

CITY BAR CENTER FOR CLE

WHAT EVERY CRIMINAL & CORPORATE LAWYER NEEDS TO KNOW ABOUT MONITORS

Tuesday, October 25, 2011 / 6:00 p.m. to 9:00 p.m.

Corporate conduct is under increasing scrutiny by both criminal and civil regulatory authorities on the federal, state, and local levels. Regulators (both public and private) and courts are requiring the use of monitors to prevent and deter perceived corporate misconduct. At this seminar, a panel of experts will discuss various aspects of the roles and responsibilities of monitors appointed (voluntarily or otherwise) arising out of criminal and civil regulatory investigations. The program will cover legal and ethical considerations for monitors, regulation and oversight of monitors, codes of conduct, as well as the benefits and drawbacks of monitorships.

This program is designed for lawyers who practice state and federal criminal law, compliance and regulatory law, and civil and corporate law.

Program Co-Chairs

Thomas J. Curran
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Interim Civil Court Justice
Bronx Criminal Court

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Global Risk & Investigations
FTI Consulting, Inc.

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Chairman & CEO
SolutionPoint, Inc.
Guidepost Solutions, LLC

Thomas D. Thatcher II
President & Chief Executive Officer
Thatcher Associates, LLC

Sponsoring Association Committee:
Criminal Advocacy, Thomas J. Curran, Chair

Agenda

- 6:00 - 6:10 **Introduction**
Thomas J. Curran
- 6:10 - 6:35 **What is a Monitor?**
- How does the City choose monitors
 - Voluntary versus Appointed Monitors
 - City contracts and monitors
Rose Gill Hearn
- 6:35 - 7:00 **Federal Perspective on Monitors**
- How do the Feds choose monitors?
 - Who and what regulates the appointed monitor?
 - Deferred prosecution agreements and monitors - DOJ 2008 memo
Burton T. Ryan, Jr.
- 7:00 - 7:15 **How to Become a Monitor**
What to do when appointed or retained
Bart M. Schwartz
- 7:15 - 7:25 **Break**
- 7:25 - 7:55 **Ethical Considerations of a Monitor**
International Association of Independent Private Sector Inspectors
General Code of Conduct
Thomas D. Thatcher II
- 7:55 - 8:10 **Representing a Monitored Entity**
- When to voluntarily retain a monitor
 - How to represent an entity with a appointed monitor
 - Legal/Ethical considerations under both circumstances
Daniel Horwitz
- 8:10-8:35 **The Monitor's Perspective**
- Navigating retained versus appointed monitorships
 - Reporting responsibilities of a monitor
 - Ethical considerations of a monitor
Dan Castleman
- 8:35 - 8:50 **Roundtable discussion**
- 8:50 - 9:00 **Questions & Answers and Closing Comments**

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