

OBTAINING EVIDENCE OVERSEAS

STRATEGIES & INSIGHTS FOR OVERCOMING THE INVESTIGATION HURDLES

Tuesday, December 1, 2009 / 6:00 p.m. to 8:00 p.m.

What do you do when your client is prosecuted in New York, but most of the evidence in the case has been obtained or is located overseas? What are the common U.S. and foreign legal hurdles associated with conducting an investigation abroad? Do constitutional protections apply to evidence obtained overseas? This program will provide guidance to practitioners in conducting international investigations, gathering evidence abroad, and utilizing that evidence.

Program Co-Chairs

Thomas J. Curran
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Dickstein Shapiro LLP

Moderator

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Wendy Wysong
Clifford Chance

Sponsoring Association Committee:
Criminal Advocacy, Thomas J. Curran, Chair

Agenda

6:00–8:00

Extraterritorial Application of U.S. Criminal Law

- Issues relating to prior statements and search and seizure overseas. Statements obtained in violation of Miranda and documents obtained without probable cause may be admissible in U.S. court.

Conducting Investigations Abroad

- Data protection issues
- Blocking statutes
- MLAT process including statute of limitations
- Local and national laws of overseas country

Interviewing Witnesses Abroad

- Rule 15 and MLAT procedures
- How to interview, depose, or subpoena a U.S. government employee or foreign government employee
- What statutes and procedures are involved?

Admitting Evidence Obtained Overseas:

- Privilege issues: Witness interviews may not be privileged. (Grand jury v. trial)

FCPA, Export Control, Cross Border Criminal Prosecutions

- Cases dealing with overseas investigations

New York & California Credit: 2.0 credits in professional practice
This live program provides transitional/non-transitional credit to all attorneys.

Illinois Credit: 2.0 general MCLE credits.

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Live Program (includes materials):

\$195 Member \$305 Nonmember

Walk-in Registration (includes materials):

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Registration Information

Program Location:

All programs are held at:

New York City Bar

42 West 44th Street, New York, NY 10036

To Register: Call (212) 382-6663 or fax (212) 869-4451; mail registration form to the City Bar Center for CLE, 42 West 44th Street, New York, NY 10036, or register online at www.nycbar.org.

Advance registration is advised. An additional fee of \$25 will be charged for "walk-in" registrations—those received later than 3:00 p.m. one business day prior to the program.

Scholarships & Discounts: Financial scholarships are available; please call (212) 382-6663 for an application. All applications must be submitted three weeks prior to the program. 50% discounts off of member and nonmember prices are available for government and public interest attorneys, students, and academics. A 20% discount off of member and nonmember prices is available for firms and corporations that register four or more people for a combination of programs or video replays.

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