

WHITE COLLAR CRIME FALL 2018

Tues and Wed 5:00pm – 6:15pm Holland 382

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This is a three credit course which meets two times a week. The required text is WHITE COLLAR CRIMES: Cases, Materials and Problems, 2nd edition, J. Kelly Strader and Sandra Jordan, editors

CLASS REQUIREMENTS:

The class room hour is for the development of the legal mind. Reading the newspaper or other non class related materials is inappropriate and will not be tolerated. The use of electronic devices, including but not limited to laptops, notebooks, netbooks, tablets, cell phones and smart watches, is prohibited in class. Surfing on the internet, sending instant messages, downloading music, watching videos, and other recreational activities, are inappropriate and will not be tolerated. If a student is engaging in these practices, the student will be asked to leave the class and will be marked absent. Repeated violations may result in the student being administratively removed from the class.

All students are expected to attend class fully prepared to engage in the day's discussions. **In order to fully prepare, a student must own or lease the required text, read all of the assigned material, AND must have given thought to the material.** It is not enough to simply read the words and come to class with no appreciation or understanding of what was read. A student will be marked unprepared if the student comes to class without the required text and/or comes to class unprepared, which includes attending class with no understanding or appreciation of the assigned material. See two paragraphs below for consequences of coming to class unprepared and how it is calculated as an absence. Finally, many ideas will be exchanged during the course of the semester, some will be controversial, others less so. All students are expected to conduct themselves in a professional manner as adults, which means being respectful to other members of the class. Be conscious of the reputation you are building in your legal community.

The ABA requires attendance be maintained for all law school classes and there is a mandatory attendance rule for this class. Any absences over four (4) will be deemed excessive. Grades will be negatively impacted for any student who exceeds the 4 absences. Please do not inform me when you will be absent. You have four absences to use or not use as you see fit. Please do not ask for an excused absence to travel, go to competitions, go on job interviews, etc. Of course, you may do those things but they will count within the four absences. Therefore, you should choose carefully when making the decision to be absent. If you become ill or have a family emergency that will cause you to violate the attendance

policy, you should contact the Office of Student Affairs and that office will notify your faculty members if needed.

All students are expected to be prepared for class, which means the assigned materials have been read and reflected on before class begins. Any student who knows he or she is unprepared for class may elect to use a pass for the day. Each student is allowed to pass twice during the semester. **In order to pass, the student should place a note on the podium before class begins.** If there is no note, and a student is called upon, and is clearly unprepared for class, that shall constitute an absence, which counts against the four permitted absences. No passes will be accepted during the first two weeks of school. The duration of this class is 75 minutes. There will be no break. If a student has a medical condition that impacts the ability to sit for 75 minutes, the student should go to the Office of Student Services and seek relief from this course requirement. Otherwise, all students are expected to remain in class for the entire 75 minutes.

By the end of the semester, it is expected that all students will know the difference between white collar crime offenses and street crime offenses; the main statutes which guide white collar criminal prosecutions; and the elements of the various crimes covered in the text. Students will be expected to understand the grand jury process and sentencing calculations under the Federal Sentencing Guidelines. By the conclusion of the course students should have some appreciation of the vast gray area in which business decisions are made and how difficult it can be to know whether the activity rises to the level of a criminal offense or is merely "aggressive business" practices. The faculty has been asked to give you guidelines on how long you should spend preparing for class. In a professional school environment there can only be one answer. A student needs to spend as much time preparing as is required for that student to BE prepared. Some students read faster than others. Some understand abstract concepts more quickly. One student may be able to adequately prepare for class in two hours while another may need four. Each student should spend the amount of time that will allow him/her to be adequately prepared. As a general guideline, a student should spend two to four (2-4) hours reading and preparing for each 50 minute class hour. **HOWEVER, PLEASE BE ADVISED** if a student spends that amount of time and comes to class unprepared, it shall not be an excuse that the suggested amount of time was spent preparing. If a student is unprepared, the student will be marked as such with the accompanying penalty mentioned above.

This course has a 3 hour closed book exam. No materials will be permitted within the exam room and no watches are allowed. The Levin College of Law has an honor code. Anyone cheating violates the code and will be subject to disciplinary sanction. The University of Florida uses a letter grade system, where the highest grade is an A and the lowest an E (which is a failing grade here). The University does use "+" and "-" grades, however there is no "A+".

The University of Florida adheres to all requirements under Americans with Disabilities Act. If a student needs an accommodation, he or she should contact the Office of Student Services. All students are permitted to observe officially recognized religious holidays without penalty. Absences for observation of officially recognized religious holidays do not count against the

four permitted absences.

*Reading Assignments:

* This syllabus is not a contract between myself and the class. It merely serves as a guideline for students to help them stay current with course readings. I reserve the right to adjust readings throughout the semester as needed or as events require. In the Fall 2018 semester you can expect the syllabus to be frequently amended as we adjust pacing to comfortably fit the 75 minute "hour." There will be additional materials added to your reading throughout the semester. Where possible the materials will be attached under the "Course Materials" tab on your TWEN site or as a link under the "Weblinks" tab.

Each line represents the reading for one class. If there are notes within the pages assigned it should go without saying that the notes must be read as well as the cases that precede them.

FIRST HALF OF SEMESTER

Week 1:

Read Chapter 1 Overview and discussion of current cases

pages 15 – 36

Week 2:

37 – 50; 51- top 54 charts for chain and wheel conspiracies

55 – top 78

Week 3:

78 – 82; 83 – mid 90; Durland v. U.S., 161 U.S. 306 (1896)

mid 90 – 108

Week 4:

109 – top 128

128- 138; 139 – mid 150

Week 5:

mid 150 – 170

170 – 193

Week 6:

195 – 220

221 – 238

Week 7:

238 – 245; 247 – mid 257

257 – 274

Week 8:

275 – 296

296 (bottom) – 304; 305 - 320