



Law School

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EDUCATION

J.D. (*Magna cum laude*), *Georgetown University Law Center*, 1985
Assistant Editor (83-84), Notes & Comments Editor (84-85), *GEORGETOWN LAW JOURNAL*

M.A., Philosophy, *Fordham University*, 1980

B.A. (*Cum laude*), Philosophy, *Loyola Marymount University*, 1978

ACADEMIC POSITIONS

Professor of Law, *Wayne State University Law School*, Detroit, MI. Associate Professor, 1994-2002 (*Tenured 1998*); Director of Graduate Studies, 2000-2003.

Courses: White Collar Crime, Professional Responsibility & the Legal Profession, Corporations, Criminal Law, Criminal Procedure, Securities Litigation, Criminal Pretrial Advocacy

Fulbright Specialist, *Judges Academy*, Taipei, Taiwan, June 2016.

Fulbright Scholar, *University of Zagreb Faculty of Law*, Zagreb, Croatia, Winter 2013.

Visiting Professor of Law, *Indiana University-McKinney School of Law*, Indianapolis, IN, Fall 2009.

Assistant Professor, *Loyola Marymount University, College of Business Administration*, Los Angeles, CA, 1985-86.

Teacher, *Bellarmino College Preparatory*, San Jose, CA, 1980-82.

PROFESSIONAL EXPERIENCE

Trial Attorney, *United States Department of Justice, Criminal Division, Fraud Section*, Washington, D.C., 1991-94.

Senior Attorney, *United States Securities & Exchange Commission, Enforcement Division*, Washington, D.C., 1987-1991.

Law Clerk, *Chief Judge Murray M. Schwartz, United States District Court for the District of Delaware*, Wilmington, DE, 1986-87.

BOOK

THE PROSECUTION AND DEFENSE OF PUBLIC CORRUPTION: THE LAW AND LEGAL STRATEGIES (2016 ed.), LexisNexis.

CASEBOOKS

CRIMINAL PRETRIAL ADVOCACY, West Academic Publishing 2013 (*with Feller and Henning*)

GLOBAL ISSUES IN CRIMINAL PROCEDURE, West Academic Publishing 2011 (*with Carter and Blakesley*).

CRIMINAL LAW: CONCEPTS AND PRACTICE (3d ed.), Carolina Academic Press 2013 (*with Podgor, Taslitz, and Garcia*).

GLOBAL ISSUES IN CRIMINAL LAW, West Academic Publishing 2006 (*with Carter and Blakesley*).

WHITE COLLAR CRIME: LAW AND PRACTICE (4th ed.), West Academic Publishing 2015 (*with Israel, Podgor, and Borman*) & 2015 STATUTORY & DOCUMENTARY SUPPLEMENT.

TREATISES

SECURITIES CRIMES (2d ed.), Thomson Reuters 2016 (*with Pickholz and Pickholz*) (updated annually).

FEDERAL PRACTICE AND PROCEDURE: CRIMINAL, Vols. 2, 2A, and 3B, Thomson Reuters 2015 (*with the late Professor Charles Alan Wright*) (updated annually).

WHITE COLLAR CRIME HORNBOOK, West Academic Publishing 2013 (*with Podgor, Israel, and King*).

MASTERING CRIMINAL LAW (2d ed.), Carolina Academic Press 2015 (*with Podgor and Cohen*).

MASTERING CRIMINAL PROCEDURE VOL. I: THE INVESTIGATIVE STAGE (2d ed.), Carolina Academic Press 2014 (*with Taslitz, Paris, Jones, and Podgor*).

MASTERING CRIMINAL PROCEDURE VOL. II: THE ADJUDICATIVE STAGE (2d ed.) Carolina Academic Press 2014 (*with Taslitz, Paris, Jones, and Podgor*).

MONOGRAPH

BNA ACCOUNTING POLICY & PRACTICE PORTFOLIO NO. 5515, *Responding to Department of Justice Investigations* 2013 (revised) (*with MacKay*).

ACADEMIC PUBLICATIONS

The New Corporate Gatekeeper, 62 WAYNE L. REV. __ (2016) (*forthcoming*).

Is Deterrence Relevant in Sentencing White-Collar Criminals?, 61 WAYNE L. REV. 27 (2015).

What's So Bad About Insider Trading Law?, 70 BUS. LAW. 751 (2015).

A New Crime for Corporate Misconduct?, 84 MISS. L.J. 43 (2014).

Be Careful What You Wish For: Thoughts on a Compliance Defense Under the Foreign Corrupt Practices Act, 73 OHIO ST. L.J. 883 (2012).

Making Sure "The Buck Stops Here": Barring Executives for Corporate Violations, 2012 U. CHI. LEGAL F. 91.

Should the Perception of Corporate Punishment Matter?, 18 J.L. & POL'Y 83 (2010).

The Pitfalls of Dealing with Witnesses in Public Corruption Prosecutions, 23 GEO. J.L. ETHICS 351 (2010).

Should the SEC Spin-off the Enforcement Division, 11 TENN. J. BUS. L. 121 (2009).

Corporate Criminal Liability and the Potential for Rehabilitation, 47 AM. CRIM. L. REV. 1417 (2009).

Board Dysfunction: Dealing with the Threat of Corporate Criminal Liability, 77 U. CIN. L. REV. 585 (2008).

The Changing Atmospherics of Corporate Crime Sentencing in the Post-Sarbanes-Oxely Act Era, 3 J. BUS. & TECHNOLOGY L. 243 (2008).

The DNA of White Collar Crime (Reviewing GREEN, LYING, CHEATING, AND STEALING: A MORAL THEORY OF WHITE-COLLAR CRIME), 11 NEW CRIM. L. REV. 323 (2008).

Prior Good Works in the Age of Reasonableness, 20 FEDERAL SENTENCING REPORTER 187 (2008).

White Collar Crime Sentences After Booker: Was the Sentencing of Bernie Ebbers Too Harsh?, 37 MCGEORGE L. REV. 757 (2006).

Lawyers, Truth, and Honesty in Representing Clients, 20 NOTRE DAME J.L. ETHICS & PUB. POL'Y 209 (2006).

Targeting Legal Advice, 54 AM. U. L. REV. 669 (2005).

Sarbanes-Oxley Act § 307 and Corporate Counsel: Who Better to Prevent Corporate Crime?, 8 BUFF. CRIM. L. REV. 323 (2004).

Federalism and the Federal Prosecution of State and Local Corruption, 92 KY. L.J. 75 (2003).

Misguided Federalism, 68 MO. L. REV. 389 (2003).

Corruption and Related Offences in International Business Relations, American National Report for the XVII International Congress of Penal Law, 74 REVUE INTERNATIONALE DE DROIT PENAL 169 (2003).

Public Corruption: A Comparative Analysis of International Corruption Conventions and United States Law, 18 ARIZ. J. INT'L & COMP. L. 793 (2001).

Prosecutorial Misconduct in Grand Jury Investigations, 51 S.C. L. REV. 1 (1999).

Prosecutorial Misconduct and Constitutional Remedies, 77 WASH. U. L.Q. 713 (1999) (Quoted by the California Supreme Court in *People v. Batts*, 30 Cal.4th 660, 690 n.23, 134 Cal.Rptr.2d 67, 90 n.23 (Cal. 2003)).

Defense Discovery in White Collar Criminal Prosecutions, 15 GA. ST. U. L. REV. 601 (1999).

Finding What Was Lost: Sorting Out the Custodian's Privilege Against Self-Incrimination from the Compelled Production of Records, 77 NEB. L. REV. 34 (1998).

Individual Liability for Conduct by Criminal Organizations in the United States, American National Report, General Part, for the XVI International Congress of Penal Law, in REVUE INTERNATIONALE DE DROIT PENAL (1998) (expanded and updated version published in 44 WAYNE L. REV. 1305 (1998)).

The Conundrum of Corporate Criminal Liability: Seeking a Consistent Approach to the Constitutional Rights of Corporations in Criminal Prosecutions, 63 TENN. L. REV. 793 (1996).

Foreword: Statutory Interpretation and the Federalization of the Criminal Law, 86 J. CRIM. L. & CRIMINOLOGY 1167 (1996).

Maybe It Should Just Be Called Federal Fraud: The Changing Nature of the Mail Fraud Statute, 36 B.C.L. REV. 435 (1995).

Precedents in a Vacuum: The Supreme Court Continues to Tinker with Double Jeopardy, 31 AM. CRIM. L. REV. 1 (1993).

Testing the Limits of Investigating and Prosecuting White Collar Crime: How Far Will the Courts Allow Prosecutors To Go?, 54 U. PITT. L. REV. 405 (1993).

Balancing the Need for Enhanced Sentences for Perjury at Trial Under Section 3C1.1 of the Sentencing Guidelines and the Defendant's Right to Testify, 29 AM. CRIM. L. REV. 933 (1992).

Corporate Law After the Eighties: Reflections on the Relationship Between Management, Shareholders, and Stakeholders, 36 ST. LOUIS U. L.J 519 (1992).

Between Chiarella and Congress: A Guide to the Private Cause of Action for Insider Trading Under the Federal Securities Laws, 39 U. KAN. L. REV. 1 (1990).

PROFESSIONAL PUBLICATIONS

Dealing with Corporate Misconduct, 66 FLA. L. REV. F. 20 (2015).

The Organizational Guidelines: R.I.P.?, 116 YALE L.J. POCKET PART 312 (2007).

ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES ((Paul Finkelman ed., Routledge 2006), contributing author on *Bellis v. United States*, *Braswell v. United States*, *Fisher v. United States*, and *Hale v. Henkel*).

Defense Discovery of Documents in White Collar Criminal Prosecutions, THE CHAMPION, Vol. XXIII, No. 9 (*Discovery Under Federal Rule of Criminal Procedure 16(a)(1)(C)*) (Cover Story, November 1999) & No. 10 (*Subpoenas under Rule 17(c)*) (December 1999).

The New Jury Trial Right: Are All “Elements” of a Crime “Factual” in Nature?, THE CHAMPION, Vol. XX, No. 10 (Dec. 1996).

Federal Fraud, THE CHAMPION, Vol. XIX, No. 10 (Dec. 1995) (Cover Story).

CONGRESSIONAL TESTIMONY

“Preventing Unfair Trading by Government Officials,” Testimony before the Subcommittee on Oversight and Investigations, Committee on Financial Services, United States House of Representatives, Washington, DC, July 13, 2009.

“Constitutional Rights and the Grand Jury,” Testimony before the Subcommittee on the Constitution, Committee on the Judiciary, United States House of Representatives, Washington, DC, July 27, 2000.

PROFESSIONAL ASSOCIATIONS

American Law Institute (elected 1998)

Criminal Law & Procedure Drafting Committee, National Conference of Bar Examiners (2009-present)

District of Columbia Bar

State Bar of California (inactive)

SYMPOSIUM AND PROFESSIONAL ACTIVITIES

Criminal Culpability: Who Deserves Punishment, Vermont Law Review Symposium, Vermont Law School, September 16, 2016.

Presentation, *Trial Strategies and Common Defenses in Corruption Cases: A Discussion* (with Judge J. Blakey (N.D. Ill.)), National Attorneys General Training & Research Institute Anticorruption Academy, Colorado Springs, CO, August 17, 2016.

Keynote Panel, *Stock Option Scandal: Lessons Learned a Decade Later* (with K. Roberts), Compliance Week 2016, Washington D.C., May 24, 2016.

Presentation, *An Update on Legal Ethics in the Federal Courts*, Federal Practice Seminar, Iowa State Bar Association, Des Moines, Iowa, December 12, 2014 (Ethics CLE).

Presentation, *Bitcoin and White Collar Crime*, Investigative Techniques Fraud Conference, International Association of Financial Crimes Investigators – Michigan Chapter, October 29, 2014.

Panelist, *Unique Cross-Border Regulatory Challenges for Financial Institutions*, National Institute on International Regulation and Compliance: FCPA, Economic Sanctions and Export Controls, American Bar Association, Washington, D.C., October 1, 2014.

International Spring Course Instructor, *Crime Prevention Through Criminal Law & Securities Studies*, “When Corporations Kill – Multifaceted Perspectives on Faceless Crime,” International University Center, Dubrovnik, Croatia, March 25-29, 2013.

Keynote Address, *The FCPA at Thirty-Five and Its Impact on Global Business*, Ohio State Law Journal Symposium, The Ohio State University Moritz College of Law, March 16, 2012.

Combating Corruption, The University of Chicago Legal Forum Symposium, University of Chicago Law School, November 4, 2011.

Presentation, *The Madoff Clawbacks: Whose Money Is It Anyway?*, The Robert Zicklin Center for Corporate Integrity, Baruch College, May 10, 2011.

Presentation, *A Brief Look at Some Conflict of Interest Issues*, Federal Practice Seminar, Iowa State Bar Association, Des Moines, Iowa, December 17, 2010 (Ethics CLE).

Financial Reforms: Overview of Legislation, Enforcement, and Future Implications (Panel Moderator), ABA Fifth Annual National Institute on Securities Fraud, New Orleans, Louisiana, October 8, 2010

Sharing the Blame: the Law and Morality of Punishing Collective Entities, David G. Trager Public Policy Symposium, Brooklyn Law School, February 5, 2010.

Presentation, *Ethics, Politics, & Public Corruption: Trying the Public Corruption Case*, American Bar Association, Criminal Justice Section, Birmingham, Alabama, April 3, 2009.

The Dysfunctional Board: Causes and Cures, Center for Corporate Law, University of Cincinnati, March 14, 2008.

Lawyers, Truth, and Honesty: An Oxymoron?, Federal Practice Seminar, Iowa State Bar Association, Des Moines, Iowa, December 14, 2007. (Ethics CLE)

The Sarbanes-Oxley Act of 2002 Five Years Later: Assessing its Impact, Charting Its Future – SOX and Criminal Enhancement, The Sixth Annual Business Law Conference, University of Maryland School of Law, October 19, 2007 (Panel Discussion).

The Criminalization of Corporate Law – The Impact of Criminal Sanctions on Corporate Misconduct (Roundtable Program), University of Maryland School of Law, April 21, 2006. Remarks published in 2 J. BUS. L. & TECH. 107 (2007).

Presentation, *Economic Crimes: The State of the Law – A Bridge to Enforcement*, at *Economic Crimes in the 21st Century: Emerging Trends in Consumer Fraud and Strategies for Enforcement*, St. Thomas University School of Law, March 17, 2006.

White Collar Crimes Sentences After Booker, at *Sentencing Guideline Law & Practice Post-Booker*, McGeorge School of Law Symposium, University of the Pacific, March 10, 2006

Targeting Legal Advice, at *Overcriminalization: The Politics of Crime*, American University, Washington College of Law Symposium, October 29, 2004 (also sponsored by *The National Association of Criminal Defense Lawyers* and *The Heritage Foundation*).

Presentation, *Prosecutorial Misconduct: Protecting the Record/Protecting Your Client*, Criminal Justice Act Attorney's Seminar, Eastern District of Michigan, September 14, 2004.

Sarbanes-Oxley § 307 and Corporate Counsel: Who Better to Prevent Corporate Crime, at *White Collar Criminal Law in Comparative Perspective: The Sarbanes-Oxley Act of 2002*, University of Buffalo School of Law Symposium, April 3-4, 2004.

Presentation, *The Sarbanes-Oxley Act and Integrity: Are We There Yet?*, North Central Regional Meeting, The Risk and Insurance Management Society, Inc., October 23, 2003.

Co-Author, Brief *Amicus Curiae* of the National Association of Criminal Defense Lawyers, *Price v. Vincent*, No. 02-524, in the Supreme Court of the United States, March 25, 2003.

Presentation, *The Sarbanes-Oxley Act of 2002: Some New (and Not-So-New) Risks*, The Risk and Insurance Management Society, Inc., Detroit Chapter, November 13, 2002.

Presentation, *Protecting Your Company From Fraud*, Young Entrepreneurs' Organization, Detroit Chapter, September 25, 2002.

Passing the Torch: A Public Policy Training Seminar, Moderator, Ethics, Civil & Criminal Liability Panel, Black Caucus Foundation of Michigan, September 20, 2002.

Presentation, *Civil Rico and Employee Benefits*, Employee Benefits Committee of the Oakland County (MI) Bar Association, January 8, 2001.

Discovery in White Collar Criminal Cases, at Federal Criminal Discovery: “A Tool for Truth,” Georgia State University School of Law Symposium, November 1998.

TEACHING AWARDS

- 1999 *Teacher of the Year (Upper Division), Wayne State University Law School*
- 1998 *University Teaching Award, Wayne State University Law School*
- 1998 *Teacher of the Year (Upper Division), Wayne State University Law School*
- 1997 *President’s Award For Excellence in Teaching, Wayne State University (University-Wide Award)*
- 1996 *Donald H. Gordon Excellence in Teaching Award, Wayne State University Law School (Law School Alumni Award)*
- 1996 *Teacher of the Year (Upper Division), Wayne State University Law School*
- 1995 *Teacher of the Year (Upper Division), Wayne State University Law School*
- 1986 *Teacher of the Year, College of Business Administration, Loyola Marymount U.*

JUDICIAL AND ADMINISTRATIVE APPOINTMENTS

Plan Administrator, In the Matter of Veras Capital Master Fund et al. Fair Fund, Securities and Exchange Commission, Admin. Proc. File No. 3-12133, appointed to distribute over \$37 million to approximately 900 mutual funds affected by late trading and market-timing transactions (2006-2009).

Court-Appointed Receiver to Distribute Disgorgement Fund, Securities and Exchange Commission v. Cosmas Anastassiou, et al., 98 Civ. 5680 (DC), United States District Court for the Southern District of New York, appointed to identify claimants to a disgorgement fund created in the settlement of a civil insider trading case (1999-2002).