

"Avoiding the Ethical Pitfalls of Internal Investigations: How to Protect Your Client and Yourself," The Criminal Law and Business Law Sections of the OSB

Seminar
February 17, 2011 | 1:30 p.m. - 6:00 p.m.
Multnomah Athletic Club, Portland, OR

Related Services

White-Collar Defense &
Investigations

**The Criminal Law and Business Law Sections of the OSB
Invites you to a CLE.**

Registration: To register for this event, click [here](#).

Given the current regulatory environment, the number of internal investigations that companies must conduct is rising. Legal counsel must be able to identify risks and be prepared to remedy potential issues with clients. Understanding how and when to conduct effective internal investigations is paramount in order to protect the company, its board, officers and directors. Proper handling of an internal investigation will help protect your clients and yourself from obstruction of justice charges, retaliation complaints, legal ethics allegations and lawsuits that may arise from mishandling investigations.

This program will give you insights and the real-world tools you will need to effectively counsel your clients. This CLE will provide you with a 360 degree perspective of internal investigations as you will hear from in-house counsel who have successfully endured investigations, experienced attorneys who have conducted internal investigations and an Assistant United States Attorney who may ultimately judge the sufficiency of the investigation.

Considerations at the outset: nature and scope of the investigation

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Duty of corporations to conduct internal investigations

Defining the "Client"

Hazards of Joint Representations

Analysis of Applicable Ethical Rules

"Upjohn" Warnings

Lessons of the "Ruehle" case

Waiver of Attorney Client Privilege

Expectations of the government when evaluating the results of an investigation

Date: Thursday, February 17th, 2011

Schedule:

Registration 1:30 PM

Program 2:00 PM

Reception Sponsored by Garvey Schubert Barer 4:30 PM

Location:

Multnomah Athletic Club

1849 S.W. Salmon Street

Portland, OR 97205

Parking: Complimentary parking available. Public transit available by Light Rail, Kings Hill/SW Salmon Street stop.

[Click here for directions.](#)

Cost: \$75.00.

CLE Credit:1.5 general CLE / 1 ethics credit, approval pending

Registration: To register for this event, click [here](#).

Questions: Please contact Michaella Johnson at mjohnson@gsblaw.com.

Moderator/Speaker:

Samuel Kauffman, Owner, Garvey Schubert Barer

Samuel Kauffman is a white-collar criminal defense attorney and litigator. He has over 15 years experience representing individuals and organizations in complex criminal and regulatory matters. Mr. Kauffman has represented individual and corporate clients in investigations and prosecutions involving environmental enforcement, admiralty and maritime environmental

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criminal defense, securities regulation, federal tax matters, tribal regulatory and criminal matters, and civil forfeiture matters, among others. Mr. Kauffman has extensive experience conducting and coordinating corporate internal investigations relating to environmental criminal and regulatory investigations; securities fraud and Sarbanes-Oxley violations; financial institution fraud; government contracting / civil false claims; Medicare / Medicaid fraud and abuse; and criminal and civil antitrust investigations, among other areas. He is admitted to appear before the U.S. District Court, District of Oregon, (1994), the U.S. Court of Appeals, 9th Circuit (1994), the U.S. Court of Appeals, District of Columbia Circuit (2007), and the United States Supreme Court (2010).

Panelists:

Kent Robinson, First Assistant U.S. Attorney, District of Oregon

Kent Robinson is a 30-year veteran of the U.S. Department of Justice, and has spent the last 20 years at the U.S. Attorney's office in Oregon. Throughout his career he has specialized in white collar criminal enforcement and has overseen numerous criminal investigations of corporations and corporate officials on allegations of customs fraud, securities fraud, Foreign Corrupt Practices Act violations, environmental crimes, and allegations of wrongdoing in virtually every area of federal regulation. As First Assistant, Mr. Robinson currently manages 56 attorneys in Portland, Eugene, and Medford, who prosecute federal crimes and defend the United States against civil actions. Previously, Mr. Robinson was Chief of the Criminal Division and Chief of the Fraud Section. He served as Acting U.S. Attorney from July 2009-February 2010. Mr. Robinson is a 1979 graduate of Georgetown University Law Center, and his wife, Claire Fay, is an Assistant U.S. Attorney in the Portland office.

Stuart Hennessey, General Counsel, PeaceHealth

Stuart Hennessey serves as the General Counsel for PeaceHealth, a position he has held for the last 20 years. He graduated from Columbia Law School in New York City in 1974, where he was twice annually designated a Harlan Fiske Stone Scholar for academic achievement. Mr. Hennessey was admitted to the Washington State Bar Association and served 4 years as an officer in the United States Navy Judge Advocate General ("JAG") Corps. He was rated among the top 1% of all naval officers. During his 35 years of practice, Mr. Hennessey has been admitted to the bar associations of both Washington and Oregon States, to multiple federal courts across the country, has served as a bar examiner in Washington State and has served on the board of directors of the Washington Healthcare Attorneys Association. He has extensive experience with medical staff matters, having drafted many sets of bylaws and served as counsel for multiple fair hearings. His client was the subject of a three-year, multi-agency federal grand jury investigation that concluded successfully.

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Paul Kelly, Jr., Mediator/Arbitrator

With 40 years of legal and business experience, Paul Kelly is an arbitrator and mediator, specializing in the areas of government and public policy law, sports, arts and entertainment law as well as business and commercial disputes. Kelly retired in 2005 from a long career with Nike, Inc. At the time of his retirement, Mr. Kelly was Nike's global director of public affairs. During his 17 years with the company, he served in several key roles, including general counsel; general counsel for the European, Middle Eastern and North African region and as a member of the regional leadership team, all while based in the Netherlands; and general counsel for international law and government affairs. He served as Of Counsel with Garvey Schubert Barer in its Portland office from 2005-2010. Mr. Kelly also served on several key business association boards, including the Oregon Business Association (chair, 2002-2003) and the Portland Business Alliance, and currently serves as president of the Oregon State Board of Higher Education. Following the election of Oregon Governor Ted Kulongoski in 2002, Mr. Kelly participated on the governor's transition steering committee. At the 2008 Eighth Annual Statesman Dinner, he was honored by the Oregon Business Association for providing leadership on higher education. He recently joined the panel of U.S. Arbitration & Mediation of Oregon.

Robert C. Weaver, Jr., Garvey Schubert Barer

Robert Weaver has been practicing in the areas of complex business, tax litigation and white-collar criminal defense for over 30 years. He has successfully represented individuals and corporations in federal and state courts. Mr. Weaver's criminal defense practice is broad and includes: representation of clients subject to government regulatory investigations which have potential civil and criminal penalties; performing protected, internal corporate investigations; and all aspects of trial and appeal. He has defended cases involving allegations of environmental crimes, health care fraud, tax crimes, bank fraud and securities violations. He has also successfully represented a number of individuals in high profile cases, including Vice President Al Gore, Portland's Mayor Sam Adams, several NBA players and the figure skater Tonya Harding. Before entering private practice, Mr. Weaver served as the chief of the Criminal Division for the U.S. Attorneys' Office from 1982 to 1988.