International White Collar Crime
Fall 2016 Class Schedule

September 1, 2016 – December 3, 2016

September 1
September 8
September 15
September 22
September 29
October 6
October 13
October 20
October 27
November 3
November 10
November 17
November 24
(Thanksgiving – No Class)
December 1
INTRODUCTION AND OVERVIEW

Handouts

1. Description and Objectives of Course.

2. Extract from World Court Opinion in S.S. Lotus (France v. Turkey) (1927) (the seminal case on extraterritorial jurisdiction).


7. Why America, and not another country, is going after FIFA, The Economist (June 6, 2015).
INTRODUCTION TO JURISDICTIONAL ISSUES

Handouts


INTRODUCTION TO PROCEDURAL ISSUES

Handouts

1. Subpoena (extracts) to foreign company in citric acid antitrust grand jury investigation; Affidavit in Support of Search Warrant.

2. What Company Counsel . . . Should Do When a Search Warrant is Executed on Company Property, Corporate Investigations and White Collar Deskbook.

3. Delaware Corporation Laws, Chapter 8, § 145 (indemnification of officers, directors, employees and agents).

4. 17 CFR § 229.103 (SEC regulation requiring issuers of securities to disclose involvement in legal proceedings other than “ordinary routine litigation”).


7. 18 USC §§ 1512 (witness tampering); 1519; 1520 (destruction of records).

INTRODUCTION TO ETHICAL ISSUES AND CORPORATE RESPONSIBILITY

Handouts


ANTITRUST LAW AND DISCUSSION OF LAW OF CONSPIRACY

Handouts

7. International Ass’n of Machinists and Aerospace Workers v. OPEC, 649 F.2d 1354 (9th Cir. 1981).
Bribery of Foreign Officials

Handouts

3. Transparency International Corruption Perceptions Index.
BRIBERY OF FOREIGN OFFICIALS, CONT’D.
ECONOMIC ESPIONAGE

Handouts


7. Economic Espionage Act, 18 USC §§ 1831-1839; selected May 2016 amendments.


CONTROLS ON INTERNATIONAL TRADE/ECONOMIC SANCTIONS

Handouts

1. Outline of Export Controls.


5. U.S. Bureau of Industry & Security Guidance on recognizing violations, red flags and know your customer.

6. 31 C.F.R. § 560.208 (Prohibited facilitation by United States persons of transactions by foreign persons).

INTERNATIONAL FINANCIAL TRANSACTIONS, FRAUD, SECURITIES FRAUD AND ETHICAL ISSUES

Handouts

1. U.S. mail fraud and wire fraud statutes, 18 USC §§ 1341, 1343, 1346.

2. Daniel Siegal, Judge Rips Feds For 'Misguided' Foreign Fraud Suit, Law360 (April 22, 2015).

3. U.S. securities fraud statute, 15 USC § 78j (Section 10 of Securities Exchange Act of 1934); SEC Rule 10-b5, 17 CFR § 240.10b-5 (defines acts covered by Section 10) (acts can be both civil and criminal violations); Section 32 of Sarbanes Oxley (heightened criminal penalties, 1934 Act).


5. Patti Waldmeir, Don’t blame the lawyers for Enron, Financial Times (Feb. 21, 2002); Letter from Simon Potter, Financial Times (Feb. 27, 2002); Patti Waldmeir, Why lawyers need to keep corporate America’s secrets, Financial Times (Oct. 20, 2005).


INTERNATIONAL FINANCIAL TRANSACTIONS
RICO, MONEY LAUNDERING, ASSET FORFEITURE

Handouts

1. RICO: prohibited activities; definitions of “racketeering activity” (i.e. predicate offenses); 18 USC § 1962, § 1961.

2. 18 USC §§ 1956 and 1957.


6. Uncontained, Trade is the weakest link in the fight against dirty money, The Economist (May 3, 2014).


9. Remarks of Jennifer Shasky Calvery, Director FinCEN (June 12, 2014).
EXTRADITION, PROCEDURAL ISSUES

Handouts


4. Raymond Banoun, *The Bill of Rights: When Does It Apply To Foreign Investigations*.


CRIME ON THE INTERNET

Handouts


2. *Is online gambling legal in the U.S.?,* VegasClerk.com (Nov. 2013).


11. *How a Bitcoin Transaction is Processed,* The Economist (May 9, 2015).
Handouts


2. *Bosses Behind Bars: How Wise and Just is America’s New Experiment with Long Jail Sentences for Perpetrators of Large Corporate Frauds?* The Economist (June 12, 2004).


