Welcome to the Summer/Fall 2017 Edition of the White Collar Crime Committee Newsletter.

The White Collar Crime Committee Newsletter showcases content and opinion of leading experts, scholars, and practitioners through articles written by our Criminal Justice Section members. The White Collar Crime Committee seeks your participation in its 20 regional committees and 20 substantive committees; and encourages your attendance at its national and international conferences, CLE, and workshops.

The White Collar Crime Committee encourages you to participate year round, and also looks forward to reading your submissions for our upcoming Winter/Spring 2018 issue. If you would like to submit an article for our next edition or have ideas on a subject for a topical Newsletter, please contact the WCCC Newsletter Subcommittee Chair, Salma S. Safiedine at S.Safiedine@SPartnersLaw.com.

Please note these upcoming programs related to white collar crime:

4th Annual Southeastern White Collar Crime Institute: Sept. 7-8, Braselton, GA (near Atlanta)


10th Annual CJS Fall Institute and Council & Committee Meetings: Nov. 2-5, Washington, DC
With Academic Roundtable, White Collar Crime Town Hall, CJS Awards Luncheon and CJS Reception


Featured Articles

LOYALTY OR LIBERTY: DEFENDING THE GENERAL COUNSEL IN A CORPORATE CRIMINAL INVESTIGATION

By William L. Drake & Nicholas P. Silverman

The benefits of joining the ranks of in-house counsel are easy to identify: the chance to confront diverse legal issues, enjoyment of a stable work-life balance, and the culture and success of a single company. But the issues confronted by general counsels are changing as federal investigations into corporations continue to grow. One of those issues is the personal risk of
prosecution that comes with leading a corporate legal team, and the ethical traps that result when both a lawyer, and his or her client, are under investigation. READ MORE

THE GOVERNMENT'S MISGUIDED EFFORT TO CRIMINALIZE POLITICS AS USUAL TURNS OUT TO BE A BRIDGE TOO FAR

By Arianna Goodman

Pennsylvania’s First Senatorial District has the dubious distinction of being the only Senatorial District in Pennsylvania where, since its creation in 1968, each of its former occupants has been convicted of federal corruption charges. Thus, when in May of 2016, federal prosecutors announced that the current Senator, Lawrence Farnese, had been indicted for allegedly participating in a scheme to buy the vote of a local committeeperson in a Ward election, few were surprised. Armed with damning emails laying out the alleged quid pro quo, the immunized testimony of Senator Farnese’s closest political confidant, and the alleged admission of his co-defendant, prosecutors were bullish that their First Senatorial District winning streak would continue. READ MORE

OHS CONTRAVENTION GROUNDS FOR MANSLAUGHTER, SAYS QUEBEC SUPERIOR COURT

By Norm Keith

The Quebec Superior Court recently released a decision with broad implications for workplaces, managers, supervisors and employers across Canada. In R. c. Fournier, Justice Villemure held that an individual’s contravention of provincial health and safety legislation was an “unlawful act”, under section s. 222(5)(a) of the Criminal Code (“Code”) and therefore a basis for committal to trial under a criminal charge of manslaughter. This is the first decision of its kind in Canada. READ MORE

THE MADOFF CASE, FROM MY PERSPECTIVE (PART 1 OF 4)

By Roland Riopelle

I thought it might be of interest to the legal profession to hear some of my views about the Madoff Ponzi Scheme. Like most of us, I was stunned and fascinated by the size and scope of Mr. Madoff’s crime when it came to light in December 2008. As time went on, I became more deeply involved in the aftermath of the Madoff scheme. My partner and I were retained to represent Annette Bongiorno, one of Mr. Madoff’s favorite employees. Annette worked for Mr. Madoff for almost her entire adult life -- approximately 40 years – and by the time she came to our firm, she had gone from worshipping Madoff for providing her with a dreamlike lifestyle to hating him for entangling her in the biggest fraud in history. READ MORE

HOW GOOD INTENTIONS CAN MASK RATIONALIZATIONS – AND FRAUD

By Kristin Rivera

The situation was tight, but the longer-term outlook was promising. The company needed one more round of funding to tide it over until the anticipated IPO was within reach. Without that funding, layoffs would ensue — and everything the company had worked so hard for could be lost.
But to convince investors to facilitate that next round, the financial performance needed to reflect what they believed the true potential of the company to be. READ MORE

[This article appears in conjunction with PwC’s sponsorship of the CJS and neither the CJS nor the ABA recommends or endorses the product or services of PwC.]

**CJS UPCOMING EVENTS**

**CJS Annual Meetings** at the ABA Annual Meeting: Aug. 10-13, New York, NY

4th Annual **Southeastern White Collar Crime Institute**: Sept. 7-8, Braselton, GA (near Atlanta)


10th Annual **CJS Fall Institute and Council & Committee Meetings**: Nov. 2-5, Washington, DC

*With Academic Roundtable, White Collar Crime Town Hall, CJS Awards Luncheon and CJS Reception*

**ABA/ABA Financial Crimes Enforcement Conference**: Dec. 3-5, National Harbor, MD

**Securities Fraud Institute**: Jan 11-12, Hilton Salt Lake City Center, Salt Lake City, UT

**2018 ABA Midyear Meeting**: Jan. 31- Feb. 6, Vancouver, Canada

**White Collar Crime National Institute**: Feb. 28 - March 2, Hilton San Diego Bayfront, San Diego, CA

The CJS established the **White Collar Crime National Institute Scholarship** to assist attorneys of diverse backgrounds in attending the National Institute on White Collar Crime. (Application deadline: Jan. 8, 2018)

**2018 CJS Spring Program, Council and Committee Meetings**, April 5-8, Tampa Marriott Waterside Hotel & Marina, Tampa, FL

**Health Care Fraud Institute**: May 2-4, Hotel Nikko, San Francisco, CA

**9th Annual Prescription for Criminal Justice Forensics**: May 31 -June 1, Fordham University, NY

**2018 ABA Annual Meeting**: Aug. 2-7, Chicago, IL

**7th Annual London White Collar Institute**: Oct. 8-9, London, UK

See the complete calendar at [http://www.ambar.org/cjsevents](http://www.ambar.org/cjsevents)

**NEW CJS PUBLICATIONS**

*The State of Criminal Justice 2017*: The annual book examines major issues, trends and significant changes in the criminal justice system. Includes chapters on white collar crime and cybercrime.
Insider Trading: Law and Developments
This book provides timely, expert analysis of recent developments and emerging trends in insider trading enforcement. This single-volume treatise, intended for white collar defense practitioners as well as experts in the field, provides a comprehensive overview of the complex legal landscape of insider trading.

The ABA Compliance Officer's Deskbook
This book is a user-friendly, practical, and real-world focused desk book written for today's compliance professionals.

See more books at http://www.ambar.org/cjsbooks

VISIT THE WHITE COLLAR CRIME COMMITTEE WEBSITE FOR COMMITTEE UPDATES AND RECENT NEWS

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