COMPLIANCE (LAW) (CPGL)

CPGL 0202. IN-HOUSE COMPLIANCE COUNS PRAC. (2 Credits)
This course provides a general overview of the real-world practice realities for the in-house compliance legal counsel. It will include examples and illustrations drawn from the experiences of a practicing in-house compliance counsel and will translate the practical requirements of a Fortune 50 technology company for an understanding of the many challenges and compromises that accompany this practice. Students will learn how to balance value-based decision-making with budget concerns and the challenging pace of a high tech company.

Attribute: JD.

CPGL 0203. HEALTH LAW COMPLIANCE. (2 Credits)
The healthcare industry is governed by numerous statutes that are actively enforced by Federal and State regulatory bodies. This Healthcare Regulations Compliance course focuses on the Federal and State statutory and implementing regulatory provisions enacted to detect and deter healthcare fraud, waste, and abuse. Over the course of the semester, students will cover, among other compliance laws and regulations, the following fraud and abuse laws: (i) the Federal and State False Claims Act; (ii) the Physician Self-Referral (“Stark”) Law; (iii) the Anti-Kickback Statute; (iv) the Civil Monetary Penalty Law; and (iv) the Criminal Health Fraud Statute. Students will also learn the required elements of an effective compliance of ethics program and how to perform a risk assessment, including risk identification, scoring, and prioritization. In addition to the foregoing, the course will cover corporate governance, human subject research compliance, record management, as well as patient privacy and data security under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and the data breach notification provisions under Heath Information Technology for Economic and Clinical Health Act (“HITECH”) provisions of the American Recovery and Reinvestment Act (“ARRA”) of 2009.

Attributes: CORC, CRCP.

CPGL 0260. COMPLIANCE IN INFORMATION AGE. (2-3 Credits)
Emerging technologies provide opportunities for new and efficient ways to conduct business, but they can also raise a variety of potentially complex legal and compliance challenges. This class will provide an overview of the legal and regulatory context for current technology issues facing both large and small companies, including privacy, information security, electronic recordkeeping and employee supervision. Course content will focus primarily on the financial services sector; however the core compliance concepts included in the class will be broadly applicable across industries. Through analysis of regulations, interpretive guidance, case law and settlements, students will explore questions such as how do businesses use social networking systems like Facebook and Twitter, while dealing with obligations to store and supervise their electronic communications? What challenges are posed by domestic and international privacy and information security requirements when companies want to take advantage of cloud computing services, or deploy business systems across multiple jurisdictions or continents? How can a “bring your own device” policy permit an employee’s personal device, such as an iPhone, to be used to conduct business and store proprietary information without undue risk? Course Materials and Meetings Course Materials: Course materials will be posted on TWEN. No materials are required to be purchased.<p> Attendance and Participation: Attendance is mandatory. Please notify us in advance if you cannot attend class due to religious observance, illness, family emergency or other legitimate reasons. Class Participation: Classes will generally be conducted as a mix of presentation and discussion. You will be expected to have read preparatory materials, and to participate actively in class.

Laptops: Laptops are permitted, but we encourage you to limit note taking and memorization in favor of class participation, with a focus on appreciating the principles emerging from our analysis and discussions. Although legal materials will be used in this course, our emphasis is understanding how Compliance functions work, and the skills needed by Compliance staff to help translate legal and business requirements into cogent, documented and sustainable business processes and associated policies, procedures and supporting technologies. Recording: You are not permitted to record class sessions using a smartpen, dictation software or any other method.<p> Email: We may periodically send you emails via TWEN. You may reach us by email or phone during business hours via our contact information above. Course Evaluation<br>Your grade will be based on a take-home examination, which you can take anytime during the exam period. Class participation will be taken into consideration as part of your final grade.

Attributes: CORC, CRCP, IP, JD, LAWT, LLM.

CPGL 0207. LEADING TRUSTWORTHY ORGANIZATIONS. (2 Credits)

CPGL 0260. COMPLIANCE COMMUNICATION. (2 Credits)

CPGL 0262. GLOBAL CORPORATE COMPLIANCE. (3,4 Credits)
This course will explain the major features of an "effective" corporate compliance program. Students will have an opportunity to learn the fundamentals of rolling out a program for a global corporation and updating and refocusing a current program. Students will examine various areas of law, regulation and policy, as well as various industries to adapt the compliance protocols for the global corporation. This course will be skills oriented.

Attributes: CORC, CRCP, ICE, JD, LAW, LAWB, LAWI.
CPGL 0291. CORPORATE COMPLIANCE IN DEVELOPING (BRIC) & UNDER DEVELOPED COUNTRIES. (2 Credits)
The class will cover the compliance programs of companies doing business in the Developing (BRIC countries of Brazil, Russia, India and China) as well as Underdeveloped Countries. It will be a workshop class with assignments that will focus on a portfolio of documents necessary to update or refocus a compliance program in these countries and will include case studies on the BRIC countries.

CPGL 0302. E-LAW IN THE GLOBAL SETTING: DATA SAFEGUARDS & ELECTRONIC EVIDENCE CHALLENGES. (2 Credits)
Welcome to eLaw in the Global Setting: Data Safeguards and Electronic Evidence Challenges. This course explores and analyzes the statutory and regulatory compliance challenges for management of electronic information for e-commerce and litigation discovery across industries and the barriers of national cultures, histories and differing legal systems. To reach an understanding of the compliance network for electronic information, we will analyze how differing notions of “personal information” in privacy and data protection laws and regulations impact the daily interfaces essential to e-commerce. The structure of common law and civil law systems will be compared with regard to standards of disclosure of electronic information for litigation and arbitration. We will examine practical frameworks for management of data in healthcare, finance, education and other regulated areas. U.S. federal and state information compliance schemes will be analyzed. The practical impacts of these laws and regulations on the daily activities of corporations and individuals and business and litigation will be seen in drafting exercises that will include preparation of discovery requests and responses; internal memoranda; information governance policies and procedures; training materials and discovery motions. We will explore and analyze legal and regulatory complexities in social media and practical aspects of information governance, including cloud computing and privacy. Does it exist, when Google, for example, has stated in federal court that employees or Google algorithms read every Gmail, Terms of Use of most social media sites permit the provider to use any information uploaded to the service in almost any manner it sees fit, and the National Security Agency (NSA) can bypass most encryption methods?. The class will also comprise an overview of privacy and data protection provisions in Europe, Asia and South America and, as a Learning Objective, you will understand and be able to apply the following concepts: how U.S. courts have approached the dilemma of conflicts with privacy and data protection laws of other nations and relevant treaties; trends toward reconciliation of the blurred cyber-borders of international e-commerce with reinforced political boundaries; and collection of electronic evidence from abroad with an eye toward admissibility requirements. Another Learning Objective is a practical understanding of real-world impacts of these laws and regulations on the daily activities of corporations, individuals, businesses and dispute resolution. You will learn how to apply the concepts and analytical modalities we discuss in class, and you read in the assigned materials, in drafting exercises. This is a “practice-ready” course, and I will expect you to keep the practical in mind as you read, discuss and think about the theoretical. Please be advised that this course will challenge you to, as the late Steve Jobs said, Think Different. Depending upon availability, I intend to present guest speakers who will offer unique perspectives on the evolution of the law of digital information and how it impacts business behavior, government activities, the delivery of healthcare, education and personal lives. You will look at your interactions with electronic media in an entirely new way. You will also be asked to analyze legal problems where there is little case law, or where the case law is in conflict, and to prepare pleadings, memoranda, discovery demands and motions that you may never have seen before. You will be graded on how you rise to those challenges and hopefully, will leave the class with a unique understanding of one of the most fascinating, and fastest-growing areas of the law. And you will also, I hope, acquire analytical and writing skills that will assist you throughout your career.

COURSE REQUIREMENTS This course uses a seminar format, and so there will be a great emphasis on informed and well-prepared student participation. Twenty percent of the grade will be based on active and informed class participation. Attendance, therefore, is critical. Seventy-five percent of the grade will be based on students’ performance on five drafting assignments.

Attributes: CORC, CRCP, IPIE, JD, LAWI, LAWT, LIDR, LLM.
CPGL 0313. ANTI-MONEY LAUNDERING. (2 Credits)
This course provides a comprehensive overview of the regulations, laws that govern the requirements for Financial Institutions both in the United States and globally in order to address the risk of money laundering and terrorist financing through banks and other financial institutions. Students will gain an understanding of controls implemented by financial institutions to combat the flow of illicit funds. By the conclusion of this course students should have an appreciation of the culture of compliance within financial institutions and understand the rules, regulations, and laws in place to combat money laundering and terrorist financing.
Attributes: CORC, CRCP, INLJ, LAWB, LAWI.

CPGL 0521. RISK AND RESPONSIBILITY IN ORGANIZATION. (2 Credits)
Ethics and compliance has emerged as a key discipline in preventative law, gathering increasing attention and corporate resources. With this growth, and as corporations face unprecedented lack of trust and scrutiny of their conduct, the role of the compliance officer has expanded. Compliance officers are increasingly grappling with questions of ethics that extend beyond legal risk, organizational culture, and voluntary CSR and human rights standards. It is often held that compliance officers are most likely to be successful when they are closest to the operations and decisions of core business lines. However, compliance teams are often forced to rely on second hand assessments of risk, reward and reason, and lack visibility of the myriad facts, circumstances and dilemmas faced by corporate managers and employees on the ground.
This course will introduce key dimensions of organizational risk and responsibility – (sometimes called non-technical or non-financial risk). It will cover a range of established and emerging compliance issues, including corruption, political risk, human rights, CSR, leadership, culture and behavior. The course will include academic and business readings as well as interactive case studies, where students will apply practical solutions to real risk and corporate integrity challenges faced by multinational organizations in a variety of sectors, and explore the consequences for the compliance function.
Attributes: CORC, CRCP.

CPGL 0592. INTERNATIONAL FINANCIAL CRIME. (2,3 Credits)
The line dividing legitimate international financial activities and illicit conduct is becoming increasingly blurred. This has meant that substantive legal and regulatory standards and enforcement and redress techniques have had to develop and adapt for use against those involved in using private organizations and financial institutions for criminal activities. This course examines a selection of currently relevant criminal activities. We will focus on insider trading, market manipulation, money laundering, government corruption and bribery, and related topics. The primary focus will be US laws and regulation, but with consideration for international dimension of criminal activity and enforcement. The class will emphasize the role of private lawyers in advising clients about the prevention of criminal charges and in-house compliance policies and procedures, rather than the strategic choices to be made in the course of criminal trials.
Course Objectives
The goal of the course is to help students to understand several key financial criminal areas, attendant regulatory environment and consider steps that financial industry can take through a well-considered compliance program to minimize the risk of such crime occurring. During the course we will explore the practices and hurdles to achieve a more fair and effective international financial system. Through the example of criminal areas considered students will acquire a familiarity with construction and operation of a financial industry compliance program.
Attendance Requirement
Attendance at all class sessions is required. Enrolled students who do not attend the first class session will be dropped. Students seeking to enroll in this course must attend the first class session.
Course Requirement
Students are expected to research and write a 15-20 page paper (double spaced) covering at least one of the topics covered in our syllabus. References should be in Blue Book format.
Basis of Course Grade
The student’s grade will be determined as follows:
- 25% for class participation (classroom discussion and collaborating with classmates/colleagues);
- 75% for the term paper.
Attributes: CORC, CRCP, LAWI.

CPGL 0602. COMPLIANCE GRADUATE EXTERNSHIP SEMINAR. (1 Credit)
This seminar is a skilled focused practicum combining a compliance placement with a weekly seminar in support of and to complement the field experience. Through field placements, case studies, and simulations, students will encounter typical scenarios for creating and refocusing a global compliance program. Each week students will have an opportunity to discuss the experiences gained through working with a corporation or organization on a compliance project. The graded externship seminar accompanies the externship fieldwork. The externship seminar is to designed to support the fieldwork assignment and provides opportunities for reflection in the seminar. Students will have a chance to develop skills and to engage in critical reflection about corporate compliance and how to create an effective compliance program guided by the seminar professor and supported by your classmates as you experience corporate compliance in action. You will gain a better understanding of corporate compliance risk assessment and the seven steps for an effective compliance program as well as learning to create a culture of ethics.
CPGL 0615. REGULATION OF BROKER DEALERS: A PRACTITIONER PERSPECTIVE FOR COMPLIANCE OFFICERS. (2,3 Credits)
The primary objective of the course is to provide the student with a comprehensive understanding of the regulatory framework that a U.S. broker-dealer operates in and how to practically apply this knowledge in managing a compliance function in a securities firm. The course will review the relevant securities rules and regulations with a focus on those of the SEC and Finra, but it will also include other regulatory requirements that are relevant to securities firms such as the Bank Secrecy Act and the USA Patriot Act. An overview of certain applicable non-securities’ rules and regulations, such as anti-money laundering regulations, will demonstrate the application of these regulatory requirements in the control structure of a broker-dealer and link these requirements to those of the securities regulator. After completing the course, the student will have a solid knowledge base of the various regulatory requirements and their relationships with each other. This regulatory understanding will be supplemented with examples of constructive and relevant market practices which can be used to design and manage a successful compliance program in a broker-dealer firm. In addition, the course content will include an overview of the financial responsibility rules, margin requirements and regulatory reporting aspects of a broker-dealer that a compliance professional needs to be familiar with to effectively execute a compliance program. These financial and operational topics would be of interest to financial professionals. As such, this course would be particularly relevant to senior accounting students who have an interest in regulatory accounting matters in the securities industry and could be cross-listed with an accounting stream. In summary, the course will prepare the student to undertake greater responsibility as a compliance professional in a securities broker-dealer.
Attribute: LLM.

CPGL 0620. COMPLIANCE RISK ASSESSMENT. (2-3 Credits)
The course is designed to provide an overview of the basic elements of the Compliance Risk Assessment and how the Assessment functions within an overall Compliance Program. In addition, it presents an overview of the key compliance risk and themes across the financial services and pharmaceuticals industries, as well as certain key topical areas. The course also encourages critical about developing and conducting a Compliance Risk Assessment with a particular understanding of its strengths and its weaknesses.
Attributes: CORC, CRCP.

CPGL 0622. COMPLIANCE GRADUATE EXTERNSHIP FIELDWORK. (2 Credits)
Under the supervision of a mentor field attorney, students observe and assist in refining the compliance process at a corporation or an organization. Depending on the field placement, experiences may include research, writing of policies and procedures, risk assessment, auditing, monitoring, testing and surveillance. Extern’s must complete 10 hours of fieldwork a week for 13 weeks (20 hours a week for 8 weeks during the summer) over a semester. Students must also enroll in the seminar appropriate to their placement the seminar will focus on guided self reflection on issues concerning ethics, practical skills on how to roll out a compliance program or to refocus a compliance program to be “effective” including risk assessment, writing policies and procedures, and performing auditing, monitoring, testing, and surveillance. Students must sign up through the Externship Program and be approved to enroll.

CPGL 0909. POLICY MAKING THROUGH GOVERNMENT SETTLEMENTS. (2 Credits)
This seminar, taught by Martin J.E. Arms, a retired Partner and present Of Counsel at Wachtell, Lipton, Rosen & Katz, examines the recent proliferation of large-scale settlements between private corporations and government prosecutors and regulators. Such settlements include the $200+ billion multistate tobacco settlement, the UBS off-shore tax shelter case, BP Deepwater Horizon, the VW diesel controversy, and the $25 billion National Mortgage Settlement and certain other large settlements arising out of the fiscal crisis. The seminar will look at (i) the manner in which such settlements have arisen and been structured; (ii) the laws (such as New York State’s Martin Act, the federal FIRREA statute, class action laws, and state tort laws) that help force such settlements; (iii) various challenges to reaching such settlements; (iv) aspects of such settlements that require changes to the settling corporation(s)’ business practices, as opposed to mere financial payment, and whether requiring such changes through the threat of prosecutorial action is appropriate; (v) the rise of the Independent Monitor construct; and (vi) legal, political and business consequences arising from such settlements.
Attribute: LLM.