International White Collar Crime
FALL 2015 Class Schedule

September 3, 2015 – December 3, 2015

September 3
September 10
September 17
September 24
October 1
October 8
October 15
October 22
October 29
November 5
November 12
November 19
November 26
(Thanksgiving – No Class)
December 3
INTRODUCTION AND OVERVIEW

Handouts

1. Description and Objectives of Course.

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


6. 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.


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”).

5. Antitrust Division, Corporate Leniency Program.

6. 18 USC §§ 1512 (witness tampering); 1519; 1520 (destruction of records).


INTRODUCTION TO ETHICAL ISSUES AND CORPORATE RESPONSIBILITY

Handouts


4. J. Keeney, Jr., Finger A Dishonest Client?, Legal Times (Sept. 4, 2006).


ANTITRUST LAW AND DISCUSSION OF LAW OF CONSPIRACY

Handouts


5. DOJ Press Release, Two Denso Corporation Executives Agree to Plead Guilty for Price Fixing and Bid Rigging on Auto Parts Installed in U.S. Cars (May 21, 2013).


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


CONTROLS ON INTERNATIONAL TRADE

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).

7. BNP Paribas Sentenced for Conspiring to Violate the International Emergency Economic Powers Act and the Trading with the Enemy Act, DOJ Press Release (May 1, 2015); Dutch Firm and Two Officers Plead Guilty to Conspiracy to Export Aircraft Components and Other Goods to Iran (Sept. 24, 2009).
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.


5. *The Weak Link*. *Cleaning up trusts and similar entities will hurt money-launderers -- but it will need a lot of political will*, The Economist (Nov. 9, 2013).


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

Handouts


2. UK Supreme Court Dismisses Appeal to Halt Extradition to the U.S. in Connection with Alleged Cartel Participation (March 8, 2011).


5. 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).


December 3, 2015

REVIEW

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).


5. Lawrence Summers, Companies on Trial, Financial Times (Nov. 22, 2014).

INTRODUCTION AND OVERVIEW

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