

SYLLABUS

STETSON UNIVERSITY COLLEGE OF LAW

WHITE COLLAR CRIME

Gary R. Trombley Family White-Collar Crime Research Professor

Professor of Law

Office: (727) 562-7348

E- Mail: epodgor@law.stetson.edu

Fall 2011

Monday & Thursday
10:25 - 11:50 a.m.
Sebring Courtroom
Three (3) Credits

COURSE OBJECTIVE:

A study of nonviolent crimes for financial or personal gain, typically committed by means of deception and in the course and under color of legitimate economic activity.

COURSE COVERAGE:

The course will begin with a discussion of what is white collar crime and how it is distinguished from other forms of crime. Consideration will be given to both corporate and individual criminal liability. Specific crimes that routinely are used for the prosecution of white collar activity are covered (e.g., Hobbs Act, mail and wire fraud, RICO, perjury, false statements, and obstruction of justice). The latter portion of the course looks at procedural aspects of white collar crime, namely, the grand jury process, parallel proceedings, searches, issues related to self-incrimination, and sentencing. There will be discussion of the role of counsel in the prosecution and representation of individuals who are accused of white collar crimes. Recent cases will be discussed in class, such as: Arthur Andersen, LLP, Martha Stewart, Bernard Madoff, Jeffrey Skilling (Enron), Bernard Ebbers (WorldCom), Jamie Olis (Dynergy), and KPMG related defendants.

COURSE MATERIAL:

ISRAEL, PODGOR, BORMAN, HENNING, WHITE COLLAR CRIME LAW AND PRACTICE 3d Ed. (2009)

ISRAEL, PODGOR, BORMAN, HENNING, 2009 STATUTORY, DOCUMENTARY AND CASE SUPPLEMENT FOR WHITE COLLAR CRIME LAW AND PRACTICE 3d Ed. (2009)

(Note- Several copies of the Nutshell on White Collar Crime and the ISRAEL, PODGOR, BORMAN, HENNING, 2009 STATUTORY, DOCUMENTARY AND CASE SUPPLEMENT FOR WHITE COLLAR have been placed on reserve in the library)

A TWEN website for this course has been established. It requires the password PODGOR (case sensitive). You will find on this website old exams, links to items listed on the Syllabus, Powerpoints used in class (posted after the class), and a discussion board. Feel free to post items relevant to this course and also to discuss current events related to this class.

PREREQUISITE:

Criminal Law

(NOTE: STUDENTS WHO HAVE TAKEN FEDERAL CRIMINAL LAW WILL BE REQUIRED TO WRITE AN ADDITIONAL FIVE PAGE PAPER FOR THIS COURSE, PREPARE A PRE-APPROVED ASSIGNMENT, OR DO A PRESENTATION TO THE CLASS - THE TOPIC MUST BE APPROVED BY THE PROFESSOR. PLEASE EMAIL ME DURING THE FIRST TWO WEEKS OF THE COURSE IF YOU PREVIOUSLY TOOK FEDERAL CRIMINAL LAW.)

ATTENDANCE:

Regular attendance at class sessions is required. Please familiarize yourself with the College's attendance policy as it applies for this class.

The class will not meet on Thursday, September 29, 2010. It is possible that this class will be conducted electronically. If that is the case, then the lecture will be found on the TWEN site and instructions will be provided.

MAKE-UP EXAMINATION:

Arranged through the Office of the Associate Dean in accordance with policies stated in the College of Law Bulletin.

TAPING:

You are not permitted to tape this class.

OFFICE HOURS:

Open Door Policy.

My office is located on the Second Floor in Crummer Hall. On rare occasions there is a dog in my office. If you would prefer to meet with me without the dog being present, just let me know in advance and I will accommodate this request. If you would like to schedule a specific appointment time, please email me (epodgor@law.stetson.edu) and I would be happy to set an appointment time with you. **Please make certain you put Advanced Criminal Law Class in the subject line of all emails sent to me. Do not put White Collar Crime in the subject line.**

Please note that I have another class immediately prior to this class, so I will not be checking emails in the hours immediately before the class.

GRADING:

There will be an examination for this class at the time scheduled by the law school. It will be a closed book examination except that you may bring in **one piece of paper 8 ½ by 11** with any notes that you would like. The page can be handwritten or typed and **you may use both sides of the page**. You are welcome to put as much material as you would like on this page. I will increase the final grade by as much as .50 for any students whose overall participation I deem exceptional. I have no limit (high or low) on the number of students who can receive these boosts. Quality (as opposed to quantity) participation is the determining factor for an increase in grade. Participation on the TWEN discussion board counts toward a possible grade increase. I reserve the right to lower a grade by .25 for unpreparedness, tardiness, and absences.

PREPARING FOR CLASS:

Read the case material and notes assigned in the text and supplement. It may also be necessary to examine the statute used in the cases. These statutes can be found in the Statutory Supplement for this course or you can look up the statutes on Westlaw or Lexis. Pages numbers for some indictments under these statutes are also provided as a part of the reading assignments. Because white collar crime is a subject receiving significant attention in courts and the media, new court decisions issued during the semester may be added to the class assignments. Any material added will be provided to you in class, via email, or on the TWEN site. Materials on the white collar crime blog may, on occasion, be discussed in class. The blog is located at: <http://lawprofessors.typepad.com/whitecollarcrime.blog/>

<u>CLASS</u>	<u>TOPIC</u>	<u>ASSIGNMENT</u>
1 & 2	Introduction Federal Role	Text - Chapters 1 & 2 Extra Reading - <i>100 Years of White Collar Crime in 'Twitter'</i> - TWEN - Under Web Links or http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1852963
3 & 4	Corporate and Individual Responsibility	Text - Chapter 3 Supp. Skim pages 216-244 Article- Extra Reading - <i>A New Corporate World Mandates a Good Faith Affirmative Defense</i> - TWEN - Under Web Links or http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1100845
5 & 6	Principles of Statutory Interpretation	Text - Chapter 4 <i>Global Tech</i> Handout - available on TWEN
7, 8, 9, & 10	Mail & Wire Fraud	Text - Chapter 5 (skip <i>Skilling</i> and notes pages 170-190) Supp. pages 1-3 <i>Skilling</i> Handout - available on TWEN

11	Regulatory Offenses	Text - Chapter 7 - but limited to 277-304 (up to 2)
12, 13, & 14	RICO	Text - Chapter 6 - but limited to pages 220-227 (up to 2) ; pages 230 (starting with 3) - 238 (up to 6); pages 245 (starting C) - 268 (up to G) Supp. pages 4-7
15 & 16	Perjury, False Statements, & Obstruction	Text - Chapter 8 Stewart Handout Supp. Skim pages 262 - 292
17	Grand Jury Investigations	Text - Chapter 9 - but limited to pages 347 -366 (up to Notes and Questions) Supp. pages 260-261
18	Production of Documents	Text - Chapter 10 - but limited to pages 391-417 (up to Notes & Questions); pages 424 -433 (up to Notes and Questions); pages 436 (starting with Amato) - 440 (up to Notes and Questions)
19	Challenges to the Grand Jury Process	Text - Chapter 11 - but limited to the following cases: <i>Williams</i> - pages 451 - 461 <i>Arthur Anderson</i> - pages 471 - 473 <i>Barry</i> - pages 485 - 486 <i>In re: Sealed Case</i> - pages 487 - 491
20	Searches	Text- Chapter 12 - but limited to the following cases: <i>Travers</i> - pages 512- 514 <i>SDI Future Health, Inc.</i> - pages 515 - 526 <i>Adjani</i> - pages 535- 543 <i>Mittelman</i> - pages 554-555

21	Self-Incrimination Privilege	Text - Chapter 13 - but limited to the following pages 564 (starting with B) - 569 (up to 6); pages 571 (starting with C) - 573; pages 580 (starting with E) - 585 (up to 5); 586 (starting with 7) -587 (up to 8); pages 589 (starting with F) - 592
22	Agency Investigations	Text- Chapter 14 - but limited to pages 634 (starting with Stringer) - 647 (up to E); pages 659 (starting with 4) - 665 (up to F); pages 676 (starting with Note 1) - 680
23 & 24	Role of Counsel	Text - Chapter 16 but limited to pages 762 - 809 (up to F)
25 & 26	Sentencing	Chapter 17 Supp. page 12; pages 306 - 309

The course syllabus provides a general plan for the course; deviations may be necessary.