



Notre Dame Journal of Law, Ethics & Public Policy

Volume 28

Issue 2 Symposium: *White Collar Crime: The Moral, Ethical, & Legal Implications of White Collar Crime in the 21st Century*

Article 1

6-1-2014

Foreword

Journal of Law, Ethics & Public Policy Editors

Follow this and additional works at: <http://scholarship.law.nd.edu/ndjlepp>



Part of the [Law Commons](#)

Recommended Citation

Journal of Law, Ethics & Public Policy Editors, *Foreword*, 28 NOTRE DAME J.L. ETHICS & PUB. POL'Y 433 (2014).
Available at: <http://scholarship.law.nd.edu/ndjlepp/vol28/iss2/1>

This Introduction is brought to you for free and open access by the Notre Dame Journal of Law, Ethics & Public Policy at NDLScholarship. It has been accepted for inclusion in Notre Dame Journal of Law, Ethics & Public Policy by an authorized administrator of NDLScholarship. For more information, please contact lawdr@nd.edu.

**THE MORAL, ETHICAL, AND LEGAL IMPLICATIONS
OF WHITE COLLAR CRIME IN THE
TWENTY-FIRST CENTURY**

On March 19 and 20, 2014, legal scholars, academics, practitioners, and students gathered at Notre Dame Law School to discuss the moral, ethical, and legal implications of white collar crime in the twenty-first century.¹ The study of white collar crime is increasingly important for today's globalized economy—white collar criminals continually victimize numerous individuals and cause many to have to allocate time, money, and resources to protect themselves. This is particularly pertinent as the economy, and the law, are still adapting to the aftermath of the Great Recession of 2008. It is in this context that the *Notre Dame Journal of Law, Ethics & Public Policy* chose white collar crime to be the subject of its 2014 Symposium.

Since the term was first coined by noted sociologist Edwin Sutherland in 1939,² white collar crime has not been easy to define.³ However, white collar crime, in all its forms, is increasingly pervasive and affects citizens of all socioeconomic statuses, especially as criminals find new and innovative ways to take advantage of citizens using modern technology.⁴

The *Notre Dame Journal of Law, Ethics, & Public Policy* was honored to host scholars and practitioners for its Symposium and was proud of the contributions made by its student authors. These discussions, which are presented in this Issue, delve into the causes and effects of white collar crime today. The presenters also discussed potential ways to combat it. While there are many potential causes of white collar crime in today's society—including corporate culture and greed—positive changes in

1. The Symposium's keynote address was given by Professor G. Robert Blakey. Panelists included Dr. Gerald Cliff, Attorney Christian Desilets, Professor John N. Gallo, Dr. Cynthia A. Koller, and Professor Stephen F. Smith. The panel discussion was moderated by Professor Jimmy Gurulé. Student panelists included Leslie A. Dickinson, Christina M. Sindoni, and Kristie Xian. The student panel discussion was moderated by Adreanne G. Stephenson.

2. Edwin H. Sutherland, *White-Collar Criminality*, 5 AM. SOC. REV. 1 (1940).

3. Gerald Cliff & Christian Desilets, *White Collar Crime: What It Is and Where It's Going*, 28 NOTRE DAME J.L. ETHICS & PUB. POL'Y 481, 483 (2014).

4. *Id.* at 522.

corporate and compliance culture can help to solve the problem.⁵ Another argument addresses gaps in the current literature and argue against statutory changes that have caused unintended consequences that have enabled white collar crime and that have hurt its victims.⁶

With the onset of the Great Recession, governments (and in particular, the federal government) have been quick to add regulations.⁷ While white collar criminals have the potential to victimize on a broad scale, laws and regulations enacted to counter white collar crime have the potential to negatively impact the wrongly accused, which has led to proposed reform.⁸

In addition to Articles and presentations by scholars and practitioners, three of the *Journal's* editors contributed Notes that discuss hot topics in white collar crime, including deferred prosecution agreements,⁹ money laundering,¹⁰ and the Foreign Corrupt Practices Act.¹¹ Each of these students presented their Notes during the Symposium.

The *Notre Dame Journal of Law, Ethics & Public Policy* now presents this scholarship to assist policymakers and academics as they debate how to solve the problem of white collar crime. This Issue and the Symposium contribute to this ongoing effort and also contribute to the ongoing scholarly dialogue on this topic.

5. See generally Cynthia A. Koller, Laura A. Patterson & Elizabeth B. Scaif, *When Moral Reasoning and Ethics Training Fail: Reducing White Collar Crime Through the Control of Opportunities for Deviance*, 28 NOTRE DAME J.L. ETHICS & PUB. POL'Y 549 (2014).

6. See generally G. Robert Blakey & Michael Gerardi, *Eliminating Overlap or Creating a Gap? Judicial Interpretation of the Private Securities Litigation Reform Act of 1995 and RICO*, 28 NOTRE DAME J.L. ETHICS & PUB. POL'Y 435 (2014).

7. See generally Steven McNamara, *Financial Markets Uncertainty and the Rawlsian Argument for Central Counterparty Clearing of OTC Derivatives*, 28 NOTRE DAME J.L. ETHICS & PUB. & POL'Y 209 (2014).

8. See generally John N. Gallo & Daniel M. Greenfield, *The Corporate Criminal Defendant's Illusory Right to Trial: A Proposal for Reform*, 28 NOTRE DAME J.L. ETHICS & PUB. POL'Y 525 (2014).

9. See generally Kristie Xian, Note, *The Price of Justice: Deferred Prosecution Agreements in the Context of Iranian Sanctions*, 28 NOTRE DAME J.L. ETHICS & PUB. POL'Y 631 (2014).

10. See generally Leslie A. Dickinson, Note, *Revisiting the "Merger Problem" in Money Laundering Prosecutions Post-Santos and the Fraud Enforcement and Recovery Act of 2009*, 28 NOTRE DAME J.L. ETHICS & PUB. POL'Y 579 (2014).

11. See generally Christina M. Sindoni, Note, *Global-Tech's "Patent" Failure: Why Congress Must Reverse the Foreign Corrupt Practices Act's Mens Rea After Global-Tech*, 28 NOTRE DAME J.L. ETHICS & PUB. POL'Y 605 (2014).