money laundering, financial fraud, cybercrime, intellectual property theft, and public corruption. While at the Justice Department, he spearheaded the publication of *A Resource Guide to the US Foreign Corrupt Practices Act*, which stands as the definitive guidance document from the federal government regarding its enforcement of the FCPA.

Breuer received the Edmund J. Randolph Award for outstanding service, the highest award the attorney general can bestow on a department employee. He ranked 6th on *Ethisphere's* list of the 100 Most Influential People in Business Ethics internationally in 2012 and was named by the *National Law Journal* as one of the 100 Most Influential Lawyers in the United States. Breuer also served for two years as special counsel to President Bill Clinton, and for four years as an assistant district attorney in Manhattan. He is a fellow of the American College of Trial Lawyers and a member of the American Law Institute.



## **Samuel Buell**

**Professor of Law, Duke University  
School of Law**

As a professor of law at Duke University, Samuel Buell focuses his research and teaching on criminal law and on the regulatory state, particularly regulation of corporations and financial markets. His current work explores the conceptual structure of white-collar offenses, the problem of behaviors that evolve to avoid legal control, and the treatment of the corporation and the white-collar offender in the criminal justice system. Buell's recent articles have appeared in *Law and Contemporary Problems*, *Duke Law Journal*, *UCLA Law Review*, *NYU Law Review*, *Stanford Law Review*, *Cardozo Law Review*, and *Indiana Law Journal*. He is a member of the American Law Institute and has testified before the US Senate and the US Sentencing Commission on matters involving the definition and punishment of corporate crime. Buell previously served as an associate professor at Washington University School of Law in St. Louis and a visiting assistant professor at the University of Texas School of Law. Before his academic career, he worked as a federal prosecutor in New York, Boston, Washington, and Houston. He twice received the Attorney General's Award for Exceptional Service (the Department of Justice's highest honor) and was a lead prosecutor for the department's Enron Task Force. Buell clerked for the Honorable Jack B. Weinstein of the US District Court for the Eastern District of New York and practiced as an associate with Covington & Burling in Washington, DC. He graduated summa cum laude from New York University School of Law and magna cum laude from Brown University.



## **John D. Buretta**

**Partner, Cravath, Swaine & Moore**

John Buretta is a partner in Cravath's Litigation Department, where his practice focuses on internal investigations, criminal defense and regulatory compliance, including matters related to the FCPA, fraud, insider trading, money laundering, OFAC and export controls.

Buretta first joined Cravath in 1996. Following a clerkship with Hon. Peter K. Leisure of the US District Court for the Southern District of New York, he returned to the firm in 1999. He left the firm in 2002 and served for over ten years in the Department of Justice, where his prosecutorial work earned him the Attorney General's Award for Exceptional Service, the Attorney General's Award for Distinguished Service and the FBI Director's Award for Excellence. From 2011 to February 2013, Buretta served as a deputy assistant attorney general (DAAG), the third-highest ranking position in the Criminal Division, where he supervised the Fraud Section and chaired the monitorship committee. In 2011, he was appointed director of the Deepwater Horizon Task Force, a position he continued while serving as DAAG. Buretta completed his time at the DOJ as the division's number-two ranking official, principal deputy assistant attorney general and chief of staff, overseeing nearly 600 prosecutors across the full range of the division's work. Prior to joining the division, Buretta served for eight years as an assistant US attorney in the United States Attorney's Office for the Eastern District of New York, and was chief of the office's Organized Crime and Racketeering Section. He rejoined Cravath in November 2013.

Buretta received his BA in 1993 from the University of California at Berkeley and his JD in 1996 cum laude from Georgetown University Law Center, where he earned the Edward Allen Tamm Award and was editor-in-chief of the Georgetown Law Journal's *Annual Review of Criminal Procedure*.



## **Charles Cain**

### **Deputy Chief, FCPA Unit, Securities and Exchange Commission**

Charles Cain is the deputy chief of the Foreign Corrupt Practices Act Unit within the Securities and Exchange Commission's Division of Enforcement. He has been in the SEC's FCPA Unit since its formation and with the Division of Enforcement for 14 years. During his tenure with the SEC, he has been responsible for numerous significant FCPA matters, as well as cases across a broad range of other areas including financial fraud, insider trading, offering fraud, market manipulation, disclosure fraud, and broker-dealer practices.



## **Mark Califano**

### **Senior Vice President and Managing Counsel for Litigation, American Express**

Mark Califano is senior vice president and managing counsel for litigation at American Express, the largest card issuer by purchase volume with a worldwide network that processes millions of merchant transactions daily. He is responsible for managing all of its major litigation, significant investigations, and other sensitive matters. He also oversees several legal policies, systems, and practices in the company and its subsidiary businesses. Before working at American Express, Califano was head of litigation at GE Capital, one of the largest financial services companies in the world, with operations in over 35 countries.

Califano co-authored *Good Intentions Corrupted: The Oil-for-Food Scandal and the Threat to the UN* (Public Affairs Books, 2006), with Jeffrey Meyer and Paul Volcker, which chronicles the findings of the Independent Inquiry Committee. He served as the committee's chief legal counsel and oversaw the day-to-day management of the global investigation; its staff of over 75 lawyers, investigators, analysts, and experts; and the production of five major reports concerning the operation of the Oil-for-Food Programme and the illicit activity connected with it.

He previously served as a decorated assistant US attorney, investigating and prosecuting complex federal white-collar offenses, including public corruption, corporate and securities fraud, domestic and foreign bribery, terrorism, intellectual property, and Internet offenses spanning more than a dozen countries and five continents. Califano has lectured, taught, and written on litigation and trial practice; anti-corruption laws and enforcement; and Internet, terrorism, fraud, and money laundering investigations and prosecutions. He is a graduate of Princeton University and Duke University School of Law.



### **George Canellos**

**Global Head, Litigation Department,  
Milbank, Tweed, Hadley & McCloy**

George Canellos is global head of litigation at the law firm of Milbank, Tweed, Hadley & McCloy. Canellos rejoined Milbank, where he had been a partner from 2003 to 2009, after serving four and a half years in senior positions at the US Securities and Exchange Commission.

Canellos served as co-director of the SEC's Division of Enforcement until January 2014. Before that, he was the division's acting director and deputy director. In these positions, Canellos was responsible for helping to set enforcement priorities for the SEC and to supervise the civil law enforcement efforts of more than 1,300 SEC personnel in 12 offices across the country. From July 2009 until May 2012, Canellos served as director of the SEC's New York Regional Office, the largest in the SEC. In that position, he oversaw approximately 400 professional staff of enforcement attorneys, accountants, investigators, and compliance examiners engaged in the investigation and prosecution of enforcement actions and the performance of compliance inspections in the region. The New York office has responsibility for the largest concentration of SEC-registered financial institutions, including more than 4,000 investment banks, investment advisers, broker-dealers, mutual funds, and hedge funds.

Canellos began his career as a litigation associate at Wachtell, Lipton, Rosen & Katz. In 1994, he became an assistant US attorney in the Southern District of New York. During his nine years at the US Attorney's Office, he served in a number of positions, including chief of the Major Crimes Unit, senior trial counsel of the Securities and Commodities Fraud Task Force, and deputy chief appellate attorney. Canellos is a graduate of Harvard College and Columbia Law School.



### **Valerie E. Caproni**

**US District Judge,  
Southern District of New York**

Valerie Caproni became a US District Court judge for the Southern District of New York on January 6, 2014. Before that, she held a wide variety of positions in the private and public sectors. Caproni began her legal career in Atlanta clerking for the Hon. Phyllis Kravitch of the US Court of Appeals for the 11th Circuit. After her clerkship, she became a litigation associate at Cravath, Swaine & Moore in New York City.

She then became an assistant US attorney for the Eastern District of New York, where she prosecuted a wide variety of cases. Caproni was tapped to serve in a number of leadership positions in the US Attorney's Office, ultimately serving for several years as chief of the Criminal Division. Caproni was general counsel and senior vice president of the New York State Urban Development Corporation, regional director of the Pacific Regional Office of the Securities and Exchange Commission, general counsel of the Federal Bureau of Investigation, and deputy general counsel (Litigation and Investigations) of Northrop Grumman.

Caproni received a BA in psychology magna cum laude from Newcomb College and a JD summa cum laude from University of Georgia School of Law.



### **Andrew Ceresney**

**Director, Division of Enforcement,  
Securities and Exchange Commission**

Before joining the SEC, Ceresney served as a partner in the law firm of Debevoise & Plimpton, where he was co-chair of the White Collar Group and focused on representing entities and individuals in white collar criminal and SEC investigations, complex civil litigation and internal corporate investigations. Before joining Debevoise, Ceresney served as an assistant US attorney in the US Attorney's Office for the Southern District of New York, where he was a deputy chief appellate attorney and a member of the Securities and Commodities Fraud Task Force and the Major Crimes Unit. As a prosecutor, Ceresney handled numerous white-collar criminal investigations, trials, and appeals, including matters relating to securities fraud, mail and wire fraud, and money laundering.

Ceresney served as a law clerk to the Hon. Dennis Jacobs, chief judge of the US Court of Appeals for the Second Circuit, from 1997 to 1998. He was also law clerk to the Hon. Michael Mukasey, formerly chief judge of the US District Court for the Southern District of New York, from 1996 to 1997. Ceresney is a graduate of Columbia College and Yale Law School.



### **Sheila Cheston**

**Corporate Vice President and  
General Counsel, Northrop Grumman**

In addition to serving as corporate vice president and general counsel for Northrop Grumman, a leader in global security, Sheila C. Cheston is also a member of the company's corporate policy council.

Cheston joined Northrop Grumman from BAE Systems, where she was executive vice president responsible for strategy and planning, finance, mergers and acquisitions, and all legal matters associated with the company; she also served as a member of its board of directors. Previously, Cheston was a partner at Wilmer, Cutler & Pickering, where she was chair of the firm's International Aviation, Defense, and Aerospace Group.

She has held key leadership positions in the US government, including general counsel of the United States Air Force, where she oversaw approximately 1,500 lawyers stationed worldwide, and special associate counsel to the president of the United States. Cheston earned a BA from Dartmouth College and a JD from Columbia Law School. She is a fellow of the American Bar and a member of the Council on Foreign Relations. Cheston also serves on the board of advisors for the National Military Family Association and is on the board of directors of Equal Justice Works and the National Partnership for Women and Families.



## Stephen Choi

**Murray and Kathleen Bring**

**Professor of Law, NYU School of Law**

Stephen Choi joined the NYU School of Law faculty in 2005. From 1998 to 2005, Choi taught at the University of California, Berkeley, School of Law, where he was the Roger J. Traynor Professor of Law. Prior to that, he taught as an assistant professor at the University of Chicago Law School from 1996 to 1998. He graduated first in his class from Harvard Law School in 1994—where he served as a legal methods instructor and supervising editor of the *Harvard Law Review*—and received his PhD in economics from Harvard in 1997. Choi has been a recipient of the Fay Diploma, the Sears Prize, and the Irving Oberman Memorial Award. He has also held John M. Olin, Jacob K. Javits, and Fulbright fellowships. After his graduation from law school, Choi worked as an associate at McKinsey & Company in New York. His research interests focus on the theoretical and empirical analysis of corporations and capital markets. He has published in the *Yale Law Journal*, *Stanford Law Review*, *University of Chicago Law Review*, *Michigan Law Review*, *Southern California Law Review*, *Duke Law Journal*, *University of Pennsylvania Law Review*, and *Virginia Law Review*, among others, and has presented papers at numerous conferences and symposia.



## Stephen M. Cutler

**Executive Vice President and**

**General Counsel, JPMorgan Chase & Co.**

Stephen M. Cutler joined JPMorgan Chase & Co., where he is executive vice president, general counsel, and a member of the firm's Operating Committee, in February 2007. Previously, he was a partner at Wilmer Cutler Pickering Hale and Dorr in Washington, DC, and co-chair of the firm's Securities Department.

From 2001 to 2005, Cutler served as director of the Securities and Exchange Commission's Division of Enforcement, where he oversaw the investigations of Enron and WorldCom, as well as those involving New York Stock Exchange specialists, research analyst conflicts, and mutual fund market timing and revenue sharing. He joined the SEC as Deputy Director of Enforcement in 1999.

Cutler is a 1985 graduate of Yale Law School, where he served as an editor of the *Yale Law Journal*, and a 1982 graduate summa cum laude of Yale University. After law school, he was a law clerk to Judge Dorothy Nelson of the US Court of Appeals for the Ninth Circuit and served as a Visiting Fellow at the Center for Law in the Public Interest in Los Angeles.

Cutler serves on the boards of the Legal Action Center, the Pro Bono Partnership, and the National Women's Law Center.



### **Kevin E. Davis**

**Vice Dean, Beller Family Professor of  
Business Law, NYU School of Law**

Kevin Davis teaches courses on contracts, regulation of foreign corrupt practices, secured transactions, and law and development, as well as seminars on financing development and contract theory. His current research is focused on contract law, anticorruption law, and the general relationship between law and economic development. Davis received his BA in economics from McGill University in 1990. After graduating with an LLB from the University of Toronto in 1993, he served as law clerk to Justice John Sopinka of the Supreme Court of Canada and later as an associate in the Toronto office of Torys, a Canadian law firm. After receiving an LLM from Columbia University in 1996, he was appointed an assistant professor at the University of Toronto and in 2001 was promoted to associate professor. Davis has also been a visiting assistant professor at the University of Southern California, a visiting fellow at Cambridge University's Clare Hall, and a visiting lecturer at the University of the West Indies in Barbados.



### **David Freeman Engstrom**

**Associate Professor of Law,  
Stanford Law School**

David Freeman Engstrom is an associate professor at Stanford Law School. His scholarship focuses on the design of litigation and regulatory regimes and includes a recent large-scale empirical study of the False Claims Act's qui tam whistleblower bounty mechanism. Recent articles have appeared in the *Stanford Law Review*, *Yale Law Journal*, and *Columbia Law Review*.

Engstrom holds a JD from Stanford Law School, an MSc from Oxford University, and a PhD from Yale University. Before joining the Stanford faculty, Engstrom was a law clerk to Judge Diane P. Wood of the US Court of Appeals for the Seventh Circuit and a John M. Olin Fellow in Law, Economics, and Public Policy at Yale Law School. He also practiced for four years at Kellogg, Huber, Hansen, Todd, Evans & Figel, where he represented clients before the US Supreme Court, US Courts of Appeals, and various trial courts and agencies.



## Brandon Garrett

**Roy L. and Rosamond Woodruff Morgan  
Professor of Law, University of Virginia  
School of Law**

Brandon Garrett joined the University of Virginia law faculty in 2005. His research and teaching interests include criminal procedure, wrongful convictions, habeas corpus, corporate crime, scientific evidence, civil rights, civil procedure, and constitutional law. In 2011, Harvard University Press published Garrett's book *Convicting the Innocent: Where Criminal Prosecutions Go Wrong*, which examines the cases of the first 250 people to be exonerated by DNA testing. That book was the subject of a symposium issue in *New England Law Review* and received an ABA Silver Gavel Honorable Mention and a Constitutional Commentary Award. It is currently being translated for editions in Japan and Taiwan.

In 2013, Foundation Press published Garrett's casebook *Federal Habeas Corpus: Executive Detention and Post-Conviction Litigation*, co-authored with Lee Kovarsky. Garrett's new book examining corporate prosecutions, *Too Big to Jail: How Prosecutors Compromise with Corporations*, is forthcoming from Harvard University Press in fall 2014. In connection with the UVA Law Library, Garrett maintains online data collections regarding federal deferred and non-prosecution agreements, as well as plea agreements with organizations.

Garrett attended Columbia Law School, where he was an articles editor of the *Columbia Law Review* and a Kent Scholar. After graduating, he clerked for the Hon. Pierre N. Leval of the US Court of Appeals for the Second Circuit, then worked as an associate at Neufeld Scheck & Brustin in New York City.



## John Gleeson

**United States District Judge,  
Eastern District of New York**

Judge John Gleeson went to college at Georgetown University and received his law degree in 1980 from the University of Virginia School of Law. After law school, Judge Gleeson clerked for the Hon. Boyce F. Martin Jr., United States Circuit Judge in the Sixth Circuit, in Louisville, Kentucky. From 1981 to 1985, he was a litigation associate at Cravath, Swaine & Moore in New York City.

Judge Gleeson was an Assistant United States Attorney in the Eastern District of New York from 1985 to 1994. He served as Chief of Appeals, Chief of Special Prosecutions, Chief of Organized Crime, and Chief of the Criminal Division, the position he occupied when he was appointed to the bench. In 1992, Judge Gleeson was awarded the Attorney General's Distinguished Service Award for his work as lead prosecutor in the case *United States v. John Gotti, et al.* Judge Gleeson was appointed as a United States District Judge on September 28, 1994, and sits in the Eastern District courthouse on Cadman Plaza in Brooklyn Heights.

Judge Gleeson is a co-author of the treatise *Federal Criminal Practice: A Second Circuit Handbook*, LexisNexis (14th Edition 2014), and has written numerous articles.

He is an Adjunct Professor of Law at NYU School of Law, where he teaches courses on complex federal investigations and sentencing. He has also taught at Brooklyn Law School. In the spring of 1994, Judge Gleeson served as the John A. Ewald Jr. Distinguished Visiting Professor of Law at the University of Virginia School of Law.

From 1999 to 2008, Judge Gleeson was a member of the Defender Services Committee of the Judicial Conference of the United States, and he served as chair of the committee from 2005 to 2008. He is currently a trustee of the Vera Institute of Justice and a member of the Dwight D. Opperman Institute of Judicial Administration's Board of Directors at NYU Law.



## **Michael Granston**

**Director, Civil Fraud Section,  
Department of Justice**

Michael Granston is director of the Civil Fraud Section of the Department of Justice.

After graduating from Yale Law School, he clerked for Judge David Ebel of the US Court of Appeals for the 10th Circuit, and subsequently worked for the Washington, DC, law firm of Covington & Burling.

Granston began his tenure in 1997 with the Department of Justice, where he has litigated False Claims Act cases in both the district and appellate courts. The matters he has handled include a \$920 million settlement against a nationwide hospital chain, the largest single False Claims Act resolution at the time, and, more recently, the historic \$25 billion settlement with the nation's top mortgage servicers. In his current position as director of the Civil Fraud Section, Granston helps to establish the department's position on matters of False Claims Act interpretation and policy. He has lectured extensively and appeared on numerous panels relating to the False Claims Act and the department's civil enforcement activities.



## **Eric Grossman**

**Chief Legal Officer, Morgan Stanley**

Eric Grossman is Morgan Stanley's chief legal officer and a member of the firm's Operating and Management committees. Before

joining the firm in January 2006 as global head of litigation, Grossman was a partner in the Litigation Department at Davis Polk & Wardwell, where he had worked since 1994 and became a partner in 2001. In addition to his position as global head of litigation, Grossman was appointed general counsel of global wealth management in November 2008. In July 2010, he joined Morgan Stanley's Management Committee and shortly thereafter, in September 2010, his responsibilities expanded to include all of Morgan Stanley's advisory law and litigation functions when he was appointed global head of legal. Grossman became Morgan Stanley's chief legal officer with responsibility for the Legal and Compliance Division in January 2012.

Grossman graduated from Hamilton College in 1988 and in 1993 received his JD magna cum laude, Order of the Coif, from Fordham University School of Law, where he was a member of the law review. He clerked for the Hon. Richard J. Cardamone on the US Court of Appeals for the Second Circuit from 1993 to 1994.

President of the Board of Directors of Advocates for Children of New York, Grossman also serves on the Dean's Planning Council at Fordham Law and as a board member of the Fordham Law Alumni Association. He serves on the New York City Bar Association's Task Force on New Lawyers in a Changing Profession.



### **Bonnie Jonas**

#### **Assistant US Attorney, Deputy Chief, Southern District of New York**

Bonnie Jonas is an assistant US attorney in the Southern District of New York. In March 2010, Jonas was designated the office's financial fraud coordinator for President Obama's Financial Fraud Enforcement Task Force. In March 2013, she was promoted to deputy chief of the Criminal Division. Jonas joined the US Attorney's Office for the Southern District of New York in 1997 and has served as a senior litigation counsel (and earlier, a member) on the Securities and Commodities Fraud Task Force and chief of the General Crimes Unit.

Jonas is a 1991 graduate of the Wharton School at the University of Pennsylvania and a 1995 graduate of Columbia Law School. After law school, she clerked for the Hon. Reena Raggi of the US District Court for the Eastern District of New York and was an associate at Paul, Weiss, Rifkind, Wharton & Garrison in New York.



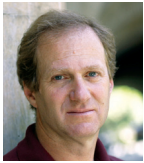
### **Robert Khuzami**

#### **Partner, Kirkland & Ellis**

Robert Khuzami is a partner in Kirkland's Government & Internal Investigations Practice Group. Before joining Kirkland, Khuzami served for four years (2009-13) as director of enforcement for the Securities and Exchange Commission. He assumed the position in the wake of the financial crisis and served during the passage and implementation of portions of the Dodd-Frank Act. As director, he supervised the collective efforts of approximately 1,300 attorney investigators, accountants, market experts, trial attorneys, and others. While Khuzami was director, the Enforcement Division designed and adopted the most significant restructuring in its 40-year history and filed cases in record numbers; many involved highly complex and emerging financial markets, products, and transactions. Also as director, Khuzami served as co-chair of two federal-state working groups that were part of the Financial Fraud Enforcement Task Force created by President Barack Obama to prosecute misconduct arising out of the financial crisis.

From 2002 to 2009, Khuzami worked at Deutsche Bank AG in New York, serving first as global head of litigation and regulatory investigations (2002-04), then as general counsel for the Americas (2004-09). Beginning in 1990, Khuzami served as an assistant US attorney in the US Attorney's Office for the Southern District of New York. For three of those years, he served as chief of that office's Securities and Commodities Fraud Task Force.

Also in the US Attorney's Office, Khuzami was a member of the prosecution team in *United States v. Abdel Rahman*, et al, the then-largest terrorism trial in US history that resulted in the conviction of Omar Ahmed Ali Abdel Rahman and nine co-defendants for operating an international terrorist organization responsible for, among other things, the 1993 bombing of the World Trade Center and the planned simultaneous bombings of various New York City landmarks, including the United Nations building and the Lincoln and Holland tunnels.



## **Michael Klausner**

**Caryl Louise Boies Visiting Professor of Law, NYU School of Law; Nancy and Charles Munger Professor of Business and Professor of Law, Stanford Law School**

Michael Klausner is Caryl Louise Boies Visiting Professor of Law and Nancy and Charles Munger Professor of Business and Professor of Law at Stanford Law School. He teaches courses on corporate law, corporate governance, business transactions, and regulation of financial institutions. In recent years, most of his writing has been on corporate governance. Klausner maintains a database on securities class actions and SEC enforcement actions, and he has published several papers and blog posts based on that database. In addition, he is writing a book on the economics of business transactions.

Before beginning his academic career, Klausner practiced law in Washington, DC, and Hong Kong. He was a White House Fellow from 1989 to 1990, a law clerk for Judge David Bazelon on the US Court of Appeals for the District of Columbia Circuit in 1981-82 and a law clerk for Justice William Brennan of the US Supreme Court.



## **Jeffrey Knox**

**Chief, Fraud Section of Criminal Division, Department of Justice**

Jeff Knox is chief of the Fraud Section of the Department of Justice's Criminal Division.

Knox manages approximately 80 attorneys who investigate and prosecute individuals and institutions for violations of the Foreign Corrupt Practices Act, securities fraud, healthcare fraud, financial institution fraud, government procurement fraud, and other white-collar crimes. Knox previously served as principal deputy chief of the Fraud Section and also in the section's FCPA unit.

Before joining the Criminal Division in 2010, Knox was an assistant US attorney in the Eastern District of New York, where he prosecuted national security and violent gang cases, and served as chief of the Violent Crimes and Terrorism Section. He has received the Attorney General's Award for Exceptional Service, the Attorney General's John Marshall Award for Trial of Litigation, the Attorney General's Award for Excellence in Furthering the Interests of US National Security, the Federal Law Enforcement Foundation's Federal Prosecutor of the Year Award, and the Executive Office for US Attorneys' Director's Award for Superior Performance.

Knox graduated with honors from Northwestern University School of Law in 1999. After graduation, he practiced for four years as an associate at Simpson Thacher & Bartlett in New York.



## **Reinier Kraakman**

**Ezra Ripley Thayer Professor of Law,  
Harvard Law School**

Reinier Kraakman is the Ezra Ripley Thayer Professor of Law at Harvard Law School.

He was previously professor of law at Yale Law School (1981-86) and visiting professor of law at both Georgetown University Law Center (1993) and New York University School of Law (1996-97). Kraakman was also a law clerk for Judge Henry J. Friendly of the US Court of Appeals for the Second Circuit. He currently teaches corporate law, corporate finance, and a seminar devoted to theoretical issues in organizational law. He has been an adviser on company law reform in Russia and Vietnam.

Kraakman has written numerous articles on topics in corporate law, corporate governance, and liability strategies for controlling corporate behavior. He was elected European Corporate Governance Institute research associate in 2006. Among his better-known articles are “The End of History for Corporate Law” (with Henry Hansmann) in *Georgetown Law Journal*, “The Essential Role of Organizational Law” (also with Hansmann) in the *Yale Law Journal*, and “Russian Privatization and Corporate Governance: What Went Wrong?” (with Bernard Black and Anna Tarassova) in *Stanford Law Review*. He is a lead author of a recent treatise on comparative corporate law that is now in its second edition: *The Anatomy of Corporate Law: A Comparative and Functional Approach* (Oxford University Press, 2009). Kraakman is also co-author of *Commentaries and Cases on the Law of Business Organization* (4th Ed.; Wolters Kluwer Law & Business, Aspen Publishers, 2012).

His current areas of research include corporate governance of widely-held corporations, ownership structure and corporate governance, the empirical and legal determinants of CEO turnover, comparative corporate law and finance, the bases for individual- and firm-level liability in corporate settings, and the meaning and legal implications of price efficiency in capital markets.



## **Jules Kroll**

**Chairman and Co-Founder,  
K2 Intelligence**

In addition to being chairman and co-founder of K2 Intelligence, Jules Kroll is chairman and CEO of Kroll Bond Rating Agency.

He is also the founder of Kroll Inc. and the acknowledged creator of the modern investigations, intelligence, and security industry. In 1972, he established Kroll Associates as a consultant to corporate purchasing departments; in doing so, he created the prototype for a new breed of professional services firm dedicated to mitigating risk. By employing former prosecutors, law enforcement officials, journalists, and academics who used sophisticated fact-finding techniques to address decision-makers’ needs for accurate information, Kroll established investigations and risk consulting as valuable corporate services. Kroll Inc. reached annual sales of \$1 billion in 2008 as part of Marsh & McLennan, which bought the company in 2004.

Kroll currently serves as chairman of the John Jay College of Criminal Justice Foundation. He is a former member of the Board of Regents of Georgetown University and Board of Trustees of Cornell University; he also served as chairman of the Georgetown University Law Center Board of Visitors.



### **Raymond J. Lohier Jr.**

#### **Judge, US Court of Appeals for the Second Circuit**

Raymond J. Lohier Jr. sits on the US Court of Appeals for the Second Circuit. He was nominated by President Barack Obama in March 2010 and unanimously confirmed by the US Senate in December 2010.

From 2000 to 2010, Lohier was an assistant US attorney in the Southern District of New York, where he served as senior counsel to the US Attorney, deputy chief, and chief of the Securities and Commodities Fraud Task Force, and deputy chief and chief of the Narcotics Unit. On the Commodities Fraud Task Force, Lohier was responsible for overseeing the Bernard Madoff prosecutions, the investigation and prosecution of Marc Dreier, the Galleon Group, and other hedge fund-related insider trading cases, as well as several other high-profile fraud cases. From 1997 to 2000, Lohier was a senior trial attorney with the Civil Rights Division of the US Department of Justice.

In 1991-92 and 1993-97, Lohier was associated with the law firm Cleary Gottlieb Steen & Hamilton in New York. In between, he clerked for the Hon. Robert P. Patterson Jr. of the US District Court for the Southern District of New York.

Lohier graduated from Harvard College in 1988; he then earned his JD in 1991 from New York University School of Law, where he received a Vanderbilt Medal.

Before his appointment, Lohier was a member of the Board of Directors of the Black, Latino, Asian Pacific American Law Alumni Association and the Board of Directors of the New York University School of Law Alumni Association. He also served as first vice chairperson of Brooklyn Community Board 6. Lohier is a member of the American Law Institute, the Federal Bar Council Inn of Court, and the New York University School of Law Board of Trustees, as well as an adjunct professor of law at NYU School of Law. He is a recipient of the NYU Alumni Association's Eugene J. Keogh Award for Distinguished Public Service.



### **Gerard E. Lynch**

#### **Judge, US Court of Appeals for the Second Circuit**

President Barack Obama appointed Gerard E. Lynch a US Circuit Judge for the Second Circuit in 2009. From 2000 through 2009, Lynch was a US District Judge for the Southern District of New York. In 2009, he received the Edward Weinfeld Award for distinguished contributions to the administration of justice from the New York County Lawyers' Association.

Lynch joined the faculty of Columbia Law School in 1977 after serving as law clerk to Judge Wilfred Feinberg of the US Court of Appeals for the Second Circuit (1975-76) and to Justice William J. Brennan Jr. of the US Supreme Court (1976-77). He has taught there ever since, primarily in the areas of criminal law and criminal procedure, and served as vice dean (1992-97). Lynch became a full professor in 1986 and was named the first Paul J. Kellner Professor of Law in 1996. He has received both the Law School's student-voted Willis Reese Award and the University's Presidential Award for outstanding teaching. In 2008, Lynch was awarded the Law School's Wien Prize for Social Responsibility.

Lynch also has extensive experience as a criminal lawyer. From 1980 to 1983, he served as an assistant US attorney for the Southern District of New York, and from 1990 to 1992, he returned to that office as chief of the Criminal Division. He has also served as counsel to various commissions and special prosecutors investigating public corruption, including the Iran-Contra investigation. From 1992 to 2000, Lynch was counsel to the New York law firm of Howard, Darby & Levin and to its successor firms, including Covington & Burling, practicing primarily white-collar criminal defense.



### **Denis McInerney**

**Former Deputy Assistant Attorney General, Department of Justice**

Denis McInerney has been a deputy assistant attorney general in the Criminal Division of the Department of Justice since March 2013. Before that, McInerney was chief of the Fraud Section beginning in January 2010. McInerney previously worked as a partner in the Litigation Department of Davis Polk & Wardwell, where he represented corporate and individual clients in grand jury and regulatory investigations, criminal and civil trials, internal investigations, and general civil litigation.

From 1989 to 1994, he was an assistant US attorney for the Southern District of New York, serving as a deputy chief of the USAO's Criminal Division from 1993 to 1994. In 1994, McInerney served as an associate independent counsel in the Whitewater investigation with Independent Counsel Robert B. Fiske Jr. McInerney received his AB from Columbia College in 1981 and his JD from Fordham University School of Law in 1984.



### **Scott Muller**

**Partner, Davis Polk & Wardwell**

Scott Muller is a member of Davis Polk's Litigation Department, its White Collar Criminal Defense and Investigations Group, and the firm's Global Compliance and Investigations Group. He specializes in domestic and cross-border investigations and compliance matters focusing, most recently, on anti-corruption, antitrust, sanctions, tax, banking, securities, accounting, and fraud matters for both individuals and companies. Muller pioneered the use of the corporate "deferred prosecution" to resolve a federal criminal investigation and has advised numerous domestic and foreign companies, boards, and board committees on matters relating to compliance, regulatory, and criminal enforcement.

He has lectured widely including, at the invitation of the Department of Justice, as an instructor at a DOJ-sponsored training seminar for assistant US attorneys and FBI agents and taught criminal investigations at Georgetown University Law Center as an adjunct professor. From October 2002 through July 2004, he served as general counsel of the Central Intelligence Agency, and from 1979 to 1982, he served as an assistant US attorney for the Southern District of New York. Muller clerked for the Watergate Special Prosecution Force and the Hon. Francis L. Van Dusen of the US Court of Appeals for the Third Circuit.



### **Julie O'Sullivan**

**Professor of Law, Georgetown University  
Law Center**

Julie O'Sullivan teaches and publishes primarily in the areas of federal white-collar crime and international criminal law. Before joining the faculty at Georgetown University Law Center in 1994, she practiced for eight years as a criminal defense lawyer at Davis Polk & Wardwell and as a federal prosecutor in the Southern District of New York and on the Whitewater investigation under Robert B. Fiske Jr. She clerked for the Hon. Sandra Day O'Connor (1985-86) and the Hon. Levin H. Campbell (1984-85) after graduating summa cum laude from Cornell Law School in 1984.

O'Sullivan has authored a casebook on federal white-collar crime and co-authored a book on international and transnational criminal law. She also practices law at Stein Mitchell Muse & Cipollone in Washington, DC.



### **Matthew Queler**

**Assistant Chief, FCPA Unit, Criminal  
Division, Department of Justice**

Matthew Queler is an assistant chief in the FCPA Unit of the Fraud Section of the Department of Justice's Criminal Division. He rejoined the department in August 2012.

Before that, Queler was a partner at Proskauer Rose, where, as part of the Corporate Defense and Investigations Group, his practice focused on corporate internal investigations, white-collar criminal defense, and SEC enforcement actions. At Proskauer, Queler developed extensive experience in FCPA matters, having conducted global FCPA internal investigations and defended clients in FCPA investigations by the DOJ and the SEC. He also regularly advised clients on a wide array of FCPA issues and conducted FCPA policy and procedure reviews, FCPA compliance audits, pre-M&A FCPA due diligence, and FCPA training sessions for clients. Queler previously served as co-chair of the FCPA/Anti-Corruption Subcommittee for the American Bar Association's Business Law Section, White-Collar Crime Committee.

Before joining Proskauer, Queler served from 1998 to 2003 as an assistant US attorney in the District of New Jersey, where he successfully prosecuted numerous cases involving federal criminal violations. As a federal prosecutor, he also was an inaugural member of New Jersey's Anti-Terrorism Task Force. Before that, Queler clerked for the Hon. William G. Bassler (retired), US District Judge for the District of New Jersey. Queler graduated magna cum laude and Phi Beta Kappa from Yale University and cum laude from Harvard Law School.



### **Jed S. Rakoff**

**US District Judge, Southern District  
of New York**



### **Mythili Raman**

**Former Acting Assistant Attorney  
General, Criminal Division,  
Department of Justice**

Mythili Raman was appointed acting assistant attorney general for the Criminal Division on March 1, 2013. As head of that division, Raman oversaw nearly 600 attorneys who prosecute federal criminal cases nationwide and help develop the criminal law. She also worked closely with the nation's 93 US attorneys in connection with investigating and prosecuting criminal matters in their districts. Raman has served in the Criminal Division since August 2008, first as acting chief of staff and then as principal deputy assistant attorney general and chief of staff.

Raman joined the Department of Justice in 1996 as a trial attorney in the division's Narcotic and Dangerous Drug Section, where she prosecuted narcotics cases in districts across the country. From 1999 to 2008, she served as an assistant US attorney in the US Attorney's Office for the District of Maryland, where she prosecuted and supervised dozens of criminal cases involving violent crime, financial fraud, narcotics, child exploitation, and civil rights offenses. In Maryland, she served as branch chief of the district's Greenbelt office, then as the district's appellate chief. For her work in Greenbelt, Raman received numerous honors and awards, including the Director's Award for Superior Performance and the Special Award of Honor from the International Narcotic Enforcement Officers Association. In 2006, on a detail from the US Attorney's Office, Raman served as senior counsel to the deputy attorney general, advising on a variety of criminal law matters and managing the day-to-day work of the President's Identity Theft Task Force.

Raman began her legal career as a law clerk for the Hon. Francis D. Murnaghan Jr. of the US Court of Appeals for the Fourth Circuit. She graduated summa cum laude from Yale University in 1991 and with honors from the University of Chicago Law School in 1994.



## **Daniel Richman**

**Paul J. Kellner Professor of Law,  
Columbia Law School**

As the Paul J. Kellner Professor of Law at Columbia Law School, Daniel Richman teaches Federal Criminal Law, Criminal Procedure, Evidence, and a Sentencing Seminar, and he writes on federal criminal issues. Richman was a professor at Fordham University School of Law from 1992 until 2007. Between 1987 and 1992, he was an assistant US attorney in the US Attorney's Office for the Southern District of New York, where he ended up as chief appellate attorney. Richman was a law clerk to Chief Judge Wilfred Feinberg on the US Court of Appeals for the Second Circuit (1984-85) and Supreme Court Justice Thurgood Marshall (1985-86).



## **Andrew Weissmann**

**Senior Fellow, Center on Law and Security  
and Center on the Administration of  
Criminal Law, NYU School of Law**

Andrew Weissmann is a senior fellow to both the Center on Law and Security and the Center on the Administration of Criminal Law. Weissmann served as general counsel for the Federal Bureau of Investigation from 2011 to 2013. He previously was special counsel to FBI Director Mueller in 2005, after which he was a partner at Jenner & Block in New York City until 2011. From 1991 to 2006, Weissmann was a federal prosecutor. From 2002 to 2005, he was on the Enron Task Force in Washington, DC, and served as its director, participating in and supervising the prosecution of more than 30 individuals in connection with the company's collapse.

Before joining the task force, Weissmann served as chief of the Criminal Division in the Eastern District of New York. As an assistant US attorney, he prosecuted numerous members of the Colombo, Gambino, and Genovese families, including the bosses of the Colombo and Genovese families.

Weissmann also has extensive experience in private practice, including winning the largest Financial Industry Regulatory Authority arbitration award in history. He has taught criminal law and procedure at Fordham Law School and Brooklyn Law School. He holds a JD from Columbia Law School and was on the managing board of the Columbia Law Review. Weissmann clerked for the Hon. Eugene H. Nickerson. He has a BA from Princeton University and attended the University of Geneva on a Fulbright Fellowship.



## **Bruce Yannett**

### **Deputy Presiding Partner, Debevoise & Plimpton**

Bruce Yannett is deputy presiding partner of Debevoise & Plimpton and chair of the White Collar/Regulatory Practice Group. He focuses on white-collar criminal defense, regulatory enforcement, and internal investigations. Yannett represents a broad range of companies, financial institutions, and their executives in matters involving securities fraud, accounting fraud, foreign bribery, insider trading, and money laundering. He has extensive experience representing corporations and individuals outside the United States in responding to inquiries and investigations. Yannett's practice also encompasses complex litigation, including derivative cases, shareholder actions, and commercial disputes.

In selecting Debevoise as Litigation Department of the Year in 2014, the *American Lawyer* stated that Yannett's work on the groundbreaking Siemens FCPA internal investigation, which spanned 34 countries, and settlement with US and German authorities "cemented his credibility with regulators" on subsequent matters. Chambers & Partners USA recognizes Yannett as a leading practitioner in white-collar criminal defense and a "well-respected expert in the FCPA field." Clients praise his "superb excellence and strong expertise," and his peers recognize him as a "very talented lawyer." In a similar vein, the Legal 500 US calls him a "superstar" and the *IFLR Benchmark Litigation Guide* characterizes him as "diligent and dedicated."

Early in his career, Yannett served in the Office of the Independent Counsel for Iran-Contra and as an assistant United States attorney. He has written and lectured extensively on issues relating to white-collar criminal defense and regulatory enforcement. Yannett is an editor of Debevoise's monthly *FCPA Update* and a current member of the Board of Editors of *Financial Fraud Law Report* and of the editorial board of the *Global Investigations Review*.

# Acknowledgements

## Conference Advisory Board

- Professor Miriam Baer, *Brooklyn Law School*
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- Andrew Weissmann, *Senior Fellow, Center for Law and Security and the Center on the Administration of Criminal Law, NYU School of Law*

## Financial Support for the Conference

- NYU Program on Corporate Compliance and Enforcement
- American Law Institute

## Food at the Conference

We wish to thank Jules Kroll and K2 Intelligence for generously giving the financial support needed to provide all the meals and coffee breaks for the conference.

## Administrative Assistance

This conference would not have been possible without the tireless support of Jerome Miller, Bruce White, April Sherwin, Yasmine Fillmore, and David Niedenthal.

## Upcoming Events

May 16-17, 2014

### **2014 Law & Banking/Finance Conference: Regulating Risk Taking in a Post-Credit Crisis Environment**

NYU School of Law

Co-sponsored by the NYU School of Law Center  
for Financial Institutions and ETH Zürich

April 17-18, 2015

### **Conference on Corporate Crime and Financial Misdealing**

NYU School of Law

Sponsored by the NYU Program on  
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## Join, Contact, or Contribute to the Program on Corporate Compliance and Enforcement

### **Join**

We invite you to contact the program if you wish to join it, contribute to its mission, inquire about one of its events or projects, or bring to its attention a case or public policy issue. To learn more about the program, please visit [www.law.nyu.edu/centers/laweconomics/corporatecompliance](http://www.law.nyu.edu/centers/laweconomics/corporatecompliance).

### **Become a Member**

To become a member of the program, please email us at [millerj@exchange.law.nyu.edu](mailto:millerj@exchange.law.nyu.edu). You will be entered into the program's database to automatically receive invitations to events and updates on recent activities and publications.

### **Contribute**

The Program on Corporate Compliance and Enforcement welcomes tax-deductible donations to further its mission of promoting effective policy concerning corporate compliance and enforcement, as well as enhancing the opportunities and training available to NYU Law students and alumni. To find out how to contribute, please go to [www.law.nyu.edu/centers/laweconomics/corporatecompliance/joincontributecontact](http://www.law.nyu.edu/centers/laweconomics/corporatecompliance/joincontributecontact).

**Program on Corporate Compliance  
and Enforcement**

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