



Chapter Awards Elaine R. "Boots" Fisher Award at FBA Annual Meeting

by James Satola

The Northern District of Ohio Chapter was pleased to present the 2008 Elaine R. "Boots" Fisher Award to the Hon. Helen G. Berrigan, Chief Judge of the United States District Court for the Eastern District of Louisiana. The award, which recognizes exemplary community, public, and charitable service by a member of the Federal Bar Association, was presented by former Northern District of Ohio Chapter President James W. Satola at the lunch-time Awards Program held as part of the 2008 FBA Annual Meeting and Convention, which took place this past September in Huntsville, Ala.

The Boots Fisher Award was created by former FBA National President (and former Northern District of Ohio Chapter President) Stanley Fisher in 1989 in honor of his late wife, Elaine R. "Boots" Fisher, the award is a memorial to the outstanding and unselfish contributions made by Boots Fisher to improve the quality of life and opportunities to all persons in the community, including her longtime work with United Cerebral Palsy, for which she was a volunteer and a strong advocate for programs fostering independence for people with disabilities. In addition to presentation of the award itself, the Boots Fisher Award includes a monetary contribution to a charity of the recipient's selection.

Nominations for the Boots Fisher Award usually begin in the late spring of each year, as announced in *The Federal Lawyer*. Nomination forms are included



James W. Satola is a senior attorney with Squire, Sanders & Dempsey L.L.P., as well as a past president and current board member of the FBA Northern District of Ohio Chapter.

in a package sent to each of the FBA Chapters for distribution to members.



Northern District of Ohio Chapter former president and board member James W. Satola presents the Elaine R. "Boots" Fisher Award to Chief Judge Helen G. Berrigan (U.S. District Court, E.D. La.) at the 2008 FBA Annual Meeting and Convention. Also pictured are Lawrence R. Baca, FBA national president-elect, and Rene D. Harrod, FBA national director and editor of *The Federal Lawyer*.

This year's recipient, Chief Judge Helen G. "Ginger" Berrigan, was selected for her outstanding contributions to the New Orleans, La., legal and social communities, including her record of public service with the Ozanam Inn homeless shelter, "Habitat for Humanity Bench & Bar House Project," the "President Jimmy Carter and Rosalyn Carter Blitz Build"; her participation in projects to help New Orleans rebuild in the wake of Hurricane Katrina; and her service on the boards of numerous professional and community-based organizations. Judge Berrigan was nominated

for the award by the members of the FBA New Orleans Chapter, of which she is a member. In keeping with her record of public service, Judge Berrigan designated that the monetary portion of her award go to Trinity Christian Community, which is active in community and leadership development in the New Orleans community.

In receiving the 2008 Boots Fisher Award, Chief Judge Berrigan joins a distinguished list of past award recipients, including four Northern District of Ohio Chapter members Ivan L. Miller, Margaret W. Wong, Jose Feliciano, and Magistrate Judge Patricia Hemann.

Other past winners, including nominating chapter, are:

2008

Chief Judge Helen G. Berrigan (USDC, E.D. La.)
 New Orleans Chapter

2007

Judge M. Margaret McKeown (USCA, 9th Circuit)
 San Diego Chapter

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The President's Podium:

by *Ellen Toth*

One of my first official duties after becoming president of this chapter in October was a request from U.S. Bankruptcy Judge Randolph Baxter—an active member of our board of directors—to speak to a group of non-U.S. born L.L.M. students from Case Western Reserve University's School of Law. He hosted the diverse group of students in his courtroom on Oct. 30 to provide a look the U.S. federal court system and give a tour of the Howard Metzenbaum Courthouse.

Judge Baxter asked me to speak to the students about the role of bar associations in the U.S. judicial system. Preparing for the talk gave me an opportunity to reflect on, and tell the students about, the different types of bar associations—at the national, regional or local level; by practice area or specialty; and by diversity membership, such as the Hispanic National Bar Association, Corporate Counsel Women of Color, Minority Corporate Counsel Association and the Black Law Students Association.

Speaking to the students who were not familiar with the U.S. bar association system gave me an opportunity to reflect on how I became involved in the Federal Bar Association, Northern District of Ohio Chapter, and all the benefits it has provided to me over the past eight years.

Most importantly, I explained to the international students why I believe lawyers in the United States join bar associations—for example, to keep up with legislation, regulations, new cases and trends; to network with other attorneys; to meet judges and government officials; to obtain referrals for clients; to attend continuing legal education; to get involved in community and civic activities; to be part of a louder voice at the state or national level in lobbying initiatives; and the opportunity to develop leadership opportunities and skills.

Speaking to the students who were not familiar with the U.S. bar association system gave me an opportunity to reflect on how I became involved in the Federal Bar Association, Northern District of Ohio Chapter, and all the benefits it has provided to me over the past eight years. Through my involvement, I have met other attorneys, met and worked with district court judges and government officials, attended and chaired CLE seminars, participated in chapter committees and served in various leadership positions. As the chapter becomes larger and more active, we encourage all members to become active and take full advantage of all the benefits the Federal Bar Association offers to enrich your legal career.

If you are aware of any potential clerkship, internship or externship opportunities that would be appropriate for the L.L.M. students from Case Western University, please contact me at ellen.toth@ogletreedeakins.com and I will put you in touch with the CWRU L.L.M. program.



Ellen Toth is an attorney with Ogletree Deakins Nash Smoak & Stewart PC in Cleveland. Ms. Toth is President of the Northern District of Ohio Chapter of the FBA.

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2008-2009**

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Toth Welcomed as New Chapter President

The Northern District of Ohio FBA Chapter officially installed 2008-09 Chapter President Ellen Toth on Thursday, Nov. 13, 2008, at the Carl B. Stokes U.S. Court House. District Judge James S. Gwin administered the oath for Toth, an attorney with Ogletree Deakins Nash Smoak & Stewart PC, in Cleveland.

A host of chapter members, family and friends welcomed Toth as chapter president. Guests enjoyed an evening of cocktails and hors d'oeuvres with a view overlooking the city from the 19th floor of the court house.

Toth graciously accepted her responsibilities as president in a speech reemphasizing the importance of the chapter's long-standing tradition of service to its members and the community.



District Judge James S. Gwin administers the oath to Chapter President Ellen Toth.

Chapter President-Elect Carter E. Strang, Vice-President Kip T. Bollin and Secretary John Gerak also accepted their respective positions within the chapter, while Immediate-Past President Anthony J. LaCerva was honored with a service award recognizing his efforts as 2007-08 chapter president.

Poised with fresh leadership and ideas, the chapter stands ready to deliver a successful 2008-09 bar year.



Judge Gwin (left) administers the oath of office to President-Elect Carter E. Strang, Vice-President Kip T. Bollin and Secretary John Gerak.

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Write an Article!

Members of the Northern District of Ohio Chapter of the Federal Bar Association are invited to submit an article for an upcoming issue.

If you are interested in writing an article, please contact me at (216) 706-3874 or sjett@taftlaw.com. **The deadline to receive articles for the Spring 2009 issue is Feb. 27, 2009.**



Stephen H. Jett
Taft Stettinius & Hollister LLP
2008-09 Newsletter Editor

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Clerk's Corner

by Geri M. Smith

Criminal Justice Act Panel (CJA) Appreciation Luncheon—Jan. 30, 2009, Cleveland

The First Annual CJA Panel Appreciation Luncheon will be held at the Renaissance Hotel on Friday, Jan. 30, 2009, at 11:45 a.m. Brendan Sullivan, Esq. will be the featured speaker.

Bench Bar Conference— Oct. 22-23, 2009—Columbus

Although the event is 10 months away, please set aside Oct. 22 and 23, 2009, so that you can attend the biannual Federal Bench-Bar Conference of the Northern and Southern Districts of Ohio to be held in Columbus.

Advisory group for the Northern District of Ohio

The advisory group met on Thursday, Nov. 6, 2008, under the leadership of its newly appointed Chairman, Jose Feliciano, who took over the reins from Dennis Rose, who served as the chairman since 1999. Prior to being appointed chair, Rose led the advisory group rules subcommittee, which developed the court's electronic filing rules, policies and procedures. He also served on the DCM Task force of the advisory group assisting in the development of the DCM protocol. Rose will continue to participate in advisory group activities in emeritus status.

The mission of the advisory group is to provide information on matters of interest to the court and to assist in the implementation of court adopted programs such as electronic filing and the electronic courtroom projects. The advisory group is also charged with bringing to the attention of the court matters of interest to the bar and the community.

At the meeting, a proposed Model Protective Order was presented to the court for its review. The proposed order is designed for lawsuits between private parties and not those involving governmental agencies. The court will take the proposed rule under consideration at its February 2009 Judges Meeting, following further discussion by the court's rules committee and the advisory group.

Pro bono panel

In February 2007, the court implemented a pro bono program and encourages members of the bar to

volunteer to serve on the panel to represent parties in civil actions when the presiding judicial officer determines it is warranted

Local Civil Rule 83.10 Assignment of Pro Bono Counsel provides:

At the discretion of the judicial officer, counsel may be assigned to represent a pro se litigant in a civil case pursuant to the Court's Pro Bono Civil Case Protocol. Assignment of counsel is not a right of a pro se litigant but may be utilized in those limited cases where the judicial officer believes such an assignment is warranted. Pursuant to the Protocol, a judicial officer may instruct the Clerk's Office to select counsel with experience in the subject matter of the case from the list of attorneys who have volunteered to provide Pro Bono services. The Court will reimburse assigned counsel, pursuant to the Pro Bono Civil Case Protocol, for certain expenses incurred in providing representation up to \$1,500.

The pro bono panel is currently comprised of 66 attorneys who have volunteered to serve and, since the inception of the program, have been appointed to represent pro se litigants in 41 cases.

An application to volunteer to serve on the panel may be found at www.ohnd.uscourts.gov/pro_bono/pro_bono_program/pro_bono_program.html.

For more information please contact in the Eastern Division Peggy Nichols at (216) 357-7007 and in the Western Division contact Debora MacDonell at (419)213-5511.

MDL docket

The court continues to be recognized for its effectiveness in case management by receiving additional multi-district litigation dockets to manage. The most recent dockets transferred to the Northern District of Ohio are:

- Judge Gwin (MDL 2001): Whirlpool Corporation
- Judge Oliver (MDL 2003): National City Corporation

These actions join the following multi-district actions pending before the court:

- Judge Carr (MDL 1953): Heparin Products Liability
- Judge Economus (MDL 1561): Travel Agent Commission

- Judge Katz (MDL 1742): Ortho-McNeil
- Judge O'Malley (MDL 1401): Sulzer
- Judge O'Malley (MDL 1490): Commercial Money Center
- Judge O'Malley (MDL 1535): Welding Rod
- Judge Polster (MDL 1909): Gadolinium Contrast Dyes

You may also subscribe to e-mail updates at: https://service.govdelivery.com/service/subscribe.html?code=USFEDCOURTS_7

Chief Justice Roberts year-end report may also be found at: www.uscourts.gov/newsroom/2008/2008yearendreport.pdf

Courts provide RSS feeds and e-mail updates

You can choose from several U.S. Courts RSS feeds to get the latest news delivered directly to your desktop through an RSS reader or news aggregator. To receive a feed, right-click on a feed's link and copy the shortcut, then paste it into your feed reader. Some feed readers may work automatically by simply clicking on the link. For more information please go to the following link: www.uscourts.gov/rss/RSS.cfm.



Geri M. Smith was appointed the Clerk of Court for the U.S. District Court Northern District of Ohio on July 1, 1991, having joined the court in 1982. She serves as the chief administrative officer of the court as well as the administrative assistant to the Chief Judge. Smith is a member of the FBA-NDOC Board of Directors.

Chapter Networking Breakfast

by Keven Eiber

Sixteen FBA-ND Ohio Chapter members attended the chapter's third members-only quarterly networking breakfast hosted by Calfee Halter & Griswold. As with previous breakfasts, the event offered members an opportunity to meet other members and discuss practice-related topics. As well, after seated with a delicious hot breakfast, the members all introduced themselves and their practice to the group.

The group represented a mix of practice areas, including criminal defense (Vicki Lynn Ward, Tony Vegh,



Left to right: Diana Thimmig, Vicki Lynn Ward, Aaron Bulloff and Margaret Lockhart.

Dennis Zapka), insurance recovery (Keven Eiber on the policyholder side and David Fagnilli on the insurance side), civil trial practice (Anne Owings Ford, Aaron Bulloff) and commercial and bankruptcy litigation (Diana Thimmig). Members David Mills (previously at Jones Day) and Ross Babbitt (previously at Hahn Loeser) talked about their experiences opening solo law offices after leaving larger firms. David now focuses his practice on federal appellate matters and Ross represents athletes, among other clients. We learned that Tony Petruzzi is one of the few practitioners in gambling law in the area, and John Schiller is one of the few practitioners in entertainment law in the area.

In addition to engaging in actual face-to-face networking, the group discussed their "networking" experiences with online networking sites, such as Martindale-Hubbell's *Connected* (still



Left to right: Tony Vegh, John Schiller and Virginia Davidson.

in beta version), LinkedIn, FaceBook, and various law blog spots. Board members Diana Thimmig and Aaron Bulloff encouraged members to get involved in the various FBA-ND Ohio Chapter working committees.

Margaret Lockhart joined us from the Toledo office of Cooper Walinski with her partner from their Cleveland office, Diane Citrino. Many thanks to FBA board member Virginia Davidson of Calfee Halter & Griswold for hosting the event. If you are a member of the FBA-ND Ohio Chapter, do not miss out on these rewarding and informative networking events.



Keven Eiber is a partner with Brouse McDowell. She focuses her practice on insurance recovery matters for policyholders and on environmental matters.



FBA Annual Meeting and Convention 2008

Huntsville, Ala., the home of incoming Federal Bar Association President Juanita Sales Lee as well as the home of the U.S. Space & Rocket Center, hosted this year's FBA Annual Meeting and Convention Sept. 18 to 20, 2008. The Annual Meeting brought together FBA members from throughout the country to formally swear in its new national officers and to take part in the various business, educational and social events offered throughout the three-day event. In what has become almost a tradition at these annual gatherings, the Northern District of Ohio Chapter walked away with an armload of national awards, recognizing our efforts in chapter activity and programming, community service, and the continuing top-quality of this newsletter.

For any who have been to a previous FBA Annual Meeting, you know that attendance offers a mix of CLE programming, business meetings, sessions aimed at sharing information and ideas on chapter programming and service to members, and social offerings such as recognition luncheons and evening events highlighting the unique sights of the host city. This year's Annual Meeting fit the bill. Huntsville, being not only a city that has maintained its rich architectural past (as discovered by my three-hour walk through the city's numerous turn-of-the 20th century and earlier residential historical districts), but also the site of one of the county's largest Army bases (Redstone Arsenal) and largest NASA facilities (Marshall Space Flight Center). The CLE programming at the Annual Meeting had a special focus on federal civil and governmental issues, particularly government contracting. Though, there was something for all. On the social side, one of the evenings offered meeting attendees an opportunity to tour the U.S. Space & Rocket Center (home to, among other things, the famous Space Camp) followed by a reception held throughout the facilities' space and rocket museum.

The convention opened on Thursday with a plenary session featuring keynote speaker Bobby Lee Cook, who, in addition to being a former member of the Georgia House of Representatives and Georgia Senate, has for more than 50 years been involved in litigation throughout the country focusing on community involvement and improvement. Cook is also the recipient of the Lifetime Achievement Award from the National College of Criminal Defense Lawyers, an honor he was given in 2006. The opening session was followed with CLE programming for both the

federal agency practitioner and those whose practice is rooted in more traditional grounds. For the federal agency lawyers—and for those who regularly do business with or work with federal agencies—there was “Procurement Forecast for Missile Defense Agencies,” “Legal Issues Concerning Space Travel to the Moon and Mars,” “Buy America Trade Agreement,” and “Overview of the NASA Acquisition Integrity Program.” For others, “Professionalism and Bench/Bar Relations,” “Class Action Litigation and Recent Developments in Federal Contracting Litigation,” “Appellate Practice in the Electronic Age,” and “Civil False Claims Act Litigation.” In between these sessions, the Foundation of the FBA held its annual FBA Fellows Luncheon followed by the Foundation of the FBA Board Meeting. The day was capped off with an evening reception at the Huntsville Botanical Gardens, which, in addition to offering attendees the charms of the botanical center's grounds and butterfly garden, also offered musical entertainment and a casino night under the center's outdoor pavilions.

The CLE offerings continued Friday morning, with the “Government Acquisition Track” programming focused on Congressional “Earmarks” in legislation, ethics and compliance issues for federal contractors, foreign military sales, and patent and copyright issues. The “Civil/Criminal Track” programs focused on civil rights in the Supreme Court, current trends in prison conditions, indigent defense matters, and bankruptcy and commercial litigation. Friday's activities also included the Younger Federal Lawyers Awards Luncheon, the YLD Board Meeting, and a training session keyed toward vice presidents of the circuits training. Friday night closed with the aforementioned reception at the U.S. Space & Rocket Center, which featured an “up close” view of a Saturn V rocket, one of three built for the first moon landing in 1969.

Saturday was dedicated primarily to FBA leadership meetings and chapter training programs, including the Vice Presidents of the Circuits Meeting, the Sections and Divisions Leadership Meeting, and a Chapter Education Program where participants first break into smaller groups by circuit to discuss programming that has worked well for each respective chapter, then all are rejoined to discuss and share the results among the full group. This last meeting was attended by one or more of representatives of each of the chapters sending delegates to the Annual Meeting (including our chapter's representatives, Aaron Bulloff



and this author). This final day of the Annual Meeting also hosted the FBA Awards Luncheon, at which the Elaine R. "Boots" Fisher public service award (created by the Northern District of Ohio Chapter to recognize outstanding community service by a member of the Federal Bar) was presented, along with various other national awards. This year's winner of the Boots Fisher Award was Chief Judge Helen G. Berrigan of the U.S. District Court for the Eastern District of Louisiana.

In addition to presenting an award, the Northern District of Ohio Chapter also garnered a few awards of its own. The chapter was presented with a Presidential Achievement Award (for Chapter activities), a Meritorious Newsletter Award (for this publication), a Presidential Citation Award (for the participation by more than 30 chapter members in the Cleveland Metropolitan Bar Association and Cleveland Municipal School District's "3 Rs Program," at which participants meet monthly throughout the school year with students

in the Cleveland and East Cleveland schools to teach about "Rights, Responsibilities, and Realities," along with providing career guidance and counseling). The chapter also received a \$2,500 grant from the FBA's Ilene & Michael Shaw Public Service Grant Fund (the only one awarded) to continue the Chapter's successful sponsorship of the "A Book of Your Own" community service program, which collects books for distribution to students in the Cleveland public schools.

The convention concluded on Saturday night with the Presidential Installation and Banquet, which marked the formal installation of Juanita Sales Lee as the FBA National President for 2008-2009, and the swearing in of the FBA's newly-elected National officers.

Next year's Annual Meeting and Convention will be Sept. 10-12, 2009, in Oklahoma City, Okla., to welcome the induction of next year's FBA National President, Lawrence R. Baca. Mark your calendars.

Bob McNew Receives Distinguished Service Award



Bob McNew

On July 16, 2008, the Northern District of Ohio Chapter honored former Northern District of Ohio Chapter President and former FBA National President Robert A. McNew with the chapter's Distinguished Service Award in recognition of his more than 27 years of remarkable service to both the Northern District of Ohio Chapter and FBA National.

The award was presented at a special gathering of Bob's friends held at One Walnut, in Cleveland, one of Bob's favorite restaurants during his many years as Senior Counsel with the Eaton Corporation.

This is only the second time the Distinguished Service award has been presented by the chapter. In October 2004, the award was given for the first time at a joint ceremony held at the federal courthouse to honor former Chief Judge Paul R. Matia and Senior District Judge John M. Manos.

Bob McNew has been a driving force in the FBA both nationally and locally. Bob was at the center of almost every major FBA event in the Northern District of Ohio during his many years on the chapter's Board of Directors, including his instrumental role in bringing the 2000 FBA Annual Meeting and National

Convention to Cleveland. The 2000 convention, which inaugurated Bob's term as National President of the FBA, is one people still talk about and is considered one of the best ever held. Among Bob's numerous accomplishments as FBA National President, perhaps the best-known is his leadership of the FBA's joint effort with the administrative office of the federal courts in preparing a "white paper" for presentation to members of Congress and the Executive Branch on the degradation of judicial pay, an effort for which he received personal thanks and recognition from Chief Justice William H. Rehnquist. Another signature effort during Bob's term was his creation of the Fellows program within the Foundation of the Federal Bar Association, the charitable arm of the FBA, an action that sparked renewed energy in the previously little-known Foundation.

In the eight years since his term as national president, Bob has remained active as ever in the FBA, especially in guiding its national affairs. The Northern District of Ohio Chapter has had a number of fine leaders over the years, but perhaps none as dedicated and respected as Bob McNew. To put it simply, Bob's participation in the FBA has defined distinguished service. He is truly a fitting recipient of the award.



Brown Bag Lunch with Judge O'Malley

by David Cohen

Attorneys from the Northern District of Ohio enthusiastically accepted an invitation to join Judge Kathleen McDonald O'Malley for an informal brown bag luncheon. Judge O'Malley's courtroom was overflowing with counsel eager to ask her questions and hear her views about a wide range of legal matters. As usual, Judge O'Malley's observations were incisive and her candor was refreshing. Here are some of the things attendees heard:

- Judge O'Malley opened with a strong statement regarding the importance of judicial independence to the integrity of our democratic system, and the insidious damage caused by attacks on this independence from a variety of sources. The judge called on the bar to defend the integrity of the system of government set up by the founding fathers by taking both formal and casual opportunities to speak out against these attacks.

Following up on these opening statements, Judge O'Malley stated she has observed a surprising decline, during her 14-year tenure, in the level of respect afforded the court by the general public. The worst symptoms of this decline are people ignoring calls for jury duty, ignoring court orders, and openly denigrating the judicial system. The judge fears this decline may be attributed to politicians, attorneys, and even other judges who, when they disagree with a judicial opinion, attack the judge or the judiciary generally. A lack of respect for the office of judge, especially by appellate judges and other branches of government, sets a very bad example for the general public.

- Judge O'Malley is overseeing three separate multi-district litigations, including one of the country's largest—*In re: Welding Fumes*. Other judges in the NDOH are overseeing four additional MDLs. Assignment of MDLs to the NDOH provides a very important source of funding for the court; filing fees from the Welding Fume MDL alone pay for an additional court clerk. Further, MDLs bring counsel from across the country to our district for conferences and trials, helping the local economy and revealing the MDL Judicial Panel's view that ours is a favorable MDL jurisdiction.

- There is no monopoly owned by any type of law firm, or any area of the country, on good lawyering—or bad. Judge O'Malley has seen excellent courtroom attorneys from the biggest New York firms and also from the smallest Mississippi towns. Regardless of whether an attorney speaks with a twang or a brogue, a good attorney will: concede weak points; cite case holdings

with absolute accuracy; not overstate the facts or the law; be as brief as possible; and say "I don't know," if they don't. Judges are looking for help from counsel, but are wary; if counsel can establish their continuing helpfulness and accuracy, it will surely inure to their clients' benefit. On the other hand, even one real misstatement of the law or facts can cause the court to look askance at everything else the attorney says.

- District court judges are periodically invited to sit by designation on courts of appeals, and Judge O'Malley has sat as an appellate judge with the Sixth and Federal circuits. Her experiences convince her it is important that some of the judges who sit on appellate panels have experience as civil trial attorneys. Many appellate cases are civil, and a litigation practice provides a solid grounding in the panoply of issues that come up for review.

In response to the question whether she used any innovative techniques at trial, Judge O'Malley mentioned that: she always allows jurors to take notes; she has experimented successfully with giving jury instructions before closing statement; she allows attorneys to give a short introduction of what subject matter a witness will address and how it fits in the greater trial context—but she does not allow "interlocutory argument;" she is cautious about the idea of allowing jurors to pose questions, even if she were to screen them first and read them herself, as these questions might unfairly derail an attorney's trial strategy; and she favors attorneys using technology to streamline their presentation.

Asked to reveal whether the fact that Sentencing Guidelines are now "advisory" has changed her approach, Judge O'Malley stated the additional discretion she is now allowed can effect her decision in unique cases; however, believes most cases arising in the NDOH will fall close to what the guidelines suggest, since the Sentencing Commission considered most factors relevant to sentencing in non-unique cases.

- When asked to identify something about her job that she had not expected when she first donned her robes, Judge O'Malley answered she arrived on the bench with little idea how common and destructive is the problem of addiction. With sad frequency, the judge sentences people from all walks of life to prison terms stemming from their addiction to drugs, alcohol or gambling—perhaps for drug possession, perhaps for crimes committed to obtain money for drugs or

gambling, or perhaps for crimes caused by lapses in judgment induced by obsession with the object of the addiction. Judge O'Malley believes that prosecutors serve a critical role in helping to prevent the promotion and the effects of illegal drug use, both of which are extremely damaging. She also believes, however, that society must work harder to find and use new ways to tackle addictions before those suffering from them end up as participants in the criminal justice system, and before addicts cause the harms that land them there.

The FBA thanks Judge O'Malley for her hospitality and open dialogue.



David Cohen is a practicing attorney in Cleveland and was appointed Federal Special Master by the Hon. Kathleen McDonald O'Malley to oversee all aspects of a mass tort multi-district litigation involving 11,000 individual actions from across the country, including putative class actions.

Welcome New Chapter Members

Steven Auvil, Benesch Friedlander Coplan & Aronoff LLP
 Lucas Blower, Brouse McDowell LPA
 Joseph Boatwright IV, Roetzel & Andress LPA
 Laura Duval
 Michael Elliott, Scanlon & Elliott
 Adrienne Kirshner, McLaughlin & McCaffrey LLP
 Justin Madden, Landskroner Grieco & Madden Ltd.
 Nicole Monachino, Jackson Lewis LLP

Edward Mullin, Attorney at Law
 William Novak, Novak Robenalt Palik LLP
 Thomas Robenalt, Novak Robenalt Palik LLP
 David Smith, McDonald Hopkins LLC
 Louis Stokes, Squire Sanders & Dempsey LLP
 Steven Strang
 Anastasia Wade, Brouse McDowell LPA
 James Walsh, U.S. District Court
 Paula Wilson, Jones Day

("Boots" Fisher Award, continued from page 1)

2006
 Judge Donovan Frank (USDC, D. Minn.)
 Minnesota Chapter

2005
 Judge Jay C. Zainey (USDC, E.D. La.)
 New Orleans Chapter

2004
 Magistrate Judge Patricia A. Hemann (USDC, N.D. Ohio)
 Northern District of Ohio Chapter

2003
 Christie Burnett
 District of Columbia Chapter

2002
 Andrew R. Lee
 New Orleans Chapter

2001
 Mark C. Schnitzer
 Inland Empire Chapter

2000
 Jose Feliciano
 Northern District of Ohio Chapter

1999
 Martha Hardwick [Hofmeister]
 Dallas Chapter

1996
 Margaret W. Wong
 Northern District of Ohio Chapter

1995
 Daniel P. Malone
 Eastern District of Michigan Chapter

1994
 Ivan L. Miller
 Northern District of Ohio Chapter

1993
 Arleen N. Kaizer
 Nevada Chapter

1992
 Michele C. Sherman
 District of Columbia Chapter

1991
 Lunsford Dole Phillips
 Hawaii Chapter

(No award was presented in 1989, 1990, 1997 or 1998.)



FMLA Math 101

by David H. Peck

Perhaps you breezed through algebra and made short work of calculus, but how are you at FMLA math? It seems that even federal judges cannot agree on how to “crunch the numbers” under the FMLA.

A Minnesota court recently flunked an employer in FMLA math. *Dickinson v. St. Cloud Hospital*.¹ To calculate attendance rates, St. Cloud Hospital divided the number of hours an employee was absent by the employee’s scheduled hours of work. An absenteeism rate of more than 4 percent resulted in disciplinary action, though FMLA leave and certain other absences were excluded from the calculation altogether.

While employed by St. Cloud Hospital, Nurse Amanda Dickinson had some unexcused absences and also used some FMLA leave. When the hospital calculated her absenteeism rate at 7 percent, it terminated her employment. Dickinson then sued under the FMLA, arguing that the hospital’s failure to include the FMLA leave in her scheduled hours of work inflated her absenteeism rate. The hospital responded that it properly treated FMLA leave neutrally by excluding it from the calculations altogether.

The court considered two other cases on the same issue, both involving a policy of Federal Express that required employees to work at least 96.92 percent of the eligible days. Like the hospital, FedEx did not include FMLA leave when calculating employee attendance rates. The two courts examining the FedEx policy reached opposite results.

The court in *Keasy v. Federal Express Corp.*² found in favor of FedEx on the basis that including FMLA leave in the calculation would effectively give the employee 100 percent attendance during time away from work. The court likened this result to the accrual of a benefit during leave, which the FMLA does not require.

However, the court in *Payton v. Federal Express Corp.* disagreed.³ It found that FedEx turned the use of FMLA leave into a negative performance factor by effectively reducing the number of “no-fault” days available to the employee.

The St. Cloud court adopted the reasoning in Payton and ruled against the hospital. The court explained that Dickinson was scheduled to work

1,872 hours per year, which meant she could miss 74.88 hours of work per year and remain below the maximum 4 percent absenteeism rate ($74.88 \div 1,872 = 4$ percent). However, if Dickinson was absent for 74.88 hours and then took 100 hours of FMLA leave, her absenteeism rate would rise to 4.22 percent ($74.88 \div 1,772 = 4.22$ percent). Therefore, the hospital’s policy resulted in Dickinson being penalized for her use of FMLA leave.

Although the law remains unsettled on this issue, it is but one illustration of how the FMLA can

complicate the administration of attendance policies. Poor evaluations for attendance can also lead to trouble where it is unclear whether the rating is based exclusively on non-FMLA

absences. In addition, employers often must defend one or more attendance “occurrences” from challenges under the FMLA. Employers are thus well advised to carefully consider and test the application of their attendance policies to FMLA-covered absences, ensuring that such absences do not result in occurrences or adverse actions.

Finally, FMLA training for supervisors and managers is vital to ensure compliance with the FMLA. Among other things, supervisors must understand the importance of accurately reporting the precise reason an employee gives for an absence and the need to avoid broad references to “poor attendance” that fail to distinguish between FMLA and non-FMLA absences.

Endnotes

¹2008 WL 4659562 (D.MN, Oct. 20, 2008).

²No. 03-228 (W.D.MI Dec. 9, 2003)

³2006 WL 2715163 (M.D.PA. Sept. 22, 2006)

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*Perhaps you breezed through algebra
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David Hamilton Peck is a partner in the Labor and Employment Department of Taft Stettinius & Hollister LLP. He represents management in all aspects of labor and employment law, with an emphasis on the Family and Medical Leave Act (FMLA), Americans with Disabilities Act (ADA), ERISA and COBRA.

Chapter's Advanced Federal Practice CLE is a Huge Success

On Nov. 14, 2008, the chapter's Advanced Federal Practice (AFP) CLE was held at the Carl Stokes U.S. Courthouse. Seventy-six attorneys attended the half-day program, which included presentations on MDLs, consumer class action litigation and e-discovery.

Chapter President-elect Carter Strang, a partner at Tucker Ellis & West LLP, is the originator of the AFP CLE, which was first offered by the chapter in 2006. This year, Strang again served as chair of the CLE Committee and was joined by Kip Bollin, Chapter VP and CLE Director, who served as CLE Committee Vice-chair. Kip is a partner with Thompson Hine LLP.

The 2008 AFP CLE marked a milestone of sorts: the first of what is anticipated to be many chapter CLEs video taped by Rennillo Court Reports for replay later by our chapter (potentially in Youngstown or other areas of our district). The chapter thanks Rennillo for providing this service free to the chapter as part of its commitment to the legal community.

Chapter President Ellen Toth, of counsel with Ogletree Deakins PC, welcomed the attendees on behalf of our chapter.

MDLs

David Cohen, principal of David Cohen, Co., kicked off the MDL portion of the program with a PowerPoint overview of the MDL process, including how cases are selected for MDLs



MDL Panel (left to right): David Cohen, moderator; William Hawal, co-chair of the Plaintiff's Gadolinium Discovery Committee; Hon. Dan Polster, judge handling the Gadolinium MDL; Charna Sherman, defense liaison counsel in the Gadolinium MDL.

and how they are assigned to specific judges. David is one of the nation's foremost authorities regarding MDLs. He serves as MDL Special Master for Hon. Kathleen McDonald O'Malley and is

author of *Appointing Special Masters and Other Judicial Adjuncts: A Handbook for Judges*.

Cohen also served as moderator for the Gadolinium MDL panel. The panel was composed of Hon. Dan Polster, judge handling the Gadolinium MDL and a chapter board member; Charna Sherman, a partner with Squire, Sanders & Dempsey and defense liaison counsel in the Gadolinium

MDL; and, William Hawal, a partner with Spagenberg Shibley Liber LLP and co-chair of the Plaintiff's Gadolinium Discovery Committee. Contrasting perspectives of the MDL were provided by Charna and Bill, and Judge Polster did an excellent job of discussing the challenges attendant to such litigation.

Geoff Ritts, a partner with Jones Day, presented a PowerPoint titled "Federal/State MDLs: Interplay and Analogues." Ritts is also a nationally recognized authority on MDL and is co-author of a book on the topic presented: *Statewide Coordinated Proceedings: State Court Analogues to the Federal MDL Process*.



Consumer Class Action Panel (left to right): Justin Madden, plaintiff's counsel; Sharon Luard, Associate General Counsel for Electrolux; and U.S. District Judge Christopher Boyko.

Consumer class actions

The consumer class action of the AFP CLE featured a PowerPoint overview by Kip Bollin of such litigation, followed by a panel discussion of it which Kip moderated. Panel members were Hon. Christopher Boyko, a chapter board member; Sharon Luard, associate general counsel, Electrolux; and Justin Madden, Principal, Landskroner, Grieco & Madden. Luard provided the defense perspective and Justin the plaintiff's perspective. Judge Boyko tried (successfully) to keep peace between the two and provide the court's perspective on handling such cases.

E-discovery

The AFP CLE concluded with the always informative and entertaining (no one has better PowerPoint illustrations) Ken Bravo, who presented: "Avoiding the Pitfalls, Landmines and Perils of E-Discovery." Bravo is a chapter board member and partner with Ulmer Berne LLP.

AFP—2009

Due to the success of this year's program, the chapter has scheduled another AFP program for Nov. 6, 2009. And an AFP program for Toledo is being organized for the first half of '09 by chapter board member Jason Hill, a partner with Connelly Jackson & Collier LLP in Toledo. More information about that program will be provided later.





The Foreign Corrupt Practices Act: Pitfalls in Doing Business Overseas

by Virginia A. Davidson and Eric S. Zell

The latest accounting scandal? It's yesterday's news. Back dating stock options? We've already heard about it. Today's headlines whisper of international intrigue: foreign bribes from Americans looking for overseas deals. The Foreign Corrupt Practices Act (FCPA), after decades of obscurity, now occupies center stage in the federal government's war on white-collar crime.¹ The U.S. Department of Justice (DOJ) increased the number of its FCPA investigations sevenfold in the last three years, and that is just the beginning. According to a recent press release, the DOJ is hiring an army of new prosecutors just to handle these cases.

No one is immune from FCPA scrutiny. Current cases and subpoenas directed to entire industries are probing every manner of transaction—from a shipment of rice to the design of a space station. Whenever American business steps across a border, an FCPA investigation is now a distinct possibility.

Many people know that the FCPA imposes reporting obligations on public companies—similar to the requirements of the Sarbanes-Oxley Act of 2002.² But the anti-bribery provisions of the FCPA also apply to private businesses—both large and small—and to individuals. Penalties can include stiff prison terms and millions of dollars in fines. Americans can be held accountable for the acts of their foreign sales and marketing agents, distributors, and consultants—even if they have no direct knowledge of an illegal payment.

The act is a labyrinth of undefined terms, exceptions, and defenses. Add foreign locales and separate laws in each country, and FCPA compliance can seem as elusive as finding a reasonably priced hotel in Tokyo. Still, it is possible—and even critical—to identify risks, develop a workable compliance policy, and handle small problems before they become (literally) a federal case.

The FCPA in a nutshell

The FCPA was enacted in 1977 to restore confidence in U.S. companies operating abroad. In addition to imposing record keeping and reporting obligations on public companies, the FCPA prohibits offering or promising anything of value to a foreign official “corruptly,” for the purpose of “obtaining or retaining business for or with, or directing business to, any person” involved in interstate commerce.³ That prohibition applies not just to issuers of registered

securities, their officers, directors, employees, agents, or stockholders who act on the issuer's behalf but also to any “domestic concern,” including a U.S. citizen, national, resident, corporation, or sole proprietorship. A 1998 amendment made the provisions applicable to “any person” as well—in other words, to everyone.⁴

Violators risk criminal and civil penalties in actions commenced by the DOJ and the U.S. Securities and Exchange Commission (SEC). Public companies face criminal fines of up to \$2 million per violation. Officers, directors, employees, agents and stockholders risk up to five years in prison and a \$100,000 fine. If a violation is “willful” or results in “willful and knowing” false or misleading statements in a document required to be filed under SEC or self-regulatory organization laws or rules, penalties of 20 years and a \$5 million fine per violation are possible for an individual; the fine can be \$25 million for a corporation.⁵ In separate civil actions, the SEC can seek fines of up to \$500,000, restitution of ill-gotten gains, and cease-and-desist orders. Many countries have strengthened their own anticorruption laws, and investigators from multiple countries typically coordinate investigations.

The mere opening of an inquiry can trigger fiduciary or reporting obligations, investor and customer trepidation, harm to careers and good will, and—at the very least—distraction and legal costs. It is not unusual for an investigation to continue for five years or more.

Government activity in September 2008 illustrates its broad reach in this area. In September, Albert “Jack” Stanley, former officer and director of Halliburton, admitted that he had conspired to pay Nigerian officials \$180 million for engineering, procurement, and construction contracts spanning more than a decade. Stanley now faces years in prison and \$10.8 million in fines. Also in September, the DOJ arrested four employees of a private company that exported equipment and technology on charges that they had paid \$150,000 to Vietnamese officials for supply contracts. That same month, a 62-year-old assistant to the vice president for a telecommunications company, Alcatel CIT, was sentenced to 30 months in prison for paying \$2.5 million to Costa Rican officials in exchange for \$149 million in mobile telephone contracts. Finally, in September, the FBA arrested

a physicist from Newport News, VA., on charges of bribing Chinese officials. The physicist, who was a consultant for a French company, allegedly induced the award of a \$4 million contract for work at a Chinese facility designed to send space stations and satellites into orbit.

These very different cases send the message that government is looking for targets large and small, individual and corporate, public and private, high-tech and low-tech. Anyone considering doing business overseas needs a basic understanding of the FCPA and needs to develop some simple compliance strategies.

The anti-bribery provisions

To prove a criminal FCPA violation, the government must prove the following:

- An offer, payment, promise to pay, or authorization of payments for a “thing of value”;
- The item in question has a value;
- The offer or payment was made by a publicly traded company or a U.S. citizen, national, resident, domestic corporation, partnership, trust, association, or sole proprietorship;
- The offer or payment was made to a foreign official, political party, or candidate for a foreign government or “instrumentality” or to anyone acting on their behalf;
- The offer or payment was made for the corrupt purpose of influencing the foreign official to act or not to act, with the aim of obtaining or retaining business or of directing business; and
- The offer or payment was made to an entity involved in interstate commerce.

Under the FCPA, it is not necessary for a “thing of value” such as money, a vacation stay, an exchange of rights for other than fair market value—to change hands. The “foreign official” need not be a government employee or someone able to direct business; under the act, a laboratory worker in a state-owned hospital was considered a “foreign official.”⁶ The American person involved does not have to actually do anything; known or foreseeable actions on behalf of a U.S. person by a foreign person are prosecuted. It is not even necessary for an attempt to succeed. As with fraud, it is the intent—not the success or failure of the scheme—that establishes the crime.

No particular business needs to be at stake. In a leading case, an American company, American Rice Inc. (ARI) told the SEC that two of its executives had paid Haitian officials to understate custom duties on rice shipments. The district court dismissed criminal charges, finding that a general purpose to lower a tax burden was not an effort to obtain or retain business under the FCPA. The appellate court reversed the

district court. Although the appellate court criticized the act’s language as “oblique,” the court found that money saved on duties and taxes contributes to the bottom line and goes to “FCPA’s core of criminality” and thus can establish an FCPA violation. The executives were convicted. On appeal, the same court held that whatever the act’s wording, the defendants were culpable, because “a man of common intelligence would have understood that ARI, in bribing foreign officials, was treading close to a reasonably-defined line of illegality.” But even the Justice Department requires more in the way of intent: “The payment must be intended to induce the recipient to misuse his official position to direct business *wrongfully to the payer or to any other person.*”⁷ No such direction of business was involved in *United States v. Kay*.⁸ The U.S. Supreme Court denied certiorari on Oct. 8, 2008.

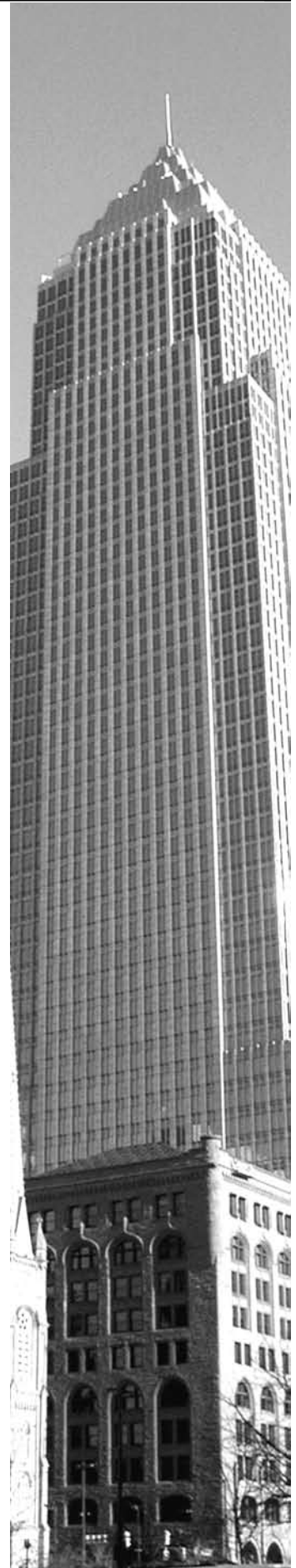
Exceptions and defenses are murky as well. Payments to “expedite or secure the performance of a routine governmental action”—such as permits, visas, police protection, mail delivery, scheduling of border inspections, phone, water, power, cargo loading, or an “action of similar nature,” commonly called grease payments—are exempt.⁹ In the real world, however, it may be impossible for an American to know whether the same official in the Duchy of Fenwick handles both routine and discretionary functions. Moreover, what is “action of a similar nature?”

It is a defense that a payment “was lawful under the written laws and regulations” of the foreign country. It is trickier to use the defense that a payment “was a reasonable and bona fide expenditure, such as travel and lodging expenses,” and “directly related to the promotion, demonstration, or explanation of products or services” or “the execution or performance of a contract” with a foreign government.¹⁰ Therefore, according to the FCPA, it is a crime to pay for business, but it is legal to pay for promotion of products or services. It is extremely difficult to prove whether a payment was “reasonable,” “bona fide,” or “directly related” to product promotion after the payment has been made.

Industrywide investigations and individual targets

Instead of merely targeting persons for their won conduct, in FCPA cases, the government is using the more aggressive strategy of subpoenaing all players in an industry. When the DOJ and the SEC investigated the involvement of oil companies in the now defunct United Nations Iraq Oil for Food program, the gov-

(continued on page 14)



(Foreign Corrupt Practices Act, continued from page 13)

ernment targeted multiple participants. In 2007, the DOJ and the SEC investigated a dozen oil companies for customs payments they had made in Nigeria and elsewhere.

The medical device industry is the latest to feel the effect of an industrywide probe. In an early case, in 2004, Schering-Plough settled claims that its Polish subsidiary had contributed to the favorite charity of a regional health fund director (a Polish castle restoration project) to induce purchases. Johnson & Johnson voluntarily disclosed its own possible FCPA violations to the SEC in 2007. In June 2008, Wright Medical Group joined SEC targets Smith & Nephew PLC, Biomet Inc., Medtronic Inc., Zimmer Holdings Inc., and Stryker Corp. in a probe of alleged payments made to European doctors for using or prescribing the companies' products. Also in June, AGA Medical Corporation, a privately held manufacturer of medical devices, entered into a deferred prosecution agreement with the Justice Department concerning payments made by the company's Chinese distributor.

The DOJ has also escalated prosecutions of individuals. Since 1990, it has charged more than twice as many people as companies, with a corresponding increase in the severity of penalties.¹¹ During the first 25 years the act was in force, four companies paid \$1 million to settle FCPA enforcement actions. Since January 2005, six multimillion-dollar fines and disgorgements have been ordered—four of them more than \$15 million each.¹² In April 2007, Baker Hughes agreed to pay a \$44.1 million penalty in connection with payments to employees of a Kazakhstan-owned oil company. Parallel litigation, which takes the form of shareholder suits, employee stock pension fund claims, or competitors' claims that a bribe caused a competitive disadvantage, is a risk for individuals as well.

On the brighter side, the DOJ has begun to use deferred prosecution agreements, in which the government agrees not to prosecute a violation of the FCPA in exchange for future compliance; however, any further violation results in prosecution for both offenses. Even though the company in question would obviously prefer deferred prosecution to an indictment, deferred prosecution also involves years of investigation, significant costs related to compliance and monitoring, and general disclosure to shareholders. In addition, deferred prosecution often leads to prosecution of individuals.¹³

Compliance is key

How is a person to distinguish a lawful "facilitating payment" from an illegal bribe, or a legal "routine"

action from an unlawful benefit, or a legal product "promotion" from an illegal boondoggle? Despite heightened enforcement and the FCPA's land mines, it is possible to minimize the risk of a government inquiry and to limit the damage if an investigation does result. Self-assessment, effective and documented compliance, investigation, and professional handling of suspected violations translate to fewer and shorter investigations, lower penalties, and reduced likelihood of prosecution.

Take a good look at your business. The extent of your planned or existing relationships outside the United States dictates your exposure. If you rely on consultants, sales or marketing agents, or distributors abroad, your risk increases. Check the laws of countries where you do business or solicit business. Monitor foreign travel, promotions, and charitable contributions.

Educate yourself and your outside agents about the FCPA. Do not limit training to employees who have direct contract with foreign governments. Require outside agents as well as employees to attend annual training sessions and certify their compliance. Equip your accounting staff with auditing methods to track troublesome expenses and payments, and make sure they use random and unannounced techniques and report results to senior management. Document all training and auditing efforts you undertake.

Make FCPA compliance part of the written ethics and conflict-of-interest policies of your business. Make it simple for employees to report violations—through supervisors, a designated individual, or via an anonymous hotline. Establish consequences for violations, then apply them from the bottom to the top—with no exceptions.

Make sure your foreign sales and marketing representatives, distributors, and consultants know the person at your company they should contact with questions or concerns. Consider making FCPA compliance a standard provision in outside contracts, including a right to conduct unannounced audits or inspections and to run criminal background checks; then actually perform those checks.

If you uncover a problem, get ahead of the government. Those who disclose and take responsibility for their actions get better treatment. Even if you decide against disclosure, a credible internal investigation allows you to take (and document) appropriate remedial measures, which is an advantage if the government ever does knock on your company's door. The investigation must be professional and unbiased; otherwise, it can backfire and result in even greater skepticism and scrutiny.



The Justice Department's Web site posts advisory opinions and a "Lay Person's Guide to FCPA" at usdoj.gov/criminal.fraud.fcpa. You can also request an advisory opinion from the Securities and Exchange Commission, but you should seek legal advice before taking such a step.

Conclusion

For anyone who does business overseas, awareness of the Foreign Corrupt Practices Act is de rigueur, but commonsense principles still apply. As with everything, knowledge is power. With so much at stake, it is critical to know the international realities of your business. An FCPA compliance program should build on the same ethical standards that guide your overall business. As long as those practices do not collect dust and are consistently put in play, it should be safe to pick up the newsletter for another day without finding yourself reported in it.

Endnotes

¹15 U.S.C. §§78dd-1 et seq.

²Sarbanes-Oxley Act of 2002, 115 Stat. 745.

³15 U.S.C. §§78dd-1(a), 2(a), 3(a).

⁴Id.

⁵15 U.S.C. §§78ff.

⁶*United States v. DPC (Tianjin) Co. Ltd.*, No. CR 05-482 (C.D. Cal. 2005).

⁷U.S. Attorney's Manual, Title 9, Criminal Resource Manual, §1018 "Prohibited Foreign Corrupt Practices" (November 2000) (emphasis added).

⁸*United States v. Kay*, 359 F.3d 738 (5th Cir. 2004); after remand, 513 F.3d 432, 442 (5th Cir. 2007); rehearing and rehearing en banc denied, 513 F.3d 461 (2008); *cert denied*, 129 S.Ct. 42.

⁹Id.

¹⁰15 U.S.C. §§ 78dd-1(c), 78dd-2(c), 78dd-3(c).

¹¹Danforth Newcomb and Philip Urofsky, *The Foreign Corrupt Practices Act 2008: Coping with Heightened Enforcement Risks*, 1665 P.L.I. 367, 375 (2008).

¹²Betty Santangelo, Gary Stein, and Margaret Jacobs, *The Foreign Corrupt Practices Act: Recent Cases and Enforcement Trends*, 8 J. INV. COMPLIANCE 31, 32 (2007).

¹³Form 8-K, Item 1.01, instructs registrants that have "entered into a material definitive agreement not made in the ordinary course of business of the registrant" to disclose the pertinent information.



Virginia Davidson, a former federal prosecutor, chairs the white-collar crime practice of Calfee, Halter & Griswold LLP in Cleveland, Ohio.



Eric Zell is an associate at the same firm. Both authors thank their summer law clerk, Sean Ganley, a member of the Case Western Reserve University School of Law Class of 2009, for his help in preparing this article.

Calling All Volunteers

Are you interested in doing some pro bono work to benefit the poor in our community? Well, look no further for an opportunity. The Northern District of Ohio Chapter of the Federal Bar Association, working together with the Legal Aid Society of Cleveland, will sponsor and staff a special Community Clinic on Saturday, Feb. 21, 2009, from 9:30 a.m. to noon at the St. Martin dePorres Family Center located at 1264 East 123rd Street, Cleveland.

In partnership with Legal Aid, volunteers of our local chapter will have the opportunity to staff the drop-in brief advice and referral clinic, which provides Cleveland area residents with opportunities to discuss their civil legal problems with volunteer attorneys. Residents receive general advice, information or referral to a variety of resources available that will assist residents in dealing with their legal issues. Clinics are generally held in neighborhood community centers. Lawyers need not have any prior experience; a brief orientation is held at the beginning of the clinic.

This program is ideal for attorneys who would like to volunteer and perform pro bono services, but have a limited number of hours available. It is truly a rewarding experience. Our members will be amazed at the number of people that we can provide meaningful assistance to in such a short period of time.

If you are interested in participating as a volunteer, kindly contact Diana Thimmig at (216) 696-7078 dthimmig@ralaw.com.



Calendar of Events

Please visit our Web site at www.fba-ndohio.org for additional information pertaining to any of the events listed below.

Feb. 21, 2009

Legal Aid Society of Cleveland Community Clinic

March 5, 2009

Members-only Networking Breakfast
Roetzel & Andress LPA, Cleveland

March 20-21, 2009

National FBA Event—Mid-Year Meeting

April 16, 2009

U.S. District Court Swearing-in Luncheon
with General Suter, Cleveland

April 24-25, 2009

National FBA Event—Chapter Leadership
Training

Sept. 10-12, 2009

National FBA Event—Annual Meeting and Con-
vention, Oklahoma City

Sept. 14, 2009

State of the Court Luncheon, Cleveland

Nov. 6, 2009

Advanced Federal Practice Seminar, Cleveland

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