



NYU | LAW



June 29–30, 2017

Fourth Annual NYU Law-UBA Joint Conference

# Corporate Liability for Corruption

Facultad de Derecho de la Universidad de Buenos Aires  
Av. Figueroa Alcorta 2263 (Corner of Pueyrredón) · Salón Verde  
Buenos Aires, Argentina

Registration via email to [investigacion@derecho.uba.ar](mailto:investigacion@derecho.uba.ar)

# DAY 1 June 29

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**9:30–10:00**      **Registration and welcome coffee**

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**10:00–10:15**      **Opening remarks**  
**Dean Mónica Pinto**, UBA  
**Professor Kevin Davis**, NYU Law  
**Professor Marcelo Alegre**, UBA; NYU Law in Buenos Aires

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**Panel 1**  
**10:15–12:15**      **Corporate Liability for Corruption**  
In the last two decades, boosted by the OECD, corporate liability has been at the core of anticorruption reforms in many regions. Countries moved from pure civil regimes to combined civil and criminal; extended the net of liability to third parties, including parent and successor companies; and designed specific incentives to prevent, detect, report, and remedy wrongdoing. This panel will discuss the evolution of corporate liability regimes in comparative perspective (US, Europe, and South America) and their application to anticorruption cases.

**PANELISTS**

**Jennifer Arlen**, NYU Law (US)  
**Mark Pieth**, Universität Basel (Switzerland)  
**Fernando Basch**, CEA-UdeSA (Argentina)

**DISCUSSANT**

**Carlos Cruz**, UBA (Argentina)

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**12:30–13:30**      **Lunch**

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**Panel 2**  
**13:30–15:30**      **Anti-bribery Compliance Programs**  
More and more companies are liable for “lack of supervision,” “failing to prevent,” “organizational deficiencies,” or other similar formulas. Compliance programs are the usual corporate response to these legal incentives to prevent corruption. Whereas consensus exists about the main components of a compliance program, there are still more questions than answers regarding how to measure their effectiveness. This panel will address how regulators and law enforcement agencies are assessing compliance effectiveness and distinguishing paper compliance from cultural change.

**PANELISTS**

**Marc Berger**, Ropes & Gray (US)  
**Carlos Portugal Gouvêa**, Universidade de São Paulo (Brazil)  
**Oswaldo Artaza**, Universidad de Talca (Chile)

**DISCUSSANT**

**Martin Zapata**, International Anti-Corruption Academy (Austria)

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**15:30–16:00**      **Coffee break**

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**Panel 3**  
**16:00–17:30**      **Internal Investigations and Cooperation with Law Enforcement**  
Besides preventing corruption, companies are also incentivized to investigate wrongdoing and cooperate with law enforcement agencies. This panel will discuss the legal concerns usually involved in the context of corruption detection and internal investigations—whistleblowing, data privacy, attorney-client privilege, sanctions to employees—as well as the challenges involved in disclosing the findings to the authorities, including the value of the disclosure and its impact in other jurisdictions.

**PANELISTS**

**Raúl Saccani**, Deloitte Argentina; CEA-UdeSA (Argentina)  
**Samuel Buell**, Duke University School of Law (US)  
**Ivan Meini Mendez**, Pontificia Universidad Católica del Perú (Peru)

**DISCUSSANT**

**Raquel de Mattos Pimenta**, USP (Brazil)

# DAY 2 June 30

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**9:30–10:00**      **Welcome coffee**

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**Panel 4**  
**10:00–12:00**

## **Sanctions**

Current anticorruption regimes include a wide range of monetary and nonmonetary sanctions: fines, forfeitures, disgorgement of profits, debarment from public contracting, loss of licenses and state benefits, structural corporate reforms, implementation of compliance programs, and monitorships. This panel will discuss the variety of sanctions through the lenses of proportionality, fairness, and legitimacy.

### **PANELISTS**

**Kevin Davis**, NYU Law (US)

**Héctor Mairal**, Marval, O’Farrell & Mairal (Argentina)

**Stefano Manacorda**, Seconda Università di Napoli (Italy); University of London (UK)

### **MODERATOR**

**Erica Pedruzzi**, CEA-UdeSA (Argentina)

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**12:00–13:30**      **Lunch**

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**Panel 5**  
**13:30–15:00**

## **Transnational Coordination**

Corruption cases are usually multijurisdictional, raising legal questions about transnational coordination. This panel will discuss issues such as coordinated settlements, double jeopardy, and the allocation of the monetary sanctions collected by different authorities.

### **PANELISTS**

**Matthew Stephenson**, Harvard University (US)

**Antenor Madruga**, FeldensMadruga (Brazil)

### **MODERATOR**

**Mary Beloff**, UBA (Argentina)

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**15:00–15:30**      **Coffee break**

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**Panel 6**  
**15:30–17:00**

## **Corporate Liability for Corruption in Argentina**

Argentina is in the midst of a legislative debate to establish a new corporate liability regime for corruption offenses. The project bill, prepared by the national Anticorruption Office with the technical assistance of CEA-UdeSA, attempts to create a structure of incentives to promote effective corporate anticorruption programs and cooperation with law enforcement. After a presentation by the Director of Transparency Policies of the Anticorruption Office and the Director of Criminal Policy of the Ministry of Justice, previous speakers will share their insights on the project, and then the floor will be open for discussion.

### **PANELISTS**

**Mora Kantor**  
Oficina Anticorrupción (Argentina)

**Carlos González Guerra**  
Ministerio de Justicia y Derechos Humanos (Argentina)

### **DISCUSSANT**

**Guillermo Jorge**  
CEA-UdeSA (Argentina);  
NYU Law in Buenos Aires

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**17:00–17:15**      **Closing remarks**

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