



Investigations: Readiness and Response Webinar Series

Agenda & List of Available Sessions - Tuesday, April 27 – Friday, April 30

Day 1: Tuesday, April 27, 2021

12:00-1:00

Nuts & Bolts of Investigations: Protecting Privilege

Speakers: Laurence Winston, Rebecca Ricigliano, Maarten Stassen, Kelly Currie, and Nimi Aviad

The session will cover the preservation of the attorney client privilege during internal investigations and will examine both the basics of privilege law and best practices for preserving it in the US, UK and EU. Clients have found this very beneficial for members of the compliance, internal audit, and legal functions; but we also welcome anyone else that would like to attend.

1:00-2:00

Labor, Employment, and COVID-related Investigations

Speakers: Trina Fairley-Barlow, Katie Erno, Jackson Pai, and Sadina Montani

Employee complaints and the need to investigate and resolve those complaints promptly are a reality of the modern workplace and a critical risk mitigation tool to avoid legal liability and negative impact to corporate brand. Both empirical data and anecdotal evidence reveal that the COVID-19 pandemic, new remote work arrangements, and the current social and political climate have only increased workplace complaints, which range from concerns about workplace conditions and safety, discrimination, and harassment to wage and hour, data privacy, employee misconduct, and retaliation.

This panel will discuss best practices for conducting workplace investigations and implementing corrective actions during this challenging period and beyond, from both the United States and global perspective; identify unique challenges presented by conducting remote investigations and how to address them; and provide practical tips for avoiding retaliation and other legal challenges during and after the investigation.

2:00-3:00

Congressional Investigations & National Security

Speakers: Byron Brown, Jim Flood, Caroline Brown, Michael Atkinson, Adelia Cliffe, and Paul Rosen

National security and congressional investigations present unique challenges. Given that enhancing national security remains the highest priority of the Justice Department and the FBI, while addressing near-peer competitors like China and Russia is the top priority of the Department of Defense and the Intelligence Community, national security investigations are likely to remain of paramount concern to law enforcement and regulatory agencies, the defense and intelligence communities, and, as importantly, Congress.

This panel will provide guidance on best practices in these complex, cross-border, “all tools,” and oftentimes high-profile investigations, drawing on the panelists’ past experience working on these investigations at the Department of Justice, at the Department of Homeland Security, in the Intelligence Community, on the Hill, and at Crowell & Moring. Topics covered will include issues and trends related to economic espionage, cybersecurity, supply chain security, mishandling of classified and sensitive information, and whistleblower rights and protections, as well as the legislative priorities and related congressional investigations likely to arise in these critical areas.

Day 2: Wednesday, April 28, 2021

12:00-1:00

Antitrust & Competition Investigations

Speakers: Juan Arteaga, Megan Wolf, Stefan Meisner, and Dan Zelenko

In this panel, experienced practitioners and former government officials will discuss steps that corporate legal departments can take to minimize their company's antitrust risks during a time of increased enforcement.

The panel will also talk through what every company should know to prepare for and weather a government antitrust investigation. In addition to practical tips for antitrust investigations, the panelists will discuss current enforcement priorities and emerging trends in antitrust enforcement under the Biden Administration.

1:00-2:00

Government Contracts Investigations: FCA and Beyond

Speakers: Tully McLaughlin, Gail Zirkelbach, Preston Pugh, Yuan Zhou, Lorraine Campos, and Steve Byers

Companies that do business with the government, whether directly or indirectly, face a range of potential investigations -- from routine audits and similar inquiries, to full-blown high-stakes civil and criminal procurement fraud investigations. This webinar will provide practical guidance on the unique issues, procedures and players that arise in such investigations, and how to effectively navigate them.

2:00-3:00

Digital Assets Investigations

Speakers: Michelle Gitlitz, Dan Zelenko, Carlton Greene, and Kelly Currie

Anyone operating or thinking of operating in the digital asset space should be mindful of the patchwork of federal, state, and international laws that could apply to such operations as well as the panoply of government agencies that have jurisdiction to investigate and prosecute potential wrongdoers. In this webinar, we will address issues enforcement trends and practical compliance solutions to keep companies out of trouble.

Day 3: Thursday, April 29, 2021

12:00-1:00

Anti-Corruption & Sanctions Investigations

Speakers: Tom Hanusik, Clif Burns, Warrington Parker, Michelle Linderman, and Nimi Aviad

Violations of sanctions laws and anticorruption laws, in the United States, the United Kingdom and elsewhere, both involve potentially illegal actions taken by a company's offshore employees, so internal investigations of these matters pose both domestic and international issues.

This panel, with both U.S. and U.K. attorneys will provide guidance on best practices in the complex investigations of such violations. Issues covered with both a U.S. and U.K. perspective include maintenance of privilege, proper scope of the investigation, challenges in reviewing relevant documents and emails given privacy considerations, the difference between investigating criminal and administrative violations, and how to use the investigative findings to the company's best advantage.

1:00-2:00

Trade Secrets Investigations

Speakers: Raija Horstman, Caroline Brown, Astor Heaven, Steve Byers, and Christine Hawes

Trade secrets and other confidential business information come in many forms, and for many businesses are its most valuable assets. Knowing how to detect and investigate potential instances of trade-secrets theft, whether attributable to insider or outside threats, is therefore critical, as is understanding how to respond to competitor allegations that your company possesses stolen trade secrets. This webinar will offer practical guidance on steps throughout the lifecycle of a trade-secrets-theft investigation, from detection to preparing for litigation, including criminal enforcement.

2:00-3:00

Health Care Investigations: FCA and Beyond

Speakers: Troy Barsky, Michael Shaheen, Roma Sharma, and Payal Nanavati

Government and whistleblower actions under the False Claims Act alleging health care fraud and abuse continue to be a significant threat to all entities that engage in health care delivery in the United States.

This panel will provide guidance on best practices in responding to health care government investigations as well as conducting internal investigations to determine potential legal exposure. Issues covered include managing relationships with key enforcement agencies including U.S. Department of Justice and HHS Office of the Inspector General, working with HIPAA protected patient information and claims data, addressing key issues that arise in cases that are predicated on Anti-Kickback and Stark Law violations, and self-disclosures to government agencies.

Day 4: Friday, April 30, 2021

12:00-1:00

Data Protection & Cybersecurity Investigations

Speakers: Evan Wolff, Jeff Poston, Kate Growley, Paul Rosen, and Matthew Welling

As cybersecurity has become a boardroom topic, legal professionals need to be informed about their organization's potential risks and points of exposure. Recent events have put these risks into sharp focus. Increased remote work has led to a startling rise in ransomware incidents, while "SolarWinds" and other unprecedented supply chain attacks have put thousands of companies in the cybersecurity crosshairs. For legal professionals, these kinds of cyber incidents lead to questions and concerns about how their organizations should respond and which steps should be taken, including those related to forensic investigations, preserving privilege, and coordination with commercial and government partners.

For this webinar, we've assembled an impressive panel of practitioners with legal and technical experience in managing cybersecurity incidents to discuss the novel issues, best practices, and legal considerations triggered by these recent cybersecurity incidents and the internal investigations that follow.

1:00-2:00

Environmental Investigations

Speakers: Paul Freeman, Derek Hahn, Michael Boucher, and Byron Brown

Pending Incoming leadership at the U.S. Environmental Protection Agency (EPA) and U.S. Department of Justice, Environment and Natural Resources Division (DOJ ENR) are poised to implement President Biden's directive to increase environmental enforcement in order to play a central role in the Administration's pursuit of its hallmark Climate and Environmental Justice policy objectives.

This session will help clients prepare for this rapidly evolving landscape of environmental enforcement risk by surveying recent EPA and DOJ ENR enforcement trends and data; highlighting the

key aspects of Executive Order 14008 and its implications for the calibration of risk for the regulated community; and offering best practices applicable to the unique aspects of investigations conducted in response to civil and criminal environmental enforcement.

2:00-3:00

Paycheck Protection Program Investigations

Speakers: *Rebecca Ricigliano, Amy Laderberg O'Sullivan, Olivia Lynch, and Tiffany Wynn*

A constantly evolving landscape of guidance from the federal government for Paycheck Protection Program (PPP) loan recipients accompanied the government's efforts to provide economic relief to business during the COVID-19 pandemic.

Please join a cross-section of Crowell & Moring's enforcement and investigations attorneys and government contracts attorneys for a comprehensive overview of the current PPP enforcement focus, as well as what to expect – and how to prepare now – for the risk associated with audits, investigations, and civil and criminal enforcement activity for PPP program participants. The panel will discuss areas of potential scrutiny, including concepts related to initial and second draw PPP loan eligibility (such as affiliation, which employees count for purposes of calculating eligibility at various points during the PPP application process, and the economic necessity certification) and loan forgiveness applications.