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Parallel Proceedings in Securities Cases

- **Resolve the challenges involved in litigating parallel civil and criminal law enforcement proceedings**
- **Learn the strategies necessary to deal with SEC receivers who represent multiple government agencies**
- **Successfully manage simultaneous investigations by the SEC, CFTC, DOJ and other regulators**
- **Cross-border investigations by the United States, United Kingdom and Asia**
- **Learn how to negotiate a global settlement with multiple regulators**



New York City, January 16, 2008



Live Webcast, January 16, 2008 – www.pli.edu

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Parallel Proceedings in Securities Cases



New York City, January 16, 2008



Live Webcast, January 16, 2008 — www.pli.edu

Why You Should Attend

Today's securities litigation commonly involves interaction with several government agencies and private litigators. This program will teach you how to navigate this increasingly complex world. The program will focus on parallel proceedings involving the Department of Justice, Securities and Exchange Commission and private litigators as well as other key government agencies. An expert faculty will examine the issues involved in dealing with multiple agencies simultaneously and provide guidance on case management, privilege and cooperation with the government.

What You Will Learn

- How to navigate the thicket of multiple civil and criminal law enforcement proceedings
- The panoply of enforcement tools available to federal and state regulators in parallel proceedings
- All about asset freezes, seizures and forfeitures
- Modifications to practices of federal agencies in light of recent decisions
- How to negotiate global settlements with multiple regulators
- How to handle guilty pleas in parallel proceedings
- How to litigate class actions brought in tandem with law enforcement proceedings

Who Should Attend

- Private practitioners who represent individuals and companies in DOJ, SEC, CFTC, FINRA and class-action suits
- General Counsels of public companies and companies in the financial services industry
- In-house litigation counsel in the financial services industry

PLI's Nationally Acclaimed Course Handbooks

All program attendees* will receive a copy of the Course Handbook. This softcover, bound volume was prepared specifically for this program and will also stand alone as a permanent reference. PLI's Course Handbooks represent the definitive thinking of the nation's finest legal minds, and are often the standard reference in the field. Please note: Individual Webcast attendees will receive a downloadable version of the Handbook the day of the program, and the Course Handbook after the program date.

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PROGRAM SCHEDULE

Please plan to arrive with enough time to register before the conference begins. A continental breakfast will be available upon your arrival.

Morning Session: 9:00 a.m. – 12:30 p.m.

9:00

Introduction to Parallel Proceedings

Thomas V. Sjoblom

9:15

Initial Responses to Multiple Proceedings

- TRO hearings
- Criminal complaints and indictments
- SEC freeze orders and seizure warrants
- Marshalling the evidence, including internal investigations
- Joint defense arrangements
- McNulty Memorandum
- Advancement of legal fees

Gandolfo V. DiBlasi, Thomas V. Sjoblom

10:15 Break

10:30

SEC and CFTC on Parallel Proceedings

- Cooperation with U.S. Attorneys' Offices
- Modification of SEC practice in light of the *Scrushy* and *Stringer* decisions
- Issues involving stays of civil enforcement proceedings

Peter H. Bresnan, Carl H. Loewenson, Jr., Stephen J. Obie

11:30

DOJ and State Criminal Proceedings

- Initiating and orchestrating the criminal law enforcement effort
- Cooperation with SEC, CFTC and State Attorneys General and District Attorneys
- Breadth of New York State's Martin Act

Reid M. Figel, William F. Johnson, Dietrich L. Snell

12:30 Lunch

Afternoon Session: 1:30 p.m. – 5:00 p.m.

1:30

Financial Industry Regulatory Authority (FINRA)

- New enforcement procedures
- Interfacing of SRO and SEC enforcement

Herbert F. Janick III, Susan L. Merrill

2:30

Class Actions - Private Securities Litigation Reform Act (PSLRA)

- Stay of civil proceedings
- Discovery issues
- Collateral estoppel and collection of judgments

Jack C. Auspitz, Gandolfo V. DiBlasi, Gregory A. Markel

3:30 Break

3:45

Foreign Regulators

- Financial Services Authority (FSA) (England), Authority of the Financial Markets (AMFS) (France) and Securities & Futures Commission (SFC) (Hong Kong)
- Identifying and addressing conflicts of law issues that emerge in parallel investigations
- Dealing with mutual assistance requests from the U.S. to foreign regulators

Peter Burrell, Mark Johnson, Michael D. Mann

5:00 Conference Adjourns

Other Relevant Products From PLI

Course Handbook

Parallel Proceedings in Securities Cases,
\$199. *The Course Handbook will be available on the first day of the program.*

Treatises

The Sarbanes-Oxley Deskbook

John T. Bostelman (Sullivan & Cromwell LLP, New York City)

"The bible for securities lawyers." FORTUNE Magazine

Updated coverage examines the SEC's proposed interpretive guidance for management's assessment of internal control over financial reporting • amendments to the PCAOB's auditing standard, which focus on internal controls over financial reporting, eliminating unnecessary procedures, making audits scalable for small companies, and simplifying audit requirements • and the PCAOB's proposed new auditing standard.

3 looseleaf volumes, 3,000 pages, \$435 (Revised annually or as needed: No charge for revision issued within 3 months of purchase)

Soderquist on the Securities Laws, Fifth Edition

Gary M. Brown (Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Nashville, TN)

Widely appreciated as *Understanding the Securities Laws* by the late Larry D. Soderquist, the renamed **Soderquist on the Securities Laws** features in-depth treatment of the SEC's securities offering reforms, while retaining its thorough coverage of seminal securities standards. **Soderquist** shows how the new rules create new categories of issuers that have new communication opportunities, registration options, and restrictions • simpler and more flexible automatic shelf-registration for well-known seasoned issuers • a new class of permissible written communications known as free writing prospectuses • and safe harbors from gun-jumping provisions.

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- 654 The Sarbanes-Oxley Deskbook,¹ 3 looseleaf volumes, \$435
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