
**COURSE NO. 337-001 WHITE COLLAR CRIME
FALL 2023**

Instructor Information

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Course Information

Schedule: Mondays from 6:05 p.m. to 8:05 p.m. (excluding holidays)
Dates: August 21, 2023 to November 20, 2023
Location: To be determined
Office Hours: Please request a meeting 24 hours in advance via email

Course Description

This class will teach students both the substance and practice of federal white-collar criminal law, including how white-collar cases are investigated, charged, defended, tried, and otherwise resolved. It will be a blend of theory, substance, and practice – understanding the theories that animate the body of law, the substance of the law as reflected in the United States Code, regulations, and case law, as well as the nuts and bolts of day-to-day practice.

With respect to theory and substance, we will cover the definition and theory behind white-collar crime; individual and corporate criminal liability; privileges; and the various species of fraud that comprise white-collar criminal law, among other things. As for practice, students will learn about investigative techniques, the mechanics of federal criminal litigation (such as warrants, grand jury proceedings, indictments, and plea bargaining), and more.

Our goal is to keep the class as engaging and practical as possible. We will utilize a blend of class lecture, guest speakers, and in-class discussion to teach and reinforce important practical aspects. The syllabus will begin with studying substantive offenses and then focus later on procedural aspects of white collar crime.

Course Goals

By the end of this course, you will:

- Understand the background, theory, and legal practice of federal white-collar crime.

- Understand the statutes and substantive law that are commonly applied to white-collar crime.
- Develop skills relevant to the practice of white-collar criminal law, including understanding how the government conducts investigations and obtains information, how white-collar cases are litigated, and how white-collar cases are resolved.

Course Materials

- Julie R. O’Sullivan, FEDERAL WHITE COLLAR CRIME: CASES AND MATERIALS, 8th Ed. (2022).
- Title 18, United States Criminal Code.
- Federal Rules of Criminal Procedure.
- U.S. Department of Justice, JUSTICE MANUAL (*available at* <https://www.justice.gov/jm/justice-manual>).
- Other materials as identified in advance by the instructors.

Grading

Grading will be based on a final exam, which will comprise 90% of your grade. The remaining 10% will be based on class participation.

Course Schedule & Assigned Reading

*Reading assignments may be pared back depending on the schedule, and the instructors will notify students accordingly. Unless otherwise specified, you may skip the intervening “Notes” in the O’Sullivan text in any assigned readings. Instructors will point out any relevant notes during class that the students should know.

8/21/23	Class One	Introduction to White Collar Crime Mens Rea Chapter 2, pp. 58-69, 88-103
8/28/23	Class Two	Mail, Wire, and Bank Fraud Chapter 7, pp. 403-460 18 U.S.C. §§ 1341, 1343, 1347 Search Warrants
9/11/23	Class Three	Fraud, Bribery & Gratuities Chapter 8, pp. 492 – 513 (including notes 1-9 on pp. 499-505)

		Honest Services Fraud pp. 460-488
9/18/23	Class Four	Foreign Corrupt Practices Act Chapter 8, pp. 545-573
9/25/23	Class Five	Money Laundering Chapter 12, pp. 730 – 754 18 USC §§ 1956, 1957 DOJ Manual § 9 – 105.000
10/2/23	Class Six	Obstruction of Justice/False Statements/Perjury & False Declarations Chapter 5, pp. 262 – 297 18 USC §§ 1621, 1623 18 USC §§ 1001 Chapter 6, pp. 332 – 352; 361-366 18 USC §§ 1503, 1505
Tuesday 10/10/23	Class Seven	Conspiracy Chapter 10, pp. 648-679 18 U.S.C. § 371 Indictments Rule 7 of the Federal Rules of Criminal Procedure
10/16/23	Class Eight	The Racketeer Influenced and Corrupt Organizations Act Chapter 11, pp. 685-728 Grand Jury Proceedings Chapter 13, pp. 776-814
10/23/23	Class Nine	Representation Issues Chapter 18, pp. 992-1019 Discovery: <i>Brady</i> and Rule 16 Fed. R. Crim. P. 16 Chapter 14, pp. 816-52 A Primer on Attorney Client Privilege and Taint Teams
10/30/23	Class Ten	Sentencing USSC Guidelines Manual 2018, pp. 1 – 18 Loss Table 2B1.1

		<p>Prosecutorial Discretion Ellen S. Podgor, “What Kind of a Mad Prosecutor,” 41 Vermont L. Rev. 523 (2017)</p> <p>Justice Manual Selections To be assigned.</p>
11/6/23	Class Eleven	<p>Deferred Prosecution Agreements/Internal Investigations Chapter 4, pp. 224-240</p> <p>Plea Bargaining Chapter 19, pp. 1040-1053; 1064-1075</p>
11/13/23	Class Twelve	<p>Corporate Criminal Liability & Individual Liability Chapter 2, pp. 58-60, 96-103 Chapter 4, pp. 151-207</p>
11/20/23	Class Thirteen	<p>Review Class</p>