Creating Compliance: Exploring a Maturing Industry

Dear Readers, AIG, Lehman Brothers. The recent financial crisis, and the ensuing economic downturn, once again made corporate governance failures into household names. A possible silver lining — the financial collapse of 2008 intensified corporate America’s focus on risk management and compliance. Mistakes provided lessons, and the resulting adoption of best practices not only in the finance industry, but in countless economic sectors, may improve the detection and prevention of excessively risky, and even fraudulent, conduct.

Compliance is now a booming industry, and business entities have come to understand that in regards to complying with the law, the best defense is a good defense. The University of Toledo Law Review’s 2016 Symposium will examine how this industry has matured to enable corporate and organizational actors to build sufficient institutional knowledge and monitoring systems to reduce risk and limit liability.

Four panels of experts will discuss compliance as applied to different business environments. Topics will include:

1. Ethical Challenges, Compliance, and In-House Counsel;
2. Corporate compliance under the Foreign Corrupt Practices Act;
3. Institutional compliance within the healthcare industry; and
4. Regulatory compliance in higher education.

Geoffrey P. Miller, Co-Director of the Program on Corporate Compliance and Enforcement at New York University, will present the keynote address.

Presenters will publish a collection of essays in Volume 48, Issue 3 of The University of Toledo Law Review.

This symposium will be of interest to attorneys and other compliance professionals in a multitude of practices and settings, particularly those working in the healthcare or education industries.
Schedule of Events

8:00-8:30 AM Registration and Continental Breakfast

8:30-8:40 AM Opening Remarks
Benjamin Barros, Dean, The University of Toledo College of Law

8:45-10 AM Panel 1: Ethical Challenges, Compliance, and In-House Counsel
Corporations have tried many tactics to promote compliance, reduce risk, and assuage the nerves of fearful investors. To achieve these ends, a new focus on creating a model ethical culture has emerged. This panel will discuss the intersection between the laws of ethics and compliance, as well as the concerns it creates for attorneys.
MODERATOR
Agnieszka McPeak, Professor of Law, Toledo College of Law
PANELISTS
Steve Ramirez, Associate Dean for Research and Faculty Development, Loyola University of Chicago
Paul McGreal, Dean, Creighton School of Law

10:15-10:30 AM Break

10:30-11:30 AM Panel 2: Complying with the Foreign Corrupt Practices Act
Signed into law in 1977, the FCPA was Congress’s attempt to stop “off-the-books” payments made by American corporations to foreign officials in connection with a business purpose. Four decades later, increased movement into foreign markets, the passage of Sarbanes-Oxley, and several other factors have left more entities subject to FCPA enforcement. This panel will focus on current FCPA compliance issues.
MODERATOR
Eric Chaffee, Professor of Law, Toledo College of Law
PANELISTS
Andy Spalding, Professor of Law, University of Richmond
Miriam Baer, Professor of Law, Brooklyn Law School

12:30-1 PM Keynote Address

12:30-1 PM Lunch

1:15-2:30 PM Panel 3: Institutional Compliance in the Healthcare Industry
The passage of the Affordable Care Act in 2010 further muddied the waters for a healthcare compliance industry which was already subject to a dizzying array of federal and state legal and regulatory requirements. This panel will address current compliance issues facing healthcare institutions and providers.
MODERATOR
Elizabeth McCuskey, Professor of Law, Toledo College of Law
PANELISTS
Ryan Meade, Director of Regulatory Compliance Studies, Lincoln School of Law
Heidi Kocher, Of Counsel, Liles Parker PLLC

3:30-4:30 PM Panel 4: Compliance in Higher Education
Increasing scrutiny of university athletic departments, as well as administrative failures regarding sexual assault and disability accommodations, have left institutions adjusting to reduce risk and liability. Adapting lessons learned in other industries, colleges have focused on creating and improving compliance programs. This panel will address regulatory concerns commonly facing higher education institutions.
MODERATOR
Nicole Porter, Professor of Law, Toledo College of Law
PANELISTS
L. Scott Lissner, ADA Coordinator and 504 Compliance Officer, Ohio State University
Nancy Chi Cantalupo, Professor of Law, Barry University School of Law
Gates Garity-Rokous, Vice President and Chief Compliance Officer for the office of University Compliance and Integrity, Ohio State University

Keynote Address: Judges Are Not Potted Plants
Professor Geoffrey Miller, Stuyvesant P. Comfort Professor of Law, New York University School of Law

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