Thursday, April 19, 2018  

1:00 pm Refreshments Served | 5:30 pm Reception

1:00 - 1:30 pm  
Refreshments & Welcome

1:30 - 2:45 pm  
Internal Investigations: Best Practices for Preparing for and Responding to Internal Complaints and Potential Claims

Panel: Denise Drake (Moderator), Jim Swartz, Andy Cripe, Georgia Yanis (Metro Atlanta Chamber of Commerce)

How an employer handles an internal complaint by an employee can make the difference between resolving the matter and getting back to business, or potentially continuing workplace issues and litigation. Our panelists will address best practices when receiving internal complaints and potential pitfalls to consider when conducting an internal investigation.

2:45 - 2:55 pm  
Break

2:55 - 4:10 pm  
Recent Trends in Government Enforcement Activities and False Claims Act Recent Developments

Panel: Brian McEvoy (Moderator), Ellen Persons, Iliana Peters, Kevin Coffey, Christopher Roane (Benett Thrasher)

The U.S. Department of Justice wasted no time this year when issuing a memo to government lawyers to consider filing motions to dismiss FCA qui tam actions where the government declines to intervene. This action plus the fast pace of financial recoveries made under the federal False Claims Act (FCA) has set the tone for 2018. This panel we will discuss recent trends and developments employers need to consider when dealing with government agencies and government contracts. Our distinguished panelists include a:

- Former federal prosecutor
- Former U.S. assistant attorney
- Immediate past Acting Deputy Director and Senior Advisor for HIPAA Compliance and Enforcement at the U.S. Department of Health and Human Services
- Leading accounting consultant specializing in internal investigation and forensic evidence
4:10 - 4:20 pm

**Break**

4:20 - 5:20 pm

**Minimizing Retaliation Claims from Potential Whistleblowers**

Panel: Nancy Rafuse (Moderator), Stan Hill, Scott Gilbert, Dr. Ann T. Greeley (DecisionQuest)

Retaliation claims by employees can sometimes become just as harmful as the original complaint. Our panelists will discuss ways to safeguard your company after the investigation is concluded, or the government has gotten involved (or both!) and to minimize retaliation claims by potential whistleblowers. Topics include:

- Understanding the law of retaliation and how the complainant is protected
- Avoiding “best of intention” actions
- Strategies to prevent retaliation
- Managing discipline problems
- How juries and arbitrators view complainants, companies, the whistleblower and the emotions behind retaliation claims.

5:30 pm

**Refreshments & Hors d’oeuvres**
Kevin M. Coffey
Associate | Polsinelli
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Kevin Coffey blends advocacy skills and a proactive planning approach in providing comprehensive health care legal representation to a broad range of organizations in fraud and abuse and compliance matters. He works closely with clients to proficiently respond to investigations based on alleged violations of various civil, criminal, and administrative laws.

Andrew B. Cripe
Shareholder | Practice Chair | Polsinelli
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Andy Cripe focuses on supporting management, human resources and in-house legal teams with all aspects of workforce management. Clients also look to Andy for general counsel in connection with commercial transactions and disputes, including enterprise-wide contract and risk management. Andy is the chair of the firm’s Workforce Development, Investigations & Compliance group.

Denise K. Drake
Shareholder | Practice Chair | Polsinelli
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Denise Drake is known for her creative and practical approach to employment law issues, as well as her sincere interest in helping employers improve their workplaces, proactively avoid litigation, and strategically defend against lawsuits. As chair of the firm’s Employment Disputes, Litigation and Arbitration practice, Denise has significant experience defending companies in employment lawsuits, including collective, class, multi-plaintiff, and multi-defendant employment actions.

Scott M. Gilbert
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Scott Gilbert counsels his clients during critical moments of the employment relationship. Whether clients need to create a strategy related to a reduction in force, or understand the application of the Americans with Disabilities Act, Scott helps clients identify and evaluate risk factors in order to minimize liability. Scott regularly advises clients on matters related to restrictive covenants from both the enforcement and defensive perspectives.

Dr. Ann T. Greeley, Ph. D.
Vice President | DecisionQuest
814.867.4080 | agreeley@decisionquest.com

Dr. Ann Greeley has been a psychologist and trial consultant for twenty five years. She has consulted on over 1000 civil and criminal cases in more than 100 federal and state jurisdictions throughout the country. In her practice, Dr. Greeley has conducted extensive pretrial research including focus groups, mock trials and surveys, witness preparation, jury selection and post-trial interviews in venues in most of the 50 states and territories, including Alaska, Puerto Rico, and Guam.
Brian F. McEvoy
Shareholder | Practice Chair | Polsinelli
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Brian McEvoy is an accomplished litigator with a well-earned reputation for working tirelessly to achieve the best outcomes for clients and for thinking creatively and strategically to resolve difficult problems with efficiency and professionalism. Brian is a former federal prosecutor with a practice focus on white collar criminal defense and a special emphasis in health care fraud matters. During his service as a federal prosecutor, he received special commendation from the Department of Health and Human Services.

Ellen H. Persons
Counsel | Polsinelli
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As a former assistant U.S. attorney, Ellen Persons uses her experience to help clients navigate through the complexities of government investigations. Ellen is tenacious and meets challenges head on. She develops innovative, pragmatic, and cost-efficient solutions to her clients’ litigation issues.

Iliana L. Peters
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Iliana L. Peters believes good data privacy and security is fundamental to ensuring patients’ trust in the health care system, and to helping health care clients succeed in an ever-changing landscape of threats to data security. She is recognized by the health care industry as a preeminent thinker and speaker on data privacy and security, particularly with regard to HIPAA, the HITECH Act, the 21st Century Cures Act, the Genetic Information Nondiscrimination Act (GINA), the Privacy Act, and emerging cyber threats to health data.

Nancy E. Rafuse
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Nancy Rafuse represents and advises employers on the full range of employment law and litigation issues in today’s business environment. She has served as lead trial counsel in all areas of employment litigation, including cases filed under the anti-discrimination statutes (Titles VI and VII of the Civil Rights Act, Section 1981, the Americans with Disabilities Act, the Age Discrimination Act, the Equal Pay Act) as well as other employment-related statutes (the FMLA, FLSA, OSHA, ERISA).
Christopher Roane
Senior Manager | Bennett Thrasher

Chris Roane is a Senior Manager in our Disputes, Valuation, and Forensics practice. He has experience assisting clients with corporate integrity agreements, regulatory compliance, fraudulent financial reporting, corporate investigations, litigation support, accounting malpractice, and economic damage analyses.

James J. Swartz, Jr.
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Jim Swartz partners with employers to address employment-related problems ranging from the day-to-day questions faced by employers in an increasingly regulated workplace, to high-stakes class and collective lawsuits. A significant portion of Jim’s practice consists of defending companies in alleged Rule 23 class actions under state wage-and-hour laws as well as collective actions under the Fair Labor Standards Act.

Georgia Yanis
Metro Atlanta Chamber of Commerce

Georgia is an accomplished human resources professional with over 20 years of diversified leadership experience in advertising, publishing, marketing, service industries, technology start-ups, and non-profits. She is a passionate leader with a proven talent for developing human resources plans to integrate operational business strategy and promote top performance. Georgia currently leads human resources efforts for the Metro Atlanta Chamber (MAC), where her focus is on advancing the strategic goals of MAC by leading the design and execution of talent management, talent development, performance management, and culture.