



AMERICAN BAR ASSOCIATION

Criminal Justice Section

## WHITE COLLAR CRIME COMMITTEE NEWSLETTER

SUMMER/FALL 2020

ABA CRIMINAL JUSTICE SECTION WCC Committee

### MESSAGE FROM THE EDITOR

#### Welcome to

The *White Collar Crime Committee Newsletter* showcases content and opinion of leading experts, scholars, and practitioners through articles written by our ABA [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 2021 issue. If you would like to submit an article for our next edition (submission deadline: Jan. 15, 2021) 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:*

[9<sup>th</sup> London White Collar Crime Institute \(Virtual\)](#): Oct. 13

**13th Annual CJS Fall Institute & Meetings (Virtual)**: Nov. 19-22

- White Collar Crime Town Hall (Virtual): Nov. 19

[35th National Institute on White Collar Crime \(In-Person\)](#): March 3-5, 2021, Miami, FL

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

### FEATURED ARTICLES

#### [Ignorance is Bliss – Unless Your Client Engages in Potential Crime or Fraud](#)

*By Stacy Gerber Ward, Joseph M. Russell, and Christopher Avallone*

One of the things that can keep a lawyer up at night is the nagging concern over the often-ambiguous line between legitimately advising a client regarding whether a law pertains to that client or inadvertently facilitating a crime by advising a client on how to favorably interpret a law. Of course, sometimes that line is clear and attorneys still recklessly step over it. Take, for instance,

the many New York attorneys that were caught in the 60 Minutes sting reporting of 2016, wherein they appeared all-too-willing to advise on a proposed (bogus) money-laundering scheme. Unfortunately, regarding the broad activities of many corporate clients, it is a line that may not always be clear. Consider the boundaries that should be considered whenever a potential wants legal advice to create a business involving the sale of cannabis. In a recent ABA opinion, the ABA now seeks to help define that line. **READ MORE**

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### **[Corrupt Conciliations: Federal Blackmail & Extortion Cases on the Rise](#)**

*By Luke V. Cass and Simon J. Cataldo*

From the recent conviction of Michael Avenatti for a scheme to extort Nike for a \$25 million “settlement,” to disgruntled former employees threatening to release confidential information,<sup>i</sup> to anonymous ransomware attacks demanding payment in cryptocurrency due to the Coronavirus Pandemic, to public officials’ alleged efforts to pressure companies to employ union workers in order to secure permits, the terms “blackmail” and “extortion” are increasingly prevalent in boardrooms, courtrooms, and elsewhere. **READ MORE**

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### **[Nowhere to Run: Foreign Nationals Face Extradition for Anticompetitive Conduct Overseas](#)**

*By Jeff Martino, Ann O'Brien, Brian Song and Audrey van Duyn*

Breaking news that an international fugitive long wanted by the United States government has been extradited is usually reserved for an alleged terrorist or an infamous drug lord such as Joaquin “El Chapo” Guzman. However, extradition is becoming an increasingly effective tool used by the Antitrust Division of the United States Department of Justice (DOJ) to prosecute individuals alleged to have violated U.S. law through anticompetitive conduct. **READ MORE**

## **RESOURCES**

### ***Featured New CJS Books:***

#### **[The State of Criminal Justice 2020](#)**

This publication examines and reports on the major issues, trends and significant changes in the criminal justice system. The 2020 volume contains chapters focusing on specific aspects of the criminal justice field, with summaries of all of the adopted official ABA policies passed in 2019-2020 that address criminal justice issues.

WCC-related chapters include “Alerting Practitioners to the (Undiscovered) Magic of Mandatory Criminal Reporting Statutes” and “Department of Justice Revises Policy on Voluntary Self-Disclosures of Sanctions and Export Violations.”

#### **[Can They Do That? Understanding Prosecutorial Discretion](#)**

This book explores prosecutorial discretion from varying viewpoints – theory, practice, and from individuals who wish to change the status quo. It is a must have for criminal lawyers, law students and prosecutors’ offices as a training tool.

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

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

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