WHITE COLLAR CRIME

SPRING 2020 PROF JACOBS

Tues- Thurs 2:20-3:25PM Holland Hall 345

This is a three credit course which meets three times a week. The required text is WHITE COLLAR CRIMES: Cases, Materials and Problems, 3rd edition, J. Kelly Strader and Sandra Jordan, editors AND the soft back Supplement. DO NOT WRITE IN THE SUPPLEMENT. You will need this for the final exam and there must be no additional writing in the book. I also strongly recommend you download the Congressional Research Service Paper on [STATUTORY INTERPRETATION: THEORIES, TOOLS, AND TRENDS](https://fas.org/sgp/crs/misc/R45153.pdf) (2018). The cases in the text discuss statutory interpretation very frequently. This guide will help provide context for you as we read the cases.

**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. Students should provide answers in complete sentences when called upon in class. 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 five (5) will be deemed excessive. Grades will be negatively impacted for any student who exceeds the 5 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 five 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 permitted 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 five permitted absences. No passes will be accepted during the first two weeks of school. The duration of this class is 55 minutes. There will be no break. If a student has a medical condition that impacts the ability to sit for 55 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 55 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, except the supplement to the text, 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 five 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. Ordinarily this class is taught for a fourteen (14) week semester and even then full coverage is difficult. We now have a thirteen (13) week semester. There will adjustments to your readings throughout the semester. In addition, there are many current cases which involve the subject matter of this course. To the extent possible, I will add information about those cases 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 WEEKS

First week of school Tues : Read text pg. 1-19 and Randall Eliason: [The Definition of White Collar Crime](https://sidebarsblog.com/the-definition-of-white-collar-crime/)

Wed: Internal Investigations and Compliance: pg. 621 – mid 632; mid 645 – 655

Thurs: Grand Jury pg. 657- top 675

SECOND WEEK (Grand Jury and Corporate Liability)

Tues: Grand Jury continued pg. 675-689

Wed: Corporate Liability pg. 21 – 38

Thurs. continue pg. 38-60 (The problems will probably be done the following Tuesday)

THIRD WEEK

Finish problem and then move to Conspiracy pg. 61-mid 82 (not all problems will be done in class)

Wed pg. mid 83 – top 93

Thurs. pg. 93 – 108

FOURTH WEEK (MAIL FRAUD, WIRE FRAUD AND RELATED CRIMES)

Tues: pg. 109-124

Wed pg. 125 -134; 137-149 (will continue into Thursday)

Thurs pg. 149- top 159

FIFTH WEEK (MAIL FRAUD CONTINUED)(HEALTH CARE FRAUD)

Tues. bottom pg. 163 – 176

Wed pg. 177- 189

Thurs: pg. 253 – 277 (will continue to Tues)

SIXTH WEEK (SECURITIES FRAUD)

Tues. Finish Health care and move to Securities pg 191-203

Wed pg. bottom 203 – 213 + one problem; bottom 214 – 220

Thurs pg. 221 – mid 224; bottom 227- 241

SEVENTH WEEK (SECURITIES) (BRIBERY AND GRATUITIES)

Tues pg. 242 – 252

Wed. (Bribery) pg. 279 – 295

Thurs pg/ 297 – 3172

EIGHTH WEEK (EXTORTION)

Tues pg. 319 – top 332

Wed pg. 332- 348

Thurs. 1 or 2 problems and then to FALSE STATEMENTS pg. 351 – 358

NINTH WEEK (FALSE STATEMENTS) (PERJURY)

Tues pg. bottom 358 – 373

Wed pg. 374 – 382

Thurs (perjury) pg. 383 – mid 400

TENTH WEEK (PERJURY) (OBSTRUCTION OF JUSTICE)

Tues. pg. bottom 400-413

Wed pg. 415 – 432

Thurs pg. 434 – top 459