WHITE-COLLAR CRIME: Spring 2009
Sociology 3567-010, Social Behavioral Science room
Wednesday 6:10 p.m. to 8:45 p.m.
Michael Hines Office 530-6975
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(This not a class on how to commit White-Collar Crime, those classes are taught at BYU.)

WHITE-COLLAR CRIME is a violation of trust, especially in Affinity Groups, and therefore it creates distrust which lowers morale and contributes to social disorganization.

2009
Jan 14 A syllabus will be provided and I will discuss the structure of the class and the purpose of each lecture. White-Collar crime will be defined and Edwin Sutherland’s definition will be examined. Throughout the semester we will be discussion whether organizational offending and neoclassical criminology theories are adequate or impotent in explaining the current range of known violations of White-Collar crime. Each week we will have a few thought provoking questions that will be discussed. Some of the questions are listed below.

Jan 21 Basics of the Criminal Justice System: Should we punish citizens for criminal violations of laws in circumstances where mens rea (criminal intent) is not required? The reason we punish White-Collar criminals differently than street criminals and why many White-Collar crimes do not require mens rea will be discussed. Your reading assignment will be provided and will include the affidavit of probable cause, criminal information and attachments in State v. Schubarth.

Jan 28 Criminal Justice Conduct Model: Do we really have equal treatment under the law or do some individuals have a social advantage in our legal system? How does a defined affinity group help minimize victimization from non-members? Why does a membership in a defined affinity group minimize normal due-diligence in investment decisions?

Feb 4 Test # 1

Feb 11 State Fraud Statutes: I will discuss Utah White-Collar crime statutes and why states have an interest in enforcing statutes, which often differ significantly from federal statutes, and statutes of other states. Why do we have federal, state and local laws which are all meant to prohibit the same undesirable conduct, enforce social compliance and to prevent individuals from taking advantage of the trust of others? Your reading assignment which will be provided, will include a handout of Utah’s fraud statutes.

Feb 18 Federal Fraud Statutes: The specific federal functions, which need to be protected by White-Collar statutes and the application of the federal sentencing guidelines, will be discussed. Your reading assignment will be provided and will include
a handout of federal fraud statutes and a detailed summary of federal sentencing guidelines. You will also be expected to participate in an open discussion quiz.

Feb 25 Test # 2

Mar 4 Schemes to Defraud, Consumer Protection, Antitrust and Identity Theft: This discussion will include an explanation of historic and current schemes to defraud and why people often become victims. I will also discuss the category victim/defendant, which is common in White-Collar crime but is less common in street crime. Why, and under what circumstances would we want to punish a victim of a crime? What responsibility do victims have in their own decisions? Your reading assignment will include a handout on the history of Charles Ponzi Prime Bank Schemes and Viatical Contracts.

Mar 11 Securities: My lecture will include the more common definitions of a security and why securities are the most highly regulated industry in the nation. I will also discuss the industry standards for full disclosure and why caveat emptor does not apply. When should we apply caveat emptor (buyer beware) and assign the responsibility of the purchase to the buyer and when should we apply caveat venditor (seller beware) and hold the seller responsible? I will explain how a person can be prosecuted, convicted and incarcerated even if they had no knowledge of the securities industry and had no intent to cause harm to another or to enrich themselves. The discussion will include the retail fractionalization of Hedge Funds and other securities products which sometimes sound Too-Good-To-Be-True and often are.

Mar 18 SPRING BREAK

Mar 25 Test # 3

Apr 1 The Investigation of White-Collar Crime: I will discuss how a White-Collar crime investigation differs significantly from an investigation of street crime and why the investigator must begin with a different state of mind. Why do traditional attitudes of investigating street crime where the focus is on the Who done It, need to be adjusted to investigate White-Collar crime where the focus is on Is It a Crime? Your reading assignment will be materials concerning a white-collar crime which will be of media interest at the time of the lecture.

April 8 Prosecution of White-Collar Crime: My lecture will discuss the role of the prosecutor. Do all citizens have equal access to justice? Does race, class, gender, age, or religion play any role in our access to justice? This lecture will include a discussion of what factors a prosecutor must consider in determining when to prosecute and what factors might mitigate against prosecution. I will discuss the rule-of-law v. the rule-of-man. What, if any, considerations should be given by the prosecutor to deterrence, retribution and rehabilitation of White-Collar criminals?
April 15       Defense of White-Collar Crime: My lecture will discuss the role of a defense attorney in an adversarial system. Why do White-Collar criminals normally lie to their attorneys?

April 22      Review

April 29      Test 4

This class will be taught in a lecture format and no textbook is used. Attendance is required to successfully complete the class. There will be four exams and no final exam. Each exam will be 25% of your final grade. Tests 2, 3, & 4 are comprehensive. Please, do not come to class late on days in which an exam is scheduled. **No test will be handed out after the first student has turned in a completed exam.** Arrangements can be made to take exams early but late exams will be given only in verified medical emergencies. The tests will consist of a combination of true/false; fill in the blank and short discussion questions.

Class Guidelines:
Turn off all pagers and telephones.
Please do not text messages during class.
Please do not talk with other students after class has started.
You are welcome to come to class late if you can’t come on time except for dates in which tests are scheduled.
All exams must be completed with ink.
Study groups are strongly recommended.
Questions concerning lecture material are encouraged.
Please contact me at mhines@utah.gov if you have any questions or concerns.
Please call me at 530-6975 if you would like to meet with me individually.

**AMERICANS WITH DISABILITY ACT (ACT)**
The University of Utah seeks to provide equal access to its programs, services and activities for people with disabilities. If you need accommodations in the class, reasonable prior notice needs to be given to the Center for Disability Services, 162 Olpin Union Building. 581-5020 (V/TDD) to make arrangements for accommodations. All written information in this course can be made available in alternative format with prior notification to the Center for Disability Services.