

The American Bar Association Criminal Justice Section and
the Alabama State Bar Association Present

ETHICS – POLITICS – AND PUBLIC CORRUPTION

Friday, April 3, 2009

Renaissance Ross Bridge Golf Resort and Spa

Birmingham, Alabama



The impact of public corruption extends far beyond the courthouse. The U.S. Government Accountability Office estimates that at least 10 percent of the funding for federal government programs is lost to public corruption and government fraud every year. The U.S. Department of Justice considers the investigation and prosecution of public corruption to be one of its top priorities, with recent investigations having resulted in charges and convictions of federal officials in all branches of government, as well as against numerous state and local officials.

The program – which will consist of four separate panels featuring journalists, judges, prosecutors, defense counsel and legal scholars – will discuss and provide practical direction of the boundaries between legitimate political activity and corruption and explore the impact of aggressive prosecutions on certain conduct; explore the role of prosecutors, defense lawyers and judges in the trial of public corruption cases; and consider the media's influence in such cases, and how the players -- prosecutors, defense lawyers and judges -- can best deal with the media within the bounds of law and ethics.

The event will take place at the stunning and majestic [Renaissance Ross Bridge Golf Resort & Spa](#) which features a Robert Trent Jones Golf Trail course highlighted by sweeping majestic views of the surrounding foothills as well as a lavish 12,000 square foot European spa, exclusively designed to ensure complete relaxation and tranquility

**Co-Sponsors: The Alabama State Bar Association, The Mississippi Bar
Birmingham Bar Association**

AGENDA

9:00 **Welcome**

Thomas Wells, Maynard Cooper, President, ABA and Anthony Joseph, Chair, ABA
Section of Criminal Justice

9:15 - 10:30 **Substantive Criminal Law and Public Corruption**

This panel will identify public officials' conduct that could be targeted by prosecutors and the criminal statutes and legal theories that prosecutors could employ. Panelists will identify the boundaries between legitimate political activity and corruption and how employing aggressive legal theories will chill legitimate conduct.

Moderator: Jim Cole, Bryan Cave, Washington, DC

Speakers: Sara Beale (invited)

Brian Heberlig, Steptoe & Johnson, Washington, DC

Alice Martin, U.S. Attorney, Birmingham, AL

Justin Shur, Public Integrity Section, DOJ, Washington, DC

10:30 - 10:45 Break

10:45 – 12:00 **The Lawyers' Role in the Investigative, Pre-indictment and Pre-trial Stages of a Public Corruption Prosecution**

This panel will examine the work of prosecutors and defense lawyers in all stages leading to a trial. The panel will discuss the charging decision, bringing a case in state or federal court, leaving it to state civil agencies (e.g., conflict of interest boards) to address potential wrongdoing and the defense lawyer's role in influencing those decisions? How should defense counsel simultaneously address, and promote, the client's political and penal interests, and how should prosecutors take account of the political implications of an investigation or prosecution?

Moderator: Anthony Joseph

Speakers: Michael Vecchione, Chief of Racketeering Bureau, Kings County D.A,
Brooklyn, NY

Doug Jones, Birmingham, AL

Michael Pasano, Carlton Fields, Miami, FL

12:00 – 1:30 **Lunch with Keynote Speaker** (Louis Freeh, invited)

1:45 – 3:15 **The Trial of a Public Corruption Case**

This panel would look at the role of prosecutors, defense lawyers and judges in the trial of public corruption cases. Among other things, panelists will explore the special strategic and ethical problems in preparing, examining and cross-examining cooperators, defendants and other witnesses in light of the special pressures of high-profile corruption trials, where lawyers and witnesses are under a microscope, testimony has implications for elections and government operations, witnesses are often highly sophisticated, and questions of intent are typically front and center.

Practical advice and best practices will be highlighted by the panel.

Moderator: Steve Saltzburg, George Washington Univ. Washington, DC

Speakers: Peter J. Henning, Wayne State University Law School, Detroit, MI

Hon. Mark Fuller, Chief Judge, Middle District of Alabama

Neal Sonnett, Miami, FL

David Nahmias (invited)

3:15 – 3:30 Break

3:30 – 5:00 The Media's Role in Public Corruption cases

This panel will examine the media's role in all aspects of a public corruption case, and how prosecutors, defense lawyers and judges can best deal with the media within the bounds of law and ethics. What are the ethical limits on the attorney's dealings with media and what are the attorneys' obligations to supervise their agents and others in dealing with the media? What are the risks to the defendant in a strategy that involves communications with the media, and to what extent must defense counsel consult with the client about this strategy particularly in light of the risks? What is the potential role of media consultants in advising about, and assisting in, a media strategy, and what are the implications for attorney-client confidentiality and privilege of engaging media consultants?

Moderator: Buddy Parker or Ross Garber

Speakers: Matt Apuzzo, Reporter, Associated Press, Washington, DC
Brett Blackledge, Birmingham Journal (invited)
Rita Glavin, Asst. U.S. Attorney, New York, NY
Bruce Green, Fordham University Law School, New York, NY
Hon. Richard W. Story, Judge, U.S. District Court, Atlanta, GA
Mark White, President, Alabama State Bar, Birmingham, AL

5:00

Reception

Hotel Reservations

The Section is holding a block of sleeping rooms at the [Renaissance Ross Bridge Golf Resort & Spa](#) until Wednesday, March 4 at 5:00 p.m. CST. The rate is \$195 single/double. Please call the hotel at 800/593-6419 and refer to the ABA Criminal Justice Section 2009 Spring Meeting to obtain this rate.

[Renaissance Ross Bridge Golf Resort & Spa](#): Retreat to the beautiful rolling hills of a Birmingham, AL hotel secluded from everyday cares, yet close to a vibrant city at the Renaissance Ross Bridge Golf Resort & Spa. Nestled among a quintessential American resort town, this Birmingham, Alabama hotel embodies comfortable sophistication and the casual elegance of a royal retreat. The plush guest rooms at this Hoover, Alabama hotel include balconies overlooking stunning grounds and a signature pool featuring enchanting waterfalls and fountains. Boasting the third longest golf course in the world, this Birmingham, Alabama resort features a Robert Trent Jones Golf Trail course highlighted by sweeping majestic views of the surrounding foothills. Stimulate your senses at the lavish 12,000 square foot European spa, exclusively designed to ensure complete relaxation and tranquility. Experience Renaissance Ross Bridge and discover a delightful escape at this remarkable resort town and luxury hotel in Birmingham, Alabama. For media inquiries, call 205-965-9574.

Registration Form: *ETHICS – POLITICS – AND PUBLIC CORRUPTION*

Register early!

Return to: ABA Criminal Justice Section, 740 15th Street NW, Washington, DC 20005
or fax to 202-662-1501.
Contact Carol Rose at 202-662-1519, carolrose@staff.abanet.org
Web: www.abanet.org/crimjust

Program Fee (check one): \$250 for Private Practitioners;
 \$225 for Private Practitioner Members;
 \$195 for Government and Nonprofit Employees and Academics;
 \$175 for Government and Nonprofit Employees and Academics
Members;
 \$25 for Law Students

- Cancellations must be received by March 20, 2009. Cancellations subject to an administrative fee of \$50.
- Registrant substitutions are allowed
- Paid “no shows” will receive the materials, minus the CLE certification, and will not receive a refund.

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