

# BANKING LECTURE SERIES ON BANKING REGULATION AND COMPLIANCE

The lecture provides an overview of the global capital markets with an emphasis on the regulatory/legal oversight of the markets. Some of the most recently litigated national and international banking cases will be examined by using court documents to critique and to learn from the actions and inactions of various market professionals and participants.

Issues examined will include money laundering, bank and individual criminal liability, securities fraud, and insider trading. Resolving customer disputes and the use of arbitration and mediation will also be discussed.

UNIVERSITY OF HAWAII AT MĀNOA

SHIDLER

COLLEGE OF BUSINESS

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## SCHEDULE

**4:30-6:00 p.m. • Tuesdays & Thursdays**  
**April 4 -20, 2017 • Open to the public**  
**Shidler College of Business, BUSAD C101**

### TUESDAY

#### **4-4 Introduction to Regulation, Compliance and the Regulatory Landscape**

- Capital market system and the critical role of banks and finance
- Role of regulation and compliance
- Key regulatory players
- What do regulators do and how do they do their job?
- Suitability standards vs. Fiduciary standards: what is the difference and when do they apply?
- An overview of key laws and regulations (General antifraud provisions, and UDAAP)

#### **4-11 Criminal Liability**

- Different ways to prosecute banks, bank officers and bank employees
- Compliance officer liability
- CASE STUDIES: LIBOR; MORTGAGE FRAUDS by MULTIPLE BANKS; BERNIE MADOFF and STAFF; and more.

#### **4-18 Handling Retail Customer Disputes**

- Alternative dispute resolution and its role in commercial banking
- Arbitration
- Mediation
- CASE STUDY: Practical exercise in arbitration and mediation

### THURSDAY

#### **4-6 The Current State of Compliance in Financial Service**

- Financial magnitude/cost of the challenge
- Ethics – what do regulators say and what is the perception of customers?
- Creating a culture of compliance.
- Ethical and compliance exercises
- Can you mandate and “measure” a culture of compliance?

#### **4-13 Bank Criminal Liability for Actions of the Employees and Controlling Persons Liability**

- Corporate criminal liability, civil liability, and controlling persons liability
- Role of compliance in helping to prevent and to detect inside trading
- Insider trading: Why it is illegal; elements needed to prove insider trading; how it is prosecuted; how it is detected; and case studies


#### **4-20 Regulatory Inquiries, Conducting Internal Investigations & The Future of Compliance**

- How best to respond to regulatory inquiries?
- The process of investigations and examinations
- What regulators expect and the “regulatory mindset”
- Conducting internal investigations and what to do with the results
- The future is brighter than ever
- Some career advice



Mr. Gary Tidwell is senior advisor in education, training and regulatory capacity building at the International Organization of Securities Commissions (IOSCO), and until 2013 was vice president at the Financial Industry Regulatory Authority (FINRA) where he had leadership roles in dispute resolution as well as education and training.

Mr. Tidwell was professor of law at the U.S. Military Academy, West and is an adjunct professor at IE in Madrid, Spain. In May, he will teach a course on "Financial Crimes" at the University of Arkansas School of Law. Mr. Tidwell received his JD from University of Arkansas School of Law and his LLM (in Labor Law) from New York University School of Law.

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