**Course Outline**

**Course:** LAWS 4302B - Regulation of Corporate Crime

**Term:** Winter 2010

**Prerequisites:** LAWS 2004 and one of 3005, 3201, 3800, or permission of the Department

**Class:**
- Day & Time: Wednesday 18:05 – 20:55
- Room: Please check with Carleton Central for current room location

**Instructor:** Christina HARRISON BAIRD

**Contact:**
- Office: C476 Loeb
- Office Hrs: Please email to make an appointment
- Email: Christina_Harrison@carleton.ca

*Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: [http://www.carleton.ca/pmc/students/accom_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html). If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **March 12, 2010** for April examinations.*

For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)

**Course Description**

The objective of this course is to examine the current debates over the regulation of corporate crime from both legal and policy perspectives. Different theoretical perspectives on the nature and causes of corporate crime, and the role of the state in regulating corporate behaviour will be examined, with a view to determining the reasons for the failure of the criminal justice and regulatory systems to respond effectively to corporate crime. The role of criminal, civil and regulatory sanctions in deterring corporate crime will also be examined. With this foundation, students will be encouraged to think critically and to apply the principles they have learned to current affairs. Students will have the opportunity to develop their skills in research, analysis, writing and oral presentation – both individually and in collaboration with their peers. Seminars are intended to be highly participatory and their quality will depend largely on students’ engagement with the required reading. Discussion will be fostered in an environment of mutual respect.

**Required Texts**


**Supplementary Texts**


Selected additional readings will be posted on WebCT.
EVALUATION
(All components must be completed in order to earn a passing grade)

A. Of Coursework – Coursework consists of five elements, all of which must be completed in order to pass the course: a current affairs presentation, a debate, a paper proposal, a term paper and participation. There will be no final examination.

Please note that all work is due at the beginning of class. Work that is submitted after the appointed time on the day that the assignment is due will be penalized by a deduction of 3 percent. Work that is submitted after the due date will be penalized by a deduction of 5 percent for each calendar day following the due date.

<table>
<thead>
<tr>
<th>Coursework Element</th>
<th>Description</th>
<th>Due Date</th>
<th>Percentage of Final Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Current Affairs</td>
<td>Individual student makes a 5-minute presentation that relates a current news</td>
<td>Sign up individually</td>
<td>10%</td>
</tr>
<tr>
<td>Presentation</td>
<td>article or legal case to concepts from the course. Student provides a 1-page</td>
<td>for dates in January</td>
<td></td>
</tr>
<tr>
<td></td>
<td>summary to the class, and is prepared to lead discussion on the topic.</td>
<td>&amp; February</td>
<td></td>
</tr>
<tr>
<td>2. Paper Proposal</td>
<td>Individual student prepares a proposal for their term paper, which includes</td>
<td>February 3rd</td>
<td>15%</td>
</tr>
<tr>
<td></td>
<td>a thesis statement, introduction, outline and annotated bibliography.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Debate</td>
<td>Students sign up in advance for groups. Each group debates a different</td>
<td>Sign up in groups for</td>
<td>15%</td>
</tr>
<tr>
<td></td>
<td>proposition relating to a concept from the course. Students prepare in</td>
<td>dates in February &amp;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>advance to debate a particular side of the proposition.</td>
<td>March</td>
<td></td>
</tr>
<tr>
<td>4. Term Paper</td>
<td>Individual student prepares an original term paper relating to a concept</td>
<td>March 31st</td>
<td>45%</td>
</tr>
<tr>
<td></td>
<td>of their choice from the course. 15 pages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Participation</td>
<td>Individual student attends class regularly and demonstrates thorough</td>
<td>Throughout term</td>
<td>15%</td>
</tr>
<tr>
<td></td>
<td>preparation by participating in discussion</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B. Of Instruction – Students will have the opportunity to evaluate the course and the instruction both formally and informally. Formal evaluation will occur toward the end of the course in accordance with Carleton University procedures. In addition, there will be at least one informal occasion for students to provide constructive anonymous feedback to the instructor through http://www.getfast.ca/. Further details will be provided in class.

SCHEDULE

<table>
<thead>
<tr>
<th>Week 1</th>
<th>Aims and objectives of the course. The significance of corporate crime and why we study it. Different approaches to the study of corporate crime. Readings: Neil Sargent, &quot;Notes on Understanding the Role of Law in Responding to White Collar and Corporate Crime&quot; in Neil Sargent, ed. &quot;Legal Regulation of Corporate Crime, Fall 2007&quot; (Ottawa: Carleton University, 2007) 1. (on WebCT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6th January</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>13th January</td>
<td></td>
</tr>
</tbody>
</table>
| Week 3 20th January | Theorizing the causes of white collar and corporate criminality.  
Individualist theories of white collar crime (Sutherland, Shapiro, Gottfredson and Hirschi).  
Organizational theories of corporate crime (Kramer, Schrager and Short, Ermann and Lundman, Stone, Fisse and Braithwaite)  
Readings: Simpson, Chapter 2 AND 
Laura Shill Schrager and James F. Short, Jr., "Toward a Sociology of Organizational Crime" (1977) 25 Social Problems 407. OR 
|---|---|
| Week 4 27th January | Conflict theory approaches to understanding corporate deviance.  
The role of the state in controlling corporate and organizational deviance. Is the state part of the solution or part of the problem?  
Readings: Simpson, Chapter 2 AND 
| Week 5 3rd February | Using the criminal law against corporate offenders.  
The hybrid nature of corporate criminal liability. The legal basis of attaching liability to the corporation. Identification theory, delegation theory and corporate culture. Problems of *mens rea*. Criminal liability of corporate directors and officers.  
Readings: Simpson, Chapter 3 AND 
*Criminal Code*, ss. 119-123, 322, 366-368, 397 AND  
*Criminal Code*, ss. 380-382.1, 400, 425-425.1, 487.012-487.017 (Bill C-13, 2004) AND 1 of 
R. v. Upton, 2008 NSSC 360 (CanLII) 
| Week 6 10th February | Using the civil law against corporate offenders.  
Use of compensatory damage awards as legal accountability mechanisms. The regulatory function of tort law. 
Pros and cons of mass torts and class action litigation in responding to corporate harms.  
Readings: Simpson, Chapter 4 AND 
Securities Act, R.S.O. 1990, c. S.5, ss. 130-138.14 AND 2 of the following 
Kerr v. Danier Leather Inc., 2004 CanLII 8186 (ON S.C.) 
Kerr v. Danier Leather Inc., 2005 CanLII 46630 (ON C.A.) 
| 17th February | * * Winter Break – No classes * * |
| Week 7 24th February | The regulatory approach to controlling organizational and corporate deviance. 
Structure and objectives of the regulatory process. Prevention not accountability as the primary function of regulatory controls. Strict liability offences and the limits of the regulatory sanction.  
Readings: Simpson, Chapter 5 AND 
Securities Act, R.S.O. 1990, c. S.5, ss. 76, 116, 119, 122, 126.1, 126.2 AND 1 of the following 
Donnini v. Ontario Securities Commission, 2005 CanLII 1622 (ON C.A.) 
Bennett v. Bennett Environmental Inc., 2009 ONCA 198 (CanLII) 
R. v. Rankin, 2007 ONCA 127 (CanLII) |
<table>
<thead>
<tr>
<th>Week 8</th>
<th><strong>3rd March</strong></th>
</tr>
</thead>
</table>
| **Sanctions against corporate and white collar offenders.**  
Sentencing goals and philosophies and their applicability to white collar and corporate offenders. Deterrence versus retribution as a sentencing justification? Sentence options: Fines, imprisonment, probation, conditional sentencing, restitution, compensatory damages? Role of restorative justice in sentencing white collar and corporate offenders?  
**Readings:**  
- Bill C-52, 2009 AND  
- 1 of the following  
  - R. v. Bassett, 2009 BCPC 111 (CanLII)  
  - R. v. Ellis, 2008 ABQB 40 (CanLII)  
  - R. v. Taylor, 2008 BCPC 120 (CanLII)  
  - R. v. Minnie and Shaw, 2007 BCSC 433 (CanLII)  
  - R. v. Benlolo, 2006 CanLII 19284 (ON C.A.)  
  - R. v. Bonamy, 2006 SKCA 72 (CanLII) |

<table>
<thead>
<tr>
<th>Week 9</th>
<th><strong>10th March</strong></th>
</tr>
</thead>
</table>
| **Alternatives to regulatory sanctions.**  
Negotiated compliance, enforced self-regulation and voluntary compliance systems. Use of alternative dispute resolution approaches for responding to regulatory concerns. Using carrots rather than sticks to achieve regulatory compliance goals.  
**Readings:**  
- Simpson, Chapter 6 AND 1 of the following  

<table>
<thead>
<tr>
<th>Week 10</th>
<th><strong>17th March</strong></th>
</tr>
</thead>
</table>
| **Empirical study of corporate crime control & directions for policy**  
**Readings:**  
- Simpson, Chapters 7 & 8 |

<table>
<thead>
<tr>
<th>Week 11</th>
<th><strong>24th March</strong></th>
</tr>
</thead>
</table>
| **Multinational corporations & international human rights law**  
**Readings:**  
- 1 of the following  

<table>
<thead>
<tr>
<th>Week 12</th>
<th><strong>31st March</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Term Paper Due</strong></td>
<td></td>
</tr>
</tbody>
</table>