



UIA Union Internationale des Avocats
International Association of Lawyers
Unión Internacional de Abogados



ORDINE DEGLI
AVVOCATI DI MILANO

Seminar presented by the UIA Labour Law Commission and the UIA Criminal Law Commission
with the support of the Ordine degli Avvocati di Milano

Corporate Compliance and Internal Investigations

The Role of External and In-House Counsel

MILAN

ITALY

Thursday, September 12 & Friday, September 13, 2019

With a welcome cocktail on Wednesday, September 11

#UICriminalLaw



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ORGANISING COMMITTEE

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Introduction

What should a company do if it becomes aware that the company, an employee or an agent on behalf of the company has been involved in potentially unlawful conduct? Equally, what if the company has not properly assessed its risk exposure in the sector or jurisdictions in which it operates?

Many jurisdictions now expect companies to identify, investigate and potentially report wrongdoing and, where they have not implemented adequate compliance procedures, to remediate the position. Failure to do so might lead to lengthy, costly and damaging (both reputationally and financially) investigations by one or more prosecuting authorities. To mitigate this risk, many companies conduct internal investigations, often with the assistance of external counsel. An internal investigation can be fraught with unexpected difficulties and challenges, which a company and its lawyers should consider from the very outset.

While every case is different, there are a number of key issues that a company should consider, before embarking on an internal investigation. These include (i) identifying the purpose and scope of any investigation; (ii) considering the range of potential outcomes and the necessary follow-on actions; (iii) securing and preserving data and any related data protection and privacy issues; (iv) issues of legal professional privilege; (v) dealing with employment, disciplinary and regulatory reference issues; (vi) considering the risk of a whistle-blower and the potential of associated personal liability for senior managers; (vii) difficulties arising from varied legal frameworks in each jurisdiction; (viii) practical steps to be taken; and (ix) whether (and if so how) to self-report and to which prosecuting authority. In-house and external counsel will be joining us to consider the many legal and practical challenges arising from such investigations.

This UIA seminar will deliver key insights and guidance from established practitioners in this business-critical area, and will be of interest to in-house and external counsel, those heading up risk and compliance functions, legal directors, and both executive and independent non-executive directors.



The UIA would like to thank the following partners:

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PARTNERS

STUDIO LEGALE ASSOCIATO
ARLENGHI E AGOSTINI

Centro Servizi
INVESTIGATIVI

Wednesday, September 11

19:30 WELCOME COCKTAIL

Venue to be confirmed

Thursday, September 12

08:30 – 09:15 REGISTRATION OF PARTICIPANTS

HOTEL NH COLLECTION MILANO PRESIDENT

Largo Augusto, 10, 20122 Milan, Italy

09:15 – 09:30 WELCOME AND OPENING OF THE SEMINAR

- **Issouf BAADHIO**, UIA President, Past President of the Burkina Faso Bar, Ouagadougou, Burkina Faso
- **Maria CRONIN**, Co-President of the UIA Criminal Law Commission, Peters & Peters Solicitors LLP, London, UK
- **Acácio PITA NEGRÃO**, President of the UIA Labour Law Commission, P.L.E.N. - Sociedade de Advogados, Lisbon, Portugal

09:30 – 10:45 **Panel 1 – Defining the Scope of an Internal Investigation**

Investigations are conducted for a variety of reasons. These range from urgent enquiries prompted by a business crisis, to business reviews for specific parts of the business or jurisdictions in which the business operates. There are a range of steps that organisations can take at the outset which will have a significant impact on the likely success of any investigations, large or small. The Panel will consider the complex issues that arise when defining the scope and purpose of any internal investigation. They will also share best practices in internal and external communications, to preserve confidentiality and privilege and for reputation management.

Moderator: • **Maria CRONIN**, Co-President of the UIA Criminal Law Commission, Peters & Peters Solicitors LLP, London, UK

Speakers:

- **Philippe GOOSSENS**, Altana, Paris, France
- **Kathleen HEYCOCK**, Farrer & Co, London, UK
- **Federico TORZO**, Studio Legale Ughi e Nunziante, Milan, Italy
- **Yvonne PIELES**, Vischer AG, Bale, Switzerland
- **Sylvain SAVOLAINEN**, Mentha Avocats, Geneva, Switzerland

10:45 – 11:15 Coffee break

Kindly offered by **Studio Legale Associato Arlenghi e Agostini**

11:15 – 12:30 **Panel 2 – Data Protection and Privacy**

Preserving, identifying, retrieving and reviewing relevant documentation is likely to be the most time-consuming element of any internal investigation. What steps need to be taken to ensure that documents, storage and search records, trade data and other relevant information is preserved? What methods and technology can the company use to collate the documentation? Adopting a structured and proportionate approach will be essential. Most importantly, the company will need to carefully consider data protection and privacy issues, particularly (but not only) when gathering information across multiple jurisdictions. The Panel will consider data protection and privacy issues in the context of the preservation and collation of documents as part of the internal investigation.

Moderator: • **Ulrich BAUMANN**, Corplegal, Munich, Germany

Speakers:

- **Saurabh MISRA**, Saurabh Misra & Associates, Mumbai, India
- **Dorra HARRAR**, Dorra Harrar Law Firm, Tunis, Tunisia

- **Amber GOSNEY**, Ankura Senior Director, London, UK
- **Ian DE FREITAS**, UIA Deputy Director of Commissions, Farrer & Co, London, UK
- **Rayan HOUDROUGE**, President of the UIA Immigration and Nationality Law Commission, Lenz & Staehelin, Geneva, Switzerland

12:30 – 13:30 Lunch

13:30 – 14:45 **Panel 3 – Attorney Client Privilege**

Documents which are covered by legal professional privilege remain confidential to the company and will not have to be produced to any regulator or in litigation. The maintenance of legal professional privilege is therefore of critical importance. The approach to attorney client privilege varies from one jurisdiction to another; detailed consideration of this issue at the outset of any internal investigation is therefore critical. In addition, companies and their legal advisors can also be faced by anti-money laundering considerations, giving rise, in certain circumstances, to an obligation for an appropriate disclosure to be made. The Panel will consider the privilege issues faced both by inhouse and external Counsel when conducting multi-jurisdictional internal investigations.

Moderator: • **Michael MEYENBURG**, UIA Representative at the International Organisations, Dr. Michael Meyenburg Rechtsanwalt, Vienna, Austria

Speakers:

- **Felix RETTENMAIER**, Rettenmaier & Adick, Frankfurt, Germany
- **Maxime DELHOMME**, SCP Delhomme, Paris, France
- **Pascal MAURER**, UIA President of Honor, Keppeler & Associés, Switzerland
- **Jacqueline SCOTT**, Director General - UIA-IROL, Fortney & Scott, LLC, Washington, DC, USA

14:45 – 16:00 **Panel 4 – Employee Interviews & Disciplinary Proceedings**

Ultimately, most investigations within an organisation will spend a considerable amount of time considering the actions (or inactions) of individual employees. A delicate balance must be struck between the need to ascertain what may or may not have happened, and the need to ensure that an organisation complies with its obligations as an employer. A multitude of issues arise in the context of employee interviews. Can the employees be interviewed as part of the internal investigation, and if so under what conditions? Should the employee be offered the opportunity to take independent legal advice? Do Works Council and/or Trade Unions have a right to participate or be informed? Must employees be informed of the scope and content of the investigation? Is there a right not to incriminate oneself? What other rights and/or duties does an employee have during an internal investigation and how can any rights be exercised? In certain jurisdictions, employees can be suspended at the outset of the investigation; is this possible in multi-international investigations? Once the internal investigation and any disciplinary proceedings are complete, the company will need to decide on the appropriate disciplinary sanction. The Panel will consider the complex employment law considerations that are engaged in any internal investigation.

Moderator: • **Acácio PITA NEGRÃO**, President of the UIA Labour Law Commission, P.L.E.N. - Sociedade de Advogados, Lisbon, Portugal

Speakers:

- **Catherine HOHL-CHIRAZI**, LHA Avocats, Geneva, Switzerland
- **Massimo LUPI**, Studio Legale Lupi & Associati, Milan, Italy
- **Mark A. WATSON**, Fox Williams LLP, London, UK
- **Mary-Daphné FISHELSON**, August Debouzy, Paris, France

16:00 – 16:30 Coffee break

Kindly offered by **Gianni, Origoni, Grippo, Cappelli & Partners**

16:30 – 17:45 **Panel 5 – Whistleblowers**

Workers are protected against detriment and (in the case of employees) from being dismissed where they have “blown the whistle” on misconduct, whether in the public or private sector (e.g. financial sector), where this is deemed to be a protected disclosure. As a result of the introduction of whistleblowing laws in many jurisdictions, employers have introduced whistleblowing procedures to encourage employees to come forward with their concerns internally. When an internal investigation is being conducted and employees may be considering how best to protect their own position, there is a heightened risk that they will whistle blow to the authorities. Companies will need to manage this risk to ensure that the confidentiality of the internal investigation is not compromised. With the protection afforded to whistle blowers varying from one jurisdiction to another, so do the potential risks of criminal exposure from mishandling information they use to support their disclosures. The approach taken in each jurisdiction to reporting infringements and to enforcing the rights of whistle blowers varies, as do the potential financial incentives, which can raise further issues. The issue of whistle blowers is a complex and growing problem, that requires careful consideration. Our Panellists will identify the key issues and seek to offer solutions based on their experience.

Moderator: • **Barbara BANDIERA**, President of the UIA Compliance and AML Sub-committee, Studio Legale RCCD, Milan, Italy

Speakers:

- **Travis L. GERING**, Vice-President of the UIA Banking and Financial Services Law Commission, Wuersch & Gering LLP, New York, NY, USA
- **David MURPHY**, Fox Williams LLP, London, UK
- **Silvestre TANDEAU DE MARSAC**, UIA Financial Director, FTMS Avocats, Paris, France

20:00 **Optional Dinner**

Cantina Piemontese

Via Laghetto, 2, Milan, Italy

Friday, September 13

09:30 – 10:00 **REGISTRATION OF PARTICIPANTS**

HOTEL NH COLLECTION MILANO PRESIDENT

Largo Augusto 10, 20122 Milan, Italy

10:00 – 11:15 **Panel 6 – To Self Report or not to Self Report?**

The company will need to consider the scope of its obligations and whether, on the facts, a requirement to report has arisen. Even where no duty to report arises, the company will need to consider whether it is in their best interests of the company to self-report. This Panel will consider whether voluntary self-reporting is the new key to mitigating corporate liability? In certain jurisdictions, corporates can negotiate a settlement. What steps should businesses take and what are consequences for senior management and employees? If a company self-reports, how and at what stage should it do so.

Moderator: • **Kathleen HEYCOCK**, Farrer & Co, London, UK

Speakers:

- **Hannah LAMING**, Peters & Peters Solicitors LLP, London, UK
- **Olivier NICOD**, President of the UIA Banking and Financial Services Law Commission, Gross & Associés, Lausanne, Switzerland
- **Stéphane ELJARRAT**, Osler, Toronto / Montreal, Canada – To be confirmed
- **Travis L. GERING**, Vice-President of the UIA Banking and Financial Services Law Commission, Wuersch & Gering LLP, New York, NY, USA

11:15 – 11:45 **Coffee break**

Kindly offered by Centro Servizi Investigativi

11:45 – 13:00 **Panel 7 – Remediation and Compliance**

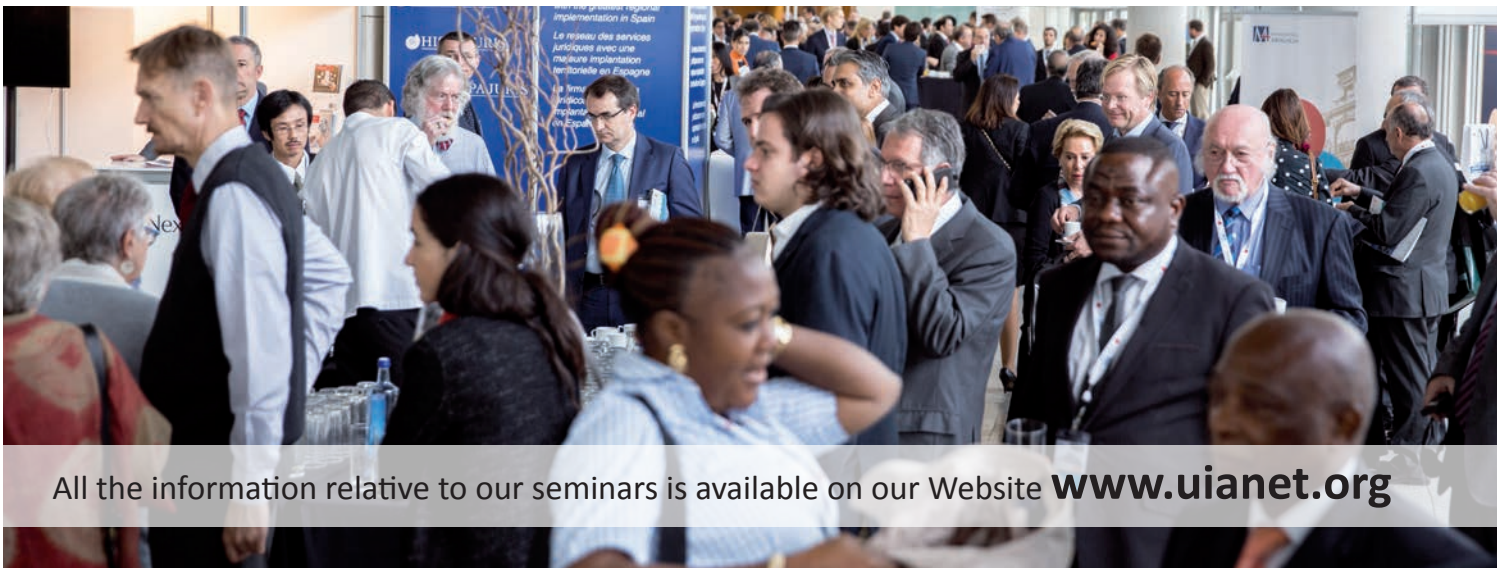
As part of any internal investigation or as a result of a criminal investigation, a company will need to consider whether it has sufficiently robust compliance procedures in place, particularly where misconduct has been identified. Any procedures, training and implementation need to be considered, within the wider context of the overall adequacy of the company's control framework. If these are not considered to be adequate, the company will need to consider what remediation steps are required to protect the company going forward. Often compliance and remediation will be reviewed in parallel with the internal investigation. This is particularly important if a company decides to self-report. The Panel will share the pitfalls to avoid in any remediation and compliance programme.

Moderator: • **Bénédicte QUERENET-HAHN**, Deputy Director - Human Rights - UIA-IROL, GGV Avocats – Rechtsanwältin, France

Speakers:

- **Avninder SINGH**, Director - Protection of Lawyers - UIA-IROL, Cicero Chambers, New Delhi, India
- **Silvia VINCI**, Studio Colombo Rigano, Milan, Italy
- **Arianna RIGHI**, Senior Counsel EMEA, ADM International SARL, Rolle, Switzerland
- **Philippe MONTIGNY**, President Certification Committee, ETHIC Intelligence, Paris, France

13:00 – 13:30 **CLOSING REMARKS**



All the information relative to our seminars is available on our Website www.uianet.org

GENERAL INFORMATION

SEMINAR VENUE

HOTEL NH COLLECTION MILANO PRESIDENT

Largo Augusto, 10
20122 Milan, Italy
T +39 02 77461

CONTINUING LEGAL EDUCATION

Every participant attending the seminar will receive a "Certificate of Participation" at the end of the event that may be used to obtain "Credits" for "Continuing Legal Education" – "Continuing Professional Development" purposes, depending on national rules.

For more information, please contact the UIA.

LANGUAGE

The working language will be **English** without simultaneous translation.

HOTELS

HOTEL NH COLLECTION MILANO PRESIDENT

Largo Augusto 10, 20122 Milan, Italy
T +39 02 77461 / Reservation +34 848 390 398
nhcollectionpresident@nh-hotels.com

REGISTRATION FEES

*Amounts exclusive of VAT	On or before July 31	After August 1
UIA MEMBER	<input type="checkbox"/> € 380*	<input type="checkbox"/> € 430*
UIA MEMBER - YOUNG LAWYER (<35) **	<input type="checkbox"/> € 330*	<input type="checkbox"/> € 380*
NON-MEMBER	<input type="checkbox"/> € 430*	<input type="checkbox"/> € 480*
NON-MEMBER - YOUNG LAWYER (<35) **	<input type="checkbox"/> € 380*	<input type="checkbox"/> € 430*
ITALIAN PARTICIPANTS	<input type="checkbox"/> € 280*	

Fees include:

- Attendance at all working sessions
- Welcome cocktail on September 11
- Lunch on September 12
- Seminar documentation
- Coffee breaks on September 12 & 13

The dinner on Friday, September 12 is optional and at additional charge.

* **The VAT (22%) can be applied to the amount** stated above according to the European Directive 2006/112/CE of November 28, 2006. **If you provide an EU VAT ID number, the VAT will not be charged.** For more information, please contact the UIA.

** *Please attach proof of age to the registration form to benefit from young lawyers fee.*

Please note that the number of places at the seminar is limited. The organisers reserve the right to refuse registrations in the event of excess applications.

In order for your name to appear in the **list of participants**, which will be distributed during the seminar, your registration form must be received by **September 2** at the latest. An updated electronic list will be sent by email to all the participants after the seminar.

HOTEL RESERVATION

A limited number of rooms has been pre-booked at a preferential rate. Reservations should be made directly through the reservation link. Credit card details must be given in order to secure your reservation. Please note that the number of rooms is limited. We recommend that you proceed with your reservations as soon as possible.

RATES

Double room for SINGLE use	€ 249
Double room	€ 269
Breakfast and VAT 10% included	
NOT included: city tax € 5 per pers. per night	

Reservations should be made online. Please contact the UIA to obtain the booking link.

CANCELLATION AND GENERAL CONDITIONS

CANCELLATION CONDITIONS

All cancellations will be subject to a 50% deduction and will have to be sent in writing, to be received by the Union Internationale des Avocats **no later than August 13, 2019**. No refund will be made for cancellations received after this date.

VISAS

Anyone who requires a visa invitation letter in order to attend the seminar should register and pay their registration fees **no later than August 13, 2019** to ensure there is enough time to obtain a visa.

All cancellations will be refunded in full, minus €50 + VAT to cover administrative costs, provided that the UIA has received the registration documents and **total registration fees no later than August 13, 2019**.

If you register after this date, only 50% of the amount paid minus €50 + VAT to cover administrative costs will be refunded for cancellations due to visa refusals.

All cancellations due to a visa refusal must be sent in writing and reach the UIA **before the seminar**. Cancellations must be accompanied by a **proof of visa refusal**.

If your visa is issued after the seminar date or if you do not have proof of visa refusal, you will not be entitled to a refund.

GENERAL CONDITIONS

All registrations received by the Union Internationale des Avocats (UIA) along with the full payment of fees corresponding to the events selected will be confirmed in writing.

The UIA reserves the right to cancel or postpone the seminar to a later date, change the seminar venue and/or programme, make any corrections or modifications in the information published in the seminar programme and cancel any invitation to participate in the seminar, at any time and at their entire discretion, without having to provide any reasons for the same.

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature, suffered (directly or indirectly) by a delegate, accompanying person or a third party following any cancellations, changes, postponements or modifications.

The UIA strongly advises participants to subscribe to modifiable and/or refundable services, as well as to take out a cancellation insurance.

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature whatever, suffered (directly or indirectly) by a delegate or accompanying person, except in case of death or personal injury due to gross negligence by the UIA.

The contractual relations between the UIA and each participant (delegate or accompanying person) in relation to the seminar are subject to French law and jurisdiction, to the exclusion of any other law. Paris is the city of jurisdiction.

FORMALITIES

It is the responsibility of participants to ensure compliance with police, customs and health formalities for their journey. Participants unable to take part in the seminar because of their inability to take a flight or any other means of transportation due to being unable to provide the documents required (passport, visa, vaccination certificate, etc.) cannot claim any reimbursement.

FORCE MAJEURE

“Force majeure” means any events external to the parties, of both an unforeseeable and insurmountable nature that prevents either the client or the participants, or the agency or service providers involved in organising the seminar, from executing all or part of the obligations provided for in the present agreement. By express agreement, such will be the case in the event of a strike affecting the means of transport, hotel staff, air traffic controllers, an

insurrection, a riot or any prohibition whatsoever decreed by governmental or public authorities.

It is expressly agreed that for the parties, a case of force majeure would suspend the execution of their reciprocal obligations. At the same time, each of the parties shall bear the burden of all the expenses incumbent upon them, resulting from the case of force majeure.

HEALTH

The organisers decline any responsibility in case of any health problems existing prior to the seminar that may lead to complications or be aggravated during the entire period of the stay: pregnancy, cardio-vascular problems, any allergies, special diets, any disorders under treatment and not yet consolidated on the day the seminar starts, psychic or mental or depressive illness, etc. (Non exhaustive list).

PERSONAL DATA PROTECTION

The personal data that you communicate to us shall be processed by the International Association of Lawyers (UIA – Union Internationale des Avocats), with its registered office at 20 rue Drouot, 75009 Paris (Tel: +33 1 44 88 55 66 - Fax: +33 1 44 88 55 77 - privacy@uianet.org), in accordance with Act No. 78-17 of January 6, 1978 relating to data, files and freedoms and Regulation No. 2016/679 on data protection, as of its entry into force on May 25, 2018. Your data will be managed by UIA's General Services, Events and Accounts Section:

- For the purpose of administering your registration for the event and your on-site access to the event;
- In order to pay for the selected services - your bank details will be deleted after receipt of your payment;
- In order to communicate information messages from UIA.

To the extent necessary for the execution of their respective tasks, our subcontractors in charge of our seminar organisation, our IT infrastructure, our management, the production and maintenance of our website and extranet, are likely to gain access to your data from time to time. Their servers are located in the European Union.

Data relating to your participation in the event shall be stored for a period of 10 years. We are obliged to archive billing data until the end of the period required for our tax and accounting obligations, i.e. for 7 full tax years. We shall store your contact information to keep you informed until you ask us to stop. You have the right to access your data and have it corrected if necessary. You may object to any processing of your data undertaken by us for the purposes of our legitimate interests. If you wish for more information, or to lodge a complaint, please contact CNIL (French Data Protection Authority).



Union Internationale des Avocats
International Association of Lawyers
Unión Internacional de Abogados

Corporate Compliance and Internal Investigations

MILAN, ITALY

THURSDAY, SEPTEMBER 12 & FRIDAY, SEPTEMBER 13, 2019

Register online at: www.uianet.org

or please complete and return this form, by email, fax or post, to:

UIA (International Association of Lawyers)

20 rue Drouot, 75009 Paris, FRANCE

Tel: +33 1 44 88 55 66 ■ Fax: +33 1 44 88 55 77 ■ Email: uiacentre@uianet.org

Family Name:

First Name:

UIA Identification number (if you already have one): M I _____

Firm:

Address:

Post Code: City:

Country:

Tel: Fax:

Email:

Date of Birth:

EU VAT ID-Number:

Special requests (special diet, allergies, handicap...):

Arrival/departure times & flight numbers:

Hotel:

SEMINAR REGISTRATION FEES

<i>*Amounts exclusive of VAT</i>	On or before July 31	After August 1
UIA MEMBER	<input type="checkbox"/> € 380*	<input type="checkbox"/> € 430*
UIA MEMBER - YOUNG LAWYER (<35) **	<input type="checkbox"/> € 330*	<input type="checkbox"/> € 380*
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NON-MEMBER - YOUNG LAWYER (<35) **	<input type="checkbox"/> € 380*	<input type="checkbox"/> € 430*
ITALIAN PARTICIPANTS	<input type="checkbox"/> € 280*	

*** The VAT (22%) can be applied to the amount stated above according to the European Directive 2006/112/CE of November 28, 2006.**

If you provide an EU VAT ID number, the VAT will not be charged.
For more information, please contact the UIA.

**** Please attach proof of age to the registration form to benefit from young lawyers fee.**

SEMINAR SOCIAL ACTIVITIES

Please indicate below whether you plan to attend the following events **included** in the cost of your registration.

- Welcome Cocktail – Wednesday, September 11
 Lunch – Thursday, September 12

OPTIONAL DINNER

(not included in the registration fees)

- Optional Dinner – **Thursday, September 12**

• Please book person(s) for the dinner

€ 60 (Excl. VAT) x ___ / pers

Total (C) (Excl. VAT) €

TOTAL

TOTAL (A) Excl. VAT – Registration Fees €

TOTAL (C) Excl. VAT – Optional Dinner €

TOTAL (A + C) Excl. VAT €

VAT if applicable (22%)* €

If you provide an EU VAT ID number, the VAT will not be charged.

TOTAL (A + C + VAT) €

* **The VAT (22%) can be applied to the amount stated above according to the European Directive 2006/112/CE of November 28, 2006. If you provide an EU VAT ID number, the VAT will not be charged. For more information, please contact the UIA.**

CANCELLATION CONDITIONS AND GENERAL CONDITIONS

I, the undersigned, confirm having read and accepted the cancellation policy and the general terms and conditions given on page 6 of the registration programme. My registration will only be taken into account after receipt of my payment.

The participant is aware that his/her image and/or voice may be recorded or filmed during the entire duration of the seminar and, by signing this registration form, grants UIA the right to use, reproduce and distribute the concerned images and recordings by any known or unknown means and on all types of media, for an unlimited duration, completely free of charge.

The undersigned acknowledges having been informed of the processing of the personal data contained in this form by UIA, as detailed on page 6 of the registration programme.

METHOD OF PAYMENT

- By bank transfer in €, without charges to the payee, in favour of the Union Internationale des Avocats, quoting “2019 Milan Seminar”, to the following bank and account:

Société Générale – Paris Elysées Entreprise – 91 avenue des Champs Elysées – 75008 Paris – France

BIC / SWIFT N°: SOGEFRPP

IBAN: FR76 3000 3033 9200 0503 4165 164

Kindly attach a copy of your bank transfer order to your registration form

- By credit card: Visa Mastercard

Card N°: _____ Expiry date: ___/___ 3 digits: ___

Name of card holder:

I authorise the Union Internationale des Avocats to debit the above mentioned credit card in the amount of € (EUR)

Date: / /

Signature: