

White Collar Crime
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Overview

White collar offenses are typically non-violent, economically motivated conduct occurring in the course of business. This course will emphasize federal law and incorporate offenses such as fraud, regulatory offenses, and corruption. We will analyze general issues raised by white collar crime, such as the criminal liability of corporations, managerial liability, and prosecutorial discretion.

Class will meet on Tuesdays and Thursdays from 9:00 to 10:30am.

Textbook

Samuel W. Buell, *Corporate Crime: An Introduction to the Law and Its Enforcement* (2022), second edition.

This is an open-source casebook available for free download at <https://buelloncorporatecrime.com/>. Physical bound versions of the casebook are also available for purchase at the website, but you are not required to make such a purchase.

Attendance Policy

You should attend class sessions and arrive on time. If you arrive late, out of respect for the other students and the class environment, please try to minimize the disturbance. The Law Center attendance policy requires attendance of 80% of all scheduled (or makeup) classes or a student risks being dropped from the class.

Please note that you are responsible for managing your absences from class and ensuring that your total number of absences does not exceed the threshold for the class. Even if you have notified me that you will be absent, that absence still uses one of your available absences. An absence is an absence, regardless of the reason, except for absences covered by the University and Law Center religious holiday policy.

Students who exceed six (6) absences will be reported to the Associate Dean. In addition, if a student exceeds the threshold by one absence, the student will take a grade reduction of 1/3 of a letter grade. Each additional absence will result in an additional report to the Associate Dean and an additional 1/3 of a letter grade drop.

Participation

I will call on students both to discuss cases and to comment on the issues we are discussing. Participation in the class discussion helps all of us in the learning process. Professional conduct is expected during class. Such professionalism includes respect for your fellow students in timeliness, preparation, and addressing different points of view. As we are all in the process of learning, the classroom discussion involves some risk-taking in considering new ideas and different arguments. Such possibilities can be combined with respect for the rest of the class. Participation also includes group exercises that will run over the course of the semester.

If you are not prepared for a particular class, be sure to email me before class. You may pass twice without any negative effect to your final grade. If you are on call but are not prepared, you will be marked absent for the class day.

Students with poor class participation will have their final grade dropped by 1/3 of a letter grade. The decision to drop a grade for participation is at my discretion and is non-negotiable. A drop for class participation can result from a combination of unpreparedness, not paying attention in class, and absences (even if you are within the six-absence limit).

In exceptional circumstances, a student may go up a 1/3 of a letter grade for making a substantial contribution to the class. Note that volunteering every class does not constitute a substantial contribution—quality, not quantity matters.

We are committed to ensuring inclusive online and classroom learning spaces, where you'll be treated with respect and dignity, and where everyone is provided the equitable opportunity to participate, to contribute, and to succeed. In this course, all students are welcome regardless of socio-economic status, age, race, ethnicity, disability, religion, national origin, veteran's status, sex, sexual orientation, gender identity, gender expression, political affiliation, marital status and other diverse identities that we each bring to class. Our class is richer for this diversity.

If you feel like your class performance is impacted in any way by your experiences inside or outside of class, please feel free to reach out to me. If you feel more comfortable speaking with someone besides me, Student Services is an excellent resource: 713-743-2182. I also encourage you to bring any issues negatively impacting UHLC's openness to diversity and inclusion to the Law Center's Diversity, Equity, and Inclusion committee. You can contact the committee directly at UHLCD&I@uh.edu.

Learning Outcomes

Upon successful completion of this course, the student will be able to:

1. Understand the US Supreme Court doctrines and state law variations governing topics such as police arrest, search and seizure; confessions; identification; right to counsel; double jeopardy; and guilty pleas.
2. Articulate and evaluate the competing policy arguments regarding proposed criminal procedure reforms.
3. Apply criminal procedure rules and doctrines as they arise in various fact scenarios.

Assessments

Besides the aforementioned attendance and participation policies, your final grade will be primarily determined by your performance on a final examination administered.

Preferred Name / Pronoun / Prefix

I will work to honor your request to address you by a particular name, pronoun or prefix (i.e., “Dr.”, “Ms.”). Please advise me of this preference early in the semester so that I may make appropriate notes in my records.

Counseling and Psychological Services

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let's Talk” program, a drop-in consultation service at convenient locations and hours around campus. http://www.uh.edu/caps/outreach/lets_talk.html.

The Texas Lawyers' Assistance Program (“TLAP”) also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP at any time at 1-800-343-8527. TLAP's website includes a page with links to sources about mental health that are of interest to law students: <https://www.tlaphelps.org/law-students>.

Accessibility & Accommodations

UHLC is committed to ensuring that all students enjoy equal access and full participation.

If you anticipate or experience barriers based on a disability (including any chronic or temporary medical or mental health condition), please feel free to reach out so that we may discuss options. If you require any support services, you may contact Ms. Samantha Ary, Academic Records Coordinator. Ms. Ary is in room 44A TU-II in the Office of Student Services suite, and she can be reached at sary@central.uh.edu or 713-743-7466. Requests for accommodation that involve graded assignments must be directed to Ms. Ary and should be made as soon as possible to allow adequate time to document and to process the request.

If you observe religious or cultural holidays that will coincide with class sessions, please let me know as soon as possible, so that we may make arrangements.

Anti-Discrimination and Sexual Misconduct

UHLC and the University of Houston are committed to maintaining and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, a confidential reporting process is available to you. For more information, please refer to the University System's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08.

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty and other University employees are required to report to the University any information received regarding sexual misconduct as defined in the policy. Due to this reporting requirement, faculty members and other employees are not a confidential resource. The reporting obligations under the sexual misconduct policy extends to alleged conduct by University employees and students.

Recording of Class

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please refer to the Accessibility & Accommodations section above. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, nor with any other person or on any other platform. Classes may be recorded by the instructor. Students may use the

instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

Syllabus Changes

Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Such modifications may include changes to the mode(s) of assessment for the course. Notice of such changes will be announced as quickly as possible through email.

Office Hours: Mondays 2:30-3:30pm. Please email me regarding a visit during office hours so that we can agree beforehand on a method of meeting (Zoom, in-person, etc.).

Face Covering Policy

To reduce the spread of COVID-19, the University strongly encourages everyone (vaccinated or not) to wear face coverings indoors on campus including classrooms for both faculty and students.

Presence in Class

Your presence in class each session means that you:

- Are NOT exhibiting any [Coronavirus Symptoms](#) that makes you think that you may have COVID-19
- Have NOT tested positive or been diagnosed for COVID-19
- Have NOT knowingly been exposed to someone with COVID-19 or suspected/presumed COVID-19

If you are experiencing any COVID-19 symptoms that are not clearly related to a pre-existing medical condition, do not come to class. Please see [Student Protocols](#) for what to do if you experience symptoms and [Potential Exposure to Coronavirus](#) for what to do if you have potentially been exposed to COVID-19. Consult the (select: [Undergraduate Excused Absence Policy](#) or [Graduate Excused Absence Policy](#)) for information regarding excused absences due to medical reasons.

COVID-19 Information

Students are encouraged to visit the University's [COVID-19](#) website for important information including on-campus testing, vaccines, diagnosis and symptom protocols, campus cleaning and safety practices, report forms, and positive cases on campus. Please check the website throughout the semester for updates.

Vaccinations

Data suggests that vaccination remains the best intervention for reliable protection against COVID-19. Students are asked to familiarize themselves with pertinent [vaccine information](#), consult with their health care provider. The University strongly encourages all students, faculty and staff to be vaccinated.

Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for disabled students. In accordance with Section 504 and ADA guidelines, UH strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them. If you believe that you have a disability requiring an academic adjustments/auxiliary aid, please contact [the Justin Dart Jr. Student Accessibility Center](#) (formerly the Justin Dart, Jr. Center for Students with DisABILITIES).

Initial Assignment Schedule

Aug 23
Corporate Liability
Read: pp. 1-33

Aug 25
Corporate Liability
Read: pp. 34-62

Aug 30
Fraud
Read: pp. 63-88

Sept 1
Mail & Wire Fraud
Read: pp. 88-118

Sept 6
Mail & Wire Fraud
Read: pp. 118-148

Sept 8
Healthcare
Read: pp.446-476

Sept 13
Healthcare
Read: pp.476-521

Sept 15
Guest Speaker
No new reading

Sept 20
Presentations

Sept 22
Securities Fraud
Read: pp. 149-164

Sept 27
Securities Fraud
Read: pp.164-186

A second assignment schedule will be distributed in September. We will cover False

Statements and False Claims, Perjury & False Declarations, Obstruction of Justice, Public Corruption, and other topics as time permits.