

# Neither Admit Nor Deny:

## Corporate Crime in the Age of Deferred Prosecutions, Consent Decrees, Whistleblowers & Monitors

**May 3, 2013** National Press Club, Washington, D.C.

Sponsored by *Corporate Crime Reporter*.  
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To reserve your seats, call 202.468.8868.  
Or e-mail: russellmokhiber@gmail.com.  
*Space limited, 80 capacity.*

### 8:15 am Opening Remarks by Russell Mokhiber, Editor, *Corporate Crime Reporter*

**8:30 am to 10:00 am**

Panel One

#### **SEC Whistleblower Cases**

Some predict that SEC whistleblower cases will grow to rival those brought under the False Claims Act. Only time will tell. But the buzz around the SEC's whistleblower program is growing. And all signs are that whistleblowers will turbocharge the SEC's enforcement program. Will the SEC whistleblower program get the job done?

**Stephen Cohen**, *Associate Director, SEC Division of Enforcement*

**Neil Getnick**, *Getnick & Getnick*

**Jordan Thomas**, *Labaton Sucharow*

**Linda Chatman Thomsen**, *Davis Polk Wardwell*

**Lawrence West**, *Latham & Watkins*

**10:15 am to 11:45 am**

Panel Two

#### **Deferred and Non-Prosecution Agreements**

Twenty years ago, the Justice Department settled its major corporate crime investigations with guilty pleas. Now, for the most part, major corporate crime cases are settled with deferred and non prosecution agreements. Critics now say that the Department ought to drop its practice of relying on deferred and non prosecution agreements. If the government doesn't have the evidence or resources to bring the case to trial or to force a guilty plea, it ought to just not bring the case.

**Anthony Barkow**, *Jenner & Block*

**Steven Fagell**, *Covington*

**Kathleen Harris**, *Arnold & Porter (UK)*

**Mike Koehler**, *Southern Illinois School of Law*

**David Uhlmann**, *University of Michigan Law School*

### 12 noon to 1 pm: Luncheon Keynote Speaker—To be announced

**1:15 pm to 2:45 pm**

Panel Three

#### **SEC Consent Decrees**

The SEC practice of settling major corporate cases with "neither admit nor deny" consent decrees has triggered the ire of a number of federal judges. They argue that if the SEC has the evidence to bring a case and secure remedies, it ought to force the companies to admit to wrongdoing. Should the SEC modify its consent decree practice—and if so, how?

**John Coffee**, *Columbia Law School*

**George Canellos**, *Deputy Director, SEC Enforcement Division*

**Thomas Hanusik**, *Crowell & Moring*

**Mei Lin Kwan-Gett**, *Willkie Farr & Gallagher*

**William McLucas**, *Wilmer Hale*

**3:00 pm to 4:30 pm**

Panel Four

#### **Corporate Monitors**

In settling corporate crime cases, the Department of Justice may require that the company agree to the appointment of a monitor. Under what circumstances should a monitor be appointed? Who should select the monitor? What should be the scope of the monitor's duties and how long should the monitorship last? How should the monitor be paid? What steps should the monitor take to change the corporate culture that resulted in the commission of crimes?

**Shirah Neiman**, *SN Compliance LLC*

**Dan Newcomb**, *Shearman & Sterling*

**George Stamboulidis**, *Baker Hostetler*

**Gil Soffer**, *Katten Muchin*

**F. Joseph Warin**, *Gibson Dunn*

**4:30 pm: Closing Remarks**