**Professor Bucy** **Fall 2010**

# SELECT PROBLEMS IN CRIMINAL LAW:
# WHITE COLLAR PRACTICE
# COURSE #624

## Course Information

Professor: Pamela H. Bucy
Office: Room 336
Telephone: 348-1139
Office Hours: Thursdays, 1:30-3:00pm

Feel free to stop by my office at other times but it would be helpful if you scheduled an appointment first.

## Course Material

Required:
Prepared Course Materials (may be purchased from the bookstore)

## Course Description

This course surveys the rapidly changing criminal and civil substantive and procedural law in the white collar practice area. It also covers litigation evidentiary and strategy techniques presented by criminal and civil documentary and financial cases.

Your grade in this course will be determined as follows:

~ 60% from your performance on the final exam. The exam will be essay and given on a "floating" schedule. You may take the exam any time during the spring exam period. You may use any sources you wish to take the exam except other people.

~ 30% from your presentation in class. Each person will be graded individually even though you will work in groups to prepare and present your exercise. Factors I will look at are: (1) preparedness, (2) accurate use of evidentiary rules, (3) creativity in developing the exercise, (4) ability to "make the complex comprehensible and interesting."

~ 10% general class participation.

## Class Requirements

1. Be on time.

2. Attendance is required. You may miss class only for good cause. Pursuant to the law school's policy, after two absences you will be referred to the Dean's office for imposition of sanctions.

3. Class participation is encouraged. I will call on people and also welcome volunteers on all days!

If any of the above requirements cause you a hardship, please speak to me prior to class.

## ADA Accommodations

The Law School is committed to meeting the needs of students with physical, learning, and other disabilities, and provides appropriate accommodations and services tailored to each person's specific requirements. The Law School's assistant deans and the University's Office of Disability Services work together to help individuals with disabilities achieve and maintain individual autonomy. Students with disabilities are encouraged to contact Jenelle Marsh, Senior Assistant Dean for Students/Academic Services at (205) 348-5751 or jmarsh@law.ua.edu so that the individual's needs for support services can be evaluated and accommodated in a timely manner.

## Uses of Technology

Students may use portable computing or other electronic devices in the classroom for education [or class] use only. Students shall not use portable computer or other electronic devices in an inappropriate manner during class. Inappropriate uses include any and all uses of a portable computing or other electronic device not directly related to the class in session. Examples include, but are not limited to, the following: displaying web pages, receiving, reading, composing, or sending e-mail or instant messages; making or receiving phone calls; taking photographs or videos playing video in any format; recording or making audio tapes or files; and playing games.

Students who appear to be using electronic devices inappropriately will be asked to leave the class session and the class session will be counted as an absence for the day. If you have any question about this class rule, please feel free to contact me.

## Papers/Presentations

A paper and presentation are required in this course. The topic should address a specific white collar case or trend. To help you select a topic, I have prepared a collection from recent, brief news stories about current (within past two years or so) cases. There are 4 copies of this handout in the library on reserve for this course. Review the handout and talk with me to choose your topic.

Notify me of your topic by **September 2, 2010.**

Papers are due to me no later than **December 17, 2010** (the last day of exams). Your paper should be 15-18 pages in length and have 1" margins. Use bluebook format for footnotes.

Presentations will be on the following dates: **October 14 and November 18**.

Your papers and presentations should cover five points:

1. Exactly what is the fraud or crime at issue? Explain this in English, not legalese.

2. What charges were brought? Exactly how did the conduct violate or allegedly violate the statutes at issue?

3. What is/was the defense theory?

4. Who were the victims? How were they harmed by the conduct at issue?

5. What was the most interesting or surprising thing you learned about the fraud/case/statute you researched?

If you choose to use Powerpoint in your presentation you may do so but for one purpose only: to show pictures of defendants or victims.

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**Syllabus**

**Thursday, August 19**
No reading assignment

**OVERVIEW AND DISCUSSION OF CLASS PROJECTS**

**Thursday, August 26**
pp. 1-19

**I. THE CIVIL FALSE CLAIMS ACT**

- *Vermont Agency of Natural Resources v. United States ex. rel. Stevens*

**Thursday, September 2**
pp. 19-34

- *United States ex. rel. Merena v. SmithKline Beecham Corp.*

**Thursday, September 9**
pp. 34-58

**II. CORPORATE CRIMINAL LIABILITY**

- *United States v. Hilton Hotels Corp.*
- *United States v. Bank of New England*
- *United States v. Ionia Managment*

**III. RICO**

**Thursday, September 16**
pp. 58-91

- *NOW v. Scheidler*
- *Boyle v. United States*
- *Williams v. Mowhawk*
- *Bridge v. Phoenix Bond & Indemnity*

**Thursday, September 23**
pp. 92-151

**IV. WHEN THINGS GO BAD: INTERNAL INVESTIGATIONS**

- *United States v. Sulzbach*
- *United States v. Ruehle*

**Thursday, September 30**
pp. 151-178

**V. MAIL FRAUD**
- *United States v. Brown*
- *United States v. Skilling*

**Thursday, October 7**
pp. 178-217

**VI. HEALTH CARE FRAUD**
- Excerpt from *Bucy, Fraud by Fright: White Collar Crime By Health Care Providers*

**Thursday, October 14**
No reading assignment

CLASS PRESENTATIONS

and

**Dinner at Bucy's**, 6-8 PM
*Please feel free to invite your spouse or significant other*

Directions from the law school:
- Take 82 West to Jack Warner Parkway.
- Take Jack Warner Parkway toward "Downtown Tuscaloosa".
- Go through traffic lights at "Hackberry" and "Marrs Spring."
- Take the next left, onto Sherwood Drive - go up two houses to the stop sign and turn right into the cul-de-sac.
- # 8 Sherwood Drive is in the middle, on your left (two rocking chairs on the porch).

Attire: Casual. Weather permitting we will be outside.

**Thursday, October 21**
**CLASS CANCELLED**

**Thursday, October 28**
**NO CLASS - FALL BREAK**

**Thursday, November 4**
No reading assignment

GUEST SPEAKER: Joseph B. Mays, Jr., Bradley Arant Boult & Cummings LLP, and J. Mark White, White Arnold & Dowd PC

**Thursday, November 11**

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|---|---|
| No reading assignment | GUEST SPEAKER: Jim Barger, Froshin & Barger LLC |

**Thursday, November 18**

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| No reading assignment | CLASS PRESENTATIONS |
| Last day of class | |