

# GRAVES GARRETT NEWS

A PUBLICATION OF GRAVES GARRETT LLC | SUMMER 2014

[www.gravesgarrett.com](http://www.gravesgarrett.com)

## INSIDE THIS ISSUE

- > Graves Joins Herzog Board 1
- > KCBJ Talks War Stories With Graves 2
- > Fisher Receives Leadership Award 2
- > Garrett Discusses Compliance 3
- > Federalist Society Examines Taxes 3
- > AP Quotes Greim on IRS 4
- > Wisconsin Lawsuit Update 4
- > Super Lawyers Honors Six 4



## TODD GRAVES NAMED TO HERZOG BOARD OF DIRECTORS

Herzog Contracting Corp., a locally grown St. Joseph, Mo.-based company specializing in railroad and road construction, recently announced the appointment of Partner Todd Graves as a member of its Board of Directors.

Herzog Contracting Corp., was founded by William E. Herzog in 1969 as a local asphalt company, but has since expanded into a national company with operations into 42 states, Canada, South America and the Caribbean.

As a board member, Graves will be a part of the Herzog team responsible for guiding the company through its ongoing operations and future growth.

*Continued on the next page*

## Letter from the Firm

We hope you have enjoyed your summer.

Throughout the last few months, our team has enjoyed being in contact with clients and colleagues to hear the many ways they've enjoyed their summers with family and friends. Whether you took a road trip cross country or a staycation with your family, we always enjoy hearing your stories, which often involve laughter, adventure and tales of your family's time together. These interactions cause our firm to reflect, in fact, on how much we appreciate the relationships we share with you. Thank you for being a part of the Graves Garrett family. We hope that you and yours had a wonderful summer break.

Kansas City: 816.256.3181 | Dallas: 214.453.2003 | [www.gravesgarrett.com](http://www.gravesgarrett.com)



Graves Garrett LLC



## Kathleen Fisher Honored as Up and Coming Lawyer

*Missouri Lawyers Weekly* announced its 2014 class of Up and Coming Lawyers, which includes Partner Kathleen Fisher who was selected for being a “high achieving” lawyer who is viewed also as one of the community’s future leaders.

Fisher has been a key member of our team in numerous high stakes and high profile investigations and litigations. In particular, she has worked diligently on behalf of Kansas City Terminal Railway Company in an ongoing matter that started as an internal investigation and led to the uncovering of fraud committed by its former president and other parties. In addition, she was a key member of our team’s representation of the Roman Catholic Diocese of Kansas City – St. Joseph in its internal investigation regarding Shawn Ratigan. She has also resolved numerous white collar criminal matters in cases ranging from wire fraud to export violations, healthcare fraud and tax evasion, as well as defending and prosecuting whistleblower cases.

In addition, Fisher is a leader in her community as she generously gives her time to improve the lives of local youth as an active volunteer in various organizations. ■

*Continued from previous page*

“I intend for my background as a private practice attorney, former public servant and business owner to add value to the board as we continue to act in the best interests of the company,” Graves said.

In addition to his experience as a presidentially appointed U.S. Attorney and twice elected state prosecutor, Todd is executive vice president of the Pony Express Council of the Boy Scouts of America, a member of the American Royal Association board of directors and a founding member of the Kansas City Police Foundation. ■

---

## KCBJ ARTICLE FEATURES “WAR STORIES” FROM TODD GRAVES

The *Kansas City Business Journal* recently featured Partner Todd Graves in one of its legal “War Stories,” which highlight the community’s most challenging cases as well as the people behind them. The article featured what he considers the “most memorable case Todd has ever tried” — his first.

“It was April 1995, just a few months after Graves had been elected prosecutor, and he was handed what appeared to be a suicide case,” the *Business Journal* reported. “A man told the police that his girlfriend had become distraught before locking herself in her bedroom where she was found dead, holding a gun. The police report confirmed it as a suicide. But following the medical examiner’s report, it became apparent that the gunshot trajectory was incompatible with the stated cause of death. Conversations with witnesses raised further concerns.”

At 29 years old, Graves was “completely untested as a prosecutor” — he was the youngest full time prosecuting attorney in Missouri — which is part of the reason the case stands out.

“I realized that the prosecutor’s office, especially at the state office, there’s no supervisor,” Graves said. “So I guess I learned to make decisions as much as anything, and I learned to trust my own judgment. And you don’t learn those things in law school. Those are things you just either pick up or you don’t. And that’s what’s memorable about it. It isn’t necessarily the trial strategy or the uniqueness of it.

“That’s a big takeaway from my time prosecuting. At the state and with the feds, (thousands of) people went to prison with my signature on their paperwork, and I can count on one hand the evil people,” Graves told the *Business Journal*. “Most were just complete sociopaths. Others were just good people who did bad things. People make mistakes and they need to pay for those mistakes, but they weren’t evil.

“That really did change my worldview. I think I’m much more forgiving and accepting because I’ve seen a lot. I think I’m better with my kids because of it,” Graves said. “None of us are perfect, and I think that was really driven home. That doesn’t change that there has to be a consequence, but sort of the self-righteous indignation, I don’t have nearly as much of that as I probably had on the front end.” ■

## Compliance Week Taps Nathan Garrett on Multijurisdictional Investigations



*Compliance Week* magazine recently featured Partner Nathan Garrett in an article titled “How to Handle a

Multi-Jurisdictional Investigation,” which addressed various considerations that should be made throughout the course of a complex multinational investigation.

“Long gone are the days when companies only had to contend with the Securities and Exchange

Commission and the Department of Justice in the course of an anti-corruption investigation,” *Compliance Week* reported. “Large-scale investigations into bribery and corruption are now a multinational affair.”

In the article, Partner Nathan Garrett told *Compliance Week* that the biggest challenge multinational companies will face during an investigation is the diverse rules of the game. “How in-house or outside counsel go about conducting the investigation can, and should be, affected by the rules that apply in the respective jurisdictions where the investigations are taking place,” he said.

“In global investigations, you must have foreign expertise,”

Garrett continued. “Each foreign government has so many unspoken, unwritten rules that apply and cultural considerations that knowing how to navigate local rules — both written and unwritten — is essential.”

Graves Garrett has been recognized as a go-to firm for its role in leading many high-profile internal investigations across the nation. The firm’s internal investigations team has advised multiple individual and corporate clients facing federal and state criminal, civil, or regulatory investigations and litigations. The firm’s clients have included national corporations and executives, as well as non-profit organizations and associations. ■

## GREIM, THE FEDERALIST SOCIETY TO HOST DEBATE, “DOES MONEY WALK?”



Partner Edward Greim and the Kansas City chapter of The Federalist Society are planning

a debate titled “Does Money Walk,” which will feature a discussion on whether tax policy is, and should be, a driver of economic competition between states and cities.

The book “Does Money Walk” raises important questions such as, “Did money walk because the opportunity to keep more personal income talked?”

The event is scheduled from 5:30 to 7:30 p.m. on Oct. 2, 2014, at the Carriage Club, and will feature a panel that includes Travis Brown, who has authored (or co-written) two books on the subject, as well as Dave Trabert, President of the Kansas Policy Institute, and Quinton Lucas, a KU assistant law professor (and current Kansas City city council candidate).

In his book, Brown utilizes IRS research that tracks the migration of Americans and their incomes across state and county lines to pose questions about American tax policy and how it profoundly affects growth and development in our country. During the Federalist Society debate, Brown will present his thesis, which will be followed by a discussion in which his co-panelists will react. ■

## Associated Press Quotes Greim in Article on Tea Party Lawsuit Against IRS

The *Associated Press* recently sought Partner Edward Greim's comments after a federal judge ruled that 10 Tea Party groups may move forward in their lawsuit against the Internal Revenue Service.

Todd Graves and Greim are the lead attorneys for the group and were the first to file a lawsuit against the IRS in this case. The suit emerged from a national controversy surrounding the agency's inappropriate "targeting of conservative political groups for extra scrutiny as they sought tax-exempt status," *The Kansas City Star* previously reported. The Tea Party groups are suing the IRS for claims of discrimination and retaliation against them based on their views, which they believe is in violation of their free speech rights. ■

## GRAVES GARRETT ATTORNEYS HONORED BY SUPER LAWYERS, BEST LAWYERS

Thomson Reuters has released its 2014 edition of *Missouri & Kansas Super Lawyers*, recognizing Todd Graves and Nathan Garrett on

## GRAVES FILES SUIT AGAINST WISCONSIN GAB

*Gov't Accountability Board Hid Role in Secret Investigation*



Graves Garrett filed a lawsuit on May 30 on behalf of political activist Eric O'Keefe and the Wisconsin Club for Growth against the Government Accountability Board in Wisconsin that captured national media attention, including coverage by *The Wall Street Journal*.

The lawsuit, which also names Kevin Kennedy, the agency's executive director and general counsel, asserts that, under Kennedy's direction, the GAB collaborated with five county district attorneys in a secret John Doe investigation of Mr. O'Keefe and the Wisconsin Club for Growth. According to the suit, this is in violation of state statutes that restrict GAB to investigations relating to civil violations of campaign laws.

Under the arrangement, Kennedy and investigators he contracted instigated law enforcement raids of homes owned by conservative activists, and confiscation of their private papers, computers, phones, and other items.

"A tolerance for government abuse of political activists is developing in Wisconsin," stated Graves. "This suit makes clear that some of those activists are prepared to fight back.

"It is evident that Kevin Kennedy attempted to hide the involvement of his agency in actions against Wisconsin citizens that it had no legal authority to conduct," Graves continued. "Anyone who follows this suit will see exactly how he did this and why his actions are deplorable." ■

its *Super Lawyers* list. In addition, Clayton Callen, Kathleen Fisher, Edward Greim and Paige Strack were named to its *Rising Stars* list.

*Super Lawyers* is a rating service that highlights attorneys with exceptional professional achievement and peer recognition. Only 5 percent of attorneys in each state make the

annual *Super Lawyers* list.

In addition, Todd Graves and Nathan Garrett were recently selected for inclusion in the next edition of *Best Lawyers in America*. Both attorneys have been regularly featured in this guide, which is regarded as "the oldest peer-review publication in the legal profession." ■