



White Collar Practice

12 CLE credit hours including 1 ethics hour

November 13 – 14, 2009

Ritz-Carlton • Ten Avenue of the Arts • Philadelphia, PA



PACDL

Pennsylvania Association of
Criminal Defense Lawyers

WELCOME RECEPTION

**Thursday
November 12, 2009**

5:30 p.m. – 7:00 p.m.

**Welcome Reception at Capital Grill
1338 Chestnut Street**

Come join your colleagues and make new friends while we enjoy the atmosphere of this award-winning restaurant.

2009 COURSE PLANNERS

Arthur T. Donato, Jr.
Law Offices of Arthur T. Donato, Jr., Media

Peter F. Vaira
Vaira & Riley, P.C., Philadelphia

Catherine M. Recker
Welsh & Recker, P.C., Philadelphia

Robert E. Welsh, Jr.
Welsh & Recker, P.C., Philadelphia

SCHEDULE OF EVENTS

Friday, November 13, 2009 (6 substantive CLE credit hours)

8:00 a.m. – 9:00 a.m.	Registration and Continental Breakfast
9:00 a.m. – 10:30 a.m.	A Lesson in Pre-Indictment Representation Peter F. Vaira, <i>Vaira & Riley, P.C.</i> , moderator and Dan K. Webb, <i>Winston & Strawn LLP</i>
10:30 a.m. – 10:45 a.m.	Break
10:45 a.m. – 12:15 p.m.	The Economic Crisis: Criminal Law Implications of the Causes and The Government's Stimulus Program Meredith Auten, <i>Morgan Lewis LLP</i> , moderator, David Berardinelli, <i>DeForest Koscelnik Yokitis Kaplan & Berardinelli</i> , Kevin R. Puvalowski, <i>Deputy Special Inspector General, TARP</i> , Marc S. Raspanti, <i>Pietragallo Gordon Bosick Alfano & Raspanti</i>
12:15 p.m. – 1:45 p.m.	Lunch on your own, explore Center City Philadelphia and its many excellent restaurants and shops.
1:45 p.m. – 3:15 p.m.	Brave New World of Tax Enforcement: UBS, International and Corporate Criminal Tax Issues Peter D. Hardy, <i>Post & Schell, PC</i> , moderator, Kevin M. Downing, <i>Department of Justice, Criminal Enforcement Section, Tax Division</i> , Scott D. Michel, <i>Caplin & Drysdale</i>
3:15 p.m. – 3:30 p.m.	Break
3:30 p.m. – 5:00 p.m.	The KPMG Tax Shelter Prosecution: Trial Issues Peter D. Hardy, <i>Post & Schell, PC</i> , moderator, Kevin M. Downing, <i>Department of Justice, Criminal Enforcement Section, Tax Division</i> , Richard M. Strassberg, <i>Goodwin Procter, LLP</i> , Craig D. Margolis, <i>Vinson & Elkins, LLP</i>
5:30 p.m. – 7:30 p.m.	Cocktail Reception at the Ritz-Carlton



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LOCATION

The Ritz-Carlton is located at Ten Avenue of the Arts, Philadelphia, PA 19102. Walk in the footsteps of America's forefathers and become a part of history. Stay in one of America's most venerable cities and absorb the character of landmark buildings. The Ritz-Carlton offers easy access to fine dining, shopping, and the city's business district.

For overnight reservations, call the Ritz-Carlton at 800-241-3333.

MARK YOUR CALENDAR

Great Defenses in Homicide Cases

December 4, 2009
6 credit hours

DoubleTree Hotel
One Bigelow Square
Pittsburgh, PA

2010 Joint Annual Meeting

April 29 & 30, 2010
12 credit hours

Harrisburg Hilton
One North Second Street
Harrisburg, PA

SCHEDULE OF EVENTS

Saturday, November 14, 2009 (5 substantive CLE credits; 1 hour of ethics)

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|-------------------------|---|
| 8:00 a.m. – 9:00 a.m. | Registration and Continental Breakfast |
| | A Morning on Federal Sentencing
Moderated by J. Alan Johnson, <i>Johnson & Eddy</i> and Peter F. Vaira, <i>Vaira & Riley, P.C.</i> |
| 9:00 a.m. – 10:00 a.m. | The Federal Sentencing Commission
William B. Carr, Jr., <i>Vice Chairman, United States Sentencing Commission</i> |
| 10:00 a.m. – 11:00 a.m. | Developments in Federal Sentencing
Herbert J. Hoelter, <i>Chairman, National Center on Institutions and Alternatives, Addressing Recent Changes in Sentencing and Post-Sentencing Procedures</i> |
| 11:00 a.m. – 11:15 a.m. | Break |
| 11:15 a.m. – 12:15 p.m. | Federal Sentencing: Tough Cases – Examination of Challenging Sentencings
Consult the panel about your difficult and vexing sentencing issues. |
| 12:15 p.m. – 1:45 p.m. | Lunch with Guest Speaker: Brian Ross
ABC News' Chief Investigative Correspondant |
| 1:45 p.m. – 2:45 p.m. | Scaling a Mountain of Paper: Document Productions and Electronic Discovery Management for the White Collar Lawyer
Catherine M. Recker, <i>Welsh & Recker PC, moderator</i> , David M. Howard, <i>Dechert LLP</i> , James M. Becker, <i>Buchanan Ingersoll & Rooney PC</i> , Matthew H. Haverstick, <i>Conrad O'Brien PC</i> |
| 2:45 p.m. – 3:00 p.m. | Break |
| 3:00 p.m. – 5:00 p.m. | Lessons Learned from <i>United States v. Vincent Fumo</i>
(1 substantive CLE hour; 1 hour of ethics)
Moderated by Peter F. Vaira, <i>Vaira & Riley, P.C.</i> and J. Alan Johnson, <i>Johnson & Eddy</i>
Mark B. Sheppard, <i>Montgomery, McCracken, Walker & Rhoads, LLP</i> , Peter Goldberger, <i>Law Office of Peter Goldberger</i> , Dennis J. Cogan, <i>Dennis J. Cogan & Associates</i> |

This seminar has been approved for 1 hour of ethics and 11 hours of substantive credit hours by the Continuing Legal Education Board of the Supreme Court of Pennsylvania.

CANCELLATION POLICY

There will be no refunds after November 3, 2009 (a colleague may take your place or your material will be sent to you). Cancellations prior to that date will be subject to a \$50 cancellation fee.



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Please return this form no later than **Nov. 3, 2009** with a check made payable to PACDL and mail it to:

PACDL • 115 State Street • Harrisburg, PA 17101

Walk-ins will be accepted but we cannot guarantee seating nor materials.

Telephone 717-234-7403. Fax 717-234-7462.

SPONSORSHIP OPPORTUNITIES

Opportunities are available to sponsor this year's White Collar Practice seminar. If you choose to be a sponsor, please **send your company name and a high resolution logo** (if available). You can either email the text and logo to pacdl@aol.com or mail it along with your check to:

PACDL • 115 State Street • Harrisburg, PA 17101

- Gold Sponsorship** \$3500
Recognition on signs at social events & at registration desk, and in course materials.
- Silver Sponsorship** \$1500
Recognition on signs at social events & at registration desk, and in course materials.

The sponsorship deadline is **Friday, October 23, 2009.**

Please return this form with a check made payable to PACDL and mail it to:

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REGISTRATION

Seminar Prices:

Prices include meals, social events and CLE reporting fees.

- Attorney Registration \$550
- Public Defender or Attorney in Practice Less than 5 Years \$495
- Friday Only *(includes reception)* \$350
- Saturday Only *(includes lunch with Brian Ross)* \$350

Social Events Only (or Guest) Prices:

- One Thursday Reception Ticket \$75
- One Friday Reception Ticket \$75

Enclosed is \$ _____

I will be attending the following:

- Thursday Reception
- Friday Reception
- Friday Seminar
- Saturday Seminar & Lunch

Pre-registration to all events is required.

Address Information

Name _____

Attorney ID _____

Mailing Address _____

City _____ State _____ Zip _____

Phone _____

FAX _____

Email _____

Please note any dietary needs or needs related to disabilities:

Payment Information

- Pay by check
- Pay by credit card

Type of Card _____ Expiration Date _____

Card Number _____ CCV Code* _____

Name on Card _____

Billing Address _____

City _____ State _____ Zip _____

*Card Verification Value, the 3-digit number found on the back of Visa, Mastercard, and Discover or the 4-digit number on the front of American Express Cards.



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FEATURED SPEAKER

BRIAN ROSS

ABC News' Chief Investigative Correspondent

Brian Ross is one of the most honored and respected journalists in the country. As ABC News' Chief Investigative Correspondent, he reports extensively for "World News with Charles Gibson," "Nightline," "Good Morning America," and "20/20," as well as for ABC News Radio and "The Blotter" on ABCNEWS.com. Mr. Ross joined ABC News in July 1994.

Through his investigative reports, Mr. Ross has exposed corruption at all levels of government, changed domestic laws and prompted reforms abroad. Mr. Ross and his team most recently made headlines and won an Edward R. Murrow Award for their groundbreaking reports on auto company CEOs who flew in private jets to ask for public money in Washington.

Mr. Ross's work has been repeatedly honored with the most prestigious awards in journalism including six DuPont Awards, five Peabody Awards, five Polk Awards, five awards from the Overseas Press Club, twelve Emmys and three Edward R. Murrow Awards and many more.

Prior to joining ABC News, Mr. Ross worked for 20 years at NBC News, reporting for the "NBC Nightly News" and for "Dateline NBC."

SPEAKER BIOS

Meredith Auten is a partner in Morgan Lewis's Litigation Practice in Philadelphia. Ms. Auten concentrates her practice on white collar litigation. She also handles related civil litigation, including False Claims Act actions.

James M. Becker is a shareholder in the Philadelphia office of Buchanan Ingersoll & Rooney, P.C. A former federal prosecutor and trial attorney with the Antitrust Division, he has defended a wide variety of clients in white collar criminal prosecutions in the health care, environmental, government procurement, tax, securities, and antitrust fields.

David Berardinelli, a former federal prosecutor with the Southern District of New York, is a partner in the law firm of DeForest Koscelnik Yokitis Kaplan & Berardinelli in New York City. His work focuses primarily on litigation in the areas of white collar criminal defense for both corporate and individual clients, products liability law, aviation litigation defense, commercial and business litigation, First Amendment and defamation litigation and labor and employment disputes.

William B. Carr, Jr., Vice Chairman of the United States Sentencing Commission, previously served as an assistant United States attorney in the Eastern District of Pennsylvania from 1981 until his retirement in 2004. In 1987, he was designated the Justice Department contact person for that U.S. Attorney's Office's sentencing guidelines training. He was also the criminal division professional responsibility officer.

Dennis J. Cogan is a partner in the Philadelphia firm of Cogan, Petrone & Associates. He focuses his practice on federal and state criminal defense and civil rights (wrongful prosecution). Mr. Cogan handles cases at both the trial and appellate level.

Kevin M. Downing is a Senior Trial Attorney in the Criminal Section of the Tax Division of the Department of Justice in Washington, D.C., where he has served for over 13 years. Mr. Downing has prosecuted the cases against accounting firm KPMG and UBS, as well as the related prosecutions involving their employees and officers.

Peter Goldberger is a principal at the Law Offices of Peter Goldberger in Ardmore where he represents individuals and businesses in civil and criminal appeals in federal courts throughout the United States. He has published in the fields of parole and sentencing, among other areas. Mr. Goldberger is a long term member of PACDL's Board of Directors.

Peter D. Hardy is a partner at Post & Schell in Philadelphia, in its White Collar Defense, Compliance and Risk Management Group. He previously served as an Assistant United States Attorney in the Eastern District of Pennsylvania, and as a trial lawyer for the Department of Justice's Tax Division, Criminal Section, in Washington, D.C.

Matthew H. Haverstick is a partner in the trial firm of Conrad O'Brien PC in Philadelphia and focuses on white collar criminal defense, internal corporate investigations, civil trial work, RICO and construction defect matters.

Herbert J. Hoelter is cofounder, chairman of the board, and chief executive officer of National Center on Institutions and Alternatives in Baltimore. Mr. Hoelter is recognized as one of the country's leading experts in sentencing and the federal prison system and in developing alternative programs to incarceration.

David M. Howard is a partner in the Philadelphia office of Dechert LLP and co-chairs the group's white collar and securities litigation practice. A former federal prosecutor, he concentrates his practice on representing corporations and executives in government and internal investigations.



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S P E A K E R B I O S

J. Alan Johnson is a partner in the Pittsburgh firm of Johnson & Eddy. A former U.S. Attorney for the Western District of Pennsylvania, he has been in private practice for over twenty years. He represents clients in federal and state criminal cases including antitrust, environmental and tax violations and in mail and wire fraud, and securities fraud.

Craig D. Margolis, formerly an Assistant U.S. Attorney for the Eastern District of Pennsylvania, is a partner in the White Collar Criminal Defense Group at the firm of Vinson & Elkins LLP in Washington, D.C. Mr. Margolis represented Jeffrey Stein, the lead defendant in *U.S. v. Stein, et al.*, the KPMG case described by the government as the largest criminal tax case in U.S. history.

Scott D. Michel is a member of Caplin & Drysdale in Washington, D.C. and currently serves as the firm's President. He is a Fellow of the American College of Tax Counsel, the Chair of the ABA Tax Section's Standards of Tax Practice Committee, and a former Chair of the ABA Tax Section's Committee on Civil and Criminal Tax Penalties.

Kevin R. Puvalowski, SIGTARP's Deputy Special Inspector General, was a federal prosecutor in the United States Attorney's Office for the Southern District of New York for more than seven years. In that office, he served in several senior leadership roles, including Deputy Chief Appellate Attorney, Chief of the International Narcotics Trafficking Unit, and Regional Coordinator of the Organized Crime Drug Enforcement Task Force.

Marc. S. Raspanti is a partner at Pietragallo Gordon Alfano Bosick & Raspanti, LLP in Philadelphia where he serves as Chair of the firm's White Collar Criminal Defense practice group. He practices in the areas of White Collar Criminal Defense; Criminal, Civil and Administrative Health Care Fraud Defense; Federal and State Qui Tam Litigation; and Complex Commercial Litigation.

Catherine M. Recker is a partner in the firm of Welsh & Recker, P.C. in Philadelphia. She represents individuals and corporations in criminal investigations, trials and appeals and in other government enforcement and regulatory matters.

Mark B. Sheppard is a partner in the Litigation Department at Montgomery, McCracken, Walker & Rhoads, LLP in Philadelphia. His practice focuses on white collar criminal defense, SEC Enforcement, complex commercial litigation. Mr. Sheppard is a member of PACDL's Board of Directors.

Richard M. Strassberg, formerly the Chief of the Major Crimes Unit in the U.S. Attorney's Office for the Southern District of New York, is the Chair of the White Collar, Crime & Government Investigations Practice at the firm of Goodwin Procter LLP in New York City. Mr. Strassberg successfully represented David Greenberg, a former KPMG partner, in *U.S. v. Stein, et al.*

Peter F. Vaira, is a partner in the firm of Vaira & Riley, P.C. in Philadelphia and was a former U.S. Attorney and Strike Force prosecutor. He has represented individuals and corporations in criminal investigations for the last 25 years.

Dan K. Webb, former U.S. Attorney for the Northern District of Illinois, is a partner in the litigation department of Winston & Strawn, LLP, in Chicago, serves as firm chairman and is a member of the Executive Committee. His trial practice concentrates in the areas of major commercial, civil, regulatory, and white-collar criminal cases.