

INTELLIGENCE THAT WORKS

# The Department of Justice in the Post Trump/Barr Era

## What to Expect in the Biden Administration

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Katten



# Speakers

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**PEGGY DALEY**

*Managing Director  
BRG*

Peggy Daley specializes in conducting complex investigations on behalf of boards of directors, senior management, outside counsel, and regulators.

Her work includes high-profile investigations and compliance initiatives on behalf of higher education institutions, financial institutions, and healthcare providers and manufacturers. She is a nationally recognized data analytics expert and has led high-profile cybersecurity and trade secret theft investigations. She has testified at regulatory and sanctions hearings and also serves as an expert witness in matters relating to fraud, data privacy, data analytics, Telephone Consumer Protection Act (TCPA) compliance, and data security.

Ms. Daley is a frequent lecturer on topics of data privacy, data security, fraud, and intelligence gathering. Her investigative team has been named “Best of Chicago for Global Risk & Investigations” by the *National Law Journal*. *Who’s Who Legal* named her as one of a limited group of Forensic Investigations Experts from 2014 to 2020 and noted that she is “one of the most highly respected nominees in our research overall.”



# Speakers

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**GIL SOFFER**

*Managing Partner  
Katten Muchin*

Gil Soffer, managing partner of Katten's Chicago office, has made his mark on both sides of white-collar actions. As a former federal prosecutor and senior Department of Justice (DOJ) official, he thoroughly understands the government's enforcement strategies and tactics. As an experienced white-collar defense lawyer and national co-chair of the firm's litigation practice, he devotes his practice to keeping clients out of trouble and navigating them safely through government investigations and enforcement actions.

His rare mix of experience gives Gil valuable insights into the government's enforcement strategies regarding corporate fraud. When he worked at DOJ, he managed the President's Corporate Fraud Task Force and was a key drafter of DOJ policies governing the charging of corporations and corporate monitorships. In private practice, Gil has served as independent corporate compliance monitor for a major international pharmaceutical company — a role few attorneys have performed — in one of the most substantial FCPA resolutions to date. And in the past three years alone, Gil has served as counsel to three public company boards or their special committees, investigating shareholder allegations of misconduct and reporting his findings to the board.



# Speakers



**MICHAEL J. LEOTTA**

*Partner  
WilmerHale*

Michael Leotta conducts internal investigations and represents corporations and individuals in matters involving criminal law, securities law and financial institution regulations, with a focus on the Bank Secrecy Act and related anti-money laundering (AML) rules, insider trading, and the Foreign Corrupt Practices Act (FCPA). He represents clients in investigations and examinations by the Department of Justice (DOJ) and state prosecutors; domestic and international financial regulators, such as the Securities and Exchange Commission (SEC), the Financial Industry Regulatory Authority (FINRA), the Commodity Futures Trading Commission (CFTC), the Financial Crimes Enforcement Network (FinCEN), the New York Department of Financial Services, and the UK Financial Conduct Authority; and Congressional committees.

Before joining WilmerHale, Mr. Leotta served for nine years in government, including in the White House Counsel's Office under President Barack Obama, as an Assistant US Attorney prosecuting fraud and public corruption, and as Appellate Chief and Ethics Advisor at the US Attorney's Office for the District of Maryland. He currently serves as a national chair of the American Bar Association's White Collar Crime Committee and as a co-chair of its Financial Institution Fraud/Money Laundering and Patriot Act Subcommittee.



# Agenda

1. Personnel Changes
  - A. Merrick Garland v. Bill Barr
  - B. DOJ Independence
  - C. US Attorneys
2. Biden Administration Priorities and the DOJ
  - A. COVID-19 Response
  - B. Economic Recovery
  - C. Racial Justice
  - D. Climate Change
3. Expected Response to Insurrection Prosecutions
4. FCPA Prosecutions Under Garland
5. Other Enforcement Agencies To Watch
  - A. CFTC
  - B. EPA
  - C. CFCB
  - D. SEC



# 1

*Personnel Changes*

## The President's Law Firm?

“We need to restore the honor, the integrity, the independence of the DOJ of this nation that has been so badly damaged.

I want to be clear to those who lead this department who you will serve: You won't work for me. You are not the president's or the vice president's lawyer. Your loyalty is not to me,” he added. “It's to the law, the Constitution, the people of this nation.”

*Joe Biden, Introducing Merrick Garland as Attorney General Nominee*

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# Merrick Garland v. Bill Barr



## DOJ Turmoil Under Trump Administration

- Over 2,000 Former Department of Justice Officials Signed A Petition Asking William Barr to Resign
- Claims Trump Sought to Remove Acting AG In order to undo Georgia election results
- Resignation of US Attorney in Atlanta Being Investigated
- Resignation of Roger Stone Prosecutors
- Resignation of DOJ Director of Election Crimes after Barr authorized individual prosecutors to investigate election fraud
- Trump announces Barr's resignation on twitter after Barr failed to support his claims of election fraud
- Barr declares that Trump's conduct on January 6 was a "betrayal of his office and supporters."

# US Attorneys Under Trump

93 US Attorneys

- 7 women
- 2 African American\*

\* (as of June 2020)



# 2

## *Biden Administration Priorities*

# COVID-19 – Paycheck Protection Program Fraud

- Small Business inspector general announced that more than 57,000 potentially ineligible borrowers wrangled \$3.6 billion from the program in 2020. Number found by comparing recipients to Treasury Department’s “Do Not Pay” list.
- First criminal complaints filed in May 2020.
- Number of cases against PPP borrowers now close to 200
- First settlement announced in January 2021 when bankrupt online retailer SideBelts agreed to pay \$100,000 in damages and penalties and to repay the loan to resolve claims it committed fraud.
- False Claims Act (FCA) and Financial Institutions Reform, Recovery and Enforcement (FIRREA) major enforcement tools



# COVID-19 – MIKE OR GIL TO PROVIDE



# Policing the Police



Marissa Pantoja, 23, made this protest sign as an essential worker," Pantoja says. "I want to make  
Reckv. Sullivan/APR

## Community holds George Floyd protest in Katy

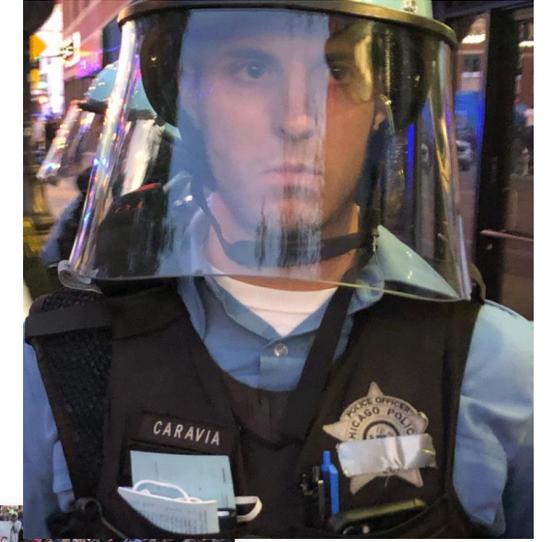


Photo by Mostafa Bassim/Anadolu Agency via Getty Images

Floyd, third from left, participates in a march to protest th  
a Minneapolis police officer pressed his knee into Floyd's  
avid J. Phillip) (Copyright 2020 The Associated Press. All rig

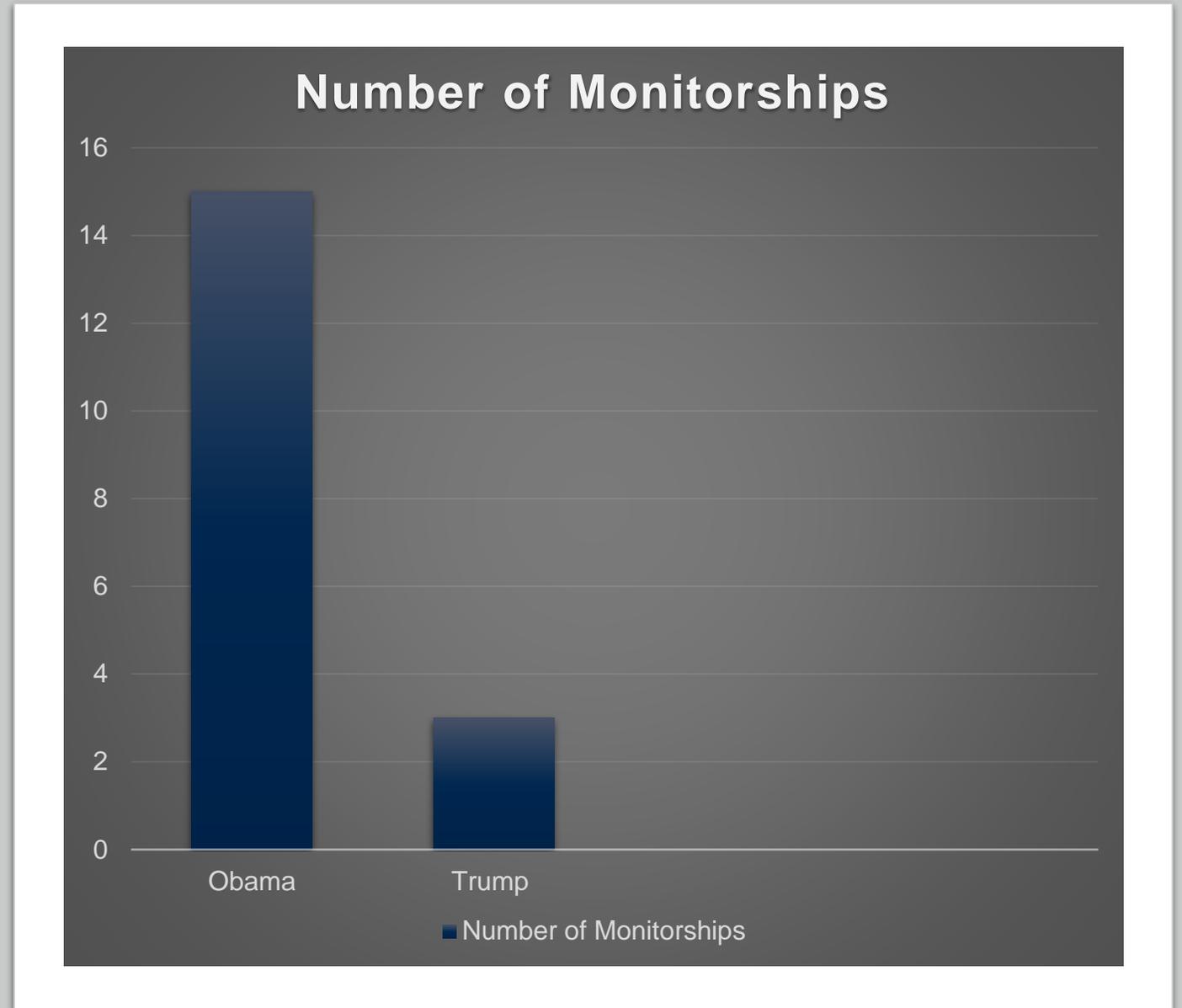


Credit: Colin Boyle/Block Club Chicago  
Chicago Police officers guard Trump Tower in River North on May 30, 2020 as protests in downtown  
Chicago continued after George Floyd's death in Minneapolis.



# Police Monitorships

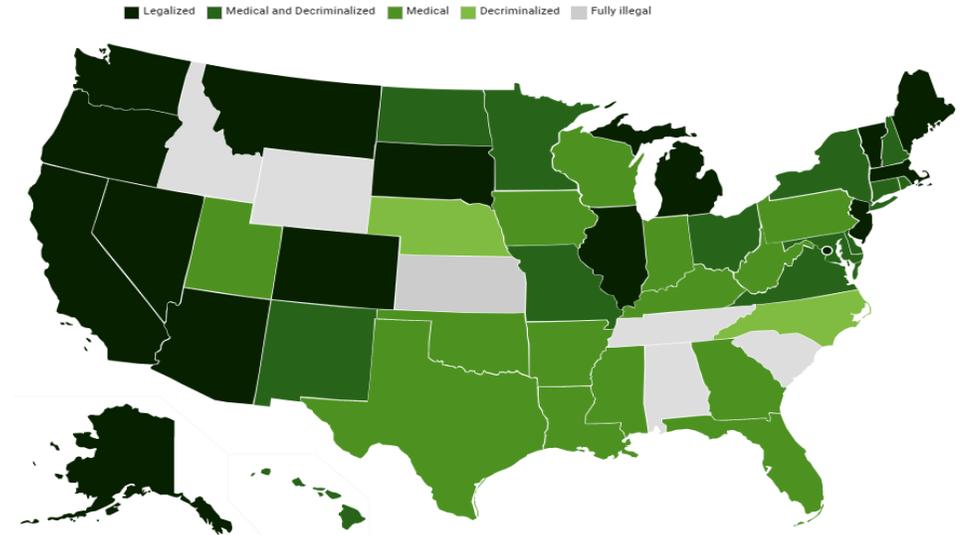
- Trump “President’s Commission on Law Enforcement and the Administration of Justice” report on policing initially barred by federal judge from publication by failing to be diverse, open and transparent.
- Published with a warning that it was drafted in violation of federal open meeting laws.
- Panel’s 18 commissioners included federal, state and local law enforcement representatives but no civil rights advocates, defense attorneys or big-city police officials.
- Report did not address racism in policing.



# Racial Justice and Cannabis Prosecutions

I reject the idea that America will be a better place if marijuana is sold in every corner store. And I am astonished to hear people suggest that we can solve our heroin crisis by legalizing marijuana—so people can trade one life-wrecking dependency for another that's only slightly less awful,"

- Jeff Sessions



POLITICS

## Justice Department Rescinds Obama-Era Relaxation of Marijuana Prosecution

Decision by Attorney General Jeff Sessions comes days after California became the latest state to permit sale of the drug for recreational use



### RECOMMENDED VIDEOS

1. Nikola and the Race to Find the Next Tesla
2. The Coronavirus Is Mutating. Here's What We Know.
3. Fauci Says Covid Vaccines Should Protect Against Coronavirus Variants
4. Biden Signs Executive Orders to Expand Covid Relief

# Climate Change – Environmental Prosecutions



# 3

*Insurrection Prosecutions*

# Insurrection Prosecutions

-Approximately 200 arrests

-Charges include:

- Felony murder
- Making interstate threats of violence
- Knowingly entering or remaining in a restricted building without lawful entry
- Disorderly conduct on Capitol ground
- Theft of public property
- Assault on a federal law enforcement officer
- Illegal firearm possession

WJZ CBS Baltimore NEWS VIDEO SPORTS WEATHER BEST OF CONTESTS & MORE WJZ 13 WATCH NOW 36°

## 'QAnon Shaman' Jacob Anthony Chansley's Attorney Says 'He Felt Like He Was Answering The Call Of Our President'

January 15, 2021 at 11:15 am Filed Under: Crisis at the Capitol, Donald Trump, Jacob Anthony Chansley, Local TV, Q Shaman, QAnon Shaman, U.S. Capitol riots



GETTY IMAGES

Jacob Anthony Chansley Is Asking President Donald Trump For A Pardon

WASHINGTON D.C. (WJZ/CNN) — The man known as the "QAnon Shaman," Jacob

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# 4

*FCPA Enforcement*

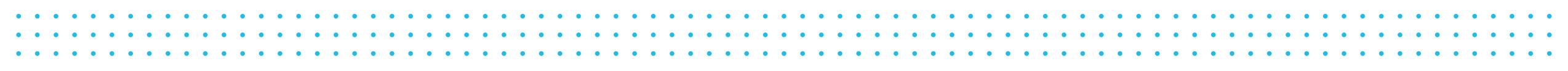
# GIL TO PROVIDE



# 5

*Other Agencies To Watch*

# MIKE TO PROVIDE



*Q&A*