

GRAVES GARRETT NEWS

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PASSION FOR LAW ENFORCEMENT, JUSTICE CREATES BROTHERS' PATHWAY TO PRIVATE PRACTICE

Paul Brothers combines both a passion and practical background in law enforcement, criminal prosecution, and legal curiosity to create the foundation of a unique private practice at Graves Garrett. Each step along his educational and professional path led him to his minimalistic office space at the firm — no frills, just dedication to comprehensive and stimulating legal work.

But how did Brothers reach this point? Let's take a step back, rather a few steps, and see the journey.

"I've always wanted to challenge myself," Brothers recently said. "You can get to a point where you're dealing with the same set of facts but with a different spin. I didn't know my ultimate destination in law, but I'm glad I found Graves Garrett."

Raised in the rural city of Clarinda, Iowa, population of under 6,000, Brothers grew up the son of a municipal police officer. He engaged in the normal Midwestern routine of school, sports, and activities but also spent a lot of time around the law enforcement community.

No doubt this baseline experience



eventually influenced his decision to seek a career in law and order.

"I had a firsthand seat to the life of a policeman," Brothers said. "He would always let us come around, let us ride in the police car at parades. I probably spent a healthier dose of time than most kids around the police — but always for good reasons."

Rather than seeking a career in law enforcement as a police officer, Brothers — inquisitive by nature — started to explore the relationship of police work and the justice system.

"That was pretty early on," Brothers said. "Frankly, I can't remember a time where I wasn't going to

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CRAIG BRINGS ACCOMPLISHED LITIGATION PRACTICE TO GRAVES GARRETT

Graves Garrett LLC is pleased to announce Aaron Craig recently joined the firm as an of counsel litigation attorney.



Aaron Craig

Craig's private practice includes a focus on complex commercial litigation, free speech and election law, internal investigations, False Claims Act, and corporate compliance matters. He regularly represents and counsels businesses of all sizes and individuals involved in complex legal disputes utilizing the full spectrum of dispute resolution to achieve beneficial outcomes in an efficient manner.

With more than a decade of experience, Craig has built

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PAUL BROTHERS

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pursue law enforcement to some degree. That's what my dad did; that's what I was around. I think it was one of those natural things, where whatever your dad does, you want to do that, too."

"Middle school and high school, I started thinking down that path more seriously."

But questions remained on what the exact track would be.

Brothers meticulously planned out the next steps with deliberate intention: an undergraduate degree from Northwest Missouri State University in Maryville, Missouri, in political science with a criminal justice minor. Don't forget the pre-law program, as well. Law school would be the next logical move, and Brothers went to the University of Kansas, knowing prosecutorial work had piqued his interest.

In making that decision to go forward, Brothers went back. He had completed an internship in the Page County Attorney's Office over a summer while at Northwest to build on prior unofficial time there in a job shadowing opportunity as a youth.

"I think that became a pivot point," Brothers said. "It was always in my mind that I'm going to law school to be a prosecutor. One thing that surprised me was I enjoyed all aspects of law, but public service was the path I wanted to go down."

Hold on to that general legal interest.

Brothers completed judicial clerkships with state courts in Lawrence, Kansas, and then interned with the Johnson County (Kansas) Prosecutor's Office.

He obtained a student license and prosecuted misdemeanor cases in a first chance to receive a taste of the courtroom experience.

Notably, Brothers ended up as the appellate intern, allowing him an opportunity to also devote a chunk of time to authoring briefs. That led him to a clerkship at the Kansas Court of Appeals.

"I was starting to toy with the idea that I maybe didn't want to do straight-up criminal prosecution work," Brothers said. "White-collar crime, complex cases, fraud cases, appealed to me — where business and the law intersect."

After earning his Juris Doctor, Brothers joined the Kansas Attorney General's Office as an assistant AG, specifically in the Fraud and Abuse Litigation Division, where he gained significant experience handling all stages of legal processes, from preliminary hearings through to sentencings. He led notable prosecutions, conducting all phases of jury trials.

"It was exactly what I was looking for," Brothers said. "Not just courtroom experience, but experience in courtrooms throughout the state. Every courtroom is different, so you get really good at being flexible and adaptable, understanding the different approaches to account for the nuances of individual judges and venues."

"But I knew that other areas of the law interested me. I knew I had broader interests."

This included constitutional and civil law.

Brothers started to think about private practice and a big shift to his career, but he wanted the right fit in a law firm.

Aware of Graves Garrett from his time at Northwest Missouri State, he learned more two years ago when approached about an opportunity in Kansas City and immediately saw the appeal of an intimate, boutique-style firm.

"If I was going to make the jump, this was the place," Brothers said. "This seemed like the perfect fit, and it has been and will continue to be. That's a credit to the caliber of attorneys here and the challenging nature and breadth of the legal work here."

Outside of the office, Brothers enjoys a quiet home life and interest in outdoor activities. He can often be found going on long walks or hikes with his two energetic German Shepherd dogs, John Wayne and Duke, or taking an opportunity to go fishing whenever he can. He also enjoys any chance to return to his boyhood home just north of the Missouri border on Highway 71.

"Nothing crazy, I can't tell you I climb mountains or anything like that, but I like to spend time outside with family and follow sports," said Brothers, who met his wife Kandace at Northwest Missouri State and travels back to Maryville with her for football games in the fall in addition to his allegiances to the Minnesota Vikings and Minnesota Twins — fandom passed down, not surprisingly, from his father's interests after being raised in northern Iowa.

Brothers fits the mold of a Graves Garrett attorney, sensible roots and strong family values originating in the region. That's what makes his future so bright. Rarely do the personality of the attorney and a firm match so well, but clearly, Brothers' intersection of professional experience and the core practice areas at Graves Garrett were no coincidence. ■



Eddie Greim

GREIM AGAIN EARNS RECOGNITION FROM MLM ON POWER LIST FOR APPELLATE LAW

Graves Garrett is pleased to announce partner Eddie Greim has been recognized for a third straight year on Missouri Lawyers Media's POWER List for Appellate Law, which recognizes "the most powerful attorneys" in Missouri for this sector of law.

An independent panel selects the honorees deemed to be the best at

defending or opposing notable jury verdicts to help set important precedents that shape the law. The honorees were profiled in a recent edition of Missouri Lawyers Weekly.

"Eddie Greim has cornered election and campaign finance law cases," the publication said in part. ■

DOJ ANNOUNCES SIGNIFICANT CHANGES TO CORPORATE CRIMINAL ENFORCEMENT POLICIES

The U.S. Department of Justice (DOJ) recently announced significant revisions to its corporate criminal enforcement policies and practices. The DOJ's new initiatives are designed to strengthen oversight of corporate compliance and enforcement. The new guidance includes a host of recommended best practices for corporations to consider and provides a roadmap for how federal prosecutors will treat corporations in the throes of an investigation or criminal prosecution. The DOJ emphasizes for companies the importance of compliance efforts, self-disclosure and cooperation, ethical corporate culture, and early reporting of incriminating documents or culpable individuals.

HOLDING INDIVIDUALS ACCOUNTABLE.

The Monaco Memo emphasizes that the DOJ's "first priority" in addressing corporate crime is to "hold accountable the individuals who commit and profit from corporate crime." This is consistent with the Department's long-standing approach, but the new guidance provides greater incentives to self-disclose and report misconduct by individual employees in a timely manner. To that end, the DOJ introduces the following revised policies:

- To receive any cooperation credit from the DOJ, corporations must disclose all "relevant, non-privileged facts about individual misconduct." This disclosure should not just be cursory — corporations must produce on a "timely basis" all relevant and non-privileged facts and evidence about individual misconduct in order to receive full cooperation.
- Should the government identify "undue or intentional delay in the production of information or documents," the DOJ will reduce or eliminate cooperation credit.

DEALING WITH A HISTORY OF CORPORATE MISCONDUCT.

The new guidance states that the DOJ will consider, among other things, the company's record of past misconduct, including prior civil, criminal, and regulatory resolutions, but that not all instances of prior misconduct are "equally relevant or probative." The DOJ will focus on recent U.S. criminal resolutions and prior misbehavior involving the same individuals or managers.

In addition:

- The DOJ will examine whether the actions at issue "reflect broader weaknesses" in corporate culture or compliance; in doing so, the government will consider if the earlier misconduct was based on the same underlying causes and if the company took steps to remediate the problems.
- The DOJ will disfavor multiple deferred prosecution or non-prosecution agreements, particularly where they involve similar kinds of misconduct or overlapping personnel or entities. This is a signal to recidivist corporations that successive negotiated resolutions short of prosecution may not be offered as in prior years.

Under this new guidance, the DOJ is emphasizing that "all prior misconduct needs to be evaluated when it comes to decisions about the proper resolution with a company, whether or not that misconduct is similar to the conduct at issue in a particular investigation."

IMPORTANCE OF EARLY, VOLUNTARY SELF-DISCLOSURE.

The DOJ stressed the importance of incentivizing companies to self-report any misconduct to the DOJ. Under the Monaco Memo, each DOJ division will be required to adopt a formal, documented policy explaining the benefits provided for voluntary self-disclosure. Unless there are aggravating factors, such as where an act poses a grave threat to U.S. national security or where the offending act is deeply pervasive throughout the company, the DOJ will not seek a guilty plea if a corporation has voluntarily self-disclosed, timely and appropriately addressed the criminal conduct, and fully cooperated with prosecutors.

EFFECTIVE COMPLIANCE AND DETERRENCE EFFORTS.

The DOJ Memo emphasized that the DOJ would evaluate a company's compliance program based on what has been put into action, not merely what has been written down. The DOJ announced two new key factors in assessing the effectiveness of compliance programs:

- Assessing whether a company's compensation system actually penalizes criminal conduct and rewards compliance, such as by

using clawback provisions or other contractual penalties that allow a company to reduce an executive's compensation in the event of misconduct.

- Assessing how a company addresses the issue of employees' use of third-party messaging apps for business-related communications, as well as personal devices. The DOJ will inquire whether the company took steps to preserve and produce all relevant communications.

To receive full cooperation credit for compliance, companies should review their compliance program regularly to be sure there are policies enacted to effectively deter individual misconduct. Corporations should also demonstrate that they have taken concrete steps to equip their compliance officers with the necessary resources and support to consistently enhance their compliance programs.

TAKEAWAYS.

The revisions to the DOJ's existing enforcement policies mean corporations should (1) actively review their compliance programs to ensure they sufficiently monitor for and address misconduct; (2) enact policies to penalize wrongdoers and preserve and produce communications on personal devices; (3) identify all individuals involved in misconduct when it comes time to cooperate, including producing all non-privileged information about those employees' involvement; and (4) recognize that their entire civil, regulatory, and criminal record will be reviewed by the DOJ, even prior misconduct that is adjacent or unrelated to the conduct at issue.

Taking these concrete steps will go a long way toward preventing or mitigating the impact of future investigations and enhancing corporations' leverage in negotiating resolutions.

We will continue to monitor the DOJ's public statements and implementation of these new revised policies. Graves Garrett LLC is available to craft and revise corporate compliance plans, update training and companywide policies, and conduct internal investigations.

Graves Garrett partners Nathan Garrett and Lucinda Luetkemeyer authored this content. ■



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AARON CRAIG

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a track record of success in general, product liability, bad faith and insurance coverage, fiduciary, MDL and class-action, consumer protection and unfair trade practices, and general tort litigation.

"Aaron brings a well-earned reputation for his legal work," Graves Garrett partner Nathan Garrett said. "His dedication to understanding the unique objectives related to each client and matter guides his delivery of practical, common-sense guidance. He has experience at large law firms in addition to having founded and led his own small firm, giving him the background needed to excel at our firm."

Prior to entering private practice, Craig completed a two-year judicial clerkship for the Hon. Judge Gary A. Fenner in the United States District Court for the Western District of Missouri. He completed his undergraduate studies at Missouri State University and later earned his legal degree from the Creighton University School of Law. ■

FOUR GRAVES GARRETT ATTORNEYS EARN HONORS IN MISSOURI & KANSAS SUPER LAWYERS

Graves Garrett is pleased to announce that four of the firm's attorneys earned distinction in the 2022 edition of Missouri & Kansas Super Lawyers. Partners Todd Graves and Nathan Garrett and of counsel attorney Jim Humphrey were recognized as "Super Lawyers," while partner Lucinda Luetkemeyer earned "Rising Star" status.

No more than 5% of the lawyers in Missouri and Kansas are selected as Super Lawyers, part of Thomson Reuters, and no more than 2.5% of the lawyers receive the Rising Stars distinction. Super Lawyers recognizes the top lawyers in every state annually through a multiphase selection process. The Super Lawyers lists are published nationwide in Super Lawyers magazines and in leading city and regional magazines and newspapers across the country.

Graves has been selected for the honor for the past 17 consecutive years and Garrett has been recognized 13 years straight. Luetkemeyer (seven years) also maintained her distinction. ■



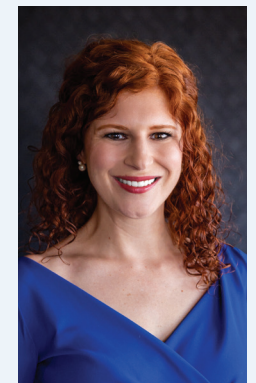
Todd Graves



Nathan Garrett



Jim Humphrey



Lucinda Luetkemeyer