

ASPEN CASEBOOK SERIES

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**CORPORATE AND
WHITE COLLAR CRIME**
Cases and Materials

*Sixth
Edition*



Wolters Kluwer

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**Corporate and
White Collar Crime**
Cases and Materials
Sixth Edition

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In Memory of Kathleen F. Brickey (1944-2013)

Preface

In 1939, Edwin Sutherland coined the term “white collar crime,” as “crime committed by a person of respectability and high social status in the course of his occupation.” The construct he developed relied on the social status of the offender and the circumstances surrounding the crime as the relevant points of reference.

As the concept of white collar crime evolved over time, the focus shifted away from the offender to the nature of the offense, the locus of the wrong, or the means used to commit it. Increasingly, the term became associated with many economically motivated, non-violent offenses committed by a variety of individuals, including, but not limited to business professionals and government officials. After decades of academic debate, there is still no standard definition nor a coherent organizing principle. Notwithstanding the difficulty of defining the subject, in the wake of Enron-era accounting scandals, the insider-trading crackdown, and the more recent mortgage-fraud-related financial crisis, white collar crime has become a growing field within the legal profession and is becoming an established part of the law school curriculum.

This book endeavors to provide a theoretical and policy framework for considering the respective roles of institutional and individual responsibility and for systematically examining the principal federal statutes that prosecutors regularly invoke in corporate and white collar crime cases. In addition to relying on reported judicial decisions as vehicles for discussion, the book uses problems, case studies, and other similar materials to illustrate the context within which the issues are framed.

This edition nonetheless retains a strong focus on substantive criminal law. And because major federal criminal statutes are the organizing principle of the course, the book is designed to be used with the companion statutory supplement.

For the sake of brevity and clarity many footnotes and citations in the edited cases have been omitted and most parallel citations have been eliminated without indication. Footnotes that have been retained are renumbered consecutively throughout each chapter. Explanatory footnotes that have been added to cases and other quoted material are identified by the legend “—ED.”

THE LATE KATHLEEN F. BRICKEY
JENNIFER TAUB

December 2016

Acknowledgments

Kathleen Brickey was a pioneer in the field of corporate and white collar criminal law. Beginning in 1984 with her multi-volume treatise “Corporate Criminal Liability,” Professor Brickey cleared a path for many scholars to follow. One of her most generous contributions is this casebook.

It is with great honor and trepidation that I endeavor to carry forward her work, beginning with this sixth edition. I have benefitted from feedback received from students and colleagues on earlier editions of the book, and I thank them for their helpful comments. I owe additional thanks to my research assistant Breanna Hayes, whose contributions to the new edition have been invaluable. I am also indebted to the following authors, organizations, and copyright holders for permission to reprint excerpts from their works:

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