



## WHITE COLLAR CRIME COMMITTEE NEWSLETTER

WINTER/SPRING 2019

ABA CRIMINAL JUSTICE SECTION WCC Committee

### MESSAGE FROM THE EDITOR

**Welcome to the Winter/Spring 2019 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 Summer/Fall 2019 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](mailto:S.Safiedine@SPartnersLaw.com).

**Please note these upcoming CJS programs related to white collar crime:**

**33rd National White Collar Crime Institute:** March 6-8, New Orleans, LA

**Third Global White Collar Crime Institute:** June 28-29, Prague, Czech Republic

**Southeastern White Collar Crime Institute:** Sept. 4-6, Braselton, GA

**London White Collar Crime Institute:** Oct. 14-15, London, UK

See the complete CJS Calendar of Events at [www.ambar.org/cjsevents](http://www.ambar.org/cjsevents)

### FEATURED ARTICLES

#### **DEAL OR NO DEAL: THE UNKNOWN COST OF THE IRS'S NEW VOLUNTARY DISCLOSURE PRACTICE**

**By Zhanna A. Ziering and Arielle M. Borsos**

The Internal Revenue Service cannot detect and punish everyone who fails to comply with the tax law. Thus, it is essential for effective tax administration that such taxpayers have an acceptable mechanism to self-correct. For decades, a qualifying taxpayer with potential criminal tax exposure had an opportunity to resolve their tax issues with the IRS on their own initiative and avoid criminal prosecution through the IRS's long-standing voluntary disclosure practice as set forth in the Internal Revenue Manual ("IRM"). [READ MORE](#)

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**RESPONDING TO ALLEGATIONS OF MODEL ERRORS:  
SEC ENFORCEMENT TRENDS**

**By Kristofer Swanson and Patricia Peláez**

Businesses frequently rely upon models to support investment decisions, ensure accurate financial reporting, perform customer transaction monitoring, support CRM systems, engage in capital stress testing, and more. In 2011, the Office of the Comptroller of the Currency published Supervisory Guidance on Model Risk Management (MRM). Over time, the Securities and Exchange Commission (SEC) and other regulators have embraced its concepts, and regulatory enforcement has increased proportionally, both domestically and abroad. [READ MORE](#)

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**A SILVER BULLET? WHAT DATA ANALYTICS CAN — AND CAN'T — DO TO PROTECT  
YOUR COMPANY FROM THIRD-PARTY RISK**

**By Dyan Decker and Justin Offen**

Gone are the days when managing third-party risk was an important, but secondary, concern of corporate compliance departments. The US Department of Justice's Fraud Section made that crystal clear in its guidance issued in March 2017, which outlines its expectations in evaluating a compliance program — and stresses why (and how) companies are expected to act on third-party risk. [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.]*

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**WHEN AGGRESSIVE POLICING PAYS OFF: CIVIL FORFEITURE REVISITED**

**By Salma S. Safiedine, Riana Yaman, and Joelle Freeman**

Civil forfeiture is a legal tool by which law enforcement agencies can seize and forfeit property that they believe, in their sole discretion, is connected to a crime, whether or not formal charges or a conviction ever come into fruition. Innocent people, stopped by police for various reasons, including for non-criminal behavior, can have their personal property seized by law enforcement at any time during the encounter. Despite recent reform efforts, today's civil forfeiture laws still present some of the greatest property threats in the nation. [READ MORE](#)

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**CANADA IS ONE STEP CLOSER TO A NATIONAL SECURITIES REGULATOR**

**By Sean K. Boyle, Alexandra Luchenko and Jenna Green**

Late last year, Canada's highest Court, the Supreme Court of Canada (SCC), ruled that a proposed plan for a national securities regulator is constitutional. The country is one step closer to national cohesion, but significant hurdles remain. [READ MORE](#)

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## WHITE COLLAR CRIME AND DEMOGRAPHICS

By Cindy Scavella

White Collar is the new hot topic in the news media that addresses the high-profile individual or corporation, yet it does not perceive the prevalent attention of offenses committed by low socioeconomic groups. In addition, it is not listed in The Unified Crime Report as the media believes the rate of crime is either increasing or declining. This report does not consider the prevalence of White-Collar Crime. It is usually the low socioeconomic groups that receive the highlight of the media's attention when it comes to crime. [READ MORE](#)

### RESOURCES

#### *Featured CJS Book:*

#### [The ABA Compliance Officer's Deskbook](#)

By Andrew S Boutros et al.

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

See more CJS books at [www.ambar.org/cjsbooks](http://www.ambar.org/cjsbooks)

#### *Other Books of Interest:*

#### [Won't Back Down: The Journey from Small Town Tennessee to Presidentially Appointed United States Attorney](#)

By William C. Killian

In a compilation of legal anecdotes, William "Bill" Killian shares the experiences, cases, and instances of injustice that defined his career as a trial lawyer and his path to becoming the presidentially appointed United States Attorney for the Eastern District of Tennessee, one of the highest level positions in the United States Department of Justice.

VISIT THE [WHITE COLLAR CRIME COMMITTEE WEBSITE](#) FOR COMMITTEE UPDATES AND RECENT NEWS

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