



AMERICAN BAR ASSOCIATION

Criminal Justice Section

WHITE COLLAR CRIME COMMITTEE NEWSLETTER

WINTER/SPRING 2024

ABA CRIMINAL JUSTICE SECTION WCC Committee

MESSAGE FROM THE EDITOR

The [White Collar Crime Committee Newsletter](#) showcases content and opinion of leading experts, scholars, and practitioners through articles written by our American Bar Association [Criminal Justice Section](#) members. The [White Collar Crime Committee](#) seeks your participation in its 20 regional committees and 20 substantive committees; and encourages your attendance at its national and international conferences, CLEs, and workshops.

The White Collar Crime Committee encourages you to participate year round, and also looks forward to reading your submissions for our upcoming Summer/Fall 2024 issue. If you would like to submit an article for our next edition (submission deadline: June 1, 2024) or have ideas on a subject for a topical Newsletter, please contact the WCCC Newsletter Subcommittee Chair, **Salma S. Safiedine** at S.Safiedine@SPartnersLaw.com.



A panel from the London White Collar Crime Institute, October 9-10, 2023

Please note these upcoming CJS programs in 2024 related to white collar crime:

- March 6-8: **National White Collar Crime Institute**, San Francisco, CA
- September 4-7: **The Southeastern White Collar Crime Institute**, Braselton, GA
- October 14-15: **The London White Collar Crime Institute**, London, UK

See the complete CJS Calendar of Events at www.ambar.org/cjsevents

[Federal Criminal Non-Jury Trials With Specific Findings](#)

By Shaun Khojayan

After twenty-five years of defending and trying criminal cases to juries, I recently tried something very different: a contested non-jury (bench) trial with the court making specific findings of law and facts as part of its verdict. Most criminal defense attorneys who have experience with non-jury trials tend to waive specific findings by the court - and depending on the circumstances, that may be appropriate.

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[Will Juries Latch Onto Deepfake Concerns Like They Did to Scientific Evidence During The Infamous “CSI Effect”?](#)

By Jonathan A. Porter

Juries are funny microcosms of human perception. And human perception has an odd way of changing in sometimes unexpected ways. Decades ago, a hit television show changed the way lawyers try cases, all because human perception of trial evidence shifted. Trial lawyers struggled to adapt to juries' shifted thinking, and since then we have been on the lookout for the next big shift.

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[EU AI Act: Navigating The Regulatory Landscape For Artificial Intelligence In Europe Towards Criminal Liability Risks](#)

By Andrea Puccio

On December 9th 2023, the EU's Commission, the EU Council, and the EU Parliament reached an historic agreement on the so called “AI Act”, a groundbreaking regulation set to govern artificial intelligence in Europe, with the aim of balancing innovation with a focus on safeguarding fundamental rights. This global “first-of-its-kind” regulation is currently in a provisional phase. Indeed, as of January 21st 2024, the last version of the AI Act has been fully drafted and is now on the verge of undergoing scrutiny and approval by EU authorities in the imminent future, with an expected implementation in the following two years.

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[Evidentiary Reliability Concerns In Cross-Border Investigations](#)

By Claudia Massaia

Brazilian Supreme Court has issued controversial decisions impacting the effects of the leniency agreement executed by Odebrecht S.A. (“Odebrecht”), currently known as Novonor, with the Brazilian Public Prosecutor's Office under the scope of Operation Car Wash (“Car Wash”). Supreme Court Justice Dias Toffoli (“Justice Toffoli”) annulled all evidence obtained by Brazilian authorities and suspended the payment of almost \$2 billion in fines. His resolutions allow Odebrecht to file a petition reviewing the terms of its leniency agreement executed in December 2016.

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**[Cleaning Up The C-Suite:
What DOJ Corporate And Individual Enforcement Trends
May Be On The Horizon In 2024?](#)**

By Jackson Hobbs

“Fighting corporate crime is a top priority.” First announced in the October 2021 “Monaco Memo,” the Department of Justice (DOJ) has made significant recent efforts to ensure public confidence in financial markets, discourage unlawful business practices, combat transnational corruption, and uphold the rule of law by enforcing criminal statutes against corporate organizations and individuals within them.

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[The White Collar Crime Committee Newsletter](#)

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