**WHITE COLLAR CRIME**

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**SYLLABUS**

Class TOPIC MATERIALS

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| 1 | Introduction; Survey. | **Chapter 1 and Chapter 2A-C (pp 1 – 27)** |
| 2  | *Mens Rea*; Statutory Interpretation Generally | **Chapter 4 (89-106); Chapter 7 (pp. 279-297)***Arthur Andersen v. United States*, 125 S. Ct. 2129 (2005); *United States v. Rubenstein*, 403 F.3d 93 (2d Cir. 2005); *United States v. Starks*, 157 F.3d 833 (11th Cir. 1998); 18 U.S.C.A. § 1347(b) (2010); *United States v. Grigsby*, 111 F.3d 806 (11th Cir. 1997); *United States v. Pulungan*, 569 F.3d 326 (7th Cir. 2009); *United States v. Cacioppo*, 460 F.3d 1012 (8th Cir. 2006); *United States v. Knight*, 490 F.3d 1268 (11th Cir. 2007); *United States v. Haun*, 494 F.3d 1006 (11th Cir. 2007); *United States v. Kay*, 513 F.3d 432 (5th Cir. 2008) (Foreign Corrupt Practices Act); *U.S. v. Weitzenhoff*, 35 F.3d 1275 (Clean Water Act); *United States v. Park*, (casebook); *United States v. Bryan*, 524 U.S. 184 (1998) (casebook, 105); *United States v. Ratzlaf*, (casebook, page 89); *Lipparota v. United States*,471 U.S. 419 (1985); *Cheek v. United States*, 498 U.S. 192 (1991) (casebook 100-101); *United States v. Dominguez*, 661 F.3d 1051 (11th Cir. 10/31/11). SAMUEL, ELEVENTH CIRCUIT CRIMINAL HANDBOOK §4. |
| 3 | Sentencing Guidelines | Chapter 17U.S.S.G. § 2B1.1; U.S.S.G. § 2S1.1; U.S.S.G. § 2T1.1; *Gall v. United States*, 128 S.Ct. 586 (2007). 18 U.S.C. § 3553; *United States v. Adelson*, 441 F.Supp.2d 506 (2006); 59 Duke L.J. 1001 (2010); 28 Cardozo Law Rev. 1611SAMUEL § 420 – 424. |
| 4 | Mail Fraud; Wire FraudBank Fraud; Health Care Fraud | Chapter 5 (pp. 145-170 and 190 - 215); *United States v. Yeager*, 331 F.3d 1216 (11th Cir. 2003); *United States v. Svete*, 556 F.3d 1157 (11th Cir. 2009); *United States v. Chandler*, 388 F.3d 796 (11th Cir. 2004); *United States v. Gray*, 367 F.3d 1263 (11th Cir. 2004); *United States v. Pendergraft*, 297 F.3d 1198 (11th Cir. 2002); *United States v. McCarrick*, 294 F.3d 1286 (11th Cir. 2002); *United States v. Blankenship*, 382 F.3d 1110 (11th Cir. 2004). *United States v. Starks*, 157 F.3d 833 (11th Cir. 1998); 18 U.S.C.A. § 1347(b) (2010); *United States v. Frost*, 125 F.3d 346 (6th Cir. 1997); *United States v. Barrington*, 648 F.3d 1178 (11th Cir. 2011).SAMUEL §63 |
| 5 | Honest Services Mail Fraud | *United States v. Skilling*, 130 S.Ct. 2896 (2010).Chapter 5 (170- 190).And, by way of background:*United States v. Thompson*, 484 F.3d 877 (7th Cir. 2007); *United States v. Welch*, 327 F.3d 1081 (10th Cir. 2003); *United States v. Bloom*, 149 F.3d 649 (7th Cir. ); *United States v. Frost*, 125 F.3d 346 (6th Cir. 1997); *United States v. Rybicki*, 354 F.3d 124 (2d Cir. 2003); *United States v. Brown*, 459 F.3d 509 (5th Cir. 2006); *United States v. DeVegter*, 198 F.3d 1324 (11th Cir. 1999). *United States v. Urciuoli*, 513 F.3d 290 (1st Cir. 2008); *United States v. Sorich*, 523 F.3d 702 (7th Cir. 2008). |
| 6 | Money Laundering; CTR’s;Forfeiture Laws;Impact on Lawyers  | Money Laundering:Chapter 5 (pp. 215 – 220);18 U.S.C. § 1956 and § 195731 U.S.C. § 5312, §5324 *Santos v. United States*, 128 S.Ct. 2020 (2008); *United States v. Majors*, 196 F.3d 1206 (11th Cir. 1999); *United States v. Blankenship*, 382 F.3d 1110 (11th Cir. 2004); *United States v. Abbell*, 271 F.3d 1286 (11th Cir. 2001); *United States v. Cancelliere*, 69 F.3d 1116 (11th Cir. 1995); *United States v. Silvestri*, 409 F.3d 1311 (11th Cir. 2005); *United States v. Magluta*, 418 F.3d 1166 (11th Cir. 2005); *United States v. Elso*, 422 F.3d 1305 (11th Cir. 2005); *United States v. Johnson*, 440 F.3d 1286 (11th Cir. 2006); *United States v. Velez (Kuehne)*, 586 F.3d 875 (11th Cir. 2009); United States v. Blair, --- F.3d --- , 2011 WL 4379370 (4th Cir. 2011). *United States v. Wright*, 651 F.3d 764 (7th Cir. 2011) (headnotes 5 & 6).SAMUEL, Money Laundering Control Act of 1986; Will Attorneys Be Taken to the Cleaners? Ga. Bar Journal (1988) which can be accessed at www.gsllaw.com/publications. SAMUEL §65 §44ForfeitureChapter 6 (pp. 268 - 277) 18 U.S.C. § 981 and § 982 and § 983*United States v. McCorkle*, 321 F.3d 1292 (11th Cir. 2003); *United States v. F. Lee Bailey*, 419 F.3d 1208 (11th Cir. 2005); *United States v. E-Gold Ltd.*, 521 F.3d 411 (D.C. Cir. 2008); *United States v. Khanani*, 502 F.3d 1281 (11th Cir. 2007); *United States v. Yusuf*, 536 F.3d 178 (3rd Cir. 2008); *United States v. Caplin & Drysdale*, 491 U.S. 617 (1989); *United States v. Monsanto*, 491 U.S. 600 (1989); *United States v. Kaley*, 579 F.3d 1246 (11th Cir. 2009)SAMUEL §525 - 534 |
| 7 | Money Laundering and Forfeiture Laws (complete subjects not covered in class 6)RICO | (RICO) Chapter 6; Don Samuel article in Georgia Bar Journal re: RICO. (Can be accessed at [www.gsllaw.com/publications](http://www.gsllaw.com/publications))SAMUEL §71  |
| 8 | Perjury; False Statements; Obstruction of Justice. The Coverup. | **Chapter 8**; *United States v. Walser*, 3 F.3d 380 (11th Cir. 1993); *Unitd States v. Regan*, 103 F.3d 1072 (2d Cir. 1997); *United States v. Porter*, 994 F.2d 470 (8th Cir. 1993) (irreconcilable answers); *United States v. Smith*, 35 F.3d 344 (8th Cir. 1994); *United States v. Manapat*, 928 F.2d 1097 (11th Cir. 1991); *United States v. Whiteside*, 285 F.3d 1345 (11th Cir. 2002); *United States v. McCarrick*, 294 F.3d 1286 (11th Cir. 2002); *United States v. Banks*, 942 F.2d 1576 (11th Cir. 1991); *United States v. Banks*, 988 F.2d 1106 (11th Cir. 1993); *United States v. Kloess*, 251 F.3d 941 (11th Cir. 2001); *Arthur Andersen v. United States*, 125 S. Ct. 2129 (2005). |
| 9 | Bribery; Gratuities; Public Corruption (Honest Services mail fraud revisited) | Chapter 4 (pp. 117-145); Chapter 5 (147-158; 172-175). *United States v. Ganim*, 510 F.3d 134 (2nd Cir. 2007); *United States v. Siegelman*, 640 F.3d 1159 (11th Cir. 2011)*United States v. Whitfield*, 590 F.3d 325 (5th Cir. 2009) |
| 10 | Corporate vs. Individual Responsibility Beginning of Discussion of Procedural Issues to Be Discussed For Remainder of Semester | Chapter 3  |
| 11, 12  | Grand Jury; Search Warrants; Investigation Generally; Fifth Amendment; Searching and Seizing Computers. | Chapters 9, 10, 11, 12 13, (Just the principal cases), particularly:*R. Enterprises* (page 361); *Fisher*/*Doe*/*Hubbell*/*In Re G.J.*/*Braswell* (pp 392 – 433); *Williams* (p. 451).GARLAND & SAMUEL, *Computers and the Fourth Amendment* (Georgia Bar Journal 2009) (can be accessed at www.gsllaw.com/publications); *United States v. Comprehensive Drug Testing, Inc.*, 579 F.3d 989 (9th Cir. 2009) (*en banc*), *amended*, September 13, 2010, 621 F.3d 1162 (9th Cir. 2010); *United States v. Richards*, 08-6465 (6th Cir. Oct. 4, 2011).SAMUEL §§175-183; 159;  |
| 13 | Issues Regarding Attorneys and the representation of white collar targets. How do we avoid becoming targets? How do we avoid Conflicts?  | Chapter 15, 16; *United States v. Stein*, 541 F.3d 130 (2d Cir. 2008); *United States v. Almeida* 341 F.3d 1318 (11th Cir. 2003); Thompson Memo; McCurdy Memo; DOJ Manual 9-28.710 *et seq*.; *United States v. Graf*, 610 F.3d 1148 (9th Cir. 2010) |
| 15 | SEC, FTC and parallel proceeding issues | Chapter 14; *United States v. Scrushy* --- F.Supp.2d --- (M.D.Ala); *United States v. Stringer*, 521 F.3d 1189 (9th Cir. 2008) |