



AMERICAN BAR ASSOCIATION

Criminal Justice Section

## WHITE COLLAR CRIME COMMITTEE NEWSLETTER

SUMMER/FALL 2024

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 Winter/Spring 2025 issue. If you would like to submit an article for our next edition (submission deadline: January 15, 2025) 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).



*A plenary session from the National White Collar Crime Institute, March 6-8, 2024.*

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

- September 4-7: **The Southeastern White Collar Crime Institute**, Braselton, GA
- October 14-15: **The London White Collar Crime Institute**, London, UK
- November 14-15: **Seventeenth Annual CJS Fall Institute**, Washington, DC
- March 4-7, 2025: **2025 National White Collar Crime Institute**, Miami, FL
- March 10-13, 2026: **2026 National White Collar Crime WCC Institute**, San Diego, CA

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

**[A MERCY RULE AND CRIMINAL CORPORATE DEFENDANTS](#)**

*By Dan Loveland*

When a business organization is charged with a crime, many of the same legal principles apply as for an individual defendant. But can a corporate defendant tell a jury about its good reputation? If so, how would that evidence be introduced at a trial? How would the corporate defendant establish its reputation and what witnesses would be qualified to testify?

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**[JOINT DOJ/FTC ANNOUNCEMENT SIGNALS AN AGGRESSIVE APPROACH IN THE GOVERNMENT'S BATTLE TO CAPTURE OFF-CHANNEL COMMUNICATIONS](#)**

*By Daniel Cady Davidson*

Earlier this year, the Department of Justice ("DOJ") and Federal Trade Commission ("FTC") jointly announced updated language in the agencies' documents requests (such as preservation letters and grand jury subpoenas) "to address the increased use of collaboration tools and ephemeral messaging platforms in the modern workplace."

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**[STANDING IN THE BREACH: CRIMINALLY CHARGING CYBERSECURITY OFFICERS](#)**

*By Monica D. Cliatt*

As the digital landscape evolves and the role of Chief Information Security Officers (CISOs) continues to expand, so does their potential exposure to criminal liability. Tasked with safeguarding an organization's digital assets, their responsibilities can carry significant legal implications.

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**[A NEW ERA OF FINANCIAL SECURITY: THE EUROPEAN ANTI-MONEY LAUNDERING AUTHORITY AND THE INNOVATIVE MEASURES AGAINST CRYPTOCURRENCY LAUNDERING](#)**

*By Andrea Puccio*

In response to recent multijurisdictional and cross-border money laundering scandals, the creation of the Anti-Money Laundering Authority (AMLA), along with the other measures which form part of the EU's new AML Package, has been presented as a groundbreaking new authority to preside over anti-money laundering legislations across Member State jurisdictions and aims to strengthen the EU's defenses against criminal financial activities.

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## [THE RECENT AND GRADUAL STRENGTHENING OF THE FRENCH BLOCKING STATUTE](#)

*By Stéphane de Navacelle, Julie Zorrilla, Juliette Musso, Sébastien Hénault*

French Law No. 68-678, as modified by Law No. 80-538, commonly referred to as the “*French Blocking Statute*” provides for criminal penalties in case of communication to foreign public authorities of economic, commercial, industrial, financial, or technical information by French natural and legal persons, the disclosure of which is likely to undermine the sovereignty, security, essential economic interests of France or public order, outside of the application of international treaties/agreements.

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WCCC CO-CHAIRS: JASON LINDER, AISLING O'SHEA

### [The White Collar Crime Committee Newsletter](#)

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