

## **Corporate Criminal Liability § 545 Spring Semester 2020 Course Syllabus**

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### Required Texts:

White Collar Crime, Cases, Materials, and Problems (4th ed. 2021) by J. Kelly Strader, John P. Anderson, Mihailis E. Diamantis, and Sandra D. Jordan.

### Recommended Texts:

Scholarly Writing for Law Students (5th ed. 2017) by Elizabeth Fajans & Mary R. Falk.

## **Overview**

This course is an overview of federal criminal law other than crimes against the person. The class covers a range of topics, including corporate crime, offenses by corporate officers and agents, group crimes prosecuted using the Racketeer Influenced and Corrupt Organizations Act, and crimes by individuals. The course is structured as a writing class. There will be no midterm or final examinations. Students will instead write a research paper in accordance with the Upper Level Writing Requirement (“ULWR”).

The ULWR paper should address a contemporary issue in white collar crime. The topic must be approved in advance. The paper shall 20-25 pages long in a double-spaced format. An outline of the paper must be submitted for review on April 5, 2020. The final paper must be submitted in electronic form on May 7, 2020.

Students are expected to be prepared for each class meeting and ready to take part in discussion and analysis of the week’s assigned reading. Class participation is essential to the learning experience, and accounts for 25% of each student’s final grade.

It is estimated that, on average, the assigned reading and other classroom preparation should require six or more hours outside of class each week.

## Writing Requirements

The contents of the paper must be as follows:

- (1) **Cover page.** The cover needs to have your student identification number as well as the title of your paper.
- (2) **Table of contents.** This table should list the various divisions of the paper.
- (3) **Table of authorities.** This table should list all cases, statutes, law review articles, websites, and so forth cited in the paper. The table should be divided into categories.
- (4) **Introduction.** The introduction tells the reader in summary fashion what he or she is about to read. It can be as brief as a few sentences, or as much as a page or two.
- (5) **The body of the paper.** This section can be divided into as few or as many sections or headings as needed to provide an organized, logical order to the discussion.
- (6) **Conclusion.** Briefly summarize the subject and conclusions of the research paper.

Law students train to become advocates. It is therefore important the paper present a point of view. A dry recitation of cases without a thesis is not acceptable. At the same time, do not ignore cases and other authorities contrary to the presented point of view. Instead, describe them and explain how they are inapplicable/not controlling.

Grading is based upon three overarching criteria: legal research, legal reasoning, and style/grammar. The most important of these benchmarks is legal reasoning. Students should demonstrate an understanding of the materials, ability to analyze the subject, and to write persuasively on the topic.

The authorities cited in the paper should be primary legal authorities, such as statutes, cases, constitutions, and secondary legal materials, such as

law review articles, treatises, and websites. Non-legal authorities are acceptable, but should not be the principal sources for your presentation. Please note: **Wikipedia is not an acceptable authority. Do not cite Wikipedia.**

### **Weekly Reading Assignments<sup>1</sup>**

Week 1. January 18, 2022

- Chapter 1: Overview of White Collar Crime [pp. 1-25]
- Chapter 2: Corporate and Individual Liability [pp. 27-72]
- USAM: <https://www.justice.gov/jm/jm-9-28000-principles-federal-prosecution-business-organizations>

Week 2. January 25, 2022

- Chapter 3: Conspiracy [pp. 73-123]
- USAM: <https://www.justice.gov/jm/criminal-resource-manual-923-18-usc-371-conspiracy-defraud-us>

Week 3. February 1, 2022

- Chapter 4: Mail and Wire Fraud [pp. 125-207]
- USAM: <https://www.justice.gov/jm/jm-9-43000-mail-fraud-and-wire-fraud>

Week 4. February 8, 2022

- Chapter 5: Securities Fraud [pp. 209-261]
- DOJ Overview and Examples: <https://www.justice.gov/criminal-fraud/market-integrity-and-major-frauds-unit>

Week 5. February 15, 2022

- Chapter 6: Health Care Fraud and Abuse [pp. 263-289]
- Chapter 7: Bribery and Gratuities [pp. 291-342]
- USAM: <https://www.justice.gov/jm/jm-9-44000-health-care-fraud>;  
<https://www.justice.gov/jm/jm-9-46000-program-fraud-and-bribery>

### **No Class February 22, 2022**

Week 6. March 1, 2022

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<sup>1</sup> Please be ready to brainstorm and answer the questions posed in the book after each case and section. In addition to the textbook assignment, I will also provide relevant USAO CDCA Indictments/Informations for you to review prior to most classes.

- Chapter 8: Extortion [pp. 343-383]
- Chapter 9: False Statements [pp. 385-422]
- USAM: <https://www.justice.gov/archives/usam/criminal-resource-manual-814-false-statements-18-usc-1014>

Week 7. March 8, 2022

- Chapter 10: Perjury and False Declarations [pp. 423-457]
- Chapter 11: Obstruction of Justice [pp. 459-505]
- USAM: <https://www.justice.gov/jm/criminal-resource-manual-1744-elements-perjury>; <https://www.justice.gov/jm/criminal-resource-manual-1739-offenses-related-obstruction-justice-offenses>

*-Tentative research topics due.*

March 15, 2022: Semester Break, No Class.

Week 8. March 22, 2022

- Chapter 12: Tax Crimes [pp. 507-545]
- Chapter 13: Money Laundering and Related Financial Crimes [pp. 547-601]
- USAM: <https://www.justice.gov/archives/usam/archives/usam-6-4000-criminal-tax-case-procedures>; <https://www.justice.gov/jm/jm-9-105000-money-laundering>

Week 9. March 29, 2022

- Chapter 14: RICO [pp. 603-669]
- USAM: <https://www.justice.gov/jm/jm-9-110000-organized-crime-and-racketeering>

Week 10. April 5, 2022

- Catchup and Paper Topic Discussion/Research. Outline of Paper Due.

Week 11. April 12, 2022

- Chapter 15: Internal Investigation and Compliance Programs [pp. 671-715]
- Chapter 16: The Grand Jury [pp. 717-751]
- USAM: <https://www.justice.gov/jm/jm-9-11000-grand-jury>

Week 12. April 19, 2022

- Chapter 17: Self-Incrimination—Witness Testimony and Document Production [pp. 753-782]

-Chapter 18: Civil Actions, Civil Penalties, and Parallel Proceedings [pp. 783-823]

-USAM: <https://www.justice.gov/jm/jm-1-12000-coordination-parallel-criminal-civil-regulatory-and-administrative-proceedings>

Week 13. April 26, 2022

-Chapter 19: Sentencing [pp. 825-884]

-USAM: <https://www.justice.gov/jm/jm-9-27000-principles-federal-prosecution#9-27.730>

Week 14. May 3, 2022 (Last Class)

-Chapter 20: Forfeitures [pp. 885-925]

-USAM: <https://www.justice.gov/archives/usam/archives/usam-9-112000-administrative-and-judicial-forfeiture>

May 7, 2022

-Completed writing requirement papers due

### **Western State College of Law – Programmatic Learning Outcomes**

Western State College of Law's curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

#### **(1) Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

#### **(2) Practice Skills**

Students will demonstrate the development of other law practice skills. Each student's chosen outcomes within this category will be varied based on the student's particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing

(excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

### **(3) Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

### **(4) Legal Research**

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

### **(5) Communication**

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions

of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

### **(6) Advocacy of Legal Argument**

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

### **(7) Client Sensitivity and Cultural Competency**

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

### **(8) Legal Ethics**

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

### **Disability Services Statement**

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117;

despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Allen Easley at aeasley@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."