

**WEDNESDAY, JANUARY 30, 2008**

12:30 - 1:30 p.m.

**REGISTRATION**

1:30 – 1:45 p.m.

**WELCOME AND INTRODUCTIONS**

1:45 – 3:45 p.m.

**I DEMONSTRATION-THE PROSECUTION: BEGINNING THE CARTEL INVESTIGATION; SEVEN JURISDICTIONS DEVISE THEIR STRATEGY**

- Coordinating "raids" and investigative plans
- Obtaining foreign-located evidence - international agreements and other mechanisms
- Sharing evidence among enforcement agencies
- Coordinating information through informal agency contacts
- Obtaining waivers of confidentiality from any potential amnesty applicant
- Developing a prosecution strategy in each jurisdiction

**Speakers:**

**Australia**

**Mark Pearson**, Executive General Manager, Enforcement & Compliance Division,  
Australian Competition and Consumer Commission, Canberra, Australia

**Canada**

**Denyse MacKenzie**, Senior Deputy Commissioner, Criminal Matters Branch,  
Competition Bureau Canada, Gatineau, Canada

**European Union**

**Ewoud Sakkers**, Head of Unit, Directorate General Competition, European  
Commission, Brussels, Belgium

**Japan**

**Hideyuki Shimozu**, Deputy Director Division IV, Investigation Bureau,  
Japan Fair Trade Commission, Tokyo, Japan

**Korea**

**Jeoungkee Kim**, Director, Manufacturing Sector, Cartel Investigation Team,  
Korean Fair Trade Commission, Seoul, Korea

**United Kingdom**

**Simon Williams**, Director of Cartel Investigations, UK Office of Fair Trading,  
London, UK

**United States**

**Lisa M. Phelan**, Chief, National Criminal Enforcement Section,  
U.S. Department of Justice, Antitrust Division, Washington, DC

3:45 - 4:00 p.m.

**BREAK**

4:00 – 5:45 p.m.

**II. DEMONSTRATION-THE DEFENSE: RESPONDING TO GOVERNMENT INVESTIGATION**

- Preserving documents
- Formulating a multi-jurisdictional defense strategy
- Considering the leniency option in each jurisdiction

**Speakers:**

**D. Jarrett Arp**, Gibson Dunn & Crutcher LLP, Washington, DC

**Linda Evans**, Clayton Utz, Sydney, Australia

**James M. Griffin**, King & Spalding LLP, Washington, DC

**Randal T. Hughes**, McCarthy Tétrault LLP, Toronto, Canada

**Philip Mansfield**, Allen & Overy LLP, London, UK

**Gerwin Van Gerven**, Linklaters LLP, Brussels, Belgium

**Eriko Watanabe**, Nagashima Ohno & Tsunematsu, Tokyo, Japan

**Hoil Yoon**, Yoon Yang Kim Shin & Yu, Seoul, Korea

5:45 p.m.

**ADJOURN FOR THE EVENING**

**THURSDAY, JANUARY 31, 2008**

8:45 - 10:15 a.m.

**III. DEMONSTRATION: CONDUCTING THE INTERNAL INVESTIGATION  
LEGAL, ETHICAL AND PRACTICAL ISSUES FACED BY CORPORATE  
COUNSEL IN DEALING WITH CORPORATE EMPLOYEES**

- Jurisdictional differences in individual liability-impact on employee's duty to cooperate
- Ethical Issues When Questioning Non-culpable and Culpable Corporate Employees
- Compliance and Employment Issues

**Speakers:**

Scenario A: The corporation has obtained amnesty markers in all jurisdictions

**D. Jarrett Arp**, Gibson Dunn & Crutcher LLP Washington, DC

**Christof Swaak**, Stibbe, Amsterdam, The Netherlands,

**Gerwin Van Gerven**, Linklaters LLP, Brussels, Belgium

Scenario B: Amnesty markers are not available

**Shigeyoshi Ezaki**, Anderson Mori & Tomotsune, Tokyo, Japan

**Ray V. Hartwell, III**, Hunton & Williams LLP, Washington, DC

**Tsutomu Nakato**, Hibiya Sogo Law Offices, Tokyo, Japan

**Kimitoshi Yabuki**, Yabuki Law Office, Tokyo, Japan

10:15 - 10:30 a.m.

**BREAK**

10:30 a.m. - 12:00 p.m.

**IV. DEMONSTRATION: MAKING THE DECISION – THE GENERAL COUNSEL, THE BOARD, AND OUTSIDE COUNSEL MEET TO DECIDE WHETHER TO SEEK AMNESTY/COOPERATE**

- Board deliberations, the decision, and next steps
- The preliminary report of the ongoing internal investigation
- Obtaining a marker-divergent requirements among jurisdictions-granting waivers of confidentiality to allow enforcement agencies to share evidence
- Corporate governance issues
- Securities filings and Sarbanes-Oxley requirements
- "Caremark" counsel for the Board and/or individual members?

**Speakers:**

Scenario A: Self-reporting/cooperation

**Jae Hong Ahn**, Kim & Chang, Seoul, Korea

**Jochen Burrichter**, Hengeler Mueller, Düsseldorf, Germany

**Aimee Imundo**, General Electric Company, Washington, DC

**Donald C. Klawiter**, Mayer Brown LLP, Washington, DC

**Phillip A. Proger**, Jones Day, Washington, DC

Scenario B: No disclosure/no cooperation

**Robert E. Bloch**, Mayer Brown LLP, Washington, DC

**Stephen Kinsella**, Sidley Austin LLP, Brussels, Belgium

**William J. Linklater**, Baker & McKenzie LLP, Chicago, IL

**Vanessa Turner**, Freshfields Bruckhaus Deringer, Brussels, Belgium

**Harumichi Uchida**, Mori Hamada & Matsumoto, Tokyo, Japan

12:00 – 2:00 p.m.

**V. LUNCHEON PROGRAM: JUDICIAL ROUNDTABLE**

Members of the judiciary from Korea, the United Kingdom and the United States will discuss, and respond to questions about the challenges and recurring issues in presiding over government and private competition law cases and will describe and contrast the legal and procedural differences in presiding over cases in criminal law regimes and civil or administrative law proceedings.

**Moderator:**

**Cani Fernández Vicién**, Cuatrecasas Abogados SRL, Brussels, Belgium

**Speakers:**

**Korea**

**Sang Wook Kang**, Judge, Seoul High Court, Seoul, Korea

**United Kingdom**

**Gerald Barling**, President, Competition Appeal Tribunal, London, UK

**United States**

**Susan Illston**, U.S. District Judge, U.S. District Court, N.D. of California,  
San Francisco, CA

2:00 - 3:30 p.m.

**VI. DEMONSTRATION: PLAINTIFFS' STRATEGIES FOR PURSUING PRIVATE DAMAGE CLAIMS**

- Initial Investigation of claims and risk/benefit analysis for prospective clients, including the impact of the Supreme Court's decision in *Bell Atlantic v. Twombly*
- The challenges of coordinating plaintiffs' counsel among the direct, indirect, potential opt-out, and foreign purchaser claims
- Motions by the U.S. Department of Justice to stay civil proceedings; negotiating a limited stay and coordination between the civil plaintiffs and the government
- The prospect for class actions in jurisdictions other than the United States: Canada, Japan, Korea, United Kingdom and Continental Europe
- Settlement strategies and mediating potentially diverse claims

**Speakers:**

**Stephen Kon**, SJ Berwin LLP, London, UK

**Bruce Simon**, Pearson Simon Soter Warshaw Penny, San Francisco, CA

**Harvey T. Strosberg**, Sutts Strosberg LLP, Windsor, Ontario, Canada

**Bonny E. Sweeney**, Coughlin Stoia Geller Rudman & Robbins LLP, San Diego, CA

3:30 - 3:45 p.m.

**BREAK**

3:45 – 5:00 p.m.

**VII. DEMONSTRATION: JOINT DEFENSE**

- Ethical and legal considerations of the joint defense
- Negotiating and interpreting the joint defense agreement-written or oral
- Interplay between criminal and civil joint defense agreements
- Role of amnesty applicant and/or cooperating defendants in criminal case
- Effect of Court of First Instance Ruling in Akzo Nobel case re: limited scope of attorney/client privilege in Europe
- Using joint defense in multi-jurisdiction investigations

**Speakers:**

**William Baer**, Arnold & Porter LLP, Washington, DC

**Calvin S. Goldman**, Blake Cassels & Graydon, Toronto, Canada

**Philip Mansfield**, Allen & Overy LLP, London, UK

**A. Paul Victor**, Dewey & LeBoeuf LLP, New York, NY

5:00 - 5:15 p.m.

**QUESTIONS- ANNOUNCEMENTS – ADJOURN FOR THE EVENING**

**FRIDAY, FEBRUARY 1, 2008**

8:45 – 10:15 a.m.

**VIII. DEMONSTRATION: WHETHER TO TAKE THE US CASE TO TRIAL – PROSECUTION AND DEFENSE ISSUES**

- Evaluating the evidence for trial-prosecution and defense
- Collateral effects on defense strategy for civil actions and prosecutions in other jurisdictions
- Assessing the risk of extradition

**Speakers:**

United States Department of Justice

**Barbara Nelson**, Trial Attorney, San Francisco Field Office, U.S. Department of Justice, Antitrust Division, San Francisco, CA

**Philip Warren**, Chief, San Francisco Field Office, U.S. Department of Justice, Antitrust Division, San Francisco, CA

Defense

**Roxann E. Henry**, Howrey LLP, Washington, DC

**Pierre Kirch**, Paul Hastings Janofsky & Walker LLP, Paris, France

**D. Martin Low**, McMillan Binch Mendelsohn, Toronto, Canada

**Barry F. McNeil**, Haynes and Boone LLP, Dallas, TX

**Thomas Mueller**, WilmerHale, Washington, DC

10:15 – 10:30 a.m.

**BREAK**

10:30 a.m. – 12:00 p.m.

**IX. DEMONSTRATION: NEGOTIATING A DISPOSITION – CANADA, US AND EU**

**Speakers:**

Scenario A: Negotiating a plea of a corporate defendant in Canada

**Katherine L. Kay**, Stikeman Elliott LLP, Toronto, Canada

**Guy Pinsonnault**, General Counsel, Public Prosecution Service, Gatineau, Canada

**Graham Reynolds**, Osler Hoskin & Harcourt LLP, Toronto, Canada

Scenario B: Negotiating a plea of a U.K. individual defendant in the US

**Scott D. Hammond**, Deputy Assistant Attorney General for Criminal Enforcement,  
U.S. Department of Justice, Antitrust Division, Washington, DC

**James H. Mutchnik**, Kirkland & Ellis LLP, Chicago, IL

**Michael O’Kane**, Peters & Peters, London, UK

**Mark Rosman**, Assistant Chief, National Criminal Enforcement Section,  
U.S. Department of Justice, Antitrust Division, Washington, DC

Scenario C: Possible settlement by an organization with the European Commission

**Stephen Kinsella**, Sidley Austin LLP, Brussels, Belgium

**Flavio Laina**, Head of Unit, Directorate, Directorate General Competition,  
European Commission, Brussels, Belgium

**Ewoud Sakkers**, Head of Unit, Directorate General Competition, European Commission,  
Brussels, Belgium

**Vanessa Turner**, Freshfields Bruckhaus Deringer, Brussels, Belgium

12:00 - 2:15 p.m.

**X. LUNCHEON: ENFORCERS ROUNDTABLE**

Heads of enforcement authorities and senior enforcement officials from Australia, Canada, the European Union, Japan, Korea, the United Kingdom, and the United States will discuss, and respond to questions about, their enforcement priorities and policies and the challenges and recurring issues in conducting and coordinating international cartel investigations and prosecutions pursuant to criminal, civil, administrative, and mixed law regimes.

**Moderator:**

**Gary R. Spratling**, Gibson Dunn & Crutcher LLP, San Francisco, CA

**Speakers:**

**Australia**

**Graeme Samuel**, Chairman, Australian Competition and Consumer Commission, Canberra, Australia

**Canada**

**Sheridan Scott**, Commissioner of Competition, Competition Bureau Canada, Gatineau, Canada

**European Union**

**Neelie Kroes**, European Commissioner for Competition, European Commission, Brussels, Belgium

**Japan**

**Tomoyuki Noge**, Senior Attorney, Investigation Bureau, Japan Fair Trade Commission, Tokyo, Japan

**Korea**

**Byung-Bae Kim**, Vice-Chairman, Korean Fair Trade Commission, Seoul, Korea

**United Kingdom**

**Philip Collins**, Chairman, UK Office of Fair Trading, London, UK

**United States**

**Thomas O. Barnett**, Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC

2:15 – 3:45 p.m.  
**XI. DEMONSTRATION: PLAINTIFFS SEEK DISCOVERY AND THE DEFENDANTS REACT**

Discovery under U.S. rules and the Hague Convention

- From abroad
- From investigative and cooperative processes, including attorney/client privilege waiver issues
- From electronic data
- Impact on US discovery of foreign laws on privacy, privilege, employment, bank secrecy, etc.
- Obtaining and using statements from non-U.S. residents

**Speakers:**

**Stephen Fishbein**, Shearman & Sterling LLP, New York, NY

**Joy K. Fuyuno**, Paul Hastings Janofsky & Walker LLP, Tokyo, Japan

**Ingrid Gubbay**, Cohen Millstein Hausfeld & Toll PLLC, London, UK

**Steven A. Kanner**, Freed Kanner London & Millen, LLC, Chicago, IL

**Elaine Metlin**, Dickstein Shapiro LLP, Washington, DC

3:45 - 4:00 p.m.

**BREAK**

4:00 – 5:30 p.m.

**XII. DEMONSTRATION: SETTling THE DAMAGE CLAIMS – PRELIMINARY NEGOTIATIONS BETWEEN CLASS COUNSEL AND COUNSEL FOR THE AMNESTY APPLICANT**

- Trading cooperation for single damages - requirements of, and process for obtaining, de-trebling under US law
- Effect of opt-out claims on class settlement
- Foreign purchaser claims

**Speakers:**

**Julian M. Joshua**, Howrey LLP, Brussels, Belgium

**Stephen Kon**, SJ Berwin LLP, London, UK

**Michael R. Lazerwitz**, Cleary Gottlieb Steen & Hamilton, Washington, DC

**Brian A. Ratner**, Cohen Millstein Hausfeld & Toll PLLC, Washington, DC

**Anthony D. Shapiro**, Hagens Berman Sobol Shapiro LLP, Seattle, WA

**Kevin R. Sullivan**, King & Spalding LLP, Washington, DC

5:30 p.m.

**ADJOURN THE CONFERENCE**