



The Legal Environment and White Collar Crime

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Part I. Introduction

White collar crime is a phrase used to refer to and encompass a complicated web of numerous interrelated and overlapping areas of the law, including securities law, misappropriation, bankruptcy fraud, bribery, corruption, cybercrime, contract and procurement fraud, financial frauds, health care fraud, insurance fraud, money laundering, tax fraud, government fraud — the list is almost endless. Moreover, white collar crime law not only involves aspects of U.S. federal and state law, it also involves international laws and jurisdictions. A further complication is that white collar crime is not an autonomous discipline; instead, white collar crime is most assuredly interdisciplinary — combining individuals from multiple disciplines and professions, such as accountants, auditors, attorneys, investigators, and law enforcement.

Like most areas of law, white collar crime contains new or rapidly evolving issues, which have led to major shifts in white collar crime legal scholarship. For instance, the collapse of Enron and the other corporate scandals of 2001 and 2002 led to a large body of legal scholarship on securities fraud, financial statement fraud, and corporate governance. Also, since the events of September 11, 2001, there has been a marked increase in legal literature on the correlation between white collar crime and terrorist activities. The financial crisis of 2008 has led to more articles on financial regulation.

With such developments in mind, this paper offers a review of recent legal scholarship concerning white collar crime. Based on our research, this is the first one of its kind. Part II of this paper explains the methodology of the article. Part III examines the data extracted from the sampling and offers observations about the current state of legal scholarship related to white collar crime. Part IV draws some conclusions based on our findings and proposes further questions for discussion. In brief, we conclude that the amount of information about white collar crime is increasing, but it seems to be concentrated in just a few areas. The appendix contains tables and identifies the key sources available to someone researching legal aspects of white collar crime.

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Part II. Methodology

To develop a sense of what white collar crime scholarship has been published in legal periodicals,² we collected data about legal periodicals that arguably focus on fraud. Our research methodology proceeded in three steps.

First, we identified proxy terms³ that are relatively unique to and occur frequently in white collar crime literature, as illustrated by Table 1, in Appendix A.⁴

Next, we searched the “US Law Reviews and Journals, Combined” database in the LexisNexis™ electronic search service for articles with these terms in their title, focusing on articles published during the past twenty-five years (from January 1, 1983 to December 31, 2007⁵). Accordingly, we looked at virtually every resulting article published in the available 667 legal publications since 1983.⁶ Overall, at this step there were 3,979 articles initially collected.⁷ However, we excluded certain types of articles not intended to be scholarly, such as book reviews.⁸ We then removed any duplicate results and examined each article individually to ensure it was about white collar crime, excluding any articles that did not address white collar crime, such as articles discussing the statute of frauds or international sea piracy. Through this search, we collected information about 3,513 white collar crime articles.⁹

Our study is not offered as qualitatively flawless, and certain items that would affect the number of articles returned in a search were not considered. For example, there are inherent limitations when searching LexisNexis. Notably, Lexis does not have a complete coverage of law review and secondary legal publications.¹⁰ Also, the entire “US Law Reviews and Journals, Combined” database is not accessible through Boolean word searches or date searches. For example, the

² We use the term *periodical* to include all available types of legal scholarship, including law reviews, legal journals, and bar journals.

³ See App. A, Table 1 for additional data associated with these terms.

⁴ Once again, in the interest of time, we included in our search terms those proxies that we believe best represent white collar crime law. Of course, strong arguments could be made that other proxies should be included in this group.

⁵ We chose these time-periods in the interest of time and so we could compare five equal time spans. We chose to review articles published through 2007 to identify the most current trends.

⁶ According to LexisNexis, its “US Law Reviews and Journals, Combined” database provides access to 667 legal publications.

⁷ See Table 1.

⁸ The only articles published in these periodicals that we excluded from our analysis were book reviews and summaries.

⁹ See Table 2.

¹⁰ “Primary” legal sources are statutes, cases, and regulations. So-called “secondary” sources are commentaries written about the law, such as law review or other legal articles.

titles of articles are not searchable in certain publications.¹¹ Also, since its inception, the volume of material in LexisNexis's databases has progressively increased,¹² and LexisNexis coverage "is extremely variable from title to title."¹³ Finally, LexisNexis does not have full coverage of some older publications, which may skew the results.

In addition, our methods have obvious limitations. For example, it is likely that additional proxy terms are available, and a larger number of proxy terms would improve certainty in the results.

Also, due to the interdisciplinary nature and the large amount of legal scholarship, time and economic limitations prevent the review of every legal publication on white collar crime. Similarly, the number of white collar crime articles in a database search is an imperfect measure of the amount of scholarship produced. For example, it does not reflect an actual counting of every white collar crime article published, and it is possible that more law reviews and journals published relevant articles we did not review.

However, despite these limitations, we believe our methodology has value and serves a broad general summary of the types and amounts of articles on white collar crime that have appeared in the major legal publications during the last twenty-five years. Thus, this review is sufficient to generally compare legal publications and to get a sense of the trends of white collar crime in legal literature.

Part III. Findings

1. There has been an increase in white collar crime law scholarship

Our data shows a growing interest in white collar crime research by legal scholars, as measured by the increased number of articles present in legal literature. Table 2 reports on the number of white collar crime articles published each year since January 1, 1983. Our data show that the number of white collar crime articles has generally increased during the sampled twenty-five-year period with the rate of publication essentially doubling in 1993 through 1997 and in 1998 through 2002, then increasing by nearly 50% in 2003 through 2007,¹⁴ suggesting that the subject

¹¹ For example, after conducting a search for "kickback" in the titles of articles in the "US Law Reviews and Journals, Combined," LexisNexis's feedback on our search indicated that "TITLE is not searchable in" Federal Sentencing Reporter.

¹² Olufunmilayo B. Arewa, *Open Access in a Closed Universe: Lexis, Westlaw, Law Schools, and the Legal Information Market*, 10 Lewis & Clark L. Rev. 797, 822 (2006).

¹³ Richard A. Leiter, *Use of Law Reviews in Modern Legal Research: The Computer Didn't Make Me Do It!* 90 Law Libr. J. 59, 61 (1998).

¹⁴ See Table 2.

of white collar crime has, over the past twenty-five years, increasingly become an area of focus for legal writing.

There are several probable reasons for this. Most notably, there has been an increase in the number of legal publications. As an example, consider the increase in the number of law reviews over the second half of the twentieth century. “In 1937, there were fifty law reviews; by the middle of the 1980s, there were about 250.”¹⁵ Currently, the number has risen to approximately 350.¹⁶

The net result, of course, is that there is an enormous amount of information available for consumption. In fact, one estimate is that legal periodicals publish 150,000 to 190,000 pages each year.¹⁷ Thus, it is a natural result that the growth in the number of legal publications has led to an increase in white collar crime articles since there are more venues available for publication.

Also, there has been an increase in the ability to search legal publications. Lexis’s full-text legal information service did not begin until 1973, and since its introduction, Lexis has “progressively increased the volume of material contained in” its databases.¹⁸ Most notably, however, is that the LexisNexis full-text law review database began coverage in 1982;¹⁹ thus, the more recent the period, the more publications available for search.

Furthermore, over the past few decades, white collar crime has become more prevalent in the public consciousness. The public’s awareness of white collar crime is important because culture influences the law.²⁰ To have any practical impact, legal scholarship must be relevant in a particular time, inducing legal scholars to respond to issues that are culturally relevant, such as fraud and white collar crime.

White collar crime has become more culturally relevant primarily because the public has become more concerned with its detection and punishment.²¹ The increased attention on white collar crime essentially began in the 1980s, arising in the wake of the Watergate scandal, when “the

¹⁵ Reinhard Zimmermann, *Law Reviews: A Foray Through A Strange World*, 47 Emory L.J. 659, 662 (1998).

¹⁶ *Id.*

¹⁷ Christian C. Day, *The Case for Professionally-Edited Law Reviews*, 33 Ohio N.U.L. Rev. 563, 568 (2007).

¹⁸ Olufunmilayo B. Arewa, *Open Access in a Closed Universe: Lexis, Westlaw, Law Schools, and the Legal Information Market*, 10 Lewis & Clark L. Rev. 797, 822 (2006).

¹⁹ Bernard J. Hibbitts, *Last Writes? Re-assessing the Law Review in the Age of Cyberspace*, 30 Akron L. Rev. 175, 177 (1996), available at <http://www.uakron.edu/law/docs/hibbitt.pdf>.

²⁰ Lawrence M. Friedman, *Law, Lawyers, and Popular Culture*, 98 Yale L. J. 1579 (1989).

²¹ Zvi D. Gabbay, *Exploring the Limits of the Restorative Justice Paradigm: Restorative Justice and White-Collar Crime*, 8 Cardozo J. Conflict Resol. 421, 433 (2007). “America experienced an unusual wave of corporate scandals that caused massive harm between late 2001 and 2003, and public response did not wait long to follow.”

government attempted to cleanse white-collar crime.”²² The 1980s also saw “the explosive use of federal criminal statutes in white collar cases,” which “began with the investigation and prosecution of ‘junk bond’ king Michael Milken, his firm, Drexel Burnham Lambert, and other defendants.”²³ In fact, “[c]onvictions in federal court for white-collar criminals between 1980 and 1985 rose eighteen percent.”²⁴

Since legal scholarship is often reactive and guided by external developments, such as new legislation or judicial decisions, it is no surprise that an increasing amount of legal scholarship has focused on issues relating to white collar crime.²⁵

2. White Collar Crime Law Scholarship Peaked in 2003

Throughout the relevant period, the sampled publications published more articles on white collar crime in 2003 than any other year.²⁶ As Table 2 illustrates, the number of fraud-related articles ranged from 21 in 1989 to 357 in 2003. It also illustrates that the highest percentage of the 3,513 articles sampled during the relevant period, 10% were published in 2003; followed by 9% in 2004, 2005, and 2006; and 8% in 2007.²⁷

Although there are several possible reasons explaining the large number of white collar crime publications in 2003, the most significant finding is that the topic that received the most legal scholarship over the twenty-five year period, securities fraud, peaked by a considerable amount in 2003.²⁸

3. Popular White Collar Crime Law Topics

After collecting the articles, we looked at the primary topics covered by each article. Even though the articles were varied, there eventually appeared to be a critical mass of articles examining basic white collar crime topics. The following is a summary of the topics we found discussed most often.

²² Jamie L. Gustafson, Note, *Cracking Down on White-Collar Crime: An Analysis of the Recent Trend of Severe Sentences for Corporate Officers*, 40 Suffolk U. L. Rev. 685, 690 (2007).

²³ J. Kelly Strader, *White Collar Crime and Punishment: Reflections on Michael, Martha, and Milberg Weiss*, 15 Geo. Mason L. Rev. 45, 59 (2007).

²⁴ Jamie L. Gustafson, Note, *Cracking Down on White-Collar Crime: An Analysis of the Recent Trend of Severe Sentences for Corporate Officers*, 40 Suffolk U. L. Rev. 685, 690 (2007).

²⁵ See Matthew W. Finkin, *Reflections on Labor Law Scholarship and Its Discontents: The Reveries of Monsieur Verog*, 46 U. Miami L. Rev. 1101, 1106 (1992).

²⁶ Of the sampled 3,513 articles, 359 were published in 2003, followed by 331 in 2004, 322 in 2006, 305 in 2005, and 291 in 2007.

²⁷ See Table 2.

²⁸ See Table 3 illustrating that the most popular white collar crime topic was securities fraud with 1,241 articles and 204 of those articles were published in 2003.

A. Securities Fraud

Our research indicates that legal publications in the sampled literature contained more articles on securities fraud than any other identified topic.²⁹ For instance, securities fraud was the most popular subject matter in all but five of the years sampled, comprising approximately 35% of the 3,513 articles.

It is no surprise that securities fraud received the greatest amount of attention. Most notably, legal scholars began increasing their attention on securities fraud following the corporate securities scandals that began in late 2001.³⁰ It is only natural that following these scandals, which caused the federal government to adopt several reforms, including the Sarbanes-Oxley Act, and to assume an increasingly prominent role in regulating corporate governance, legal scholarship would focus on the critical developments of this trend.³¹ As one commentator noted, “[w]ithin two years of Enron's bankruptcy, legal scholars . . . offered a dizzying array of views on the meaning of Enron for the legal system's regulation of corporations, securities and energy markets, gatekeepers and facilitators of these markets, taxes, bankruptcy, employee benefits, the environment, and even the mapping of the human genome.”³²

Also, it is no surprise that securities fraud dominates white collar crime law scholarship in light of the past few years, which have witnessed an increase in both the number of securities class actions and the costs associated with securities fraud violations. According to a report released by Cornerstone Research, 2,646 federal securities class actions were filed from 1996 through 2007.³³ Also, for securities class action cases settled from 1996 through 2003, the average settlement value was \$19.2 million.³⁴ In comparison, the average settlement value rose significantly to \$54.7 million by 2006.³⁵

²⁹ See Table 3 showing that of the 3,513 sampled articles, 1,241 concerned securities fraud. When providing a topic for each article, we considered the following sub-topics to come under the broader topic of securities fraud: backdating; corporate fraud; insider trading; Investment Company Act of 1940; National Securities Markets Improvement Act; Private Securities Litigation Reform Act; Securities Act of 1933; Securities Exchange Act of 1934; Securities Fraud; and the Sarbanes-Oxley Act.

³⁰ See Table 3.

³¹ See Robert Prentice, *Contract-Based Defenses in Securities Fraud Litigation: A Behavioral Analysis*, 2003 U. Ill. L. Rev. 337, 338 (2003), stating that “the Enron scandal has prompted Congress and the Securities and Exchange Commission (SEC) to make broad-ranging reforms of the securities laws.” For a sample of legal scholarship examining federal reactions to the corporate securities fraud scandals, see Gregory Mitchell, *Case Studies, Counterfactuals, and Causal Explanations*, 152 U. Pa. L. Rev. 1517, 1518 n.4 & passim (2004), citing twenty-seven articles on Enron.

³² Gregory Mitchell, *Case Studies, Counterfactuals, and Causal Explanations*, 152 U. Pa. L. Rev. 1517, 1518 (2004).

³³ Cornerstone Research, *Securities Class Action Case Filings 2007: A Year in Review* (2008), available at http://securities.stanford.edu/clearinghouse_research/2007_YIR/20080103-01.pdf.

³⁴ *Id.*

³⁵ *Id.*

Within the broad topic of securities fraud, the Sarbanes-Oxley Act received the majority of the attention, comprising approximately 45% of the articles addressing securities fraud and about 16% of the entire sampled population.³⁶ Behind the Sarbanes-Oxley Act, 15% of the articles addressed the Securities Exchange Act of 1934;³⁷ 14% focused on insider trading;³⁸ 9% addressed securities fraud more generally, focusing on topics like securities fraud litigation,³⁹ securities fraud overseas,⁴⁰ securities fraud class actions,⁴¹ and secondary liability for security law violations;⁴² and 8% of the articles discussed the Private Securities Litigation Reform Act.⁴³

Although it has now been almost seven years since the passage of the Sarbanes-Oxley Act, securities fraud continues to be the subject of numerous articles for various reasons, including the globalization of financial markets and the emergence of new issues like the backdating of stock options. For example, all nine legal articles on backdating stock options were published over the past two years.⁴⁴

B. Intellectual Property Crimes

Intellectual property (IP) crimes have also been subjected to considerable attention in legal scholarship. As Table 4 illustrates, 24% of the sampled articles address IP crimes.⁴⁵ There are

³⁶ See Table 4.

³⁷ *Id.*

³⁸ *Id.*

³⁹ See e.g., Charles F. Hart, *Interpreting the Heightened Pleading of the Scierter Requirement in Private Securities Fraud Litigation: The Tenth Circuit Takes the Middle Ground*, 80 Denv. U. L. Rev. 577 (2003); Erin M. O’Gara, Note, *Comfort with the Majority: The Eighth Circuit Weighs in on the Proper Pleading Test for a Securities Fraud Claim in Florida State Board of Administration v. Green Tree Financial Corporation*, 270 F.3d 645 (8th Cir. 2001), 82 Neb. L. Rev. 1276, 1294 n.129 (2004); Patrick J. Coughlin, Eric Alan Isaacson & Joseph D. Daley, *What’s Brewing in Dura v. Broudo? The Plaintiffs’ Attorneys Review the Supreme Court’s Opinion and Its Import for Securities-Fraud Litigation*, 37 Loy. U. Chi. L.J. 1 (2005); Elizabeth Chamblee Burch, *Reassessing Damages in Securities Fraud Class Actions*, 66 Md. L. Rev. 348 (2007).

⁴⁰ See e.g., Guiping Lu, *Private Enforcement of Securities Fraud Law In China: A Critique Of The Supreme People’s Court 2003 Provisions Concerning Private Securities Litigation*, 12 Pac. Rim L. & Pol’y J. 781 (2003); Guanghua Yu, *Using Western Law to Improve China’s State-Owned Enterprises: Of Takeovers and Securities Fraud*, 39 Valp U L Rev 339 (2004); Ethan S. Burger, *Regulating Large International Accounting Firms: Should the Scope of Liability for Outside Accountants Be Expanded to Strengthen Corporate Governance and Lessen the Risk of Securities Violations?*, 28 Hamline L. Rev. 1 (2005).

⁴¹ Kermit Roosevelt III, *Defeating Class Certification in Securities Fraud Actions*, 22 Rev. Litig. 405 (2003); John Finnerty & George Pushner, *An Improved Two-Trader Model for Measuring Damages in Securities Fraud Class Actions*, 8 Stan. J.L. Bus. & Fin. 213, 230-232 (2003); Richard A. Booth, *The End of the Securities Fraud Class Action as We Know It*, 4 Berkeley Bus. L.J. 1 (2007).

⁴² Kathy Patrick, *The Liability of Lawyers for Fraud Under the Federal and State Securities Laws*, 34 St. Mary’s L.J. 915 (2003); Scott Siamas, *Primary Securities Fraud Liability for Secondary Actors: Revisiting Central Bank of Denver in the Wake of Enron, Worldcom, and Arthur Andersen*, 37 U.C. Davis L. Rev. 895 (2004).

⁴³ See Table 4.

⁴⁴ *Id.*

⁴⁵ See Table 4, 828 out of 3,513 articles addressed IP crimes. When providing a topic for each article, we considered the following sub-topics to come under the broader topic of IP crimes: copyright acts; copyright infringement; corporate espionage; counterfeit IP; IP crimes generally; the Lanham Act; patent theft; IP piracy; trade secrets theft; trademark theft; and the Uniform Trade Secrets Act.

many reasons for this, but one of the most prominent is that the United States economy depends, in a large part, on intellectual property, making the protection of the rights of intellectual property owners a critical task.⁴⁶ Additionally, the media has run a number of stories concerning the misuse or theft of sensitive customer data. Estimates report that intellectual property crimes cost the United States between \$200 and \$250 billion annually.⁴⁷

Unfortunately, protecting intellectual property rights is difficult, in part, because many of the IP “disputes are being governed by outdated . . . laws that have been stretched and contorted to cover situations never contemplated at the time of their passage.”⁴⁸ These ineffective laws have led federal and state governments to enact new legislation to better protect intellectual property. Examples of the government's continuing effort to combat intellectual property crimes include the Copyright Act of 1976,⁴⁹ the Digital Millennium Copyright Act (DMCA),⁵⁰ Economic Espionage Act of 1996 (EEA),⁵¹ the Uniform Trade Secrets Act (UTSA),⁵² and the Family Entertainment and Copyright Act of 2005.⁵³ In response, legal scholarship has increasingly examined new legislation, addressed problems with current laws and regulations, reviewed important court decisions, and offered methods to better protect intellectual property rights. For example, our study reveals that the titles of the 828 articles on IP crimes contained 19 different pieces of legislation,⁵⁴ with 17% of the articles containing “Lanham Act” in their title, 14%

⁴⁶ See Computer Crime and Intellectual Property Section, Criminal Division, U.S. Dep't of Just., *Prosecuting Intellectual Property Crimes Manual, Introduction*, at <http://www.cybercrime.gov/ipmanual/intro.htm> (“[I]n 2005 the overall value of the ‘intellectual capital’ of U.S. businesses -- including copyrights, trademarks, patents, and related information assets -- was estimated to account for a third of the value of U.S. companies, or about \$5 trillion.”).

⁴⁷ Press Release, Andrzej Zwanecki, “United States Seeks Tougher, Updated Intellectual Property Laws” (Nov. 15, 2005), available at <http://islamabad.usembassy.gov/pakistan/h05111502.html>.

⁴⁸ Zachary C. Bolitho, Note, *When Fantasy Meets the Courtroom: An Examination of the Intellectual Property Issues Surrounding the Burgeoning Fantasy Sports Industry*, 67 Ohio St. L.J. 911, 920 (2006).

⁴⁹ Pub. L. No. 94-553, 90 Stat. 2541 (1976) (codified at 17 U.S.C. 101 (2000)).

⁵⁰ Pub. L. No. 105-304, 112 Stat. 2860 (codified as amended at 17 U.S.C. § 512).

⁵¹ 18 U.S.C. §§ 1831-39 (1996).

⁵² § 1, 14 U.L.A. 437 (1990). Although not federal law, the Uniform Trade Secrets Act is a model law drafted by the National Conference of Commissioners on Uniform State Laws, and it has been adopted by 46 states as of July 1, 2000. See William A. Drennan, *It Does Not Compute: Copyright Restriction on Tax Deduction for Developer's Donation of Software*, 5 Fla. Tax Rev. 547, 554-55 (2002) (noting that “several of those states have adopted the UTSA with modifications”).

⁵³ Pub. L. No. 109-229, 119 Stat 218 (2005) (codified as 18 U.S.C. § 2319B).

⁵⁴ The 19 pieces of IP legislation listed in the titles were as follows: the Architectural Works Protection Copyright Act of 1990; the Audio Home Recording Act; the Copyright Act 1814; the Copyright Act of 1909; the Copyright Act of 1976; the Copyright Remedy Clarification Act; the Design Piracy Prohibition Act; the DMCA; the Economic Espionage Act of 1996; the Lanham Act; the Louisiana Trade Secrets Act; the No Electronic Theft Act; the Omnibus Trade and Competitiveness Act of 1988; the Online Copyright Infringement Liability Limitation Act; the Patent Term Restoration Act; the Peer-to-Peer Piracy Prevention Act; the Semiconductor Chip Protection Act; the Family Entertainment and Copyright Act of 2005; and the Uniform Trade Secrets Act.

containing “DMCA,” and 9% containing the “Copyright Act of 1976.”⁵⁵ Overall, 46% of the 828 articles contained some piece of legislation enacted in response to IP crimes.

Similarly, in an era of increasing globalization, “new, and often challenging, intellectual property concerns, ranging from biotechnological patents to the regulation of Internet sites to the counterfeiting of mass-market goods” have emerged.⁵⁶ To illustrate, consider the monetary losses caused by international trade of counterfeit goods and international copyright piracy. “It has been estimated that between 5% and 7% of world trade is in counterfeit goods, which is equivalent to approximately \$512 billion in global lost sales.”⁵⁷ Similarly, “[t]otal global losses to United States companies from copyright piracy alone in 2005 were estimated to be \$30-\$35 billion.”⁵⁸ Accordingly, law scholarship has placed considerable attention on the growing global issues relating to IP crimes. For example, 16% of the 828 articles on IP crimes concerned international IP issues, with 8% of the articles being published in international law journals.⁵⁹

C. Bribery and Corruption

Legal scholarship has also placed considerable attention on bribery and corruption.⁶⁰ As Table 3 illustrates, 11% of the sampled 3,513 articles address bribery and corruption. There are several possible reasons for this. One possible explanation is that recently, bribery and corruption has become an area of international concern. As a result, much recent legal scholarship has been devoted to bribery and corruption abroad. This is evidenced by the fact that approximately 42% of the sampled scholarship on bribery and corruption were published in international law journals.⁶¹

⁵⁵ There were 137 articles with “Lanham Act” in their title, 118 articles with either “DMCA” or “Digital Millennium Copyright Act” in their title, and 79 titles referenced the “Copyright Act of 1976.”

⁵⁶ Anna-Liisa Jacobson, *The New Chinese Dynasty: How the United States and International Intellectual Property Laws are Failing to Protect Consumers and Inventors from Counterfeiting*, 7 Rich. J. Global L. & Bus. 45, 53 (2008).

⁵⁷ U.S. Chamber of Commerce, *What Are Piracy and Counterfeiting Costing the American Economy?* (2005), available at <http://www.uschamber.com/ncf/initiatives/counterfeiting.htm> (following links re “Scope of the Problem”).

⁵⁸ See Computer Crime and Intellectual Property Section, Criminal Division, U.S. Dep’t of Just., Prosecuting Intellectual Property Crimes Manual, Introduction, at <http://www.cybercrime.gov/ipmanual/intro.htm> See International Intellectual Property Alliance Submission to the U.S. Trade Representative for the 2006 Special 301 Report on Global Copyright Protection and Enforcement (Feb. 13, 2006), available at <http://www.iipa.com/pdf/2006SPEC301COVERLETTERwLTRHD.pdf>.

⁵⁹ See Table 4.

⁶⁰ When providing a topic for each article, we considered the following sub-topics to come under the broader topic of bribery and corruption: bribery and corruption, generally; kickback schemes; bid-rigging schemes; economic extortion; illegal gratuities; the Foreign Corrupt Practices Act; and honest services fraud.

⁶¹ As Table 4 illustrates, international law journals published about 42% of the sampled 396 articles on bribery and corruption.

There are a number of trends driving this increased focus on international bribery and corruption. For instance, the trend toward the globalization of business activity has created numerous new opportunities to commit these offenses.⁶² These developments are a common focus for much legal scholarship, especially in areas where bribery is believed to be part of the local business culture. For example, our research indicates that bribery and corruption in Latin America and the Caribbean received more attention than any other part of the world.⁶³ In comparison, thirteen articles focused on Asia,⁶⁴ ten on Africa,⁶⁵ nine on Eastern Europe,⁶⁶ and three on Europe.⁶⁷

⁶² “The baleful effects of corruption are encapsulated in the words of Lord Falconer, who noted in 2003 that ‘corruption world-wide weakens democracy, harms economies, impedes sustainable development and can undermine respect for human rights by supporting corrupt governments, with widespread destabilising [sic] consequences.’” John Hatchard, *Corporate Corruption: Recent Developments in Combating the Bribery of Foreign Public Officials: A Cause for Optimism?* 85 U. Det. Mercy L. Rev. 1, 1 (2007).

⁶³ Of those 137 articles, 23 focused on the Americas, 15 of those 23 addressed Latin America and the Caribbean.

⁶⁴ See e.g., Clyde D. Stoltenberg, *Globalization, ‘Asian Values,’ and Economic Reform: The Impact of Tradition and Change on Ethical Values in Chinese Business*, 33 Cornell Int’l L.J. 711 (2000); John H. Taylor, III, Comment, *The Internet In China: Embarking on the “Information Superhighway” With One Hand on the Wheel and the Other Hand on the Plug*, 15 Dick. J. Int’l L. 621 (1997); Benjamin van Rooij, *China’s War on Graft: Politico-Legal Campaigns Against Corruption in China and their Similarities to the Legal Reactions to Crisis in the U.S.*, 14 Pac. Rim L. & Pol’y 289 (2005); Gregory C. Ott, Note, *China’s Accession into the WTO: The Practice of International Bribery and the Issues it Presents for American Counsel Whose Clients are Doing Business within the Confines of the Great Wall*, 15 Temp. Int’l & Comp. L.J. 147 (2001); Andrew White, Esq., *The Paradox of Corruption as Antithesis to Economic Development: Does Corruption Undermine Economic Development in Indonesia and China and Why are the Experiences Different in Each Country?*, 8 Asian-Pacific L. & Pol’y J. 1 (2006); C. Raj Kumar, *Human Rights Approaches of Corruption Control Mechanisms: Enhancing the Hong Kong Experience of Corruption Prevention Strategies*, 5 San Diego Int’l L.J. 323 (2004); Max J. Skidmore, *The Future of Hong Kong: Hong Kong Institutions: Promise and Peril in Combating Corruption: Hong Kong’s ICAC*, 547 Annals 118 (1996); C. Raj Kumar, *Corruption and Human Rights - Promoting Transparency in Governance and the Fundamental Right to Corruption-Free Service in India*, 17 Colum. J. Asian L. 31 (2003); M.C. Mehta, *The Accountability Principle: Legal Solutions to Break Corruption’s Impact on India’s Environment*, 21 J. Env’tl. L. & Litig. 141 (2006); C. Raj Kumar, *Corruption in Japan--Institutionalizing the Right to Information, Transparency and the Right to Corruption-Free Governance*, 10 New Eng. J. Int’l & Comp. L. 1 (2004); Craig P. Ehrlich & Dae Seob Kang, *Independence and Corruption in Korea*, 16 Colum. J. Asian L. 1 (2002); Jong Bum Kim, *Korean Implementation of the OECD Bribery Convention: Implications for Global Efforts to Fight Corruption*, 17 UCLA Pac. Basin L.J. 245 (2000); Daniel Y. Jun, *Bribery Among the Korean Elite: Putting an End to a Cultural Ritual and Restoring Honor*, 29 Vand. J. Transnat’l L. 1071, 1085 (1996).

⁶⁵ See e.g., Emmanuel O. Iheukwumere and Chukwuemeka A. Iheukwumere, *Colonial Rapacity and Political Corruption: Roots of African Underdevelopment and Misery*, 3 JICL 4 (2003); Thomas R. Snider & Won Kidane, *Combating Corruption Through International Law in Africa: A Comparative Analysis*, 40 Cornell Int’l L.J. 691 (2007); Alhaji B.M. Marong, *Toward a Normative Consensus Against Corruption: Legal Efforts of the Principles to Combat Corruption in Africa*, 30 Denv. J. Int’l L. & Pol’y 99 (2002); Konyin Ajayi, *On the Trail of a Spectre - Destabilisation of Developing and Transitional Economies: A Case Study of Corruption in Nigeria*, 15 Dick. J. Int’l L. 545 (1997); Ndiva Kofele-Kale, *Change or the Illusion of Change: The War Against Official Corruption in Africa*, 38 Geo. Wash. Int’l L. Rev. 697 (2006); Ijeoma Opara, *Nigerian Anti-Corruption Initiatives*, 6 J. Int’l Bus. & L. 65 (2007); Okechukwu Oko, *Subverting the Scourge of Corruption in Nigeria: A Reform Prospectus*, 34 N.Y.U. J. Int’l L. & Pol. 397 (2002); Peter W. Schroth, *National and International Constitutional Law Aspects of African Treaties and Laws Against Corruption*, 13 Transnat’l L. & Contemp. Probs. 83 (2003); James Thuo Gathii, *Corruption and Donor Reforms: Expanding the Promises and Possibilities of the Rule of Law as an Anti-Corruption Strategy in Kenya*, 14 Conn. J. Int’l L. 407 (2000); Nicholas A. Goodling, *Nigeria’s Crisis of Corruption - Can The U.N. Global Programme Hope to Resolve This Dilemma?*, 36 Vand. J. Transnat’l L. 997, 1003 (May 2003).

⁶⁶ See e.g., Beverly Earle, *Bribery and Corruption in Eastern Europe, the Baltic States and the Commonwealth of Independent States: What Is To Be Done?*, 33 Cornell Int’l L.J. 483 (2000); Philip M. Nichols, *The Fit Between*

The amount of international bribery and corruption scholarship is also a result of the international movement to increase anti-corruption practices.⁶⁸ For example, anti-corruption conventions, which are designed “to enlarge the role for private parties to bring civil damage claims against corrupt actors,” have recently gained much prominence.⁶⁹ These new measures have been the subject of considerable legal scholarship. For instance, of the 395 articles on bribery and corruption, 105 articles discussed the Inter-American Convention Against Corruption, which was adopted by the Organization of American States, while 105 articles addressed the Organization for Economic Cooperation and Development's Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.⁷⁰

In addition to international concerns, our study indicates that compliance with anti-corruption measures, such as the Foreign Corrupt Practices Act (FCPA), by U.S. companies with overseas operations has become an area of national concern. To illustrate, approximately 15% of the 395 bribery and corruption articles focus on the FCPA, with 75% of those articles being published

Changes to the International Corruption Regime and Indigenous Perceptions of Corruption in Kazakhstan, 22 U. Pa. J. Int'l Econ. L. 863, 927 (2001); William R. Spiegelberger, Note, *Russian Roulette: Doing Business in Russia in Compliance with Anti-Bribery Laws and Treaties*, 2 N.Y.U. J. L. & Bus. 819 (2006); Scott P. Boylan, *Organized Crime and Corruption in Russia: Implications for U.S. and International Law*, 19 Fordham Int'l L.J. 1999 (1996); James P. Terry, *Moscow's Corruption of the Law of Armed Conflict*, 53 Naval L. Rev. 73 (2006); Scott D. Syfert, *Capitalism or Corruption? Corporate Structure, Western Investment and Commercial Crime in the Russian Federation*, 18 N.Y.L. Sch. J. Int'l & Comp. L. 357 (1999); Philip M. Nichols, George J. Siedel, & Matthew Kasdin, *Corruption as a Pan-Cultural Phenomenon: An Empirical Study In Countries at Opposite Ends of the Former Soviet Empire*, 39 Tex. Int'l L.J. 215 (2004); Jarmila Lajcakova, *Violation of Human Rights Through State Tolerance of Street-Level Bribery: Case Study, Slovakia*, 9 Buff. Hum. Rts. L. Rev. 111 (2003); Peter W. Schroth & Ana Daniela Bostan, *International Constitutional Law and Anti-Corruption Measures in the European Union's Accession Negotiations: Romania in Comparative Perspective*, 52 Am. J. Comp. L. 625 (2004).

⁶⁷ Kelly Li, *Recommendations for the Curbing of Corruption, Cronyism, Nepotism, and Fraud in the European Commission*, 24 B.C. Int'l & Comp. L. Rev. 161 (2000); Michael J. Weir, Note, *The Ugly Side of the Beautiful Game: "Bungs" and the Corruption of Players' Agents in European Football*, 14 Sw. J.L. & Trade Am. 145 (2007); Martin A. Rogoff, *Corruption, Democracy, and the Rule of Law in France*, 15 Tul. Eur. & Civ. L.F. 107 (2000); Ryan James, *Computer Software and Copyright Law: The Growth of Intellectual Property Rights in Germany*, 15 Dick. J. Int'l L. 565 (1997).

⁶⁸ “In recent years, the United States Department of Justice (DOJ) and the Securities and Exchange Commission (SEC) have aggressively pursued enforcement of the Foreign Corrupt Practices Act (FCPA), levying large civil and criminal penalties, as well as seeking disgorgement of profits for violations of the Act. Consequently, the cost of settlements in the last six years has swelled.” Elliott Leary, Joseph P. Dooley, Nicole Stryker, *Trends In FCPA Enforcement*, The Metropolitan Corporate Counsel 18, 18 (2007), available at <http://www.metrocorpocounsel.com/pdf/2007/May/18.pdf>.

⁶⁹ Ethan S. Burger, Mary S. Holland, *Why the Private Sector Is Likely to Lead the Next Stage in the Global Fight Against Corruption*, 30 Fordham Int'l L.J. 45, 50 (2006). See Lori Ann Wanlin, *The Gap Between Promise and Practice in the Global Fight Against Corruption*, 6 Asper Rev. Int'l Bus. & Trade L. 209, 209 (2006), stating that “in the last 30 years, there have been six major anti-corruption conventions.”

⁷⁰ To find these numbers, we conducted a search for “Inter-American Convention Against Corruption” and “Convention on Combating Bribery of Foreign Public Officials in International Business Transactions” in the text of the 399 articles addressing bribery and corruption in LexisNexis.

during the past ten years.⁷¹ This new concern is primarily a result of a general increase in FCPA enforcement activity in recent years.⁷² For example, “the Department of Justice has initiated four times more prosecutions over the last five years than over the previous five years.”⁷³ In addition to an increase in frequency, the penalties for violators are increasing.⁷⁴ For example, “[i]n April 2007, Baker Hughes agreed to pay the largest FCPA penalty in history — \$44 million.”⁷⁵ Taken together, these FCPA enforcement trends demonstrate the tremendous business and financial risks of non-compliance, leading to significant coverage of critical developments relating to the FCPA in law scholarship.

As a result of the rising national and international importance of anti-corruption measures, bribery and corruption have been the subjects of a considerable amount of legal scholarship in recent years.

Also, our research indicates that recent years have seen a renewed effort to promote transparency and combat public corruption in the United States.⁷⁶ In fact, a considerable amount of legal scholarship is directed toward public corruption. For example, nearly a quarter of the 270 bribery and corruption articles discuss public corruption, with the majority of those examining campaign finance corruption.⁷⁷ This is not surprising because “[p]ublic corruption [has become] one of the FBI’s top investigative priorities—behind only terrorism, espionage, and cyber crimes.”⁷⁸ At the

⁷¹ See Table 4.

⁷² For instance, over the past few years, both the Department of Justice (DOJ) and the Securities and Exchange Commission (SEC) have increased their FCPA enforcement activities. “SEC Announces Fiscal 2008 Enforcement Results: Agency Brings Second-Highest Number of Actions Ever; Significant Increase in Insider Trading and Market Manipulation Cases,” <http://www.sec.gov/news/press/2008/2008-254.htm>.

⁷³ Justin F. Marceau, *A Little Less Conversation, A Little More Action: Evaluating and Forecasting the Trend of More Frequent and Severe Prosecutions Under the Foreign Corrupt Practices Act*, 12 *Fordham J. Corp. & Fin. L.* 285, 285 (2007). Danforth Newcomb, *Digests of Cases and Review Releases Relating to Bribes to Foreign Officials under the Foreign Corrupt Practices Act of 1977* (Oct. 5, 2007), available at <http://www.shearman.com/fcpadigest102007/>. “In 2002, there were seven new investigations. In 2003, there were 11 new investigations, and in 2004, there were 20 new investigations reported. After a decline in the number of new investigations in 2005 to 8, there has been a dramatic increase in new investigations, with 18 new investigations in 2006 and 9 in 2007 to date.”

⁷⁴ Danforth Newcomb, *Digests of Cases and Review Releases Relating to Bribes to Foreign Officials under the Foreign Corrupt Practices Act of 1977* (Oct. 5, 2007), available at <http://www.shearman.com/fcpadigest102007/>.

⁷⁵ *Id.*

⁷⁶ “Since 2002, the FBI has engineered a surge of more than 40% in public-corruption indictments, with 2,233 cases pending nationwide, compared with 1,575 four years ago.” Timothy J. Burger, “The FBI Gets Tough,” *Time*, Jan. 23, 2006, at 15-16. We use the term “public corruption” to include a wide variety of criminal offenses, including: bribery, extortion, illegal kickbacks, and illegal gratuities.

⁷⁷ Of the 270 bribery and corruption articles, 66 addressed issues relating to public corruption and 20 of those specifically addressed campaign corruption.

⁷⁸ Federal Bureau of Investigation, Public Corruption, <http://www.fbi.gov/hq/cid/pubcorrupt/pubcorrupt.htm>.

end of 2008, public corruption is falling slightly further down the list due to the increased number of investigations involving financial services firms.⁷⁹

D. Computer and Internet Fraud

Computer and Internet fraud has also received a great deal of focus in legal scholarship over the past ten years.⁸⁰ As Table 3 indicates, 7% of the sampled articles covered computer and Internet fraud.⁸¹ One possible explanation is that the development of computer technology has created vast opportunities to commit fraud, leading to an increase in the number of computer and Internet crimes.⁸² In response, federal and state legislators have felt compelled to create new statutes to address the rise in computer and Internet fraud.⁸³ These legislative developments have received considerable scholarly attention, which is illustrated by the large number of articles that examine new laws designed to combat computer and Internet fraud. An example of legislative action designed to combat computer and Internet fraud is the enactment of the Can-Spam Act of 2003.⁸⁴ Within the broad topic of computer and Internet fraud, our research highlights the significance of this piece of legislation, illustrating that of the 229 articles addressing computer and Internet fraud, 59 focused on the Can-Spam Act in great detail.⁸⁵ In other words, approximately 26% of the computer and Internet fraud articles placed significant focus on the Can-Spam Act.

Furthermore, given the complexities in this area of law,⁸⁶ most state laws have been unable to keep up with the rapid development of technology.⁸⁷ As a result, more attention is needed to perceive and address the legal and technological uncertainties inherent to our current cybercrime system. Our survey indicates that legal scholarship is responding to these needs. As Table 4 illustrates, the number of articles on computer and Internet fraud increased over time, indicating that this growth has been fueled by an increasing need for innovative laws and solutions to counter the rising number of computer-based or computer-facilitated threats.

⁷⁹ Eric Lichtblau, "FBI Struggles to Handle Financial Fraud Cases," *The New York Times*, October 19, 2008.

⁸⁰ When providing a topic for each article, we considered the following sub-topics to come under the broader topic of computer and Internet fraud: computer and Internet fraud, generally; cybercrime; hacking; viruses; spamming; and phishing.

⁸¹ See Table 4.

⁸² "In addition, according to the FBI, there has been a steady rise in both cyber-crimes, such as computer fraud, and crimes planned or accomplished with the aid of electronic communication and the Internet." Thomas P. Ludwig, *The Erosion of Online Privacy Rights in the Recent Tide of Terrorism*, 8 Comp. L. Rev. & Tech. J. 131, 132-133 (2003).

⁸³ See Aaron Burstein, *A Survey of Cybercrime in the United States*, 18 Berkeley Tech. L.J. 313, 314 (2003).

⁸⁴ 15 U.S.C. §§ 770-13 (2004).

⁸⁵ To reach this figure, we identified all of the articles concerning computer and Internet fraud that mentioned the Can-Spam Act at least five times in the text.

⁸⁶ As one commentator stated, "a complex body of statutes and caselaw comprise" this area of law. Aaron Busstein, *A Survey of Cybercrime in the United States*, 18 Berkeley Tech. L.J. 313, 313-14 (2003).

⁸⁷ Thomas P. Ludwig, *The Erosion of Online Privacy Rights in the Recent Tide of Terrorism*, 8 Comp. L. Rev. & Tech. J. 131, 131-32 (2003).

Also, the events of September 11, 2001 brought to light the funding of terrorist activity by computer and Internet fraud.⁸⁸ As a result, legal scholarship began focusing more attention on the use of computers and the Internet to finance terrorist activities. In fact, approximately 34% of sampled articles on computer and Internet fraud addressed terrorism.⁸⁹

4. Under-Represented Topics in White Collar Crime Legal Scholarship

Even though white collar crime has received an increasing amount of attention from legal scholars, there are many areas that need more focus. From our study, it is evident that the majority of scholarly attention is focused on only a few topics. For example, 70% of the sampled articles discussed the same three areas of law.⁹⁰ This section identifies those topics that need more research and legal analysis to help close the content gaps in white collar crime law scholarship.

A. Health Care and Insurance Fraud

The relative dearth of articles relating to health care and insurance fraud is surprising.⁹¹ In fact, only 85 of the 3,513 articles focused on health care and insurance fraud.⁹² More specifically, 66 of those articles concerned health care fraud.⁹³ This lack of focus is especially concerning given the enormous economic and social impact of health care fraud. A 2008 study indicated that health care fraud may be one of the biggest factors driving up health-care costs.⁹⁴ Furthermore, “[t]he Department of Justice estimates that fraud in the health care industry alone ... amounts to

⁸⁸ “Evidence that surfaced shortly after September 11 showed that the terrorists responsible for the attacks had relied extensively on e-mail and the Internet to plan the attacks. Not surprisingly, the American public has implicitly conceded a measure of its privacy rights in order to regain some sense of security, and the legislative and executive branches have responded accordingly.” Thomas P. Ludwig, *The Erosion of Online Privacy Rights in the Recent Tide of Terrorism*, 8 Comp. L. Rev. & Tech. J. 131, 132-133 (2003).

⁸⁹ To arrive at this number, we searched all of the sampled 229 articles addressing computer and Internet fraud for one or more of the following terms: “terrorist,” “terrorism,” “September 11, 2001,” or “Sept. 11, 2001.” This search uncovered 77 articles.

⁹⁰ See Table 3. The most popular topics were securities fraud, with 1,241 articles, IP crimes, with 828 articles, and bribery and corruption, with 395 articles. When combined, there are 2,464 articles on these three topics, which is approximately 70% of all sampled articles.

⁹¹ When providing a topic for each article, we considered the following to come under the broader topic of health care and insurance fraud: health care fraud, generally; insurance fraud; managed care fraud; Medicaid fraud; and Medicare fraud.

⁹² See Table 3.

⁹³ To arrive at the total number of articles for health care fraud, we totaled the number of articles for health care fraud, managed care fraud, Medicaid fraud, and Medicare fraud.

⁹⁴ “Health-care Fraud’s \$9.3B Price Tag,” *Atlanta Business Chronicle*, Tuesday, September 2, 2008, <http://www.bizjournals.com/atlanta/stories/2008/09/01/daily17.html>. The National Health Care Anti-Fraud Association estimates that \$68 billion on health care spending is lost to health care fraud. National Health Care Anti-Fraud Association, *The Problem of Health Care Fraud*, http://www.nhcaa.org/eweb/DynamicPage.aspx?webcode=anti_fraud_resource_cent&wpscode=TheProblemOfHC_Fraud#

between three and ten percent of total public and private health care expenditures, or as much as \$210 billion annually.”⁹⁵

Moreover, “[h]ealth care fraud is expected to continue to rise as people live longer.”⁹⁶ As a result, it is likely that there will be an increase in funding, investigations, and prosecutions for health care fraud, leading to the development of new legal and policy issues ripe for scholarship.

Similarly, the publications were also relatively reserved with respect to insurance fraud, which is estimated to cost more than \$40 billion per year.⁹⁷ In fact, less than 1% of the articles focused on insurance fraud.

B. Mortgage and Real Estate Fraud

As with health and insurance fraud, legal scholarship was surprisingly silent on mortgage and real estate fraud.⁹⁸ In fact, our research produced only ten articles specifically addressing mortgage and real estate fraud.⁹⁹ However, as a reflection of increasing public concern, which has arisen from the recent growth of mortgage fraud-related incidences, 40% of the articles were published after the subprime lending and the mortgage crisis began in late 2006, which was caused, in part, by the rise of mortgage and real estate fraud.¹⁰⁰ This suggests that this area of law will begin garnering much more attention.

Moreover, as a result of the subprime lending and mortgage crisis, federal and state lawmakers have drafted a number of pending legislative actions relating to mortgage and real estate fraud.¹⁰¹

⁹⁵ Daniel T. Ostas, *When Fraud Pays: Executive Self-Dealing and the Failure of Self-Restraint*, 44 Am. Bus. L.J. 571, 572 (2007). “Health care fraud continues to plague the United States, with losses exceeding \$50 billion annually.” FBI, *White-Collar Crime: FBI Strategic Plan*, <http://www.fbi.gov/publications/strategicplan/strategicplantext.htm#whitecollar>.

⁹⁶ Financial Crimes Section, Federal Bureau of Investigation, *Financial Crimes Report To The Public: Health Care Fraud* (2006), available at http://www.fbi.gov/publications/financial/fcs_report2006/financial_crime_2006.htm#Health

⁹⁷ Federal Bureau of Investigation, *Insurance Fraud*, http://www.fbi.gov/publications/fraud/insurance_fraud.htm: “The total cost of insurance fraud (non-health insurance) is estimated to be more than \$40 billion per year. That means Insurance Fraud costs the average U.S. family between \$400 and \$700 per year in the form of increased premiums.”

⁹⁸ We classified mortgage and real estate fraud as a subset of financial institutions fraud.

⁹⁹ See Table 4.

¹⁰⁰ To arrive at this percentage, we divided 4 by 10. Of the ten articles, two were published in 1996, one in 1998, one in 2000, one in 2004, one in 2006, and four in 2007. For an examination of the causes of the mortgage and lending crisis, see Merle Sharik et al., *Mortgage Asset Research Institute, Ninth Periodic Mortgage Fraud Report to the Mortgage Bankers Association* (April 2007), available at <http://www.mortgagefraudblog.com/images/uploads/MBA9thCaseRpt.pdf>.

¹⁰¹ The following are some examples of pending federal legislation: Home Ownership Preservation and Protection Act of 2007, S. 2452, 110th Cong. (2007); the Secure and Fair Enforcement in Mortgage Licensing Act of 2008, H.R. 3221; Stopping Mortgage Transactions which Operate to Promote Fraud, Risk, Abuse, and Underdevelopment Act, S. 1222, 110th Cong. (2007); the Georgia Residential Mortgage Fraud Act of 2005, O.C.G.A. 16-8-100 to -106

It thusly follows that if one or more of these proposed measures are enacted, legal scholarship and commentary will almost certainly increase.

Despite this probable increase of scholarly attention, the issue of mortgage and real estate fraud has received only fragmented attention in the law literature, and this is unsettling for numerous reasons. First, because mortgage and real estate fraud can be very lucrative and relatively easy to commit, the number of instances is increasing.¹⁰² Also, losses due to mortgage and real estate fraud are extremely high. Although there is no exact number as to the costs,¹⁰³ research from TowerGroup, a research and advisory services firm focused on the global financial services industry, predicts that losses from mortgage fraud will reach \$2.5 billion in 2008.¹⁰⁴

In addition, the downward trend in the housing market is creating an ideal environment for mortgage fraud perpetrators to operate various fraudulent schemes befitting such a market. In fact, as conditions grow worse, the occurrences of mortgage fraud will increase.¹⁰⁵ Consider, for example, the threat posed by the emergence of several prevalent schemes, such as straw-borrower/cash-out, foreclosure rescue, and illegal property flipping.¹⁰⁶ Given the current state of the housing market, which is experiencing a decline in mortgage loan originations, an increase in foreclosures, a decline in existing and new home sales, and a decline in home prices, these schemes have the ability to quickly spread throughout communities at large. “Having stormed onto the scene, mortgage fraud shows no signs of abating,” and “[i]ndustry experts estimate that

(2003 & Supp. 2005). *See also*, Arizona S.B. 1221; Florida S.B. 240 & H.B. 349; Minnesota S.F. 797 & H.F. 851; Texas H.B. 716.

¹⁰² The number of suspicious activity reports (SARs) related to mortgage fraud also suggests that the numbers of incidences are increasing. *Regulatory Policy and Programs Div., Financial Crimes Enforcement Network, Mortgage Loan Fraud: An Update of Trends Based Upon An Analysis of Suspicious Activity Reports* (April, 11 2008), at http://www.fincen.gov/news_room/rp/files/MortgageLoanFraudSARAssessment.pdf. The FBI has also experienced a similar increase in mortgage fraud related activity. In 2007, the FBI had 1,204 mortgage fraud cases under investigation, 321 mortgage fraud-related indictments, 206 mortgage fraud-related convictions, \$595.9 million in mortgage fraud-related restitution orders, and \$21.8 million in mortgage fraud-related recoveries. *Financial Crimes Section, FBI, FBI Financial Crimes Report to the Public* (Sept. 2006), http://www.fbi.gov/publications/financial/fcs_report2006/financial_crime_2006.htm (hereinafter “2006 FBI Financial Crimes Report”).

¹⁰³ *See generally*, D. James Croft, Ph.D., *The \$30 Billion Mortgage Fraud Myth* (Mortgage Asset Research Institute, Inc., ed.), at http://www.marisolutions.com/pdfs/articles/exposing_myth.pdf, stating that the real number is unknown for several reasons, including that there is no central organization that collects this information, exact numbers on fraud losses is hard to obtain, and that fraud is an ill-defined term.

¹⁰⁴ David Hamermesh, *US Mortgage Fraud: Types, Trends, and Detection Tools*, TowerGroup Report (March 3, 2008). According to MortgageDaily.com, an estimated \$4.0 billion in mortgage fraud was identified in the United States in 2007, up from \$1.6 billion in 2006. *MortgageDaily.com*, “Fraud Exceeds \$4 Billion in 2007” (Feb. 4, 2008), at <http://www.mortgagedaily.com/PressRelease020408.asp>.

¹⁰⁵ Wallace Witkowski, “S&P Estimates Subprime Writedowns Can Reach \$285 Billion,” *MarketWatch*, March 13, 2008, stating that Standard and Poor’s recently estimated that global bank losses from subprime mortgages could exceed \$285 billion.

¹⁰⁶ For a more detailed examination of these three schemes, see Dick Carozza, “Mortgage Fraud Trends: Betting the House,” *Fraud Magazine* (January-February 2008).

it will take from three to five years to uncover the fraud in just the current book of mortgage business.”¹⁰⁷

Taken together, these developments will most likely lead to an increased interest in legal scholarship on mortgage and real estate fraud.

C. Tax Fraud

Finally, the publications were also surprisingly silent with respect to tax fraud,¹⁰⁸ despite its enormous economic impact. The annual cost of tax fraud is even higher than health care fraud and mortgage and real estate fraud. Estimates report that income tax evasion alone costs taxpayers about \$300 billion in losses a year while offshore tax evasion costs about \$100 billion each year.¹⁰⁹ Nevertheless, less than 1% of the articles addressed tax fraud.¹¹⁰

5. Limitations in White Collar Crime Legal Research

Although our research indicates that the past few years have seen an increase in white collar crime law scholarship, especially in certain topics, it also revealed several limitations regarding this type of legal scholarship. This section addresses those limitations.

A. Legal Research Is Difficult

Although extremely necessary, conducting efficient legal research can be difficult, even for practicing attorneys. The reasons are not hard to understand. The legal system is, after all, complex; it is a mixture of precedent, legislation, and regulations. Specifically, legal research “requires not only skill in finding and using legal text, but also the ability of the researcher to formulate issues, including the ability to determine the full range of legal issues in a particular problem as well as an understanding of what types of legal resources likely contain information to help resolve those legal issues.”¹¹¹ As a result, many non-legal practitioners will not know

¹⁰⁷ Merle Sharik et al., Mortgage Asset Research Institute, *Ninth Periodic Mortgage Fraud Report to the Mortgage Bankers Association* (April 2007), available at <http://www.mortgagefraudblog.com/images/uploads/MBA9thCaseRpt.pdf>.

¹⁰⁸ When providing a topic for each article, we considered the following to come under the broader topic of tax fraud: tax fraud, generally; concealing assets or income; and tax evasion.

¹⁰⁹ “The Internal Revenue Service (IRS) recently estimated that tax fraud for the year 2001 totaled \$ 290 billion, or more than 13% of all taxes owed.” Daniel T. Ostas, *When Fraud Pays: Executive Self-Dealing and the Failure of Self-Restraint*, 44 Am. Bus. L.J. 571, 572 (2007). “A recent investigation by the Senate showed that the use of tax havens has cost America an estimated \$100 billion a year in lost revenue. . . .” Julie Satow, “Senators Score IRS for Failing to Pursue Offshore Tax Havens,” *New York Sun*, July 25, 2008, at <http://www.nysun.com/business/senators-score-irs-for-failing-to-pursue-offshore/82639/>.

¹¹⁰ See Table 4.

¹¹¹ Matthew C. Cordon, *Beyond Mere Competency: Advanced Legal Research in a Practice-Oriented Curriculum*, 55 Baylor L. Rev. 1, 15 (2003).

how to conduct efficient legal research. Because white collar crime is interdisciplinary, meaning that it combines individuals from multiple disciplines and professions, this is quite important.

Furthermore, the American legal system, which contains federal and state law, complicates research because a particular act can be a federal crime, a state crime, neither, or both. Even under the federal system, the interpretation of the law often varies among the U.S. Circuit Courts of Appeal. So, theoretically, an act can be a crime in California, but not in Texas.

Not surprisingly, most national publications focus primarily on federal law. And furthermore, good legal scholarship can be lacking in some areas of state jurisprudence. But the focus on federal laws can be misleading because although states cannot enact a law that is in conflict with the U.S. Constitution, they are free to enact greater protections than those granted by the Constitution or federal statute. For example, employees in California have more privacy rights than employees in other states. California went beyond the “minimum” required by federal law to enact greater protections for employees. Therefore, any discussion of the minimum privacy standards under the Constitution would not be an accurate assessment of the true rights of employees in California. To have an accurate picture of the law, one must research both federal and state cases, laws, and regulations.

Additionally, the law is constantly changing, and few individuals have the time or resources to stay current of the developments on a timely basis. New statutes, rules, or cases are issued every minute of the work day. No one can keep completely current with changes happening so quickly.

Moreover, the sheer volume of information currently available will inhibit many individual’s “ability to locate, critically evaluate, and understand” needed information.¹¹² For example, there are “150 million court cases entering the legal system every year” and more than 4,700 printed legal publications.¹¹³ Electronic resources have greatly increased the amount of materials available; but, unfortunately, most researchers do not have the time, knowledge, or resources to properly filter out the inadequate sources. As one commentator noted, “most professionals are inundated with too much information, and they have very few tools to help them handle the

¹¹² Thomas Keefe, *Teaching Legal Research from the Inside Out*, 97 Law Libr. J. 117, 126 (2005). “The dissemination of legal information to lawyers is a continuing process. This is particularly true since even in the early 1970s an estimated 30,000 judicial decisions were added every year to the then existing 2.5 million decisions, and an estimated 10,000 legislative enactments were added annually.” Olufunmilayo B. Arewa, *Open Access in a Closed Universe: Lexis, Westlaw, Law Schools, and the Legal Information Market*, 10 Lewis & Clark L. Rev. 797, 801 (2006).

¹¹³ LexisNexis, *The Value of Doing Legal Research* (law.lexisnexis.com/literature/LRS00236-0.pdf)

flood.”¹¹⁴ Furthermore, knowing where to research is often unclear — a problem that is compounded by the abundance of available legal resources.

To illustrate, consider the number of available resources discussing discovery of electronically stored information for litigation purposes, or e-discovery. Although not a direct issue of white collar crime, e-discovery is a side issue that commonly arises in the white collar crime context and provides key insight into the abundance of available sources. According to our research, there are 13 books, 116 legal periodicals, 18 blogs, and an extraordinary amount of websites providing e-discovery information. In addition, Applied Discovery, a website that provides a list of representative federal and state cases that address electronic discovery, provides a non-comprehensive list and brief summary of 946 federal and state cases addressing e-discovery issues. More specifically, according to the Electronic Discovery Case Database,¹¹⁵ which is maintained by K&L Gates, as of November 2008, there have been 378 federal and state cases discussing data preservation, 181 cases discussing records retention policy, 207 cases dealing with format of production, and 301 addressing spoliation.¹¹⁶

Furthermore, white collar crime issues often implicate foreign and international law,¹¹⁷ but researching foreign and international law is an extremely difficult task, even for attorneys. “[Researchers] often have difficulty locating current legal codes from municipalities and other jurisdictions, both in their own locales and in other states.”¹¹⁸ Although there are many research guides, many are dated, hard to find, or require a subscription. Also, “[f]or monolingual researchers in the United States, finding foreign legal information in English can be extremely difficult.”¹¹⁹ Even if an English text is available, many countries use different legal terminology, making many international law publications difficult to understand.

Suffice it to say, given these issues, non-legal practitioners will often lack contextual comprehension essential to locate and assess the necessary information to fully understand the relevant issues.

¹¹⁴ Susan Feldman, *The High Cost of Not Finding Information*, Kmworld Mag., Mar. 2004, at 8, 9, available at <http://www.kmworld.com/Articles/ReadArticle.aspx?ArticleID=9534>.

¹¹⁵ K&L Gates, Electronic Discovery Case Database. <https://extranet1.klgates.com/ediscovery>. We conducted the search on November 13, 2008.

¹¹⁶ *Id.*

¹¹⁷ “Foreign law refers to the domestic laws of a particular, non-U.S. country, such as France or Venezuela. Comparative law is the study and comparative evaluation of the differences and similarities in several legal systems.” Jennifer L. Selby, *Departments: Practice Tips: A Guide to International and Foreign Legal Research Online*, 82 MI Bar Jnl. 58, 58 (2003).

¹¹⁸ Linda Karr O’Connor, *International and Foreign Legal Research: Tips, Tricks, and Sources*, 28 Cornell Int’l L.J. 417, 419 (1995).

¹¹⁹ Lyonette Louis-Jacques, *Gaps in International Legal Literature*, 35 Syracuse J. Int’l L. & Com. 165, 166 (2008).

B. Lack of Access to Legal Resources

Although the volume of legal scholarship has dramatically increased, most individuals lack access to many of the available resources. One reason is that many of the basic sources, such as LexisNexis and Westlaw, are expensive and often are priced beyond the reach of most casual researchers. “Cost concerns are typically heightened in the case of secondary sources . . . , which are the principal locus of the cost problem.”¹²⁰ “Free online sources, such as FindLaw and LexisONE, give access to volumes of legal information, but search results are not nearly as comprehensive and well-organized as those provided by commercial vendors for a fee.”¹²¹ But because they are not comprehensive, they cannot be relied upon completely.

C. Most Legal Publications Are Written for Attorneys

Most legal publications are written for attorneys rather than a more general audience, and as a result, they contain unfamiliar legal jargon. Moreover, many publications contain articles that are narrowly tailored, theoretical, conceptual, or interdisciplinary. In other words, they are written for only a small portion of attorneys in an obscure or technical specialty area of law.¹²² As a result, many practitioners and most, if not all, non-legal practitioners often find legal texts extremely difficult to understand.

Even further, many practitioners are concerned that too “much of the modern legal scholarship is directed toward academicians,” causing many to believe that much legal scholarship is irrelevant to their day-to-day needs and concerns.¹²³ For example, the American Bar Association’s MacCrate Report,¹²⁴ an educational study of the legal profession, observed that practitioners “believe law professors are more interested in pursuing their own intellectual interests than in helping the legal profession address matters of important current concern.”¹²⁵

¹²⁰ Olufunmilayo B. Arewa, *Open Access in a Closed Universe: Lexis, Westlaw, Law Schools, and the Legal Information Market*, 10 Lewis & Clark L. Rev. 797, 802 (2006).

¹²¹ Michael P. Forrest and Mike Martinez Jr., *Too Broke to Hire an Attorney? How to Conduct Basic Legal Research in a Law Library*, 9 Scholar 67, 69 (2006).

¹²² For example, a professor of law at the University of Baltimore stated, “The lead articles themselves are often overwhelming collections of minutiae, perhaps substantively relevant at some point in time to an individual practitioner or two ways out in the hinterlands — and that almost entirely by chance. Otherwise they are relegated to oblivion, or if lucky to a passing but see in someone else’s obscure piece.” See Kenneth Lasson, *Scholarship Amok: Excesses in the Pursuit of Truth and Tenure*, 103 Harv. L. Rev. 926, 930 (1990).

¹²³ Michael D. McClintock, *The Declining Use of Legal Scholarship by Courts: An Empirical Study*, 51 Okla. L. Rev. 659, 667 (1998).

¹²⁴ American Bar Association Section on Legal Education and Admissions to the Bar, Legal Education and Professional Development. *An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (1992).

¹²⁵ *Id.*

Because much white collar crime law scholarship is extremely technical, specific, and not easily understood, producing more interdisciplinary scholarship that is useful and accessible to the public can help remedy this situation.

D. Content Gaps in White Collar Crime Law Scholarship

Finally, as noted above, many gaps exist in the content of white collar crime legal literature, making information on certain topics difficult, if not impossible, to find. Our research indicates that legal resources tend to focus on major topics, especially topics related to business law. In fact, “[t]here are many areas outside the mainstream which need legal analysis.”¹²⁶

E. Legal Research Becomes Outdated Quickly

As mentioned, new cases are issued every day. As soon as an article is published on a particular legal topic, it is outdated almost immediately. Before relying on any legal paper, an attorney or researcher will have to conduct their own search to determine whether the cases and statutes relied upon are still good, or whether they have been overturned.

Part IV. Conclusion

This brief survey has examined the recent trends in white collar crime legal scholarship, painting a promising picture of an increase in articles on the subject. It also describes what topics are most popular, which ones have received little attention, and why legal research can be difficult for lawyers and non-lawyers alike.

However, we need additional information to more fully understand everything out there on white collar crime. First, while there seems to be a sufficient amount of text published, the quality of the scholarship is unclear. Also, additional research is needed to compare white collar crime legal scholarship with writings in other disciplines — evaluating how white collar crime legal texts stand in comparison with legal scholarship generally. And, as noted, several important topics appear to be underrepresented.

Adding to the mix, new technologies are affecting how legal research is conducted and what sources are used. Therefore, we need more information on the impact of these technologies on white collar crime legal writing. For example, although LexisNexis provides access to millions of pages of information, if a search is not conducted correctly, it provides incorrect information from which incorrect conclusions are drawn.

¹²⁶ Lyonette Louis-Jacques, *Gaps in International Legal Literature*, 35 *Syracuse J. Int’l L. & Com.* 165, 171 (2008).

Whether or not you are satisfied with the amount of legal research on white collar crime topics will probably depend on your practice area. If you practice in securities fraud, you are probably satisfied with the current state of legal research. There seems to be almost no end to the amount of information you can obtain. However, if you deal in health care fraud, you are probably left wanting more.

Legal publications survive by being timely and providing the majority of the audience what they need. So why does securities fraud get more attention than health care fraud? There is no single reason, but the authors believe that part of the explanation may be that there is simply more commercial interest in securities fraud as compared to other areas.

There are tens of millions of shareholders in the U.S., and shareholder actions can expose a company to widespread liability. One set of fraudulent financial filings can affect literally hundreds of thousands of people. Shareholders, investment firms, banks, and government regulators all rely on the financial filing of public companies. So if a company commits fraud, it can have a wide impact leading to costly litigation.

As noted previously, health care fraud has an enormous financial impact, but it does not have the widespread impact that securities fraud does. Insurance companies and the government spend resources to curb and prevent fraudulent claims, but a single fraudulent claim does not generate nearly the interest or litigation that securities fraud does.

Accordingly, while the amount of legal writing on a particular topic is obviously a measure of the general interest in the legal community on that topic, the authors believe that it is also a measure of the economic impact of that topic. How much of an impact economics has is not known and was not measured as part of this paper. But it does offer a plausible explanation as to why some topics receive more attention than others.

But regardless of the reason, it is encouraging that white collar crime research and writing is increasing in the legal community, and there are many subjects and topics left to explore.

Appendix A: Tables

Table 1.

SEARCH TERMS		
FRAUD TOPICS	Proxy Terms	No. of Hits
BANKRUPTCY FRAUD		
Bankruptcy Fraud	TITLE(BANKRUPTCY) or TITLE(insolvency) and TITLE(Fraud)	31
Bankruptcy Abuse Prevention & Consumer Protection Act of 2005	TITLE("Bankruptcy Abuse Prevention and Consumer Protection Act")	43
BRIBERY & CORRUPTION		
Bribery & Corruption	TITLE(bribery) or TITLE(corruption)	332
Kickback Schemes	TITLE(kickback)	24
Bid-Rigging Schemes	TITLE("Bid-Rigging")	5
Economic Extortion	TITLE("Extortion")	36
Illegal Gratuities	TITLE("Gratuities")	13
FCPA	TITLE(FCPA) or TITLE("Foreign Corrupt Practices Act")	62
Honest Services Fraud	TITLE("honest services") and TITLE(fraud)	7
CHECK & CREDIT CARD FRAUD		
Check Fraud	TITLE(check) and TITLE(Fraud)	5
Credit Card Fraud	TITLE("credit card") and TITLE("fraud")	4
COMPUTER & INTERNET FRAUD		
Computer & Internet Fraud	TITLE("computer") or TITLE(Internet) or TITLE(online) and TITLE(fraud)	37
Cybercrime	TITLE(cybercrime) or TITLE("cyber crime") or TITLE("cyber-crime")	58
Hacking	TITLE("hacking") or TITLE(hackers) or TITLE(hack)	39
Viruses	TITLE("Virus") or TITLE(viruses)	40
Spamming	TITLE("Spamming") or TITLE(spam)	113
Phishing	TITLE("Phishing") or TITLE(Phish)	14
CONSUMER FRAUD		
Consumer Fraud	TITLE("Consumer Fraud")	19
Telemarketing Fraud	TITLE("Telemarketing Fraud")	4
Ponzi & Pyramid Schemes	TITLE("Ponzi") or TITLE(Pyramid)	14
Identity Theft	TITLE("Identity") or TITLE(ID) and TITLE(theft) or TITLE(fraud)	73
Fundraising, Non-profits, & Religious Schemes	TITLE("Fundraising") or TITLE("Non-profits") or TITLE("not for profits") or TITLE("Religious") and TITLE(schemes) or TITLE(fraud)	4
Elderly Fraud	TITLE(elderly) and TITLE(fraud)	6
Credit Repair	TITLE("credit repair")	3
CONTRACT &		

PROCUREMENT FRAUD		
Contract & Procurement Fraud	TITLE("contract") or TITLE(procurement) and TITLE(fraud)	49
FINANCIAL INSTITUTION FRAUD		
Financial Institution Fraud	TITLE("Financial Institution") or TITLE("bank") and TITLE("Fraud")	25
Embezzlement	TITLE("Embezzlement")	7
Loan Fraud	TITLE("Loan") and TITLE("Fraud")	4
Electronic Funds Transfer Act	TITLE(Electronic Funds Transfer Act) or TITLE(EFTA)	8
Letter-of-Credit Fraud	TITLE("Letter-of-Credit") and TITLE("fraud")	7
Mortgage & Real Estate Fraud	TITLE("Real Estate") or TITLE(mortgage) and TITLE("Fraud")	8
Appraisal Fraud	TITLE("Appraisal Fraud")	0
Straw Buyers	TITLE("Straw Buyers")	0
Equity Skimming	TITLE("Equity Skimming")	0
Property Flipping	TITLE("Property Flipping") or TITLE("land flip") or TITLE("Property Flip")	0
Builder-Bailout Schemes	TITLE("Builder-Bailout")	0
Chunking or Shot Gunning	TITLE("Shot Gunning") or TITLE("Chunking")	0
Foreclosure Rescue Scams	TITLE("Foreclosure Rescue")	2
Seller Assistance Scams	TITLE("Seller Assistance")	0
MAIL & WIRE FRAUD		
Mail & Wire Fraud	TITLE("mail fraud") or TITLE("1341") or TITLE("wire fraud") or TITLE("1343")	79
HEALTH CARE & INSURANCE FRAUD		
Health Care Fraud	TITLE("Health Care") and TITLE("fraud")	53
Managed Care	TITLE("Managed Care") and TITLE("fraud")	6
Medicaid Fraud	TITLE("Medicaid") and TITLE("Fraud")	13
Medicare Fraud	TITLE("medicare") and TITLE("fraud")	9
Insurance Fraud	TITLE("Insurance" or "Insurer") and TITLE("Fraud")	34
IP CRIMES		
IP Crimes	TITLE("Intellectual Property") or TITLE("IP") and TITLE("theft") or TITLE("fraud") or TITLE(misappropriation)	15
Economic Espionage	TITLE("corporate" or "economic") and TITLE("espionage")	2
Trademark Theft	TITLE("trademark") and TITLE("theft") or TITLE(misappropriation)	2
Trade Secrets Theft	TITLE("trade secrets") and TITLE("theft") or TITLE(misappropriation)	22
Piracy	TITLE("piracy") and not TITLE(sea)	169
UTSA	TITLE("Uniform Trade Secrets Act")	17
Copyright Infringement	TITLE("Copyright") and TITLE("infringement")	277
Copyright Acts	TITLE("Copyright Act")	211
Counterfeit IP	TITLE("Counterfeit") and TITLE(IP) or TITLE(intellectual property) or TITLE(trademark) or TITLE(trade secret) or TITLE(copyright)	5
Lanham Act	TITLE("Lanham Act")	137
Patent Theft	TITLE("Patent") and TITLE("fraud") or TITLE("theft")	6
MONEY LAUNDERING		

Money Laundering	TITLE("Money Laundering")	164
Hawala Exchanges	TITLE("Hawala") and not TITLE("Money Laundering")	4
USA Patriot Act of 2001	TITLE("Patriot Act") and "Money Laundering" and not TITLE("Money Laundering")	54
Office of Foreign Assets Control (OFAC)	TITLE("Office of Foreign Assets Control") or TITLE(OFAC) and not TITLE("Money Laundering")	5
The Bank Secrecy Act	TITLE("Bank Secrecy Act") and not TITLE("Money Laundering")	2
PUBLIC SECTOR FRAUD		
False Claims & Statements	TITLE("False Claims") or TITLE("False Statements") or TITLE("Qui Tam")	186
Major Fraud Against the United States	TITLE(Major Fraud)	3
Fraud on the Court	TITLE("fraud on the court")	3
Government Fraud	TITLE(government) and TITLE(Fraud)	27
Welfare Fraud	TITLE(Welfare Fraud)	3
Election Fraud	TITLE("election fraud") or TITLE(voter fraud)	9
SECURITIES FRAUD		
Securities Fraud	TITLE(securities fraud)	129
Securities Act of 1933	TITLE("Securities Act of 1933") or TITLE("section 17(a)")	49
Securities Exchange Act of 1934	TITLE("Securities Exchange Act") or TITLE("rule 10b-5")	186
Investment Company Act of 1940	TITLE("Investment Company Act")	18
The Sarbanes-Oxley Act	TITLE("Sarbanes-Oxley") or TITLE("SOX") or TITLE(Enron) or TITLE(Worldcom)	583
Insider Trading	TITLE("Insider Trading")	190
Backdating Stock Options	TITLE("Backdating")	9
National Securities Markets Improvement Act	TITLE("National Securities Markets Improvement Act of 1996")	4
Corporate Fraud	TITLE(corporate) and TITLE(fraud)	49
Private Securities Litigation Reform Act	TITLE(Private Securities Litigation Reform Act) or TITLE(PSLRA)	110
TAX FRAUD		
Tax Fraud	TITLE("tax") and TITLE(fraud)	22
Concealing Assets or Income	TITLE("concealing assets") or TITLE("conceal") and TITLE("assets") or TITLE("concealing income")	4
Tax Evasion	TITLE("tax evasion")	13
TOTAL NUMBER OF HITS		3979

Table 2

Number of White Collar Crime Articles Published by Year		
Year	Number of Articles	Percentage
1983	35	1%
1984	33	1%
1985	28	1%
1986	24	1%
1987	37	1%
1988	31	1%
1989	21	1%
1990	30	1%
1991	36	1%
1992	48	1%
1993	57	2%
1994	88	3%
1995	108	3%
1996	128	4%
1997	135	4%
1998	193	5%
1999	211	6%
2000	208	6%
2001	216	6%
2002	250	7%
2003	357	10%
2004	330	9%
2005	302	9%
2006	319	9%
2007	288	8%
TOTAL	3513	

Table 3

SUMMARY OF DATA BY FRAUD TOPICS																											
Fraud Topics	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	Total	% of Total Pop.
SECURITIES FRAUD	17	20	12	10	19	19	10	11	16	16	25	32	29	36	34	59	46	27	37	93	204	134	121	100	114	1241	35%
IP CRIMES	4	8	5	7	10	3	6	7	7	11	13	30	33	40	34	42	52	60	70	65	42	65	72	97	45	828	24%
BRIBERY & CORRUPTION	3	3	8	1	1	2	2	0	4	4	6	6	15	15	28	25	49	45	26	12	25	29	15	29	42	395	11%
COMPUTER & INTERNET FRAUD	0	0	0	0	0	0	0	1	1	1	0	1	1	1	4	6	9	14	14	31	38	36	27	25	19	229	7%
PUBLIC SECTOR FRAUD	6	1	0	1	1	0	1	3	1	2	4	5	10	8	11	14	20	20	25	12	10	12	10	9	21	207	6%
MONEY LAUNDERING	0	0	0	1	1	2	0	1	2	4	1	5	5	8	6	12	9	7	18	13	17	25	17	5	9	168	5%
CONSUMER FRAUD	0	0	0	0	0	0	0	1	0	1	2	1	4	4	1	3	3	4	8	9	9	15	11	15	14	105	3%
HEALTH CARE & INSURANCE FRAUD	1	0	0	1	2	0	1	0	0	2	1	2	4	7	7	7	10	9	6	6	2	5	1	6	5	85	2%
BANKRUPTCY FRAUD	0	0	0	1	0	0	0	0	0	0	0	0	0	2	1	11	0	3	1	2	3	0	17	19	8	68	2%
MAIL & WIRE FRAUD	1	0	1	1	1	4	0	0	1	3	3	2	4	1	4	8	5	9	4	2	2	1	4	5	2	68	2%
FINANCIAL INSTITUTION FRAUD	2	0	0	1	0	0	0	2	0	1	1	1	1	4	2	5	4	4	2	3	2	4	5	3	5	52	1%
CONTRACT & PROCUREMENT FRAUD	0	0	1	0	2	1	0	2	3	3	0	0	0	1	1	0	2	5	2	1	0	1	1	3	2	31	1%
TAX FRAUD	1	1	0	0	0	0	1	0	1	0	1	3	2	1	1	1	2	1	3	1	3	3	0	2	2	30	1%
CHECK & CREDIT CARD FRAUD	0	0	1	0	0	0	0	2	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	1	0	6	0%
TOTAL NUMBER OF ARTICLES	35	33	28	24	37	31	21	30	36	48	57	88	108	128	135	193	211	208	216	250	357	330	302	319	288	3513	100%

Table 4

SUMMARY OF DATA BY FRAUD TOPICS & SUB-TOPICS							
Fraud Topics & Sub-Topics	1983-1987	1988-1992	1993-1997	1998-2002	2003-2007	1983-2007	%
BANKRUPTCY FRAUD							
Bankruptcy Fraud	1	0	3	16	7	27	40%
Bankruptcy Abuse Prevention & Consumer Protection Act	0	0	0	1	40	41	60%
TOTAL	1	0	3	17	47	68	
BRIBERY & CORRUPTION							
Bid-Rigging Schemes	0	0	0	5	0	5	1%
Bribery & Corruption	11	11	47	106	95	270	68%
Economic Extortion	1	1	6	6	10	24	6%
FCPA	4	0	11	24	22	61	15%
Honest Services Fraud	0	0	0	1	3	4	1%
Illegal Gratuities	0	0	0	6	4	10	3%
Kickback Schemes	0	0	6	9	6	21	5%
TOTAL	16	12	70	157	140	395	
CHECK & CREDIT CARD FRAUD							
Check Fraud	0	1	0	0	2	3	50%
Credit Card Fraud	1	1	1	0	0	3	50%
TOTAL	1	2	1	0	2	6	
COMPUTER & INTERNET FRAUD							
Computer & Internet Fraud	0	2	2	11	11	26	11%
Cybercrime	0	0	1	22	28	51	22%
Hacking	0	1	0	8	8	17	7%
Phishing	0	0	0	0	13	13	6%
Spamming	0	0	3	23	84	110	48%
Viruses	0	0	1	10	1	12	5%
TOTAL	0	3	7	74	145	229	
CONSUMER FRAUD							
Consumer Fraud	0	0	8	0	11	19	18%
Credit Repair	0	1	0	1	1	3	3%
Elderly Fraud	0	0	0	1	1	2	2%
Fundraising, Non-profits, & Religious Schemes	0	1	1	1	0	3	3%
Identity Theft	0	0	2	17	51	70	67%
Ponzi & Pyramid Schemes	0	0	0	5	0	5	5%
Telemarketing Fraud	0	0	1	2	0	3	3%

TOTAL	0	2	12	27	64	105	
CONTRACT & PROCUREMENT FRAUD							
Contract & Procurement Fraud	3	9	2	10	7	31	100%
TOTAL	3	9	2	10	7	31	
FINANCIAL INSTITUTION FRAUD							
Electronic Funds Transfer Act	2	1	2	1	2	8	15%
Embezzlement	0	0	1	3	1	5	10%
Financial Institution Fraud	0	1	2	9	9	21	40%
Letter-of-Credit Fraud	1	1	0	3	1	6	12%
Loan Fraud	0	0	2	0	0	2	4%
Mortgage & Real Estate Fraud	0	0	2	2	6	10	19%
TOTAL	3	3	9	18	19	52	
HEALTH CARE & INSURANCE FRAUD							
Health Care Fraud	1	1	11	21	13	47	55%
Insurance Fraud	0	1	5	7	6	19	22%
Managed Care	0	0	1	2	0	3	4%
Medicaid Fraud	1	1	4	4	0	10	12%
Medicare Fraud	2	0	0	4	0	6	7%
TOTAL	4	3	21	38	19	85	
IP CRIMES							
Copyright Acts	6	7	19	79	88	199	24%
Copyright Infringement	9	10	60	76	114	269	32%
Economic Espionage	0	0	4	22	1	27	3%
Counterfeit IP	0	1	0	2	0	3	0%
IP Crimes	0	1	3	7	1	12	1%
Lanham Act	7	8	36	45	40	136	16%
Patent Theft	2	0	0	2	1	5	1%
IP Piracy	10	4	18	44	67	143	17%
Trade Secrets Theft	0	1	5	6	4	16	2%
Trademark Theft	0	0	1	1	0	2	0%
UTSA	0	2	4	5	5	16	2%
TOTAL	34	34	150	289	321	828	
MAIL & WIRE FRAUD							
Mail & Wire Fraud	4	8	14	28	14	68	100%
TOTAL	4	8	14	28	14	68	
MONEY LAUNDERING							
Hawala Exchanges	0	0	0	0	4	4	2%
Money Laundering	2	8	24	53	58	145	86%

Office of Foreign Assets Control (OFAC)	0	0	1	2	2	5	3%
The Bank Secrecy Act	0	1	0	0	1	2	1%
USA Patriot Act of 2001	0	0	0	4	8	12	7%
TOTAL	2	9	25	59	73	168	
PUBLIC SECTOR FRAUD							
Election Fraud	0	0	3	3	3	9	4%
False Claims & Statements	3	6	32	85	51	177	86%
Fraud on the Court	0	0	1	0	2	3	1%
Government Fraud	6	0	0	1	5	12	6%
Major Fraud Against the United States	0	1	0	2	0	3	1%
Welfare Fraud	0	0	2	0	1	3	1%
TOTAL	9	7	38	91	62	207	
SECURITIES FRAUD							
Backdating Stock Options	0	0	0	0	9	9	1%
Corporate Fraud	0	0	3	3	18	24	2%
Insider Trading	24	24	38	65	27	178	14%
Investment Company Act of 1940	4	2	1	4	6	17	1%
National Securities Markets Improvement Act	0	0	2	2	0	4	0%
Private Securities Litigation Reform Act	0	0	22	43	39	104	8%
Securities Act of 1933	13	5	8	10	12	48	4%
Securities Exchange Act of 1934	26	34	59	33	28	180	15%
Securities Fraud	11	7	23	39	35	115	9%
The Sarbanes-Oxley Act	0	0	0	63	499	562	45%
TOTAL	78	72	156	262	673	1241	
TAX FRAUD							
Concealing Assets or Income	0	0	1	1	2	4	13%
Tax Evasion	0	1	4	5	2	12	40%
Tax Fraud	2	1	3	2	6	14	47%
TOTAL	2	2	8	8	10	30	
TOTAL NUMBER OF ARTICLES	157	166	516	1078	1596	3513	

Appendix B: Available Legal Resources Relating to White Collar Crime

This Appendix is designed to provide a list of sources for those with a need to perform research in white collar crime. However, this section cannot, and does not attempt to, address all the sources that may be used in conducting research in white collar crim. Instead, we have attempted to provide sources that are good samples within each classification. Additionally, the focus is on federal white collar crime law, and therefore, we exclude sources that detail only international or state law.

Internet Resources

1. Online Commercial Databases

- a. LexisNexis. LexisNexis provides customers with access to United States statutes, laws, case opinions, law reviews, and legal journal articles “from more than 40,000 legal, news and business sources.”¹²⁷
 - i. <http://www.lexis-nexis.com/>
- b. WestLaw. Similar to LexisNexis, WestLaw provides legal research services for legal professionals.¹²⁸
 - i. www.westlaw.com/

2. Free Primary Source Research.

Researching white collar crime law issues requires searching primary sources of law such as the U.S. Constitution, legislation, regulations, treaties, and case law.¹²⁹ While there are many resources and methods available to search primary sources, this section focuses on free online research.

- a. GPO Access. GPO access provides a comprehensive resource for U.S. federal laws, regulation, and case law from all three branches of the government.¹³⁰
 - i. <http://www.gpoaccess.gov/>
- b. Cornell University Law School's Legal Information Institute (LII). LII provides access to U.S. case law, legislation, and regulations.¹³¹
 - i. <http://www.law.cornell.edu/>
- c. The U.S. House of Representatives provides access to the entire text of the U.S. Code, which can be searched by either keyword or by title and section.
 - i. <http://uscode.house.gov/>
- d. LexisOne. LexisOne provides full-text, keyword searching of U.S. Supreme Court cases from 1790 and state and federal court cases from the last ten years.¹³²

¹²⁷ See LexisNexis, About LexisNexis, <http://www.lexisnexis.com/about-us/> (last visited Oct. 28, 2008).

¹²⁸ See Thomson West, Historic Highlights, <http://west.thomson.com/about/history/> (last visited Oct. 28, 2008).

¹²⁹ See generally ROY M. MERKSKY & DON LD J. DUNN, LEGAL RESEARCH ILLUSTRATED: AN ABRIDGMENT OF FUNDAMENTALS OF LEGAL RESEARCH 1 (8th ed. 2002).

¹³⁰ See GPO Access, About GPO Access, <http://www.gpoaccess.gov/about/index.html> (last visited Oct. 28, 2008).

¹³¹ See LII/ Legal Information Institute, The Legal Information Institute - A Quick Overview, <http://www.law.cornell.edu/lii.html> (last visited Oct. 28, 2008).

¹³² See LexisOne, About LexisOne, <http://www.lexisone.com/aboutlexisone/index.html> (last visited Oct. 28, 2008).

- i. <http://www.lexisone.com/>
 - e. FindLaw. Findlaw provides access to case law, statutes, news, links to other resources, and much more.¹³³
 - i. <http://www.findlaw.com/>
- 3. **General Online Resources.** In addition to primary sources, government websites, online news, newspapers, newsletters, and blogs can provide useful tools to help stay current in white collar crime law.
 - a. Government Websites
 - i. USA.gov.
 - 1. <http://www.usa.gov/>
 - ii. FBI: White Collar Crime.
 - 1. <http://www.fbi.gov/whitecollarcrime.htm>
 - iii. FBI: Cyber Investigations.
 - 1. <http://www.fbi.gov/cyberinvest/cyberhome.htm>
 - iv. Financial Crimes Enforcement Network (FinCEN).
 - 1. <http://www.fincen.gov/>
 - v. Internet Crime Complaint Center (IC3).
 - 1. <http://www.ic3.gov/default.aspx>
 - vi. Federal Trade Commission
 - 1. <http://www.ftc.gov/>
 - vii. Internal Revenue Service (IRS) - Criminal Investigation Division
 - 1. <http://www.irs.gov/>
 - viii. U.S. Securities and Exchange Commission
 - 1. <http://www.sec.gov>
 - ix. United States Department of Justice
 - 1. <http://www.usdoj.gov>
 - x. U.S. Department of Justice – Identity Theft and Fraud
 - 1. <http://www.usdoj.gov/criminal/fraud/idtheft.html>
 - xi. Firstgov.gov—Internet Fraud
 - 1. http://www.firstgov.gov/Citizen/Topics/Internet_Fraud.shtml
 - b. Securities Class Action Clearinghouse. “The Securities Class Action Clearinghouse provides detailed information relating to the prosecution, defense, and settlement of federal class action securities fraud litigation.”¹³⁴
 - c. Legal Blogs. Some notable blogs in the area of white collar crime include:

¹³³ See FindLaw, <http://www.findlaw.com> (last visited Oct. 28, 2008).

¹³⁴ See Stanford Law School & Cornerstone Research, Securities Class Action Clearinghouse, at <http://securities.stanford.edu> (last visited Oct. 28, 2008).

Legal Blog List		
The BLT (The Blog of Legal Times)	Legal News	http://legaltimes.typepad.com/
May It Please the Court	Legal News	http://www.mayitpleasethecourt.com/journal.asp
Legal Pad	Business Law	http://legalpad.blogs.fortune.cnn.com/
Law Blog	Business Law	http://blogs.wsj.com/law/
SCOTUSblog	Supreme Court	http://www.scotusblog.com/wp/
Electronic Discovery Blog	E-Discovery	http://www.electronicdiscoveryblog.com/
Jim Hamilton's World of Securities Regulation	Corporate & Securities Law	http://jimhamiltonblog.blogspot.com/
Business Law Prof Blog	Corporate & Securities Law	http://lawprofessors.typepad.com/business_law/
The Corporate Counsel.net Blog	Corporate & Securities Law	http://www.thecorporatecounsel.net/blog/index.html
FinancialCounsel	Corporate & Securities Law	http://www.financialcounsel.typepad.com/
Risk & Governance Blog	Corporate & Securities Law	http://blog.riskmetrics.com/
inside Sarbanes Oxley	Corporate & Securities Law	http://www.insidesarbanesoxley.com/
The 10b-5 Daily	Corporate & Securities Law	http://www.the10b-5daily.com/
DealLawyers.com Blog	Corporate & Securities Law	http://www.deallawyers.com/blog/
OverRegd - Securities Regulation and Litigation Blog	Corporate & Securities Law	http://overregd.lindquist.com/
False Claims Act/Qui Tam	Qui Tam	http://quitam.blogspot.com/
Whistleblower Lawyer Blog	Qui Tam	http://www.whistleblowerlawyerblog.com/
Whistleblower Law Blog	Qui Tam	http://whistleblower.labovick.com/
Pharma 101 - Pharmaceutical Fraud	Pharmaceutical Fraud	http://www.pharmaceutical-kickbacks.com/
Medicare Fraud 101	Medicare Fraud	http://www.medicare-fraud.net/
The FRAUDfiles Blog	Fraud	http://www.sequence-inc.com/fraudfiles/
White Collar Crime Prof Blog	White Collar Crime	http://lawprofessors.typepad.com/whitecollarcrime_blog/
Health Care Fraud Blog	Health Care	http://www.healthcarefraudblog.com/

	Fraud	
Federal Crimes Blog	White Collar Crime	http://www.federalcrimesblog.com/
NASD, SEC and Regulatory Defense Blog	Corporate & Securities Law	http://securities.blogs.com/hh/
SECLaw.com	Corporate & Securities Law	http://seclaw.blogspot.com/
Letter of Apology	White Collar Crime	http://letterofapology.com/
The Gray Blog	White Collar Crime	http://www.thegrayblog.com/
The D & O Diary	Corporate & Securities Law	http://dandodiary.blogspot.com/
Expert Witness Blog	Expert Witness	http://www.expertwitnessblog.com/
Mortgage Fraud Blog	Mortgage Fraud	http://www.mortgagefraudblog.com/
Overcriminalized	Legal News	http://overcriminalized.com/
The Computer and Internet Law Blog	Computer and Internet Law	http://computerInternetlaw.com/

Periodicals and Journals

General Student-Edited Law Reviews
Akron Law Review
Alabama Law Review
Albany Law Review
The American University Law Review
Appalachian Journal of Law
Arizona Law Review
Arizona State Law Journal
Arkansas Law Review
Ave Maria Law Review
Barry Law Review
Baylor Law Review
Boston College Law Review
Boston University Law Review
Brandeis Law Journal
Brigham Young University Law Review
Brooklyn Law Review
Buffalo Law Review
California Law Review
California Western Law Review

Campbell Law Review
Capital University Law Review
Cardozo Law Review
Case Western Reserve Law Review
Catholic University Law Review
Chapman Law Review
Chicago-Kent Law Review
Cleveland State Law Review
Columbia Law Review
Connecticut Law Review
Cornell Law Review
Creighton Law Review
Cumberland Law Review
Denver University Law Review
DePaul Law Review
Drake Law Review
Duke Law Journal
Duquesne Law Review
Emory Law Journal
Florida Coastal Law Review
Florida Law Review
Florida State University Law Review
Fordham Law Review
George Mason Law Review
George Washington Law Review
Georgetown Law Journal
Georgia Law Review
Georgia State University Law Review
Golden Gate University Law Review
Gonzaga Law Review
Hamline Law Review
Harvard Law Review
Hastings Law Journal
Hofstra Law Review
Houston Law Review
Howard Law Journal
Idaho Law Review
Indiana Law Journal
Indiana Law Review
Iowa Law Review
John Marshall Law Review
Kentucky Law Journal

Lewis and Clark Law Review
Louisiana Law Review
Loyola Law Review
Loyola of Los Angeles Law Review
Loyola University Chicago Law Journal
Maine Law Review
Marquette Law Review
Maryland Law Review
McGeorge Law Review
Mercer Law Review
Michigan Law Review
Michigan State Law Review
Minnesota Law Review
Mississippi College Law Review
Mississippi Law Journal
Missouri Law Review
Montana Law Review
Nebraska Law Review
Nevada Law Journal
New England Law Review
New Mexico Law Review
New York City Law Review
New York Law School Law Review
New York University Law Review
North Carolina Central Law Journal
North Carolina Law Review
North Dakota Law Review
Northern Illinois University Law Review
Northern Kentucky Law Review
Northwestern University Law Review
Notre Dame Law Review
Nova Law Review
Ohio Northern University Law Review
Ohio State Law Journal
Oklahoma City University Law Review
Oklahoma Law Review
Oregon Law Review
Pace Law Review
Penn State Law Review
Pepperdine Law Review
Pierce Law Review
Quinnipiac Law Review

Regent University Law Review
Roger Williams University Law Review
Rutgers Law Journal
Rutgers Law Review
Saint Louis University Law Journal
San Diego Law Review
Santa Clara Law Review
Seattle University Law Review
Seton Hall Law Review
SMU Law Review
South Carolina Law Review
South Dakota Law Review
South Texas Law Review
Southern California Law Review
Southern Illinois University Law Journal
Southern University Law Review
Southwestern University Law Review
St. John's Law Review
St. Mary's Law Journal
St. Thomas Law Review
Stanford Law Review
Stetson Law Review
Suffolk University Law Review
Syracuse Law Review
Temple Law Review
Tennessee Law Review
Texas Law Review
Texas Tech Law Review
Texas Wesleyan Law Review
Thomas Jefferson Law Review
Thomas M. Cooley Law Review
Thurgood Marshall Law Review
Touro Law Review
Tulane Law Review
Tulsa Law Review
U.C. Davis Law Review
UCLA Law Review
UMKC Law Review
University of Arkansas at Little Rock Law Review
University of Baltimore Law Review
University of Chicago Law Review

University of Cincinnati Law Review
University of Colorado Law Review
University of Dayton Law Review
University of the District of Columbia Law Review
University of Detroit Mercy Law Review
The University of Hawai'i Law Review
University of Illinois Law Review
University of Kansas Law Review
University of Memphis Law Review
University of Miami Law Review
University of Pennsylvania Law Review
University of Pittsburgh Law Review
University of Richmond Law Review
University of San Francisco Law Review
University of St. Thomas Law Journal
University of Toledo Law Review
Utah Law Review
Valparaiso University Law Review
Vanderbilt Law Review
Vermont Law Review
Villanova Law Review
Virginia Law Review
Wake Forest Law Review
Washburn Law Journal
Washington Law Review
Washington and Lee Law Review
Washington University Law Review
Wayne Law Review
West Virginia Law Review
Western New England Law Review
Whittier Law Review
Widener Law Journal
Widener Law Review
Willamette Law Review
William and Mary Law Review
William Mitchell Law Review
Wisconsin Law Review
Wyoming Law Review
Yale Law Journal
U. West L.A. L. Rev.
Western State University Law Review

Banking & Finance Law
Annual Review of Banking & Financial Law
North Carolina Banking Institute

Bankruptcy Law
American Bankruptcy Institute Journal
American Bankruptcy Institute Law Review
American Bankruptcy Institute Law Journal
Bankruptcy Developments Journal

Bar Journals
Alaska Bar Rag
Arizona Attorney
Boston Bar Journal
CBA Record
Delaware Law Review
Delaware Lawyer
Hawaii Bar Journal
Journal of the Missouri Bar
Lawyers Journal
Los Angeles Lawyer
Louisiana Bar Journal
Maine Bar Journal
Michigan Bar Journal
Nevada Lawyer
New Hampshire Bar Journal
Orange County Lawyer
Oregon State Bar Bulletin
Pennsylvania Bar Association Quarterly
Rhode Island Bar Journal
South Carolina Lawyer
Tennessee Bar Journal
Texas Bar Journal
The Alabama Lawyer
The Federal Circuit Bar Journal
The Florida Bar Journal
The Houston Lawyer
The Michigan Tax Lawyer
The Montana Lawyer
The Record (of the Association of The Bar of the City of New York)
Utah Bar Journal

Business, Corporate, & Tax Law
Akron Tax Journal
American Business Law Journal
Berkeley Business Law Journal
Brooklyn Journal of Corporate, Financial & Commercial Law
Columbia Business Law Review
Corporate Counsel Review
Delaware Journal of Corporate Law
DePaul Business & Commercial Law Journal
DePaul Business Law Journal
Entrepreneurial Business Law Journal
Florida Tax Review
Fordham Journal of Corporate & Financial Law
Hastings Business Law Journal
Houston Business and Tax Law Journal
Journal of Business & Securities Law
Journal of Corporation Law
Journal of Small & Emerging Business Law
The Journal of Law and Commerce
Loyola Consumer Law Review
NYU Journal of Law & Business
Stanford Journal of Law, Business and Finance
Tax Law Review
Transactions
University of Miami Business Law Review
UC Davis Business Law Journal
Virginia Tax Review

Civil Litigation, Dispute Resolution, Criminal Law & Procedure
American Criminal Law Review
American Journal of Criminal Law
Buffalo Criminal Law Review
Cardozo Journal of Conflict Resolution
Champion
Criminal Law Forum
Crime & Justice
Journal of Criminal Law & Criminology
Journal of Dispute Resolution
New England Journal on Criminal and Civil Confinement

Ohio State Journal of Criminal Law
Seton Hall Circuit Review
Suffolk Journal of Trial & Appellate Advocacy

International Law Journals
American University International Law Review
Annual Survey of International & Comparative Law
Arizona Journal of International and Comparative Law
Asian Law Journal
Asian-Pacific Law & Policy Journal
Asper Review of International Business and Trade Law
Berkeley Journal of International Law
Boston College International and Comparative Law Review
Boston College Third World Law Journal
Boston University International Law Journal
Brigham Young University International Law & Management Review
Brooklyn Journal of International Law
California Western International Law Journal
Canada - United States Law Journal
Cardozo Journal of International and Comparative Law
Case Western Reserve Journal of International Law
Chicago Journal of International Law
Colorado Journal of International Environmental Law and Policy
Columbia Journal of European Law
Columbia Journal of Transnational Law
Connecticut Journal of International Law
Currents: International Trade Law Journal
Denver Journal of International Law and Policy
DePaul International Law Journal
Emory International Law Review
Florida Journal of International Law
George Washington International Law Review
Georgetown International Environmental Law Review
Georgetown Journal of International Law
Georgia Journal of International and Comparative Law
Harvard International Law Journal
Hastings International and Comparative Law Review
ILSA Journal of International & Comparative Law
Indiana International & Comparative Law Review
International Journal of Communications Law and Policy
International Legal Perspectives

International Legal Theory
Journal of International and Comparative Law
Journal of International Legal Studies
Law & Policy in International Business
Law and Business Review of the Americas
Loyola of Los Angeles International & Comparative Law Review
Loyola University Chicago International Law Review
Maryland Journal of International Law and Trade
Michigan Journal of International Law
Michigan State University - DCL Journal of International Law
Minnesota Journal of International Law
New England Journal of International and Comparative Law
New York Law School Journal of International & Comparative Law
New York University Journal of International Law and Politics
North Carolina Journal of International Law and Commercial Regulations
Northwestern Journal of International Law and Business
Northwestern University Journal of International Human Rights
Oregon Review of International Law
Pace International Law Review
Pacific McGeorge Global Business and Development Law Journal
Penn State International Law Review
Regent Journal of International Law
Richmond Journal of Global Law and Business
San Diego International Law Journal
Stanford Journal of International Law
Syracuse Journal of International Law and Commerce
Temple International and Comparative Law Journal
Texas International Law Journal
The Journal of International Business & Law
Tulane Journal of International and Comparative Law
Tulsa Journal of Comparative & International Law
U.C. Davis Journal of International Law & Policy
UCLA Journal of International Law and Foreign Affairs
University of Miami International and Comparative Law Review
University of Pennsylvania Journal of International Economic Law
Virginia Journal of International Law
Willamette Journal of International Law and Dispute Resolution
Wisconsin International Law Journal
Yale Journal of International Law

IP, Science, & Technology Law
Alb. L.J. Sci. & Tech.
B.C. Intell. Prop. & Tech. F.
B.U.J. Sci. & Tech. L.
Berkeley Tech. L.J.
Chi.-Kent J. Intell. Prop.
Colum. Sci. & Tech. L. Rev.
Comp. L. Rev. & Tech. J.
DePaul-LCA J. Art. & Ent. L. & Pol'y
Duke L. & Tech. Rev.
Fordham Intell. Prop., Media & Ent. L.J.
Harv. J.L. & Tech.
IDEA
J. High Tech. L.
J. Intell. Prop. L.
J. Marshall J. Computer & Info. L.
J. Marshall Rev. Intell. Prop. L.
J. Tech. L. & Pol'y
J. Telecomm. & High Tech. L.
J.L. & Tech.
Loy. L. & Tech. Ann.
Marq. Intell. Prop. L. Rev.
Mich. Telecomm. Tech. L. Rev.
Minn. J.L. Sci. & Tech.
N.C. J.L. & Tech.
Nw. J. Tech. & Intell. Prop.
PGH. J. Tech. L. & Pol'y
Rich. J.L. & Tech.
Rutgers Computer & Tech. L.J.
Santa Clara Computer & High Tech. L.J.
Shidler J.L. Com. & Tech.
Stan. Tech. L. Rev.
Syracuse Sci. & Tech. L. Rep.
Tex. Intell. Prop. L.J.
Tul. J. Tech. & Intell. Prop.
U. Balt. Intell. Prop. L.J.
U. Ill. J.L. Tech. & Pol'y
UCLA J.L. Tech.
Va. J.L. & Tech.
Vand. J. Ent. & Tech. L.
Wake Forest Intell. Prop. L.J.

Yale J.L. & Tech.

Public Policy, Politics, & the Law

Annals Am. Acad. Pol. & Soc. Sci.

B.U. Pub. Int. L.J.

BYU J. Pub. L.

Cardozo Pub. L. Pol'y & Ethics J.

Colum. J.L. Soc. Probs.

Comm. L. & Pol'y

Conn. Pub. Int. L.J.

Cornell J.L. & Pub. Pol'y

Fordham Urb. L.J.

Geo. Public Pol'y Rev.

Green Bag 2d

Hamline J. Pub. L. & Pol'y

Harv. J. on Legis.

Harv. J.L. & Pub. Pol'y

ISJLP

J. Contemp. L.

J. Contemp. Legal Issues

J. Legis.

J.L. & Pol.

J.L. & Pol'y

Kan. J.L. & Pub. Pol'y

Law & Contemp. Probs.

Law & Soc. Inquiry

Legal Stud. F.

N.Y.U. J. Legis. & Pub. Pol'y

Notre Dame J.L. Ethics & Pub. Pol'y

Rev. Litig.

Rutgers J.L. & Pub. Pol'y

S. Cal. Interdisc. L.J.

Seton Hall Legis. J.

St. John's J. Legal Comment.

St. Louis U. Pub. L. Rev.

Stan. L. & Pol'y Rev.

Suffolk J. Legis. & Pol'y

Temp. Pol. & Civ. Rts L. Rev.

U. Balt. L.F.

U. Chi. L. Sch. Roundtable

U. Chi. Legal F.

U. Mich. J.L. Reform
Wash. U. J. Urb. & Contemp. L.
Wash. U. J.L. & Pol'y
Widener J. Pub. L.
Yale L. & Pol'y Rev.

Selected Books and Treatises

Although there are many current and important legal books and treatises that address white collar crime law, a few select titles include:

Alan R Bromberg & Lewis D Lowenfels, <i>Bromberg & Lowenfels on Securities Fraud & Commodities Fraud</i> (2d ed. 2002).
<i>Business Torts Litigation</i> (David A. Soley, Robert Y. Gwin, & Ann E. Georgehead eds., 2d ed. 2005)
<i>Corporate Counsel's Guide to White-Collar Crime</i> (Publisher's Editorial Staff eds. 2007).
Simpson, Sally S., <i>Corporate Crime, Law, and Social Control</i> (2002).
Richard S. Gruner, <i>Corporate Criminal Liability and Prevention</i> (2004).
Monks, Robert A. G., and Nell Minow, eds, <i>Corporate Governance</i> (3d ed. 2001).
<i>Corporate Sentencing Guidelines: Compliance and Mitigation</i> (Jed S. Rakoff & Jonathan S. Sack eds. 1993 & Supp. 1997).
Robert Moore, <i>Cybercrime: Investigating High-Technology Computer Crime</i> (1st ed. 2005).
F. Lee Bailey & Henry Rothblatt, <i>Defending Business and White Collar Crimes: Federal and State</i> (2d ed., Lawyers Cooperative Publishing Co. 1984).
<i>Defending Federal Criminal Cases: Attacking the Government's Proof</i> (Diana D. Parker ed., 2006).
Kaye Scholer LLP, <i>Deskbook on Internal Investigations, Corporate Compliance, and White Collar Issues</i> (1st ed. 2007).
<i>False Claims in Construction Contracts: Federal, State, and Local</i> (Charles M. Sink & Krista L. Pages eds., 2007).
Frank D. Whitney & B. Frederic Williams, Jr., <i>Federal Money Laundering: Crimes and Forfeitures</i> (1999).
Kirby D. Behre & A. Jeff Ifrah, <i>Federal Sentencing for Business Crimes</i> (2006).
Ralph C. Ferrara, Donna M. Nagy, & Herbert Thomas, <i>Ferrara on Insider Trading and The Wall</i> (1995).
Louis Loss & Joel Seligman, <i>Fundamentals of Securities Regulation</i> (5th ed. 2003).
Robert Fabrikant, et al., <i>Health Care Fraud: Enforcement and Compliance</i> (1996).
Linda A. Baumann, <i>Health Care Fraud and Abuse: Practical Perspectives</i> (2d ed. 2007).
Carrie Valiant & David E. Matyas, <i>Legal Issues in Healthcare Fraud and Abuse</i> (3d ed. 2006).
Alice Gosfield, <i>Medicare and Medicaid Fraud and Abuse</i> (2008).
John J. Huber, <i>Practitioner's Guide to the Sarbanes Oxley Act</i> (2004).
Harold S. Bloomenthal & Samuel Wolff, <i>Securities and Federal Corporate Law</i> (2d ed. 2003)
Harold S. Bloomenthal, <i>Securities Law Handbook</i> (2007).
Thomas Lee Hazen & David L. Ratner, <i>Securities Regulation in a Nutshell</i> (9th ed. 2006)
Gary M. Brown, <i>Soderquist on the Securities Laws</i> (5th ed. 2006).
Camilla E. Watson, <i>Tax Procedure and Tax Fraud in a Nutshell</i> (3d ed. 2006).
James William Coleman, <i>The Criminal Elite: Understanding White-Collar Crime</i> (6th ed. 2005).

Claire M. Sylvia, <i>The False Claims Act: Fraud Against The Government</i> (2008).
Thomas L. Hazen, <i>The Law of Securities Regulation</i> (5th ed. 2006).
The New Perils of White Collar Crime: Leading Lawyers on Mitigating Liability in a Post-Sarbanes-Oxley Era (Inside the Minds) (Aspatore Books Staff eds. 2006).
Friedrichs, David O, <i>Trusted Criminals: White Collar Crime in Contemporary Society</i> (2d ed. 2004).
Marc I. Steinberg, <i>Understanding Securities Law</i> (4th ed. 2007).
J. Kelly Strader, <i>Understanding White Collar Crime</i> (2d ed. 2006).
James M. Bartos, <i>United States Securities Law</i> (3d ed. 2006).
Joel M. Androphy, <i>White Collar Crime</i> (2d ed. 2006).
Podgor, Ellen, and Jerold H. Israel, <i>White Collar Crime in a Nutshell</i> (2d ed. 1997).

Legal Magazines and Newsletters

ABA Journal
Business Crimes Bulletin
Business Torts Journal
Civil RICO Report
Corporate Accountability & Fraud Daily
Corporate Counsel
E-Commerce Law & Strategy
Federal Discovery News
GPSolo
Internet Law & Strategy
IPL Newsletter
LJN's Legal Tech Newsletter
Lloyd's Corporate Litigation Reporter
Mealey's Litigation Report: COPYRIGHT
Mealey's Litigation Report: CYBER TECH & E-COMMERCE
Mealey's Litigation Report: Insurance Fraud
Mealey's Litigation Report: INTELLECTUAL PROPERTY
Mealey's Litigation Report: TRADEMARKS
Millin's Health Fraud Monitor
National Law Journal
ABA Section of Taxation <i>NewsQuarterly</i>
The Champion
The Intellectual Property Strategist
The World Money Laundering Report
White Collar Crime Report
e-Discovery Law & Strategy
The Intellectual Property Strategist
Managing Intellectual Property