

SYLLABUS
STETSON UNIVERSITY COLLEGE OF LAW
WHITE COLLAR CRIME
ELLEN S. PODGOR

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Fall 2018

Tuesdays – 6:00 – 9:00 p.m.
Classroom F
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.

COURSE MATERIAL:

Required:

ISRAEL, PODGOR, BORMAN, HENNING, WHITE COLLAR CRIME LAW AND PRACTICE 4th Ed. (2015)

Outside Sources:

The following books have been placed on reserve in the library:

Nutshell on White Collar Crime 5th Ed (2015)

Hornbook on White Collar Crime 2d (2018)

A TWEN website for this course has been established. It requires the password PODGOR2018 (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.

ATTENDANCE:

Regular attendance at class sessions is required. Please familiarize yourself with the College's attendance policy as it applies for this class. There will be no class on Tuesday, September 18, 2018, and there is the possibility of no class on October 16, 2018. The makeup times and material will be discussed in class.

LEARNING OUTCOMES:

The following are the specific learning outcomes for this course:

1. Understand key terminology used in white collar criminal matters including terms arising during the prosecution and defense of corporate and individual crimes;
2. Understand the core ethical and professionalism issues involved in white collar criminal law and prosecutorial decision making;
3. Gain an understanding of key issues of statutory interpretation arising in white collar criminal matters;
4. Be familiar with key statutes used in the prosecution of white collar crime cases;
5. Be familiar with basic procedural aspects of a white collar criminal case including internal investigations and the grand jury process;
6. Understand the dynamics involved in defending a white collar criminal matter;
7. Gain an awareness of the interplay of agency and criminal law in a white collar investigation;
8. Gain an awareness of sentencing in white collar cases and collateral consequences to entities and individuals;

MAKE-UP EXAMINATION:

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

OFFICE HOURS:

Open Door Policy.

My office is located on the Second Floor in Crummer Hall, although I will be on the Tampa Campus on Mondays. 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 White Collar Crime Class in the subject line.**

TAPING:

You are not permitted to tape this class.

CLASS PREPARATION:

Students are required to spend 2 hours out of class time preparing for each hour of in-class time. In total, it is necessary for students to spend 127.5 hours on this three-credit class.

ACCOMMODATIONS:

In keeping with College of Law policies regarding ADA Accommodations and ESL Testing Modifications, students with disabilities or foreign students may seek reasonable accommodations and/or ESL testing modifications for this course. Accommodations and/or modifications cannot be made unless written notice is provided from the ADA Coordinator to me describing the types of accommodations and/or modifications granted.

If you believe you fall into one or both of these categories, you must communicate with the ADA Coordinator, as soon as possible, by emailing ADA@law.stetson.edu and follow the appropriate request procedures found on the [Accessibility Resources](#) pages of the College of Law website.

The deadlines for exam and non-exam accommodations are published on the College’s Academic Calendar.

ASSESSMENT:

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. You will be required to turn in this page at the end of the examination.

I will increase the final grade by as much as .50 for any student whose overall class 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, absences, or unprofessional conduct in class or on the discussion board.

PREPARING FOR CLASS:

Read the case material and notes assigned in the text and any supplemental material assigned. It may also be necessary to examine the statute or indictment discussed in the cases or referenced in materials. You need to look up the statutes on Westlaw, Lexis, or online. 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/>

CLASS

TOPIC

ASSIGNMENT

1

Introduction
Federal Role

Text - Chapters 1 & 2

<u>CLASS</u>	<u>TOPIC</u>	<u>ASSIGNMENT</u>
2	Corporate & Individual Responsibility	Text - Chapter 3 Extra Reading - Article - <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
3	Principles of Statutory Interpretation	Text - Chapter 4 <i>McDonnell v. United States</i> (TWEN)
4	Mail & Wire Fraud Securities Fraud	Text - Chapter 5 (up to 207 (J)) <i>Salman v. United States</i> (TWEN)
5	RICO	Text - Chapter 6 (Up to page 255 Part E); <i>Overt Act Note</i> (TWEN)
6	Regulatory Offenses	Text - Chapter 7 (up to page 297 - Note 2)
7	Perjury, False Statements, & Obstruction	Text - Chapter 8 <i>White Collar Shortcuts</i> - TWEN - Under Web Links or https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2952212

<u>CLASS</u>	<u>TOPIC</u>	<u>ASSIGNMENT</u>
8	Grand Jury Investigations Production of Documents	Text - Chapter 9 (Up to page 368-Note) Notes & Questions p. 374 – 377 (up to E). Text - Chapter 10 - but limited to the following cases: <i>Fisher</i> (p. 385); <i>Hubbell</i> (p. 400) <i>Braswell</i> (p. 417)
9	Challenges to the Grand Jury Process Searches	Text - Chapter 11 - but limited to the following cases: <i>Williams</i> (p. 448) <i>Arthur Anderson</i> (p.468) <i>In re: Sealed Case</i> (p. 477) Text- Chapter 12 - but limited to pages 493- 497 (up to Note 5); page 525-526 (up to Ganas)
10	Self-Incrimination Privilege Agency Investigations & Parallel	Text - Chapter 13 - but limited to the following pages 557 (starting with B) - 559 (up to Note 3); pages 574 (starting with E) - 576 (Up to Notes) Text - Chapter 14 - but limited to the following: <i>Stringer</i> (p. 628-636); pages 665 (starting with Notes and Questions) - 669.

<u>CLASS</u>	<u>TOPIC</u>	<u>ASSIGNMENT</u>
11	Internal Investigations Role of Counsel	Text - Chapter 15 - limited to the following: <i>Upjohn</i> & Notes (p. 670- 674 (up to <i>ISS Marine</i>); <i>Ruehle</i> Case – p. 698-707) Text - Chapter 16 but limited to the following cases: <i>Sindel</i> Case (p. 750-753); <i>Stein</i> (p. 763-778) Reading – <i>Unregulated Internal Investigations: Achieving Fairness for Corporate Constituents-TWEN</i> - Under Web Links or at this website: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2184348
12	Sentencing	Text - Chapter 17
13	White Collar Perspectives & Review	

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