

Western State University College of Law

**WHITE COLLAR CRIMES
Spring 2012
January 17 through May 2, 2012
Tuesdays 6:30 - 9:45 PM
SYLLABUS**

Professor Mark A. Sevigny
Phone: 949-212-8579
msevigny@wsulaw.edu

1. Objectives

The course objectives for the students will be to:

1. Learn the elements of the numerous types of white collar crimes and their methodology, including theft by means of fraud and deception, with emphasis on investment, real estate, and credit card fraud, wire and mail fraud, identity theft, computer-related crimes, embezzlement, money laundering and R.I.C.O. violations including both federal and California statutes.
2. Understand and apply the principles of criminal culpability as it pertains to conspiracies, aiding and abetting, and corporate versus individual criminal liability.
3. Understand the nature and function of federal Grand Jury proceedings as they relate to white collar crime investigations and indictments.
4. Identify the typical evidentiary issues attendant to a criminal white collar crime investigation and prosecution.
5. Understand the challenges white collar crime situations present to the legal practitioner in terms of ethics and the advisement and representation of clients.

2. Required Texts

White Collar Crime, Cases Materials, and Problems, by J. Kelly Strader and Sandra Jordan, published by LexisNexis. 2009, 2nd Ed. [Supplement available on-line.]

White Collar Crime: Statutes, Rules, and Sentencing Guidelines, by J. Kelly Strader and Sandra Jordan, published by LexisNexis. 2005,

3. In Class Methodology

The prosecution of white collar crimes today is the province of both federal and state statutes. While the course will rely heavily on the assigned text book and the assigned volume of federal statutes, it will also involve reading and discussing additional materials from California statutes, jury instructions, and case law authority. The cases and problems in the assigned reading materials should be briefed and considered before class, and the students will be expected to be able to discuss their case briefs and their responses to the problems in class. Both books and any additional assigned study materials should be brought to *each* class session.

4. Exams and Grading

There will be a three-hour closed book final exam consisting of essay questions. The final is 100% of the grade for the class. The final will include materials from the two required textbooks and any other written materials distributed in class, as well as any material in the assigned CALI [computer-aided] exercises.

5. Preparation, Participation, and Attendance

This class will require your active engagement in class discussion. Both class participation and attendance are mandatory. Students are expected to have read and briefed the materials assigned for any particular class session. Any new or additional materials not noted on the printed syllabus will be written on the classroom board and announced during the preceding class session. The W.S.U. Attendance Policy set forth in the Student Handbook governs successful completion and credit for this course. If a student misses more than two [2] classes, the student will receive an "F" and will not be permitted to attend subsequent classes

6. Decorum

Students should refrain from leaving and returning to their seats during class except in emergencies or when otherwise absolutely necessary because of the disruption it causes. There will be a fifteen-minute break approximately halfway through the class session. Cell phones should be turned off during class and, unless you are specifically requested to the contrary, Internet access during the class is strictly forbidden. Violation of the rules relating to no internet access and no cell phone use during class may lead to expulsion for that class session at the discretion of the professor.

7. Seating Chart

A seating chart will be distributed during the second class session. Please print your name legibly where you intend to have your permanent seat. Any change of seats will require that you notify the professor and obtain his permission In advance.

Western State University College of Law

**WHITE COLLAR CRIMES
Spring 2012
January 17 though May 2, 2012
Tuesdays 6:30 - 9:45 PM
WEEKLY ASSIGNMENTS**

Professor Mark A. Sevigny
Phone: 949-212-8579
msevigny@wsulaw.edu

Session / Date	Topic	Assigned Study and Reading Materials
1 1/17	A. Introduction: Discussion of what crimes are WCCs, Distinctive Nature of WCC, Elements of Typical WCC Offenses, B. Liability and Offenders in General.	Textbook Chapters: 1 Overview of WCC [pages 1-14] 2. Corporate and Individual Liability [pages 15-50]
2 1/24	A. Conspiracy, a Theory of Liability and a Federal Crime, B. Principles of Vicarious and Extended Liability. C. Introduction to Theft by Fraud, Forgery, and Embezzlement, and other common frauds.	Textbook Chapters: 3. Conspiracy [pages 51-82] <i>Additional Materials: CALCRIM Instructions relating to theft, forgery, embezzlement, and aiding and abetting, conspiracy.</i>
3 1/31	Federal Wire and Mail Fraud, Bank Fraud and Health Care Fraud	Textbook Chapters: 4. Mail and Wire Fraud [pages 83-138] 18 U.S.C. §§1341 through 1347.
4 2/7	Securities Fraud: Federal and California, Investment Frauds, Ponzi and Pyramids, Commodities Fraud, Pump 'n Dumps. Telemarketing, Mass Marketing Fraud, The Nigerian Letter, Advance Fee Schemes	Textbook Chapters: 5. Securities Fraud [pages 139-193] <i>Additional Materials: California Corporations Code Sections 25400 et seq.</i>
5 2/14	Computer Crimes: Federal and State A. Brave New World: The Information Age Meets the Internet. B. Use of Computers to facilitate other WCC's. C. International Internet crimes	Textbook Chapters: 6. Computer Crimes [pages 195-220] <i>Additional Materials: California Penal Code Section 502 et seq.</i>
6 2/21	False Statements	Textbook Chapters: 9. False Statements [pages 275-304]
7 2/28	Perjury, False Declarations,	Textbook Chapters: 10. Perjury and False Declarations [pages 305-332]

8 3/13	Obstruction of Justice	Textbook Chapters: 11. Obstruction of Justice [pages 333-356]
9 3/20	The Martha Stewart Case: A Case in Point re False Statements, Perjury, and Obstruction	Additional Materials TBA
10 3/27	Money Laundering,	Textbook Chapters: 13. Money Laundering [pages 389-433]
11 4/3	RICO Act Violations	Textbook Chapters: 14. RICO [pages 435-495]
12 4/10	A. Self-policing Measures, B. The Grand Jury, and the Compulsive Production of Incriminatory Evidence	Textbook Chapters: 15. Internal Investigations and Compliance Programs [pages 497-522] 16. The Grand Jury [pages 523-549] 17. Self-Incrimination – Witness Testimony and Document Production [pages 551-591]
13 4/17	A.Sentencing and Forfeitures <u>[NOT ON TEST]</u> B. Real Estate and Mortgage Fraud C.Principal Evidentiary Issues in WCCs and Unique Prosecution Problems	Textbook Chapters: 19. Sentencing [pages 613-663] 20. Forfeitures. [pages 665-710] <i>Reading and Study Materials TBA</i>
14 4/24	A. Identity Theft, Credit Card Fraud, and Corporate ID Theft, B.The Changing Challenges: The “Great Debacles” of White Collar Crime; Wall Street’s Greatest Cons, Michael Milken, Ivan Boesky, the 1994 Orange County Bankruptcy, Enron et al, Berny Madoff, etc. C.. The Coming Storm: New Threats and Challenges in the “Global Information Age”.	<i>Reading and Study Materials TBA</i>
15 4/31	Review for Final Exam	<i>Reading and Study Materials TBA</i>
TBA 2010	Final Exam – 6:00-9:00 p.m.	