

# CRISIS MANAGEMENT

## EFCL-Conference 2017

Friday, 9 June 2017 | Frankfurter Hof  
Frankfurt am Main | Germany

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### TIMELINE

09.00 - 10.00 Registration and  
Networking Coffee

10.00 - 10.15 Introduction

10.15 - 10.45 Keynote Speech  
tbc

### 10.45 - 12:15 PANEL 1 CONFLICT OF INTEREST

Wolfgang Spoerr  
Roberto Pisano  
Jason Masimore  
Marcin Klimczak  
Holger Matt

12.15 - 13.30 Lunch Break

### 13.30 - 15:00 PANEL 2 MANAGEMENT OF INFORMATION

Benedict Hamilton  
Andy Rivett-Carnac  
Alfredo Dominguez  
Mark Beardsworth  
Kevin Roberts

15.00 - 15:30 Coffee Break

### 15.30 - 17:00 PANEL 3 INTERNAL INVESTIGATIONS

Neil Swift  
Richard F. Albert  
Uwe Heim  
Marc Henzelin  
Dominika Stepinska-Duch

17.00 - 17:15 Closing Remarks  
Oliver Kipper

19.00 - open Evening reception

## Welcome to Frankfurt!

Siemens, Volkswagen, Rolls-Royce – these are just a few of the many companies that have become the focus of transnational criminal investigations in the last decade. In all of these cases legal professionals have not only had to handle the criminal aspects of the case. But – some might say even more so – strategic questions have become the focus of the legal advice:

Who is best able to represent the companies interest? And who will act for its representatives? And is there a common interest at all?

How and to which extent can and may data be secured? How does the company present itself to the public?

And finally which contribution to investigate the case is the company willing to make or may it even be obliged to do so?

Take your chance to discuss these issues with renowned and highly qualified experts from different professions and various jurisdictions in three panels at this year's EFCL-conference in Frankfurt am Main.

# Welcome to Frankfurt!

## LOCATION

Frankfurter Hof  
Am Kaiserplatz  
60311 Frankfurt | Main  
Germany  
Phone: +49 69 957-99718

GPS: Bethmannstraße 33  
Parkhaus Goetheplatz | 260 m

[Click here for hotel reservation at the Frankfurter Hof.](#)

## FEES & REGISTRATION

### REGISTRATION AFTER 15 APRIL 2017

**EFCL | ECBA Full Members 2017**  
EURO 300 | GBP 258

**Non Members**  
EURO 350 | GBP 301

[Click here to register using the online credit card facility.](#)

[If you prefer to pay by bank transfer please register by clicking here.](#)

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**EFCL**  
EUROPEAN FRAUD AND COMPLIANCE LAWYERS  
*A sub-association of the ECBA*

# CRISIS MANAGEMENT

## 1. CONFLICT OF INTEREST

**WOLFGANG SPOERR**  
Hengeler Mueller | Berlin | Germany  
**ROBERTO PISANO**  
Pisano Law | Milan | Italy  
**JASON MASIMORE (US-qualified)**  
Kobre & Kim | London | United Kingdom  
**MARCIN KLIMCZAK**  
PwC | Warsaw | Poland

**CHAIR: HOLGER MATT**  
Kanzlei Prof Dr Matt | Frankfurt | Germany

As a starting point the legal framework will be considered, nationally and internationally:

Which role play ethical rules? What is the rationale to avoid legal assistance and/or representation despite a conflict of interest? How to deal with conflicts of interest in corporate groups or inside of a company? Who is the client? Who is the lawyer? Do "Chinese walls" work in practice? Which approaches to solving problems of (potential) conflicts of interest exist? When is it appropriate to recommend a board member or other individuals to consult an own lawyer? Why and how to recommend certain (in particular qualified) lawyers? In which constellations do companies or their organs (e.g. supervisory board) need independent legal advice? How to manage the exchange between lawyers representing different clients with (potentially) conflicting interests? Legal dangers for lawyers? How to deal with the issue to save or to limit costs for legal advice (conflict of objectives)?

After a general introduction of the essential legal and practical issues the panelists will be confronted with case examples in order to offer solutions that shall be discussed with the plenum.

## 2. MANAGEMENT OF INFORMATION

**BENEDICT HAMILTON**  
Kroll | London | United Kingdom  
**ANDY RIVETT-CARNAC**  
Headland Consultany | London | United Kingdom  
**ALFREDO DOMINGUEZ**  
Cuatrecasas | Madrid | Spain  
**MARK BEARDSWORTH**  
Brown Rudnick | London | United Kingdom

**CHAIR: KEVIN ROBERTS**  
Morrison & Foerster | London | United Kingdom

In this session speakers from leading Investigation, PR and law firms will consider a wide range of issues arising at the outset of a crisis including:

Scoping issues - How do you capture all the relevant issues in an age of information overload without missing the killer chat? How do you identify and separate the personal from the professional? And how can material on personal mobile devices be captured and reviewed properly? How to deal with uncooperative custodians, difficult Data Protection laws and pushy prosecutors?

What is a realistic PR plan in an age of instant information? How do you balance internal updates and communication with information overload? The importance of key messages and the ability to be able to react in real time. Or is it still okay to say „no comment“ to the press?

Interaction with investigators at an early stage in civil and common law jurisdictions – open kimono or suit of armour? Ensuring that the early case plan is realistic. Getting to the information quickly without interrupting the business. Requests for disclosure by investigators in different jurisdictions.

## 3. INTERNAL INVESTIGATIONS

**NEIL SWIFT**  
Peters & Peters | London | United Kingdom  
**RICHARD F. ALBERT**  
Morvillo Abramowitz Grand Iason & Anello PC | New York | USA  
**UWE HEIM**  
Deloitte | Duesseldorf | Germany  
**MARC HENZELIN**  
Lalive | Geneva | Switzerland  
**CHAIR: DOMINIKA STEPINSKA-DUCH**  
Raczkowski Paruch | Warsaw | Poland

In this session practitioners from multiple jurisdictions will discuss various aspects of crossborder internal investigations. The panel will cover issues i.a.:

Whistleblowing – Who is a whistleblower? What type of protection is he entitled to? What should a company do to facilitate whistleblowing? Shall the whistleblower be rewarded? Is cross border whistleblowing possible?

Setup of an internal investigation – When is an internal investigation obligatory? What factors should be considered? Who is the client? Who should be reported? What level of scrutiny is necessary?

Commencing an internal investigation – What are the best investigation methodologies? How to collect and secure evidence? Who should be interviewed? What rights do the witnesses have? How to solve potential issues regarding cross-border material moving? What about communication during an investigation?

Cooperation with law enforcement agencies - To what extent should the company liaise with the authorities and when should it happen? What should the Company consider when advising whether or not to approach the authorities? What should cooperation mean? Should there be any discussions of legal privilege/waiver? What should the company consider while deciding whether to hand over materials to government agencies and waive the attorney-client privilege?