SYLLABUS

WHITE COLLAR CRIME: PROSECUTION AND DEFENSE
Spring Semester 2008

Donald M. Lewis
Halleland Lewis Nilan & Johnson, P.A.
U.S. Bank Plaza South, Suite 600
220 South Sixth Street
Minneapolis, MN 55402-4501
612.204.4130 (work direct)
dlewis@halleland.com (work e-mail)

Classes: 14 sessions on Mondays 3 p.m. - 4:50 p.m.
No classes on Jan. 21 and Mar. 17

Office Hours: By appointment in downtown Minneapolis


2007 FEDERAL SENTENCING GUIDELINES MANUAL, including amendments effective November 1, 2007 (“U.S.S.G.”). Purchase of the Manual is not necessary nor encouraged as the Guidelines are available online at <<<www.ussc.gov>>> and through other internet links on the TWEN site.

Online access to the Supplement and the Guidelines will suffice as the midterm exercise and the final examination will be on a take-home basis.

Optional Text: As may be announced in class and posted on the TWEN site.

1. **Syllabus.** Required readings for each class are attached to this Syllabus, which may be subject to revision during our coursework. Revisions and the updated Syllabus will be posted on the TWEN site.
2. **TWEN.** I plan to use the TWEN site as the primary vehicle for communication with students. Therefore, I suggest that students visit the TWEN site regularly, and at a minimum on the Sunday evening before class.

3. **Office hours.** As I am an adjunct instructor, I have no office at the law school. However, students should always feel free to communicate with me via my office e-mail address, or by telephone or voicemail to my office. Any student who desires to visit with me personally may schedule an appointment at my downtown Minneapolis office.

4. **Class expectations.** I expect students to prepare for class, to attend class, and to participate in class discussion. I encourage volunteer participation, but will often call on students to provoke discussion in class. Students should notify me in advance if they anticipate either missing a class or arriving at class unprepared to participate.

5. **Final examination and grade.** Each student’s grade will be based upon performance on a self-scheduled, take-home final examination, which the student must complete within 72 hours after pick-up from the Registrar. The examination will include an essay component (75 percent of grade) and require completion of a Guidelines worksheet (25 percent). I reserve the right to adjust a grade upward by ½ grade to reward any student who, in my judgment, has contributed significantly to the course through classroom participation. Likewise, I reserve the right to report to the Associate Dean, with a recommendation to adjust a student’s grade downward by ½ grade, a student’s consistent lack of preparedness or participation, excessive absences, or other conduct detrimental to the class.

6. **Midterm exercise.** In March, I will ask students to complete a take-home, practice exercise based upon the Guidelines. I will review but not grade the exercise.
Week 1 (Jan. 14): Introduction; Mens Rea

O’Sullivan Text pp. 53-104

No class on Jan. 21

Week 2 (Jan. 28): Corporate Criminal Liability and Managerial Responsibility

O’Sullivan Text pp. 147-204

Week 3 (Feb. 4): Mail and Wire Fraud

O’Sullivan Text pp. 381-384, 413-469
U.S.S.G. § 2B1.1

Week 4 (Feb. 11): Public Corruption

O’Sullivan Text pp. 473-531
U.S.S.G. § 2C1.1

Week 5 (Feb. 18): Federal Sentencing Guidelines

O’Sullivan Text pp. 105-146, 204-221
U.S.S.G. §§ 1B1.3, 3B1.1, 3B1.2, 3B1.3, 3C1.1, 3D1.1, 3D1.2, 3D1.3, 3D1.4

Week 6 (Feb. 25): Conspiracy

O’Sullivan Text pp. 619-655
U.S.S.G. § 2X1.1

Week 7 (Mar. 3): RICO

O’Sullivan Text pp. 657-711
U.S.S.G. § 2E1.1
Week 8 (Mar. 10): Perjury, False Statements and False Claims

O’Sullivan Text pp. 251-314
U.S.S.G. § 2J1.3
*Midterm Guidelines exercise distributed at end of class.*

No class on Mar. 17

Week 9 (Mar. 24): Obstruction of Justice

O’Sullivan Supp. pp. 327-380
U.S.S.G. §§ 2J1.2, 3C1.1

Week 10 (Mar. 31): Grand Jury Proceedings

*Midterm Guidelines exercise due at start of class.*
O’Sullivan Text pp. 755-799

Week 11 (Apr. 7): Fifth Amendment: Testimony and Immunity

O’Sullivan Text pp. 843-885

Week 12 (Apr. 14): Fifth Amendment: Documents and Tangible Objects

O’Sullivan Text pp. 887-924

Week 13 (Apr. 21): Attorney-Client Privilege

O’Sullivan Text pp. 925-983

Week 14 (Apr. 28): Plea Bargaining and Cooperation

O’Sullivan Text pp. 1025-1081
U.S.S.G. §§ 3E1.1, 5K1.1