

CORPORATE CRIMINALITY: LEGAL, ETHICAL, AND MANAGERIAL IMPLICATIONS

Hosted by the Georgetown Business Ethics Institute, in partnership with the National Association of Criminal Defense Lawyers, the Heritage Foundation, the US Chamber of Commerce's Institute for Legal Reform, and the American Criminal Law Review

Georgetown University Law Center
March 15, 2007
Washington, DC

CONFERENCE DESCRIPTION:

The collapse of Enron provoked increased governmental efforts to suppress criminal activity in the business environment. Congress enacted several pieces of new criminal legislation addressing corporate wrongdoing and the Department of Justice redoubled its efforts to enforce the laws against white collar crime. Controversy has surrounded the adequacy and propriety of this response, and sustained criticism of some of its features recently led to changes in the Organizational Sentencing Guidelines and Department of Justice policy.

In conjunction with its partners, The Georgetown Business Ethics Institute has invited noted experts from business, government, academia to the nation's capital to explore the ramifications of the current campaign against white collar crime. The resulting academic conference, *Corporate Criminality: Legal, Ethical, and Managerial Implications*, will be held at the Georgetown Law Center on March 15. The conference will consist of four panels and a luncheon address by former Attorney General Richard L. Thornburgh. It will begin at 8:45am and end at 4:50pm. A continental breakfast and a sit down lunch will be supplied. CLE will be available in selected states to those registering for the conference.

PANELS:

The first panel, entitled "Why Punish?," focuses on the legal standard corporate criminal liability. Panelists are invited to explore the ethical basis of such liability, comment on the justification for the current *respondeat superior* standard, trace the effects of applying the criminal sanction to corporations, and propose alternative standards of liability. Confirmed panelists include Pamela Bucy of the University of Alabama School of Law, Alan Strudler and William Laufer of the Wharton School of the University of Pennsylvania, and Preet Bharara of the Senate Judiciary Committee. The panel will be introduced and moderated by Stephanie Martz of the National Association of Criminal Defense Lawyers.

The second panel, entitled "Regulation through Criminalization," focuses on the propriety of employing the criminal sanction against individuals engaged in business activities to achieve regulatory goals. Panelists have been invited to comment on questions such as the effectiveness of employing the criminal sanction in this context, the propriety of relaxing the *mens rea* requirement, and the justification for the responsible corporate officer doctrine. Confirmed panelists include Christine Hurt of the University of Illinois College of Law, Craig Lerner of

George Mason University School of Law, Moin Yahya of the University of Alberta School of Law, and Geraldine Szott Moohr of the University of Houston School of Law. The panel will be introduced and moderated by Brian Walsh of the Heritage Foundation.

The third panel, entitled “The Challenge of Cooperation,” focuses on the challenges businesses and business people face in attempting to comply with white collar criminal legislation and enforcement policies. Panelists have been invited to comment on questions such as the effects of the Sarbanes-Oxley Act, the incentives created by the Organizational Sentencing Guidelines and the Thompson/McNulty Memorandum, and the costs and ethical dilemmas associated with creating effective compliance programs. Confirmed panelists include Patrick Gnazzo, the chief compliance officer at CA, Inc., Julie O’Sullivan of the Georgetown Law Center, and Michael Elston of the Office of the Deputy Attorney General. The panel will be introduced and moderated by Ellen Podgor of Stetson University School of Law. The panel will be introduced and moderated by Ellen Podgor of Stetson University School of Law.

The fourth panel, entitled “Solutions,” focuses on the question of what reforms, if any, are needed to the law of white collar crime and the policies by which it is enforced. Confirmed panelists include George Terwilliger of White & Case, LLP in Washington, DC, Sara Sun Beale of Duke University School of Law, and Michael O’Neill of the Senate Judiciary Committee. The panel will be introduced and moderated by Milton Regan of the Georgetown University Law Center. The panel will be introduced and moderated by Milton Regan of the Georgetown University Law Center.

Online registration will be available February 15 at:
<http://www.law.georgetown.edu/journals/aclr/symposium.html>

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