



AMERICAN BAR ASSOCIATION

Criminal Justice Section

WHITE COLLAR CRIME COMMITTEE NEWSLETTER

WINTER/SPRING 2021

ABA CRIMINAL JUSTICE SECTION WCC Committee

MESSAGE FROM THE EDITOR

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

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

- September 8-10, 2021: [Southeastern White Collar Crime Institute](#), Braselton, GA
- October 11-12, 2021: 10th Annual London White Collar Crime Institute, London, UK
- October 27-29, 2021: [35th National Institute on White Collar Crime](#), Miami, FL
- March 31-April 1, 2022: Global White Collar Crime Institute, Buenos Aires, Argentina

See the complete CJS Calendar of Events at www.ambar.org/cjsevents

FEATURED ARTICLES

[Fraud Emerges as Telehealth Surges](#)

By Miranda Hooker, Allison DeLaurentis, Sharon Klein, and Jason Kurtyka

The Centers for Medicare and Medicaid's (CMS) decision to expand telemedicine in response to the COVID-19 pandemic has fundamentally changed provider-patient interactions. Relaxed telemedicine regulations present health care providers with a tremendous opportunity to improve patient care. But, as an uptick in Department of Justice (DOJ) prosecutions of telemedicine arrangements indicates, telemedicine fraud and abuse risks abound. [READ MORE](#)

[White Collar Criminal Investigations Slowing Down? Think Again...The Increase in Employment Tax Prosecutions](#)

By Caroline Ciraolo

The Internal Revenue Service (“IRS”) is responsible for nearly 96% of the gross revenue received on behalf of the United States. Employment taxes, including federal income tax actually withheld and paid over to the IRS, constitute over 70% of all revenue collected by the IRS. Despite our strong system of voluntary compliance, the IRS estimates the annual gross tax gap – “the amount of true tax liability that is not paid voluntarily and timely” – to be \$441 billion. Of this amount, \$81 billion is attributable to employment tax. [READ MORE](#)

[Getting Real – A Discussion With Veronica and Michelle](#)

This article contains an interview from the "Getting Real" video podcast series hosted by Foley Hoag white collar partner Veronica Jennings. The “Getting Real” series was launched on May 2020, to generate dialogue and build community with women lawyers at the onset of the COVID-19 pandemic and its resulting widespread remote work measures.. Below is Veronica’s interview of Michelle Bradford, a partner in Barnes & Thornburg’s Litigation and White Collar and Investigations groups. Veronica and Michelle, having previously served together as Assistant United States Attorneys in the U.S. Attorneys Office for the District of Columbia, get real about working in the area of white collar criminal defense. [READ MORE](#)

[AMLA 2020: Sweeping New AML Laws Have Broad Impacts on All Financial Crimes](#)

By Don Fort, Christopher M. Ferguson, and Olivia Renensland

On January 1, 2021, following House and Senate overrides of a presidential veto, the National Defense Authorization Act (“NDAA”) for Fiscal Year 2021 passed into law. Embedded in the NDAA are the Anti-Money Laundering Act of 2020 (“AMLA” or the “Act”) and the Corporate Transparency Act (“CTA”), which together constitute the most sweeping anti-money laundering legislation in twenty years. [READ MORE](#)

[Reforming Securities Fraud Sentencing: An Alternative Proposal to a Loss-Based Approach](#)

By Michael L. Spafford, Daren F. Stanaway, and Patricia Liverpool

The sentencing regime for criminal securities fraud has undergone many adjustments over the past several decades. The U.S. Sentencing Commission’s initial focus on loss as the paramount factor in sentencing, however, has weathered this regulatory storm. In recommending an appropriate sentence for securities fraud, along with other types of “theft,” the U.S. Federal Sentencing Guidelines place an improper emphasis upon (and often improperly calculate) the financial “loss” associated with the violation—that is, the overall loss resulting from the offense. [READ MORE](#)

RESOURCES

Recent CJS Books:

[Street Legal: A Guide to Pre-trial Criminal Procedure for Police, Prosecutors, and Defenders, Second Edition](#)

By Ken Wallentine

This practical, comprehensive guide on criminal procedure is a must-read for police investigators, defense attorneys and prosecutors, and any lawyer who needs a quick reference and reliable answer to a pre-trial criminal procedure question.

[Rehabilitation and Incarceration: In Search of Fairer and More Productive Sentencing](#)

By Harold Baer Jr

Author explains the crisis of mass incarceration in the US, how it came about, and the pressing need and means to reduce prison populations and recidivism; promote rehabilitation and re-entry into society; and protect public safety.

[The Privilege of Silence: Fifth Amendment Protections Against Self-Incrimination, Third Edition](#)

By Steven Salky

This guide is designed as a basic research tool to aid practicing lawyers in thinking about and applying the Fifth Amendment privilege in various contexts and proceedings.

See more CJS books at www.ambar.org/cjsbooks

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

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The **WCCC Newsletter** is published two times a year. Articles reflect the views of the individuals that prepared them and do not necessarily represent the position of the American Bar Association, the Criminal Justice Section, any affiliated agencies, or the editors of the newsletter. Copyright 2021, The American Bar Association.

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