

FOR350-01 Course Syllabus

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Contact Information

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Course Information

Course Title	Modern White -Collar Crime (Lying, Cheating and Stealing In the 21st Century)
Course Number	FOR350-01
Course Discipline	Forensics
Course Description	<p>White-Collar Crime: The definition of "White-Collar Crimes" is certainly bland enough. They are criminal acts committed with the intent to gain wealth and/or power while at the same time concealing the criminal purpose of the actor from the victim. The impact of these crimes, however, is devastating.</p> <p>For instance, mortgage-fraud and criminally reckless business practices led to a financial crisis in the United States during the Fall of 2008 that spread fear, bewilderment and ruin throughout the world and threatened the financial security of tens of millions of people.</p> <p>In fact, the 21st century has been characterized by an explosion of White-Collar Crime in the United States. As the country entered the 21st century, levels of "street crime" were declining but there was a strong upsurge in white-collar crime. At least five thousand Enron employees lost their jobs as well as \$1.2 billion in retirement savings in the "Enron scandal" and estimates of Health-Care Fraud exceeded \$100 billion</p>

annually.

In 2004-05, juries in New York convicted several former "Masters of the Universe," including Bernard Ebbers (World Com), Dennis Kozlowski (Tyco) and John and Timothy Rigas (Adelphia). By June 2006, the Federal Corporate Fraud Task Force (organized in 2003) had convicted more than 1,000 former corporate executives, including more than 160 former CEOs. That same month a Houston jury convicted former Enron CEOs Jeffrey Skilling and Kenneth Lay in the most highly-publicized white-collar crime trial ever held in the United States. Mr. Lay died of a heart attack before he was sentenced. Many of the others may die in jail.

During 2006 and 2007, however, appellate court decisions began to dim the glow of the government's successes. Two jury trial victories in Enron prosecutions were reversed as the 5th Circuit Court of Appeals rejected the government's trial theory of "Honest Services Fraud." In May, 2007, the 5th Circuit also rejected Enron shareholders' efforts to recover \$40 billion from those who "facilitated" the massive fraud. Seven months later the United States Supreme Court issued a decision that upheld the 5th Circuit's reasoning.

Course Date January 12, 2009 – April 24, 2009

Course Objectives

This course will identify and discuss white-collar crimes from mortgage fraud and embezzlement to Medicaid/Medicare fraud. The course will focus on the fact that computers are used to commit these crimes and that a vast amount of the evidence of these crimes is stored on computers and computer networks. Students will be required to read and understand the Text Book as well as Appellate Court decisions involving white-collar crimes. By the end of the process, students will be required to:

1. be familiar with the many ways white-collar crimes are committed;
2. know the "essential elements" of many of these crimes;
3. understand the evidence necessary to prove these crimes; and
4. have an informed opinion on whether the outcome of the prosecution has met the traditional goal of the criminal law –protection of the public at large.

Textbooks

Profit Without Honor, Prentice Hall, 4th Edition (2007). As well

as appellate court cases, available through Westlaw, and PowerPoint slides which are posted on WebCt.

Course Calendar

Requirements: Students will be required to complete assignments as set out in the syllabus.

Class 1: Introduction and review syllabus.

Class 2: Read: Text: pp. 1-11, 30-32 and *U.S. v. Hurwitz*; Review: PowerPoint slides: "Basics" and "Trial Process."

Class 3: Read: Text: pp. 70-79, 122-32; Optional Reading: *U.S. v. Microsoft*.

Class 4: Read: *Blakely v. Washington* and U.S. Sentencing Statute; Review PowerPoint slides: "Remedies."

Class 5: Read: Text pp. 166-80 and *U.S. v. Park*; Review: PowerPoint Slides: "Corporate Criminal Responsibility."

Class 6: Read: Text pp. 180-200 and *State v. Brooks*.

Class 7: Read: Text pp. 337-50 and *U.S. v. Frykholm*; Review PowerPoint slides: "Fraud Schemes."

Class 8: Read: Text pp. 350-60 and *Keating v. Hood*; Review PowerPoint slides: "People v. Keating."

Class 9: Read: *U.S. v. Edelkind* and *U.S. v. Inarelli*; Review: PowerPoint slides: "21st Century Real Estate Fraud."

Class 10: Read: Text pp. 419-44. Optional Reading: *U.S. v. Eddie Jackson* (Mortgage Fraud)

Class 11: Read: Review PowerPoint slides: "Public Corruption." Optional Reading: *U.S. v. Stein* ("Thompson Memo")

Class 12: Read: Text pp. 245-68; Review PowerPoint slides: "General Issues."

Class 13: Read: Text pp. 295-318; Review: PowerPoint slides: "WorldCom" (fraud).

Class 14: Mid-Term Exam

Class 15: Read: Enron Indictment; Review: PowerPoint slides: "Enron."

Class 16: Read: "Nigerian Barge" case, *Stoneridge Investments v. Scientific Atlanta*; Review: PowerPoint slides: "Honest Services Fraud Cases" and "Facilitator" cases.

Class 17: Read: Text pp. 318-27 and *U.S. v. Rigas*; Review: PowerPoint slides: "Halliburton."

Class 18: Read: Text pp. 500-20

Class 19: Read: Text pp. 521-40 and *U.S. v. Ivanov* and *U.S. v. Gorshkov*.

Class 20: Read: *U.S. v. Phillips* and Federal Computer Crimes statutes; Review: PowerPoint slides: "Computer Crime."

Class 21: Read: *MGM v. Grokster*; Review: PowerPoint slides: "Copyright."

Class 22: Read: *U.S. v. Wilfong*, *U.S. v. Cage*; Review: PowerPoint slides: "Identity Theft."

Class 23: Read: Text pp. 469-95.

Class 24: Read: *U.S. v. Laurensen*, *U.S. v. Huerta* and *U.S. v. Thurston*; Review: PowerPoint slides: "Health Care Statutes and "Health Care Cases."

Class 25: Read: *Arthur Andersen, LLP v. U.S.* and Federal Obstruction of Justice Statute; Review: PowerPoint slides: "Problems."

Class 26: Read: Text pp. 554-67; Review: PowerPoint slides: "False Claims Act."

Class 27: Read: Text pp. 568-586.

Class 28: Review

* Academic Honesty – If a student is found to have cheated, the student will be given a "0" for that assignment. A student found cheating a second time is subject to a harsher penalty, including dismissal from school.

Participation and Attendance

Students will be required to complete assignments as set out in the syllabus.

Methods of Evaluation

- Grades: The final exam will count for 40% of the total grade.
- Mid-Term: The mid-term exam will count for 20% of the total grade.
- Quizzes: There will be quizzes. Quizzes and class discussion will count for 40% of the total grade.

Grade Calculation

The following scale will be used to determine letter grades:

Grade	Range
A	93+
A-	90-92
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76
C-	70-72
D+	67-69
D	63-66
D-	60-62
F	Below 60

Students With Disabilities

If you believe that you have a disability requiring accommodations in this class, please contact the Coordinator of Support Services for Students with Disabilities as soon as possible. After you receive your accommodation form, please see me so that I can work with you to implement them in a timely fashion.

Contact: Contact: Janine Allo
 Counseling Department, Office of Disability Services
 Office: Hauke 007
 Phone: 802-865-5484
 Email: jallo@champlain.edu

Academic Honesty

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school.

Champlain College Policy:

"In the preparation and presentation of any assigned work-including examinations, tests, quizzes, term papers, reports, themes and other written or oral exercises-every student shall conform to a strict standard of academic honesty. Any attempt to deceive a faculty member or to help another student to do so will be considered a violation of this standard. In all assignments, students must acknowledge the words and/or ideas of others taken from print or electronic media, whether a direct quotation or a paraphrase; any omission of this is dishonest. Cheating on examinations or tests consists of knowingly giving, receiving or using-or attempting to give, receive or use-unauthorized assistance during an examination or test. A faculty member may record a grade of "zero" for any assignment on which a student has plagiarized or cheated. For repeat offenses within a single course, the faculty member may record a grade of "F" for the course. Violations of this policy in multiple courses may result in dismissal from the College. A student may appeal these decisions according to the Academic Grievance Procedure."

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