

Enforcement Policy Governing Corporate and Individual Liability for Corporate Misconduct

A Roundtable Discussion with
Virginia Romano, Joyce Branda,
and **Sung-Hee Suh** of the United States
Department of Justice

January 21, 2016

4:00–6:00 p.m.

New York University
School of Law

Lester Pollack
Colloquium Room

By invitation only



Panelists

Jennifer Arlen (moderator)

Norma Z. Paige Professor of Law

Director, NYU Program on Corporate Compliance and Enforcement, NYU School of Law

Jennifer Arlen is one of the nation's leading scholars on corporate liability, specializing in corporate crime, vicarious liability, and securities fraud. She also has written extensively on medical malpractice liability and experimental law and economics. Professor Arlen is co-founder and co-director of the NYU Law Program on Corporate Compliance and Enforcement. She also is a co-founder, director, and past president of the Society for Empirical Legal Studies; former director of the American Law and Economics Association (1991-93, 2006-09); editorial board member of the *American Law and Economics Review*; and chair of the Law and Economics, Remedies, and Torts and Compensation Systems sections of the Association of American Law Schools. Before coming to NYU Law, Professor Arlen was the Ivadelle and Theodore Johnson Professor of Law and Business at the University of Southern California Gould School of Law. She clerked for Judge Phyllis Kravitch on the US Court of Appeals for the Eleventh Circuit. At NYU Law, she teaches Corporations, Business Crime, and a seminar called Corporate Crime and Financial Misdealing: Legal and Policy Analysis. Professor Arlen received her BA in economics from Harvard College magna cum laude and her JD (Order of the Coif) and PhD in economics from New York University.

Virginia Chavez Romano

Associate Deputy Attorney General

Executive Director, Financial Fraud Enforcement Task Force

US Department of Justice, Office of the Deputy Attorney General

Virginia Chavez Romano joined the Office of the Deputy Attorney General in July 2014 as an associate deputy attorney general and executive director of the Financial Fraud Enforcement Task Force. In addition to managing the task force, Ms. Romano is involved in formulating and instituting department-wide policy initiatives in the area of financial fraud.

From May 2012 until June 2014, Ms. Romano was a deputy attorney general for economic justice in the New York State Office of the Attorney General. In this role, her responsibilities included supervising residential mortgage-backed securities investigations and litigations brought under the Martin Act. Ms. Romano's work was done in connection with the Financial Fraud Enforcement Task Force's RMBS Working Group, which was established by President Obama in early 2012 and is co-chaired by New York Attorney General Eric T. Schneiderman.

Ms. Romano was an assistant US attorney in the Southern District of New York from 2002 until 2012, where she served as lead prosecutor in dozens of investigations and prosecutions for offenses ranging from international drug trafficking and money laundering to complex financial crimes. From 2008 until 2012, Ms. Romano was a member of the Securities and Commodities Fraud Task Force of the US Attorney's Office. Before joining the US Attorney's Office, Ms. Romano was a litigation associate in the New York office of Willkie Farr & Gallagher. She is a 1994 graduate of Princeton University and 1997 graduate of Stanford Law School.

Joyce R. Branda

**Deputy Assistant Attorney General
Civil Division, US Department of Justice**

Joyce R. Branda is the deputy assistant attorney general for the Commercial Litigation Branch, the Civil Division's largest component, with approximately 300 attorneys. She directs all areas of commercial litigation, including False Claims Act and qui tam cases; federal contract, grant, and loan disputes; bankruptcy and reorganization proceedings; international trade; patent and copyright infringement; and other litigation in both foreign and domestic courts. In addition, she provides important advice to senior officials of the department and represents the assistant attorney general in communications and negotiations with other departments and members of Congress. Ms. Branda joined the Civil Division in 1982, serving first as a trial attorney, then as an assistant director, and as deputy director of the Fraud Section. From 2007 to 2012, before her appointment as deputy assistant attorney general, she served as director of the section, supervising 100 attorneys in the investigation and litigation of cases under the False Claims Act and its qui tam provisions. In 2001, she received a Presidential Meritorious Rank Executive Award as well as the Attorney General's Award for Exceptional Service, the highest recognition conferred by the Department of Justice; in 2015, she received the Attorney General's Mary C. Lawton Lifetime Service Award. She has lectured extensively and appeared on panels on health care fraud, procurement fraud, and the False Claims Act and civil enforcement.

Sung-Hee Suh

**Deputy Assistant Attorney General
Criminal Division, US Department of Justice**

Sung-Hee Suh is the deputy assistant attorney general overseeing the Fraud, Appellate, and Capital Case sections in the Criminal Division of the US Department of Justice. Her responsibilities include supervising cases involving the Foreign Corrupt Practices Act (FCPA), securities and commodities fraud, health care fraud, and government program fraud. She also works on formulating and implementing federal enforcement policies on white-collar crime and coordinating interagency, multi-district, and international law enforcement efforts.

Ms. Suh rejoined the Justice Department in September 2014 after 15 years at Schulte Roth & Zabel, where she was a partner in the Litigation Group and handled numerous securities and commodities fraud, FCPA, Bank Secrecy Act, anti-money laundering, and economic sanctions matters. Before joining SRZ, she served as an assistant US attorney in the Eastern District of New York from 1994 to 1999, including as deputy chief of the Organized Crime and Racketeering Section. She previously worked as an associate at Davis Polk & Wardwell and as a law clerk to US District Judge Robert L. Carter in the Southern District of New York. Ms. Suh is a graduate of Harvard College, Harvard Graduate School of Arts and Sciences, and Harvard Law School.



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