

Legal Education Program

The program is our contribution to the Continuing Legal Education (CLE) of our colleagues and clients in the legal and corporate sectors. It is a collaborative effort of our global expertise in valuation, dispute and legal management consulting and investment banking. Our goal is to educate and guide professionals as they navigate today's complex economic and regulatory environment.



Program Topics

- Forensic Accounting
- Valuation
- Electronic Discovery
- Damages
- Records Management

All courses are a minimum of one hour to satisfy general state CLE requirements.

Duff & Phelps is an accredited CLE Provider for Illinois MCLE.

Program topics may also qualify for CLE credit in other states.

Program Highlights

- Trusted independent advisers with decades of diverse experience
- Practical value added programs for immediate application to your field
- Various program delivery options
- Our CLE offerings are customizable and can include:
 - Quarterly public forums on pressing topics,
 - Routine expert sessions for specialized audiences, and
 - On-site training sessions specifically designed for your audience

OUR GOAL IS TO EDUCATE AND GUIDE PROFESSIONALS AS THEY NAVIGATE TODAY'S COMPLEX ECONOMIC AND REGULATORY ENVIRONMENT.

Course Offerings

Forensic Accounting

Accounting Basics

The ability to decipher and master the basics of accounting is a competitive advantage for counsel in any internal investigation or financial matter. Join Duff & Phelps for an introduction to essential principles such as debits and credits, financial statement components, key areas of concern including revenue recognition, impairment charges and securities valuation.

Advanced Topics in Accounting

Beyond the basics, today's investigations and financial litigation require new levels of adeptness for counsel in providing effective representation. To effectively defend cases, successful attorneys must not only understand complex issues but learn to simplify them for presentation to clients and courts.

This custom-tailored session will bring attorneys and Duff & Phelps experts together to discuss both complex accounting and cutting-edge issues in the field.

Forensic Accounting and Corporate Internal Investigations: Real Life Cases

As an internal investigation begins, where should counsel start in mapping out strategies to identify the facts behind the allegations? You've found a suspicious email or document, and your firm or auditors have more questions than answers. Where should you begin? Where must you be sure to look?

This session will highlight strategies and case studies for moving forward with corporate internal investigations from a forensic accounting perspective. Integrating decades of combined expertise on highly-charged corporate and even international investigations, Duff & Phelps' experts will discuss how accounting records, auditor workpapers and finance department documentation can create a picture of a company's financial operations and possible wrongdoing.

Themes in a White Collar Accounting Defense Case

How do counsel, courts and outside experts evaluate financial wrongdoing and test for fraudulent activity? What trends and themes are common in white collar cases involving alleged financial fraud?

This session will discuss and evaluate four key themes in white collar defense, particularly involving forensic accounting and financial fraud. When a company's executives or controllers are accused of "cooking the books," four types of defense often comprise the majority of experts' and counsel's defense.



OUR CLE PROGRAMS ARE
CUSTOMIZABLE AND CAN BE
SPECIFICALLY DESIGNED FOR
YOUR AUDIENCE

Course Offerings

Valuation

Cost of Capital in Litigation

The cost of capital (a.k.a. “discount rate”) is a key element of any valuation or damages estimate. The appropriate cost of capital matches the risks of realizing the expected cash flows with the market’s pricing of expected risks of securities with similar risk. Attorneys and their experts involved in litigated valuation disputes must be able to explain and defend the inputs and methodologies used to develop their estimates of value, or ultimately lose to those who can. This program provides a basic understanding of both the models used and the sources of market data, and can be customized to present summaries of specific courts’ interpretations of cost of capital (e.g., damages decisions, transfer pricing decisions, shareholder oppression and fair value decisions, etc.).

Course is complemented by *Cost of Capital in Litigation* by Shannon Pratt and Duff & Phelps Managing Director Roger Grabowski (John Wiley & Sons, 2010).

Subprime/CDO 101: The Basics and Beyond – Mortgage Underwriting and Loan Securitization

In the wake of the recent financial meltdown, hundreds of lawsuits related to mortgage backed securities, collateralized debt obligations and subprime assets have been filed. While many of these actions have been dismissed for a variety of legal reasons, to effectively litigate those that remain attorneys must have an understanding of the financial markets, the various securitized products that were prevalent during this time and how these products were valued and sold given information that was known and/or knowable at that time. This course offering walks attorneys through the entire process, from loan origination and underwriting to securitization and valuation.

Fraudulent Conveyance and Preference Lawsuits: Prospective and Retrospective Solvency Opinions

Financial analysis is at the heart of fraudulent conveyance and preference lawsuits because causation generally centers around the financial condition of the transferor at the time of the transfer. This course will address the processes and analyses that are performed in connection with solvency opinions as well as prominent real world case examples. In addition, we will address the practical differences between prospective (which are obtained contemporaneous with the transaction closing and generally in connection with the due diligence process) and retrospective (which are obtained after the transaction closed and generally after a subsequent bankruptcy filing and in connection with a litigation) solvency opinions.

Financial Statement Analysis in Commercial and Shareholder Litigation

This presentation will discuss the impact of financial statement analysis on past cases where we assisted counsel in external litigation. We will review common financial accounting issues from the basics of accounting to methods of financial analysis, to occupational fraud and financial statement misrepresentation.

Lessons Learned in Merger and Acquisition Accounting and Valuation Disputes

This presentation will cover lessons learned in post-M&A Accounting and Valuation Disputes. We will review common financial accounting and contractual issues, real world case examples and a resolution of the issues.

Standards of Value in Business Valuation Litigation: Fair Value in Shareholder Dissent and Oppression Disputes

This presentation will discuss the importance of standards of value in business valuation litigation, the objectives of the standards of value in fair value shareholder litigation as a measure of recovery, topical technical business valuation methodology developments, and a summary of some topical court cases.

Course Offerings

Electronic Discovery

Using Computer Forensics in Corporate Investigations

This program will discuss the importance of using computer forensics in corporate investigations. Understanding what activity took place on an employee's computer can provide invaluable evidence in actions involving the theft of intellectual property, discrimination cases and corporate fraud investigations, to name a few. We will explain how forensic experts conduct their work, what information they can and cannot glean from a forensic examination of electronic data and how to best present this evidence in your case.

CyberCrime and Data Privacy Breaches: How do you respond?

This program will review the current landscape of cybercrime and data privacy risks and threats and will provide practitioners with important resources for managing a successful response. Issues to be covered will include categories and origin of cybercrime, legal framework within the countries of origin, tools and technologies for preserving evidence, an overview of legal and ethical obligations and considerations and finally a 10 point guide to working with law enforcement to bring the perpetrators to justice.

E-discovery Issues in White Collar Cases

White collar cases often involve the need for expedited preservation, collection and production of electronic evidence. Whether the case is a discrete internal investigation or a congressional subpoena making front page news, white collar counsel are required to collect, produce and review extraordinary amounts of data in short periods of time in order to assess the nature and scope of wrongdoing and determine the proper next investigative steps. This program will provide an electronic discovery road map for white collar counsel involved in these fast paced cases.

Avoiding the Pitfalls of Cross-Border Electronic Discovery

This program will address the challenges faced by U.S. and non-U.S. counsel who must collect and produce documents located in foreign jurisdictions. We will explore the impact of data privacy regulations including the EU Data Protection Directive (DPD) and blocking statutes and the obligations and prohibitions corporations are subject to with respect to collecting data located overseas. We will address recent decisions involving the scope of discovery and how such limitations affect litigation strategies. We will explore technological options available to counsel for collecting and processing large amounts of data and measures counsel and corporations can take to reduce the cost and risk associated with foreign data collection.

Electronic Discovery and Computer Forensics 2010

This course will cover the important changes in the legal and technological environment for electronic discovery during 2010. On the legal front, we will discuss the new case law, including key preservation opinions that have been decided in 2010 and how they affect previous case law. In addition, we will discuss technology trends including new forensic tools, changes to standard processing and hosting platforms in general use and the trend toward commoditization of certain electronic discovery services.

Ethical Considerations in Electronic Discovery

This ethics course will review the ethical standards of conduct required in all phases of the Electronic Discovery Reference Model (EDRM) cycle. We will review key cases where counsel or clients were sanctioned for spoliation or unethical conduct relating to electronic discovery. Next, we will discuss best practices relating to the investigation, collection, preservation and production of data and will review the best methods of documenting each phase of discovery.

Unique E-discovery Challenges for Financial Institutions

What triggers a duty to preserve in anticipation of litigation? What additional regulatory obligations does a financial institution have that complicate and enhance its obligations to preserve? This session will provide answers to these questions by outlining several key challenges faced by financial institutions in their ongoing efforts to effectively manage and produce high volumes of electronic information. You will also learn how to best apply technology in conjunction with the management and production of data such as trading, compliance, accounting and financial information.

Course Offerings

Damages

Calculation of Economic Damages in Commercial and Shareholder Litigation

This presentation will discuss the common methodologies and factors to consider when calculating damages. We will review valuation drivers, damages calculation methodologies, the impacts of projections and discount rates, and how events in the markets impact calculating damages.

Reviewing the Financial Damages Expert Report

This presentation will discuss reviewing the financial damages expert's report from the perspective of technical relevance and reliability. We will discuss scope, methodologies, boundaries of experts, methodologies and examples of quantifying past and future damages, as well as some real world and court case examples.

Intellectual Property (IP) Valuation and Damages: Insights and Emerging Issues

This CLE presentation provides insight into why and how IP is valued and common mistakes in valuing IP. The presentation also covers: IP damages estimation; recent legal developments impacting how IP damages are calculated; and effective use of IP valuation experts. You will gain a deeper understanding of the relationship between valuing IP for transaction and monetization purposes versus dispute purposes. You will also gain knowledge of emerging issues such as use of market research data to support a reasonable royalty rate, methods for determining the appropriate royalty base, and calculation of ongoing royalties.

Records Management

Enterprise Information Mapping: Do you know where your data is?

Organizations today, regardless of industry, face challenges in regards to prioritizing department spending on critical assets. Some organizations see records as an afterthought to being a critical asset, but something which they spend a lot of money creating and a whole lot more money looking for when they have to respond to discovery. Law firms in particular depend on records and information to be readily available to advise their clients, but mostly depend on others to maintain these critical assets.

Developing a comprehensive enterprise information map (EIM) and combining it with a risk-based scoring methodology allows organizations to identify and prioritize information systems across the entire landscape to determine where their records and information data is that may need greater attention and therefore additional funding. For attorneys offering advice to their clients, this course provides questions to be asked related to e-discovery as a primary driver for prioritizing department spending on technology.

Key Considerations in Designing and Implementing a Records and Information Management (RIM) Program

Organizations today, regardless of industry, face a mountain of regulations, rules and standards to which they must comply or face the consequences. High profile legal cases involving Arthur Anderson, Morgan Stanley, Zubelake and Qualcom (to name a few) clearly demonstrate the implications of poor document management, resulting in any number of consequences, including significant discovery costs, judgments, settlements and/or sanctions. This course outlines key areas to consider when implementing a robust RIM program in organizations that continually face dynamic and ever-evolving regulatory and business environments. For attorneys offering advice to their clients, this course provides questions to be asked, standards to apply and best practices that can help a client regardless of their size, industry or situation.

Archiving and Document Management

Businesses today face an explosion of information stored in email, on file servers and within collaboration tools like SharePoint. Managing this unstructured information presents a number of challenges related to people, process and technology.

This session focuses on document management and archiving technology. We will discuss different types of technology, appropriate use of the technology and the other program elements that must be developed in support of the successful implementation of the technology. Document management systems are robust and powerful tools, but they do not represent a complete solution on their own.

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about our global locations
and expertise visit:

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About Duff & Phelps

As a leading global independent provider of financial advisory and investment banking services, Duff & Phelps delivers trusted advice to our clients principally in the areas of valuation, transactions, financial restructuring, dispute and taxation. Our world class capabilities and resources, combined with an agile and responsive delivery, distinguish our clients' experience in working with us. With offices in North America, Europe and Asia, Duff & Phelps is committed to fulfilling its mission to protect, recover and maximize value for its clients.

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