

# WHITE COLLAR CRIME

Professor Bowman

Spring 2020

## SYLLABUS & First Week Reading

### I. Introduction

Welcome to “White Collar Crime.” This course will explore the law and practice of federal white collar investigation, prosecution, and defense. It will do so through a combination of lecture, class discussion, and -- most importantly -- simulation. You will assume the role of new federal prosecutors and defense lawyers. The objective of the course will be to provide (in concededly condensed form) the sort of training you would receive in a U.S. Attorney’s Office, Federal Public Defender’s Office, or white collar defense firm. Such training consists of a mix of education about substantive and procedural law and the application of substantive and procedural knowledge to “real” cases. Accordingly, you will be asked to perform, individually or in teams of two, a variety of the tasks real federal prosecutors and defenders would perform in a white collar case – drafting search warrants, grand jury subpoenas, criminal complaints, and indictments; negotiating plea and immunity agreements; presenting evidence to a grand jury; drafting and arguing pre-trial motions; negotiating plea agreements, etc.

The course will revolve around an investigation that begins with the goings-on at the fictional Jefferson Funeral Home in Ashland, MO.

### II. Required Books and Materials

A. The required materials for this course are:

1. J. KELLY STRADER & SANDRA D. JORDAN, WHITE COLLAR CRIME: CASES MATERIALS AND PROBLEMS 3D ED. (2015)
2. Much of the course material, particularly the material relating to the simulation, will be available only from LexisNexis Canvas. See below for details.

ALSO, some supplemental materials that you might find useful throughout the course will be available on reserve in the Law Library. These include:

- a. JAMES C. CISSELL, FEDERAL CRIMINAL TRIALS (4<sup>TH</sup> ED)
- b. DAVID M. NISSMAN, PROVING FEDERAL CRIMES (2005)

B. LexisNexis Blackboard

I will use the Canvas system on LexisNexis to provide you with announcements, weekly reading assignments, supplemental materials, and so forth. **You will not be able to function in this class without being enrolled on Canvas.** If you are not familiar with Canvas, please follow the following instructions to get yourself enrolled:

You will need your LexisNexis password to enroll in the course, and to access materials in the course.

## Enrollment Instructions for LexisNexis Webcourses

1. Go to <http://www.lexisnexis.com/lawschool/webcourses/>
2. Sign On using your Custom ID and Password.
3. You will arrive at a page with FAQs and manuals to help you use webcourses. Click on the **Launch Web Courses** button .
4. You will arrive at your personalized Web Courses Home Page. Click on the red **Courses** tab at the top of the page.
5. Click on the text link **Browse Course Catalog**
6. Click on **Missouri, University of - Columbia**
7. Locate the course you want to enroll in, and click on the **enroll** button out to the right-hand side of the course name

## Technical Questions or Problems?

Please contact the UMC Law Help Desk at [umclawhelpdesk@missouri.edu](mailto:umclawhelpdesk@missouri.edu), or at 573-884-7800.

### III. Grading & Attendance

Roughly 70% of your grade in this class will be based on your participation in the simulation exercises during the semester. The remaining 30% of the grade will be based on a final project, which will take the form of an extended drafting assignment.

Because this is a simulation course, class attendance is crucial. Your presence is essential to learn the law and procedure necessary to perform the roles of federal prosecutors and defense lawyers in the simulation, to learn facts about the case and receive directions about how the investigation will proceed, to participate in classroom exercises, and to consult with your classmates. Therefore, attendance is required. I understand that an occasional absence may be necessary, but I will expect to be informed of an impending absence in advance. That way, I can make any necessary arrangements to prevent other students from being disadvantaged by your absence.

### IV. Reading (Jan 20-22, 2020)

Mon., Jan. 20, 2020    **NO CLASS** – MLK Jr. Holiday

Tues, Jan 21, 2020    **Introduction to White Collar Crime: What is “White Collar Crime”?**  
***And What Do Federal Prosecutors Do?***

*Required reading:*

1. Strader & Jordan, White Collar Crime, pp. 1-6 (up to Sec.C)
2. Samuel Buell, *Is the White Collar Offender Privileged?*, Section 2A (“White Collar Offense Definition”), pp. 6 – top of 8; Section 4A (“Enforcement Systems”), pp. 14 – bottom of 16 (posted on

LexisNexis Canvas under “Course Documents/Readings on White Collar Crime & Role of Federal Prosecutors”).

3. Roberta Flowers article on investigative role of federal prosecutors, pp. 1-10 (posted on LexisNexis Canvas under “Course Documents/Readings on White Collar Crime & Role of Federal Prosecutors”).
4. Police report re: newspaper removal- “Paper caper” (Canvas – under “Course Documents/Readings on White Collar Crime & Role of Federal Prosecutors”)
5. Jenkins complaint letter (Canvas – under “Course Documents / Jefferson Funeral Home Case / Jenkins Complaint to US Attorney”)

*Also available:*

- Photo of Ethel Jenkins (Blackboard)
- Photo of Joe Jenkins gravesite after re-interment (Blackboard)

NOTE: *Much of the work on the simulation component of the class will be performed in teams of two students. **Between today and Wednesday, Jan. 22, try to form two-person work teams.** Email me as soon as you've selected a partner. On Wednesday, I'll match any students who remain unmatched.*

Wed., Jan 22, 2020    **Introduction to Wire & Mail Fraud: Scheme to defraud**

*Required reading:*

1. Strader & Jordan, White Collar Crime, pp. 109-118
2. *Neder v. United States* (excerpt) (posted on LexisNexis Canvas under “Course Documents/Readings on Mail and Wire Fraud”)
3. *U.S. v. Hawkey* (excerpt) (posted on LexisNexis Canvas under “Course Documents/Readings on Mail and Wire Fraud”)
4. 18 USC §§ 1341, 1343 (posted on LexisNexis Canvas under “Course Documents/Federal Statutes”)
5. Wire fraud jury instructions (Canvas – “Course Documents / Practice Resources / Jury Instructions”)

**Discussion Questions:** Does Ethel Jenkins' letter present a viable case of mail or wire fraud? If you are not sure, what other information would you want?

## **V. Academic Honesty**

Academic integrity is fundamental to the activities and principles of a university. All members of the academic community must be confident that each person's work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest whether or not the effort is successful. The academic community regards breaches of the academic integrity rules as extremely serious matters. Sanctions for such a breach may include academic sanctions from the instructor, including failing the course for any

violation, to disciplinary sanctions ranging from probation to expulsion imposed by the Law School or the University. When in doubt about plagiarism, paraphrasing, quoting, collaboration, or any other form of cheating, consult the course instructor.

## **VI. Medical Information & Americans With Disabilities Act**

If you have emergency medical information to share with me, or if you need special arrangements in case the building must be evacuated, please inform me immediately. Please see me privately after class, or at my office in 310 Hulston Hall.

If you need academic accommodations because of a disability, please contact Associate Dean David Mitchell or Registrar Denise Boessen who will work with you to determine an appropriate response to your needs.

To request academic accommodations (for example, a notetaker), students must also register with the [Office of Disability Services](http://disabilityservices.missouri.edu), (http://disabilityservices.missouri.edu), S5 Memorial Union, 882-4696. It is the campus office responsible for reviewing documentation provided by students requesting academic accommodations, and for accommodations planning in cooperation with students and instructors, as needed and consistent with course requirements. For other MU resources for students with disabilities, click on "Disability Resources" on the MU homepage.