

# GRAVES GARRETT NEWS

A PUBLICATION OF GRAVES GARRETT LLC | FALL 2016

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Partner Kathleen Fisher is pictured with her husband Jeff and their children, including the newest addition to the family, Owen.

## Letter From the Firm

Our firm is pleased to share the fall edition of its quarterly newsletter with you – it's been amazing to watch the seasons change as we look forward to celebrating the holidays with our clients, colleagues and friends. We feel fortunate to be able to update you on the news of our firm which has included significant professional and personal developments among the Graves Garrett family.

Perhaps the most notable is that our Partner Kathleen Fisher and her husband welcomed a new member to their family – Owen was born in July, and we're very happy for their family. We hope you enjoy the article on Kathleen's family inside this edition, as well as the other updates our firm is pleased to share with you this season. As always, we are grateful for the opportunity to work with you, and we wish you and your families a blessed holiday season. ■

## TODD GRAVES SELECTED TO CONDUCT JAIL INVESTIGATION

Graves Garrett Partner and former U.S. Attorney Todd Graves has been selected by Jackson County, Mo., to conduct an independent investigation of recent sexual assault allegations made by female inmates at the Jackson County Regional Correctional Center.

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## INGRAM'S NAMES FISHER TO WEKC

Graves Garrett Partner Kathleen Fisher was recently named as a member of the 2016 class of *Ingram's* magazine's WeKC award winners. The award recognizes women throughout the Kansas City area in executive positions who have demonstrated exceptional leadership abilities in their organizations and who have made notable civic contributions in Kansas City.

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## WHEN THE GOVERNMENT COMES KNOCKING



by Nathan Garrett and Lucinda Luetkemeyer

A company's response in the short time after the government issues a subpoena or executes a search warrant can be critical to the outcome of an investigation. Corporate leaders should consult with outside counsel well before any government agents arrive with a search warrant or subpoena to develop a written plan for responding to the encounters.

**Preparing Employees.** Employees should be advised on how to handle unexpected visits from state or federal agents, ensuring employees understand their rights and the importance of protecting sensitive information, while never suggesting that employees interfere with the investigation in any way. Importantly, employees should refrain from engaging in any substantive discussions with government officials. Likewise, company officials should request counsel's presence at any interviews of key personnel or at any point of substantive interaction. The company should also send an immediate notice to relevant employees and departments regarding the preservation of pertinent documents and information.

**Responding to a Grand Jury Subpoena.** One of the most common government investigative tools is the grand jury subpoena, which can be issued to a company whether it is the target of an investigation or simply has information helpful to an ongoing investigation. The company should have a plan in place for cooperating with investigators in a manner that protects its rights and sensitive information, including those of its customers and clients.

As noted, after material has been subpoenaed, the company should immediately release hold notices to all employees and systems that could be involved, ensuring that all potentially relevant information is preserved and unaltered, including a swift freeze on electronic and hard data, as well as a suspension of routine document disposal.

**Responding to a Search Warrant.** Companies should have a written protocol, prepared in advance, that outlines clear steps for cooperating with law enforcement while protecting the company's rights and information. The company should contact outside counsel immediately and ask that the search be delayed until outside counsel arrives, though the government is not obliged to wait.

Having experienced counsel present to monitor the search will help preserve the company's interests. The company should rely on outside counsel to communicate with the lead government agency at all times.

**Considering Individual Liability.** In 2015, the Department of Justice issued The Yates Memo, which announced an increased focus on the scope of corporate investigations to include individual corporate actors and a new approach to handling investigations into allegations of corporate misconduct. No longer can corporate settlements or agreements involve the release of individuals, unless explicitly approved by the Assistant Attorney General or the U.S. Attorney.

**From Chaos to Opportunity.** In the face of a search warrant or subpoena, companies are presented the opportunity to initiate an internal investigation to discover whether the company has civil or criminal exposure, and to rapidly position itself in the most favorable light. Outside counsel can also assist in enhancing and strengthening compliance programs to demonstrate a company's sincerity in avoiding missteps in its operations. ■

## DANE MARTIN HONORED WITH MISSOURI LAWYERS WEEKLY 2016 UP & COMING AWARD



Graves Garrett Associate Dane Martin was selected to receive the 2016 *Missouri Lawyers Weekly Up & Coming Award*.

The award recognizes young attorneys who are making a positive difference in the practice of law in Missouri and who have demonstrated the potential for significant future success.

Martin is a skilled litigator with experience in a wide range of business litigation matters. He represents both individuals and businesses across the country, navigating complex commercial litigation in state and federal courts. Through his efforts, Graves Garrett has scored numerous victories, including recently receiving national attention for playing a key role in achieving class certification for hundreds of entities in a lawsuit against the Internal Revenue Service.

In addition, Martin is a leader in the community and generously donates his time to Project Homeless Connect Kansas City, serving on the committee and assisting with its annual event.

Martin, along with other 2016 Up and Coming award winners, was honored at an awards ceremony on Oct. 7, 2016 at the Missouri Athletic Club in downtown St. Louis. ■



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## Kathleen Fisher Recognized by Ingram's Magazine, continued

Kathleen was selected for the award because of her strong record of success and contributions in both areas. She is known throughout the legal community for her noteworthy representation in litigation of several large Kansas City companies, such as Black & Veatch, Dairy Farmers of America and Kansas City Terminal Railway, as well as her work in False Claims Act matters, tax litigation and white-collar criminal defense.

She is regarded and sought-after for her abilities and strengths in handling and litigating complex matters, providing an innovative and analytical approach to understanding a client's case in depth to discover the best arguments and facts to support a successful defense strategy.

She has achieved outstanding results and wins in recent years, including a \$10 million award in a health care whistleblower matter in the Middle District of Tennessee and notable judgements in False Claims Act cases.

Outside of her legal practice,



Kathleen also dedicates significant time to community events and organizations, including her local parish, St. Therese.

"I've always respected *Ingram's* as a leader in business, and I'm honored to be included on this list of exceptional women to receive the WeKC award this year," said Kathleen.

"I appreciate the fact that *Ingram's* makes a point to specifically recognize women and to shine a light on the accomplishments of women in Kansas City."

Despite being the only practicing attorney named to this year's list and excelling as a partner at a high-profile litigation firm, Kathleen considers her greatest achievements to be those that have come outside of her practice. This summer, Kathleen and her husband welcomed their third child, adding to two other

children under seven.

Kathleen continues to prove that the same focus and dedication that equips one to be successful at work can be directed and focused toward achieving personal and family goals at home.

Her firm has wisely recognized and supported this commitment. The partners and leadership at Graves Garrett have made it a priority to support Kathleen – and all members of the firm – in their efforts to build families and spend time investing in their children and family members.

That support extends beyond simply providing flexibility to coordinate schedules.

"My partners respect me as a professional and trust that my family obligations will never dilute my work or my ability to perform on the level that I did before I had children," Kathleen notes. "My family provides a personal fulfillment for me, and that directly enhances my ability to invest in my work." ■

## Todd Graves Selected to Conduct Jail Investigation, continued



"We are both shocked and deeply troubled to learn of the recently alleged assaults," Kansas City Mayor Sly James and

Jackson County Executive Frank White said in a joint statement to *The Kansas City Star*. "Those responsible will be held accountable and all other necessary changes will be made swiftly."

The county followed by hiring Graves to conduct an independent investigation into

the sexual assault claims and to provide clear answers so that the county can handle the incident in the most appropriate manner possible.

Graves has been tapped in similar roles on multiple occasions in the past. For example, in 2011, he conducted an independent investigation of the Catholic Diocese of Kansas City-St. Joseph, and its handling of allegations of sex-crimes.

In addition to these roles, Todd has an active practice that focuses on white collar criminal defense, political speech and election law, internal investigations, regulatory compliance, and complex

commercial litigation.

Todd also currently serves as President of the Pony Express Council of the Boy Scouts of America, and he is a member of the Board of Directors of the American Royal Association. Additionally, Todd is a member of the Board of Directors for Herzog Contracting Corp., a St. Joseph-based railroad and road construction company.

He also serves on the Board of Directors for Ballotpedia, an organization dedicated to building the Encyclopedia of American Politics, and is a founding board member of the Kansas City Missouri Police Foundation. ■

## PARTNERS TODD GRAVES & NATHAN GARRETT SELECTED TO BEST LAWYERS IN AMERICA

Graves Garrett Partners Todd Graves and Nathan Garrett were recently selected to the 2017 *Best Lawyers in America* list, a highly regarded peer review of legal professionals worldwide. The list is compiled through extensive surveys and interviews of leading attorneys who are asked to confidentially review their peers. To be included on the list is an honor reserved for the most reputable and respected attorneys in the legal profession.

Garrett was named to the list for his work in commercial litigation and criminal white collar defense. This was his second time to be included in the list. Graves was named to *Best Lawyers* for his work in commercial litigation, criminal white collar defense and regulatory enforcement litigation. This was the fifth consecutive year he was selected to the list. ■

## FIRM HOSTS ANNUAL FALL FESTIVAL AT GRAVES FAMILY FARM

The Graves Garrett staff celebrated together at the firm's annual Fall Festival, which was hosted by Partner Todd Graves. The event included a pumpkin carving, a hayride on the back of Todd's grandfather's tractor, and roasted s'mores. The festival provided an opportunity to enjoy time together with our families and children! ■

## GRAVES GARRETT PARTNER EDDIE GREIM GIVES OPENING REMARKS AT UNIVERSITY OF MISSOURI POLICY AND POLITICS LECTURE



Graves Garrett recently partnered with the University of Missouri's Political Science Department to co-sponsor a lecture on public policy and politics. The lecture took place October 12, 2016, at the Kansas City Plaza Library and featured MU Political Science Professors Marvin Overby, Cooper Drury and Peverill Squire.

Following a meet-and-greet reception, Partner Eddie Greim provided opening remarks and introductions to kick-off an in-depth lecture on the current political situation.

Professors Overby and Drury discussed the 2016 presidential campaign, including the policy positions of both candidates, how the candidates would likely fare in the election and what either outcome could mean for the country moving forward. Overby was then joined by Professor Squire to discuss how various congressional races could affect the control of both the House and the Senate.

The event provided high school students the opportunity to meet professors and faculty of the MU Political Science Department and learn more about the highly ranked program at Mizzou. Eddie is a graduate of Mizzou's political science department.

"The firm believes this election is pivotal to the future of our country, and we are eager to provide voters and citizens throughout Kansas City more information as they carefully consider electing our next leaders," Eddie said prior to the event. "We are also pleased to back an event that allows students to speak with and interact with MU professors and faculty in the political space." ■



The kids proudly pose with their carved pumpkins at the annual Graves Garrett Fall Festival held on October 22, 2016.