

ISSUES UNIQUE TO RICO

- What was the nature of the alleged wrong in *Sedima*?
- What did the lower court insist be shown in order to establish a RICO civil action?
- Injury over and above injury caused by the predicate acts
- Where is this in the statute?

WHAT OTHER REQUIREMENTS?

- A criminal conviction?
- Where is this in the statute?
- Why are we adding this stuff to the statute?
- What is the standard of proof?
- What are the differences between the elements of a civil RICO case and a criminal RICO case?

CHISHOLM



- How did the scam operate?
- What were the predicate acts?
- What did the district court hold on “reliance”? Why?
- How is RICO mail fraud different from the mail fraud statute?
- What does the 4th Circuit require to satisfy the reliance/causation requirement & why?

STANDING

- What were the facts in *Holmes*?
- What was the nature of the fraud?
- Who got hurt & how?
- What was SIPC's argument?
- As a result of *Holmes*, who now lacks standing under RICO?

MID ATLANTIC TELECOM

- What was the nature of the fraud?
- Who got hurt?
- What was the plaintiffs' argument on damages
- How is causation in this case somewhat reminiscent of *Sedima*?

WHAT DOES BRANDENBURG REQUIRE?

- Under Rule 1962(c):
- Injury to business or property
- By reason of the predicate acts that constitute the acts of racketeering activity
- Mid Atlantic can claim distinct and injury independent of harm suffered by its “former customers.” How were they injured?

MANSON



- Speaking of hard luck stories!
- What went wrong for Mark Manson according to his allegations?
- Do you now see why there is a control premium in the business world?

MONEY LAUNDERING

- Two types of offenses. What are they?
- Reporting (trying to hide) and
- Transportation (moving dirty money)
- You need to understand that money laundering yields some very stiff punishment
- And it is not that hard to prove

REPORTING CRIMES; ALL RELATE TO \$10,000 SUMS

- 31 U.S.C. § 5313 (domestic financial institution must report)
- § 5324 (smurfing) what is that?
- 26 U.S.C. § 6050I (reporting if you're engaged in a "trade or business")

THREE STEPS OF MONEY LAUNDERING

- **PLACEMENT**—Introduction of money into legitimate commerce
- **LAYERING**— Moving money away from traceability to criminal origin
- **INTEGRATION**— Money, having been stirred around, gathers an appearance of legitimacy (think in terms of alibi) as in, “I won it at the casino.”

NOTE THE FORMS

- Look at the CTR on page 315
- Look at the 8300 on page 319
- Look at the Suspicious Activity Report on p. 323
- Suppose you engage in check kiting. What is apt to happen to you?

RATZLAF

- What is the key word used in this case?
- What does this case teach you about defending cases where that word is also used?
- What was the evidence that Ratzlaf didn't know smurfing was a crime?

SIMON

- What was Simon's offense?
- What was the key case involving that offense?
- Why was Simon convicted where Ratzlaf wasn't?

GERTNER

- Do you understand how much guts it took for Gertner to stand up to the IRS?
- Why did she do it?
- What is going to happen to you if you don't file an 8300?
- What is going to happen to you if you file an 8300 without a name?

MANSON



- What is this about?
- What is plaintiff complaining about?
- Suppose it's all true?
- What justifies the result?

