

ADVANCE REGISTRATION DEADLINE: 29 OCTOBER 2010

CORPORATE CONDUCT: EMERGING SOURCES OF CIVIL AND CRIMINAL LIABILITY ACROSS EUROPE FOR CORPORATIONS AND THEIR DIRECTORS AND OFFICERS

**18-19 NOVEMBER 2010
LE MERIDIEN PICCADILLY
LONDON, ENGLAND**

EXPERT SPEAKERS INCLUDING

**CHIEF CRIMINAL COUNSEL,
FSA**

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SFO**

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**CORPORATE FRAUD
SPECIALISTS**

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COUNSEL, THE SHERWIN-
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**EXPERIENCED INSURANCE
EXPERTS**

LEADING LITIGATORS

REASONS TO ATTEND

- Hear from a regulator and an industry expert how the regulation of corporate conduct has evolved in the financial sector
- Learn how different European regimes approach the issue of corporate criminal conduct and discover how this impacts corporations in practice—including obtaining sufficient insurance coverage for defending subsequent legal action
- Hear about the current litigation trends and problematic “hot spots”
- Learn about the civil liability of corporations to third parties for their own criminal conduct and that of their directors and officers
- Gain up-to-date insight into recent developments in liability for bribery and corruption
- Obtain practical advice from leading litigators on dealing with criminal conduct litigation, both civil and criminal

Over recent years, companies and their Directors and Officers have become subject to increased regulation and the threat of litigation. This programme brings together leaders in fields of regulation, insurance and litigation to examine the impact of increased regulation and how companies may address civil and criminal issues arising out of the actions of their Directors and Officers.

Whether it is ensuring that adequate insurance coverage is secured, dealing with complex and lengthy litigation or handling the press, attendees will pick up useful tips on successfully managing the increasing challenges that companies and their Directors and Officers face in the current economic climate, both in Europe and beyond.



Isabel Foley
Chair, DRI Europe
Arthur Cox
Dublin, Ireland



E. Wayne Taff
Chair, DRI Advisory Group
Sherman Taff Bangert
Thomas & Coronado PC
Kansas City, Missouri,
U.S.A.



Alison Newstead
Programme Chair
Shook Hardy & Bacon
International LLP
London, England

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Presented by



PROGRAMME

Thursday, 18 November 2010

17:00 **Registration**

18:00 **Reception**

Sponsored by **Hogan Lovells International LLP**

Friday, 19 November 2010

7:00 **Registration**

7:30 **Continental Breakfast**

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Sherman Taff Bangert
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8:30 **Welcoming Remarks and Overview of Program**

Isabel Foley, *Arthur Cox*, Dublin, Ireland

8:45 **Insurance Issues: Corporate Conduct Consideration in Today's Europe**

This session will provide an overview of the current corporate climate and will highlight how companies are facing increased regulation and risk of litigation and potential prosecution throughout Europe and the U.S.A.

Charlie Monteith, *Serious Fraud Office*, London, England

John P. Rupp, *Covington & Burling LLP*, London, England

9:45 **Liability Across Europe for the Criminal Conduct of Corporations, Directors and Officers: The New Frontier—Who Is Suing Whom and for What?**

Learn how corporations' criminal conduct is approached in various jurisdictions in Europe. Speakers will highlight key litigation and prosecution hot-spots and emerging trends, civil claims arising from criminal conduct and the latest developments in corporate liability for bribery and corruption.

Ozan Akyurek, *Jones Day*, Paris, France

Jeremy Cole, *Hogan Lovells International LLP*, London, England

Ana Empananza, *Davies Arnold Cooper LLP*, Madrid, Spain

Sean Larkin, *QEB Hollis Whiteman Chambers*, London, England

10:45 **Refreshment Break**

11:00 **Defending Corporations and Their Directors and Officers for Both Criminal and Civil Claims Arising from Criminal Conduct: The Litigator's Handbook**

Experienced litigators will focus exclusively on practical advice for those charged with defending claims against corporations and their directors. Speakers with firsthand knowledge of the key issues will provide valuable tips on dealing with litigation—from the initial investigation and interview stage to dealing with disclosure, legal representation of directors, insurance issues and managing the press.

Esteban Astarloa, *Uría Menéndez*, Madrid, Spain

Peter Burrell, *Herbert Smith LLP*, London, England

Mark Ellison QC, *QEB Hollis Whiteman Chambers*, London, England

Richard Highley, *Davies Arnold Cooper LLP*, London, England

12:00 **Regulation in the Financial Sector: The Criminalisation of the Conduct of Corporations and Their Directors and Officers**

Hear from a regulator and an industry expert how regulation of corporate conduct has evolved in the financial sector, the changing approach to regulation in the current economic climate and the future expectations in this ever-changing area.

Antonio Castro, *Barclays*, Madrid, Spain

David Kirk, *Financial Services Authority*, London, England

13:00 **Luncheon** (*open to all—included in registration*)

Sponsored by **Arthur Cox**



14:15 **Corporate Wrongdoing in Today's Europe: What Is Covered and What Is Not? Expectations vs. Reality**

The panel will discuss the scope of policy coverage in European and U.S. markets and highlight key issues that should be considered when securing coverage, such as:

- Who is covered?
- What are the common exclusions?
- Does the conduct of one director prevent coverage for all?
- Indemnities—their availability and how they work.
- New acquisitions: Are they automatically covered?

Miles J. Banks, *Willis Group Limited*, London, England

Kieran Cowhey, *Dillon Eustace*, Dublin, Ireland

John W. Lebold, *The Sherwin-Williams Company*, Cleveland, Ohio, U.S.A.

Eleni Petros, *Marsh*, London, England

15:30 **Refreshment Break**

15:45 **Corporate Wrongdoing in Europe: Case Studies—Criminal Conduct of Corporations, Officers and Directors**

Those at the forefront of defending Directors and Officers will highlight the difficulties faced by insurers and companies when Directors and Officers face criminal proceedings—including those of corporate manslaughter.

Adrian Darbishire, *QEB Hollis Whiteman Chambers*, London, England

16:45 **Concluding Remarks**

Alison Newstead, *Shook Hardy & Bacon International LLP*, London, England

17:00 **Adjourn**



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IN DRI:
A STATEMENT OF PRINCIPLE

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation. Diversity is a core value at DRI. Indeed, diversity is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides. Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defence organizations. Accordingly, DRI encourages all national, state, and local defence organizations to promote diversity and inclusion in their membership and leadership.

GENERAL INFORMATION

Registration

U.S. and Canadian registrants can register online at www.dri.org and all international registrants (including European lawyers) should register at www.driEurope.org. Additionally, all registrants can mail or fax the attached registration form or call DRI headquarters at **001.312.795.1101**. Online, telephone and fax registrations require a credit card. A check may be used for registrations by mail.

The registration fee is **£550** for DRI Europe members or **\$725 (U.S.)** for U.S. DRI members and **£615** for European non-members or **\$800 (U.S.)** for U.S. non-members. The registration fee includes course materials, admission to all programmes, continental breakfast, refreshment breaks, luncheon on Friday, and networking reception on Thursday. If you wish to have your name included on the advance registration list, your registration must be received on or before **29 October 2010**.

Course Materials

DRI will email a link to the course materials to all registrants 12 days in advance of the conference. A CD-ROM containing the course materials will be distributed on-site at registration.

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Refund Policy

The registration fee is fully refundable for cancellations received on or before **29 October 2010**. Cancellations received between **29 October** and **5 November** will receive a refund, less a \$50 processing fee. No refunds will be issued for cancellations made after **5 November 2010**. All cancellations and requests for refunds must be made in writing. Fax to DRI's Accounting Department at 001.312.795.0747. Substitutions may be made at any time without charge and must be submitted in writing.

Special Discounts

The first and second registrations from the same firm or company are subject to the fees outlined above. The registration fee for additional registrants from the same firm or company is **£515** or **\$675 (U.S.)**, regardless of membership status. All registrations must be received at the same time to receive the discount.

Hotel Accommodations

The seminar will be held at **Le Meridien Piccadilly, 21 Piccadilly, London W1J 0BH, United Kingdom**. Hotel accommodations are not included in the registration fee. Hotel reservations can be made by one of the following methods: **Call-in: +44 0207 734 8000** (Identify as DRI Europe Seminar); or **click here** to make your hotel reservations online. Please mention **DRI Europe Seminar** to take advantage of the group rate of **£170** single/double. Note: The group rate does not include breakfast. The hotel block is limited, and rooms and rates are available on a first-come, first-served basis. You must make reservations by **18 October 2010** to be eligible for the group rate. Requests for reservations made after **18 October 2010** are subject to room and rate availability.

Travel Discounts

Discounted fares on various major air carriers for **DRI's Europe Seminar** attendees are available. To receive these discounts, please call or email **Hobson Travel Ltd.** to make your flight reservations. 001.630.983.8000, 800.538.7464, or email dri@hobsontravel.com. As always, to obtain the lowest fares, early booking is recommended.

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Registration Bag

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Attire

Business attire is appropriate for all functions.

The taping or recording of DRI seminars is prohibited without the written permission of DRI.

Speakers and times may be subject to last-minute changes.

DRI policy provides there will be no group functions sponsored by others in connection with its seminars.



FACULTY

Ozan Akyurek is a senior associate in the law firm of Jones Day in Paris, France. Mr. Akyurek mainly practices in the area of commercial litigation, focusing on international dispute resolution in large complex litigations. He also has experience in product liability and legal risks regarding economic activities, as well as in business-related criminal cases. His recent experience includes advice to clients in sectors such as the airline, IT, equipment, transport and packaging industries.

Esteban Astarloa is a partner in the Madrid, Spain, office of Uría Menéndez. He joined the firm in 1989 and became a partner in 2002. After several years of practice in commercial litigation, Mr. Astarloa currently focuses on corporate criminal law and criminal procedural law, advising on some of the major white collar crime cases in Spain, both as accusing party and as defence.

Miles J. Banks is the group claims director for Willis Group Limited and a member of the Partners Council. With more than 30 years in the London Market, Mr. Banks is part of the senior management team, with responsibility for resolving complex and contentious claims. He reports directly to the chairman and CEO of Willis Group Limited and acts as an independent advisor to business units, trouble-shooting commercial risks. He also serves as the president of the International Association of Claims Professionals.

Peter Burrell is a partner in one of the general commercial litigation groups at Herbert Smith LLP in London, England. In addition to general/fraud commercial litigation, he specialises in contentious regulatory work, including conducting and managing internal investigations, either commenced by the company itself following the discovery of an internal problem or commenced as a result of an external investigation by the Serious Fraud Office, HM Revenue & Customs, DTI and the FSA. A large part of Mr. Burrell's practice entails advising on criminal liability issues.

Antonio Castro is the general counsel for Barclays Spain. He joined Barclays in July 2007, as head of litigation and corporate secretariat for Barclays GRCB (Spain), coming from ADIF (Rail Infrastructures Managing Company) where he was head of the legal department. Previously, Mr. Castro worked for three years at the Government Lawyers Office before the High Court of Madrid, and his focus included crimes against the public treasury and the defence of public officers and authorities.

Jeremy Cole is a partner based in Hogan Lovells International LLP's London office, focusing on a broad range of international bribery, corruption and fraud related cases. Mr. Cole has extensive experience representing corporations and individuals in bribery and corruption related investigations and prosecutions. He heads up the firm's Bribery and Corruption Task Force. Mr. Cole is the co-editor of *International Commercial Fraud* published by Sweet & Maxwell.

Kieran Cowhey is a partner in the litigation and dispute resolution group of Dillon Eustace in Dublin, Ireland, where his practice focuses on business and insurance disputes. He acts for national and international insurers on a range of liability and coverage issues. Mr. Cowhey is an active member of DRI Europe and DRI's International Law Committee.

Adrian Darbshire is a barrister with QEB Hollis Whiteman Chambers in London, England. He specialises in anti-competitive behaviour, serious fraud, corruption, market abuse, serious professional misconduct and negligence/health and safety breaches. Mr. Darbshire was appointed as Junior Treasury Counsel at the Central Criminal Court and counsel to the Bar Standards Board.

Mark Ellison QC is a leading barrister with QEB Hollis Whiteman Chambers in London, England. He specialises in corporate and serious fraud, corruption, high-profile terrorism and serious crime. Mr. Ellison was appointed as recorder of the Crown Court, bar council member of the Criminal Justice Council and former First Senior Treasury Counsel.



Ana Emparanza joined the Madrid, Spain, office of Davies Arnold Cooper LLP in 1999, where she is involved in the area of financial lines, specifically in fidelity bonds (BBB), D&O, contingency policies and any insurance claim related to a financial loss. She has experience on a variety of insurance matters, such as public liability, EPL, employment issues and professional indemnity. Ms. Emparanza has been involved in drafting and amending different types of policies and their adaptation to Spanish law. She regularly advises Lloyd's syndicates and insurance brokers.

Isabel Foley is a partner in the law firm of Arthur Cox in Dublin, Ireland. Her principal areas of practice are commercial disputes and product liability. On the commercial side, she advises companies and financial institutions across the commercial and financial sectors on general corporate disputes, regulatory compliance and investigation, and disputes concerning financial products and services. On the product side, she heads up the Product Group and advises clients in a wide range of sectors on product liability/safety issues, including risk management, product recall and crisis management. Ms. Foley is the chair of DRI Europe.

Richard Highley is a senior partner at Davies Arnold Cooper LLP in London, England, specialising in disputes related to banking, insurance, financial institutions and accountants' liability. He deals with large commercial disputes, international litigation and substantial professional negligence actions. Mr. Highley advises on claims relating to banking fraud, UK litigation and regulatory issues. A trained mediator, he has written numerous articles and given talks on the impact of the Human Rights Act on commercial litigation, insurance coverage issues and accountants' liability.

David Kirk of London, England, worked for the Director of Public Prosecutions and the Attorney General, before becoming head of the Fraud and Regulation Unit at Stephenson Harwood. In 1994, he joined Simons Muirhead and Burton. In 2006, he set up the Fraud Prosecution Service, part of the Crown Prosecution Service. In 2009, Mr. Kirk was appointed chief criminal counsel at the Financial Services Authority. He is the coauthor of *Serious Fraud—Investigation and Trial* (Butterworths).

Sean Larkin is a barrister with QEB Hollis Whiteman Chambers in London, England. He specialises in corporate fraud, money laundering, terrorism and regulatory breaches by individuals (particularly professionals) and companies. Mr. Larkin is a regular contributor to *Fraud: Law, Practice and Procedure* and co-author of many reports for the Criminal Bar Association.

John W. Lebold is the associate general counsel-complex litigation for the Sherwin-Williams Company in Cleveland, Ohio, U.S.A. His practice centers on the defence of lead, asbestos, benzene and other toxic tort litigation. Mr. Lebold also handles insurance coverage issues for the company. He is a member of DRI, the FDCC and the American Bar Association.

Charlie Monteith, senior policy advisor with the Serious Fraud Office in London, England, has over 20 years' experience prosecuting (and originally defending) serious/complex crime, including fraud and corruption. Mr. Monteith was a member of the UK Law Commission's Advisory Panel on Bribery and his recommendation to extend UK corporate liability was accepted and is now reflected in the Bribery Bill. He was the lead drafter of the UK Attorney General's guidelines on corporate prosecutions and plea and negotiation in serious fraud and corruption cases. Mr. Monteith is a contributor to Her Majesty's Government's 2010 overseas anti-bribery strategy.

Alison Newstead is a senior associate at Shook Hardy & Bacon International LLP in London, England. She handles a variety of product liability claims involving electrical equipment, automotives and health care products. With considerable experience in French and English law, Ms. Newstead coordinates pan-European defence strategies for international consumer product manufacturers, as well as advising on risk management and recall. She has assisted clients in the construction, transport, health care and environmental industries with general health and safety issues and regularly represents clients at inquests and in criminal trials. Ms. Newstead is the programme chair of this seminar.



Eleni Petros joined Marsh in January 2010, as head of the product development team for the financial services division within FINPRO. Her specialty is D&O insurance. Previously, Ms. Petros worked at Chartis, where she served for nearly five years as legal counsel and product manager for financial lines. Prior to that, she was legal counsel at RSA for three years. Before moving to the UK, Ms. Petros was a senior associate at a leading commercial insurance law firm, Ebsworth & Ebsworth in Sydney, where she focused on financial litigation and professional indemnity insurance claims.

John P. Rupp is a partner in the law firm of Covington & Burling LLP in its London, England, office. He concentrates his practice on corporate compliance, including bribery, fraud and corruption investigations and counseling. He was the co-chair of the Fifth European Forum on Anti-Corruption and is a presenter at the Third Annual Anti-Corruption for Pharma and Life Sciences Conference to be held in London in April 2010.

E. Wayne Taff, managing partner of Sherman Taff Bangert Thomas & Coronado PC in Kansas City, Missouri, has tried high-profile product liability cases throughout the U.S., serving as national, regional and local counsel for a number of companies. He has published and lectured extensively, both nationally and internationally, in the areas of product liability, toxic torts, expert witnesses and trial advocacy. Mr. Taff is a former chair of DRI's Law Institute and DRI's Product Liability Committee, as well as a past DRI board member and officer. He presently serves as the chair of the DRI Advisory Group.

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DRI wishes to thank our sponsors for their support at this year's seminar!

ARTHUR COX



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EMERGING SOURCES OF CIVIL AND CRIMINAL LIABILITY ACROSS
EUROPE FOR CORPORATIONS AND THEIR DIRECTORS AND OFFICERS**

18-19 NOVEMBER 2010

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What is your primary area of practice? _____

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- U.S. DRI Member: \$725 (U.S.)** **U.S. DRI Non-member: \$800 (U.S.)**
- DRI Europe Member: €550** **DRI Europe Non-member: €615**
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