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White-Collar Crime Defense Strategies

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Abstract

The article considers three specific strategies applied by white-collar crime attorneys can be identified. First, substance defense strategy is concerned with when and how an attorney decides to defend the client in a substantive way. Often, the substantive defense starts at a much earlier stage than in a street crime case. Second, information control strategy is concerned with what and how crucial information is controlled to make it difficult, and sometimes impossible, for the police and prosecution to get the complete picture. Often, information control defense is able to keep secrets and to claim that pieces of information are irrelevant. In police investigations, there are normally a number of information sources, often more than a dozen, as we shall see in this chapter. Controlling and limiting some source can cause the crime puzzle never to be solved in police investigations. Third, symbolic defense strategy addresses all other means that the attorney can apply to divert attention away from legal issues. An example is to portrait the offender as a victim in the press.

Keywords

Defense strategy, white-collar crime, fraud, defense lawyer.

Introduction

Three themes are particularly noteworthy when distinguishing white-collar crime defense strategies from other defense strategies for lawyers. First, the role of white-collar criminal lawyers is radically different from the typical criminal lawyer who defends persons charged with street crime. For instance, the former spend far more time on each case, both in terms of work load and in terms of calendar time. A third theme centers around a major dilemma of these lawyers: how to vigorously defend the client without thereby becoming a party to the criminal act¹.

This chapter is mainly based on research at Yale University, which is documented in the Yale Studies on White-Collar Crime. One of the books in the series is about white-collar crime lawyers. The book "Defending White-Collar Crime – A Portrait of Attorneys at Work" – written by Kenneth Mann and published by Yale University Press in 1985 – is a true classic in white-collar crime research. As a classic research book, it is still relevant in its analysis of lawyers. Kenneth Mann's book is based

on interviews with a number of white-collar attorneys, while this book is based on a statistical sample of more than three hundred white-collar criminals' attorneys.

As is the case in this chapter, the starting point for Mann² was that white-collar crime defense is significantly different from other kinds of crime defense. A defense lawyer in a white-collar case spends much more time on the case itself and on each single case, both in terms of total work load and in terms of total calendar time. Therefore, a white-collar lawyer will work on far less cases in parallel, as compared to a street lawyer. The white-collar lawyer spends much more energy on information control, to prevent authorities from obtaining crucial information that can harm the client. In addition, there is a dilemma for the lawyer, when working with a client coming from the same middle class or upper class in society, being traditionally more resourceful than the attorney.

Substance Defense Strategy

The counterpart for an attorney in crime cases are the authorities, which

1 Kiser, G.C. (1986), "Book Review of Defending White-Collar Crime", *Social Science Quarterly*, No. 41, pp. 655-656.

2 Mann, K. (1985), *Defending White-Collar Crime: A Game Without Rules*, Yale University Press, New Haven, 280 p.

decide whether a suspect shall be prosecuted or not. To avoid and prevent a prosecution decision, the defense lawyer will try to convince the police and prosecution that the client has done nothing that justifies court proceedings. The strategic issue for the attorney is how to succeed in stopping the state prosecutor from advancing the investigation and case from suspicion to prosecution in court. While very different from other crime cases, an attorney's active defense work often starts in the initial phases of a police investigation, when there are only rumors of wrongdoing that may or may not be relevant for criminal law. It does not matter for the attorney whether the client has done something wrong or not, as long as rumors may develop into accusations from colleagues, subordinates, management, customers, suppliers, journalists or authorities.

If a white-collar attorney would behave in a white-collar case as in a street-crime case, then the attorney would wait for evidence presented against the client. Then the attorney will react to the evidence. A street-crime lawyer will mainly be reactive, while a white-collar lawyer will be proactive. A street-crime lawyer will wait for evidence, and then make up his or her mind what to do. Typically, the lawyer will argue that the evidence is

not sufficient to prove guilt, because presented evidence does not document in an adequate and convincing manner that the client has done something which can lead to a prison sentence for the client. Uncertainty and doubt should benefit the client, every defense lawyer will argue. It is every defense lawyer's job to interpret laws and verdicts in a way that should lead to a not-guilty verdict for the client in court. This defense strategy is called substance defense. The attorney contributes substance to a case for the court.

White-collar crime lawyers do also contribute substance defense like street-crime lawyers, but there are several differences. There are differences related both to points in time and to magnitude of contribution. White-collar substance defense starts much earlier in the investigative process, and it may last much longer into all kinds of appeals and retrials. The magnitude of contribution is related to the level of detail and the scope of evidence. Often, financial crime is documented in details such as a single bank transaction, a single invoice or a single stock trade carried out by a third person. The scope of evidence is often such that a lot of redundant and irrelevant material is presented, to make sure that nothing is overlooked. Instead of waiting for the criminal case to be opened in the

court, the white-collar attorney positions himself or herself in a proactive manner. The attorney starts substance defense as early as possible, to potentially stop the case and the client from ever appearing in court. It is more the rule than exception that the defense lawyer is active on the case already when there is suspicion and some rumors out, in fear of future consequences.

In another book in the Yale Series, Weisburd et al.³ formulated how the white-collar defense lawyer is involved at a very early stage:

From the time there is even a hint that a possible white-collar crime is under investigation by legal authorities, individuals suspected of involvement often begin to retain attorneys and to prepare to defend themselves. Early legal strategies may include negotiations with the agencies involved, the seeking of civil or out-of-court resolution of the case, and the trading of information in return for favorable treatment from the prosecutor's office. Other strategies include defense efforts to limit the scope of the information sought through subpoenaed documents and to curtail the information obtained by the government

through search warrants and electronic surveillance.

Bjørn Stordrange, a well-known white-collar lawyer in Norway, defended Acta entrepreneur Fred Anton Ingebrigtsen, who was suspected of insider trading in the Acta stock. Early on, Stordrange expressed in public his frustration with several delays in police investigations⁴:

-When the charge was out last summer, we were told that the investigation would be completed last fall. The time limit was changed to Easter and then again to October this year. Now we are told that it might be completed by Christmas, says Stordrange.

Stordrange's many appearances in the media indicated both active substance defense in the Acta case, as well as symbolic defense, which will be discussed later in this chapter. Stordrange was extremely proactive in terms of an organized crime suspicion, where the police wanted to use the Norwegian mafia rule on the case. Stordrange succeeded in convincing the police to drop the organized crime charge against Ingebrigtsen and his crime associates.

In Norway, white-collar attorneys are typically trying to influence police

3 Weisburd, D., Wheeler, S., Waring, E., Bode, N. (1991), *Crimes of the Middle Classes*, Yale University Press, New Haven, p. 99.

4 Haakaas, E. (2009), "Acta-saken kan smuldre bort (Acta case can mold away)", *Aftiposten*, Økonomidelen, p. 2.

investigations at Økokrim, which is the Norwegian national authority for investigation and prosecution of economic and environmental crime. Økokrim is the main source of specialist skills for the police and prosecution authorities in their combat against financial and environmental crime (www.okokrim.no). Økokrim is similar to SFO – the Serious Fraud Office in the UK. SFO is an independent government department, operating under the superintendence of the Attorney General. Its purpose is to protect society by investigating and, if appropriate, prosecuting those who commit serious or complex fraud, bribery and corruption, and pursuing them and others for the proceeds of their crime. For example on March 11, 2013, SFO charged three men in a Ponzi-style scheme, and the men appeared at City of London Magistrates Court charged with conspiracy to defraud investors in an alleged investment fraud related to electrical contracts in the hotel sector (www.sfo.gov.uk).

Information Control Strategy

Defense lawyers in white-collar crime cases tend to take charge over information control at an early stage. Instead of being at the receiving end of documents from the police and prosecu-

tion, the attorney is in a position where the flow of information can be monitored. Of particular interest to the attorney is crucial information that can harm the client's case. The flow of harmful pieces of facts, insights and knowledge of causes and effects, that might become legal evidence in the police, is restricted and stopped by the lawyer. Know-what, know-how and know-why that is damaging for the client, is controlled by the lawyer.

Strategic substance defense is not necessarily the first defense strategy applied by the attorney in a white-collar case. The defense lawyer's very first goal can be to prevent that the police obtains evidence that is harmful to the client and prevent that information is applied by police detectives to define and justify a formal charge for crime.

At this stage, it is not laws and verdicts that are of concern to the lawyer. At this stage, all the lawyer is worried about is the flow of information that is transformed into evidence in police investigations. It is all about preventing the police from acquiring evidence, and making it difficult or even impossible for the police to understand pieces of information that they have obtained. It is all about stopping the investigation at an early stage, so that the case is closed.

This is the defense lawyer's information control strategy.

Information control implies that documents are kept hidden, and that clients and witnesses do not talk to investigators and other persons in public positions. It may also imply that individuals are protected from the press, so that only the lawyer makes statements about the case. Information control strategy is applied ahead of substance defense strategy whenever a white-collar crime case first is detected by the media, which then cause an initial police investigations. If the lawyer is successful in strategic information control, then raw material for legal argumentation is kept hidden from public attention and use. The case for prosecution is weakened, because important pieces of information not known to the police are missing. The police do not know that information exists, and nobody is willing to tell them. If an investigation is considered a puzzle, where all pieces have to be in place to see the picture, then both lacking pieces as well as ill-placed pieces will make it difficult to perceive, understand and interpret the fragmented picture. Detectives may find themselves in a lost case, and decide to close it.

If the police are aware of information that they so far have not been

able to collect, the defense lawyer may argue that the requested information is difficult to retrieve and irrelevant for the case. Maybe the lawyer will argue that the information is confidential, out of date or linked to other problems. If the police already has collected the information, the defense lawyer may argue that the information cannot be applied in the specific case, because authorities have obtained it in a doubtful and critical way, such as torture or endless interrogation.

These arguments when performing information control are all about influencing the counterpart, either by convincing police it is not a good idea to press for information or press for charges, or by obtaining a court ruling stating that information should not be made available or should even be returned to the client or the client's lawyer. Procedure rules that support information control are communicated from the defense to the prosecution. For example, the lawyer may argue that the law prohibits search for or collection of specific documents. A prosecutor may argue that the law allows it, but nevertheless consider whether it is worth the fight with the defense lawyer at this stage.

A special case of information control occurs when it is a lawyer who is investigated by the police for white-col-

lar crime, such as theft of client money placed on clients' accounts in the law firm. Client accounts in Norwegian law firms are confidential. The police have no access to client accounts, because account information may reveal information that violates the client-attorney privilege. As mentioned earlier, the attorney-client privilege is one of the oldest privileges known to the common law in the US and also in Norway. The privilege ensures that a client may provide information to his or her attorney, in confidence, with the knowledge that such information is protected, and neither the client nor the attorney may be forced to disclose the information that has been shared to their judicial adversaries⁵. This privilege includes information about money on bank accounts managed by the attorney.

John Christian Elden is a well-known white-collar lawyer in Norway, who denies the police reading client mail or looking into client accounts. In 2011, the police accused two lawyers of white-collar crime and wanted to get insights

into those lawyers' affairs. Elden reacted strongly⁶:

-The police abuses lawyers who only try to do their job.

When there are obvious reasons to believe that lawyers are involved in crime, they cannot hide behind confidentiality fences, police argued⁷. Elden agreed with this, but the court refused police appeal for information access, because the judge agreed with Elden that the two lawyers could not be suspected of crime directly linked to their profession as lawyers. Elden argued that the police was hunting lawyers that only tried to do their defense job. Lawyer Elden was here successful in his information control strategy.

White-collar crime money is sometimes hidden in tax havens. Law firm Thommessen were asked by police to reveal individuals behind large sums of money transferred to tax havens via Thommessen accounts. Thommessen denied doing it, and the Supreme Court in Norway voted in favor of Thommessen. It was all about the attorney-client privilege, where money transactions are covered by lawyers' duty to handle infor-

5 Kopon, A., Sungaila, M.C. (2012), "The Perils of Oversharing: Can the Attorney-Client Privilege be Broadly Waived by Partially Disclosing Attorney Communications During Negotiations?", *Defense Counsel Journal*, July, pp. 265-277.

6 Kirkebøen, S.E. (2011), "Politiet vil lese advokatpost (Police want to read lawyer mail)", *Aftenposten*, lørdag 29. januar, p. 7.

7 Ibid.

mation as confidential. Similarly, when tax authorities ask for insight, they are denied access for the same reasons. Law firm Thommessen was here successful in the firm's information control strategy.

Strategic information control can be applied by stopping or limiting the flow of information from the client to law enforcement agencies, by preventing the police from exploring and exploiting various sources for information collection, or by requesting the non-used return of documents from the police⁸:

The defense attorney's aim is to instruct the client or third party holding inculpatory information how to refrain from disclosing it to the government and, if necessary, to persuade or force him to refrain.

Revealing information in terms of inculpatory news represents key facts that show or prove that a person has been involved in a criminal act. Inculpatory information may be applied by law enforcement agencies as evidence to clear the question of guilt. Revealing information in terms of exculpatory news represents key facts that show or prove that a person has not been involved in a criminal act. The defense lawyer attempts in

the information control strategy to stimulate the flow of exculpatory information and prevent the flow of inculpatory information.

A defense attorney's active information control strategy is normally kept hidden as a secret to other parties, including the client. Success is often dependent upon the lack of awareness among other parties, including the press.

When an attorney in a meeting in the law firm advises a client not to answer certain questions in the next interrogation, and instead answer that he does not know, or that he will have to check accounting first, then the client is subject to information control. The attorney has taken an initiative towards the client to control an information flow. The police know nothing about it. A result might be that the investigation is delayed or even terminated.

A well-known defense lawyer as well as judge in Norway – Langbach⁹ – phrased the question whether it is unethical to try to delay a case:

From the perspective of a defense lawyer, it is natural to have the view that it is the task of the prosecution to bring a case to court. If it is beneficial to the

8 Mann, K. (1985), *Defending White-Collar Crime: A Game Without Rules*, Yale University Press, New Haven, p. 7.

9 Langbach, T. (1996), *Forsvareren (The Defense Lawyer)*, Juridisk Forlag, Oslo, p. 134.

client to delay the case, and if delay can be caused by legal means, then it is ethically acceptable to do so. It is the task of the prosecution and the court to react to initiatives from the defense lawyer, and make sure progress occurs in the case. If the main goal of delaying a case is to make the case itself obsolete, then the lawyer has to consider his own reputation, when it becomes publicly known that he is an expert in delaying client criminal cases.

A purpose of delaying the case might be to make it obsolete after a number of years. Another purpose might be to reduce the prison sentence as a consequence of late court proceedings¹⁰.

A former police officer, now academic at a university in the UK, expressed following opinions about white-collar crime lawyers in a personal e-mail to the author of this article in 2013:

As an ex-police officer I anecdotally know that solicitors lie and use all forms of diabolical half-truths to get clients off. They are entrepreneurial in their use of knowledge and of systems to get results. Similar to detectives as entrepreneurs, they are continually working, lurking and getting results.

Information control does not only occur in white-collar crime cases. In

¹⁰ Ibid.

many other criminal cases as well, the attorney works to exclude pieces of evidence from law enforcement access and application. The attorney may argue that information is obtained by law enforcement in an illegal manner, or that information is misleading or irrelevant to the case. What makes white-collar cases so special is that strategic information control is of key importance – sometimes the most important activity – to successfully defend a client and to help him go free. In other kinds of cases, information control is mainly a tactical maneuver to detract attention or delay the case temporarily.

Information control strategy is supported by the attorney-client privilege as well as the work-product privilege. While the attorney-client privilege shields any information communicated to an attorney, the work-product privilege protects information that can fairly be said to have been prepared or obtained because of the prospect of litigation.

Controlling Information Sources

Strategic information control is concerned with the flow of damaging information about the client. A defense attorney will attempt to prevent police from exploring and exploiting various sources of information collection. Stra-

tegic information control implies taking control over information sources, which the police will or is likely to contact. The police have many information sources when they investigate a crime case, and these sources can to a varying extent be influenced by a defense attorney.

In intelligence work pertaining to investigating and preventing white-collar crime, a variety of information sources are available. Intelligence analysis is typically framed in terms of pre-existing institutional ways of thinking. He argues that organized crime notification, classification and measurement schemes tend to reify pre-existing notions of traditional policing practice.

According to this perspective, it is important for strategic criminal analysts to be aware of the variety of information sources available. In this article we have chosen to classify information sources into the following categories:

1. *Interview*. By means of *interrogation* of witnesses, suspects, reference persons and experts, information is collected on crimes, criminals, times and places, organizations, criminal projects, activities, roles, etc.

2. *Network*. By means of *informants* in the criminal underworld as well as in legal businesses, information is collected on actors, plans, competitors,

markets, customers, etc. Informants often have connections with persons that an investigating colleague would be unable to formally approach.

3. *Location*. By analyzing potential and actual *crime scenes* and potential criminal scenes, information are collected on criminal procedures, preferences, crime evolution, etc. Hot spots and traces are found. Secret ransacking of suspicious places is one aspect of this information source. Pictures, in terms of crime scene photographs, are important information elements.

4. *Documents*. Studying documents obtained through *confiscation* may provide information on ownership, transactions, accounts, etc. One such example is forensic accounting, which is the application of accounting tasks for an evidentiary purpose. Forensic accounting is the action of identifying, recording, settling, extracting, sorting, reporting and verifying past financial data or other accounting activities for settling current or prospective legal disputes, or using such past financial data to project future financial data in order to settle legal disputes.

5. *Observation*. By means of *anonymous personal presence*, both individuals and activities can be observed. Both in the physical and the virtual world, observation is important in finan-

cial crime intelligence. An example is digital forensics, where successful cybercrime intelligence requires computer skills and modern systems in policing. Digital forensics is the art and science of applying computer science to aid the legal process. It amounts to more than the technological, systematic inspection of electronic systems and their contents for evidence or supportive evidence of a criminal act; digital forensics requires specialized expertise and tools when applied to intelligence in important areas such as the online victimization of children.

6. *Action*. For example, *provocation* and actions conducted by the investigating unit to cause reactions that yield intelligence information. In the case of the online victimization of children, online grooming offenders in a pedophile ring are identified and their reaction to provocation leads intelligence officers to new nodes (persons, computers) and new actual and potential victims. While the individual pedophile is mainly concerned with combining indecent image impression and personal fantasy to achieve personal satisfaction, online organizers of sexual abuse of children do so for profit. Police initiate contact with criminal business enterprises making money from pedophile customers by

claiming online to be a child of 9 years, for example. Undercover operations by police officers also belong to the action category of information sources.

7. *Surveillance*. Surveillance (visual and auditory) of places by means of *video cameras* and microphones belong to this information source. Many business organizations have surveillance cameras on their premises to control entrants and also other critical areas. It is possible for the police to listen in on discussions in a room without the participants knowing. For example, police in a district identified the room used by local Hells Angels members for crime planning and installed listening devices in the room.

8. *Communication control*. Wiretapping in terms of *interception* belongs to this information source. Police listen in on what is discussed on a telephone or transmitted via a data line without the participants being aware. In the UK, the interception of communications (telephone calls, emails, letters, etc.), whilst generating intelligence to identify more conventional evidential opportunities, is excluded from trial evidence by law — to the evident incredulity of foreign law enforcement colleagues.

9. *Physical material*. This is the investigation of material in order to identify, for example, *fingerprints* on doors

or bags, or material to investigate blood splatters and identify blood type. Another example is legal visitation; this is an approach to identify illegal material. DNA is emerging as an important information source, and is derived from physical material such as hair or saliva from a person. One approach to physical material collection is police search.

10. Internet. As an *open source*, the Internet is as important for general information and specific happenings to corporate crime intelligence as to everyone else. It is important to note that use of open sources is by no means a new activity and nor is it a new phenomenon of the Internet, which is in itself not a source, rather it is a tool used for finding sources. Also, there are risks of using open sources such as self-corroboration.

11. Policing systems. *Police records* are readily available in most police agencies. For example, DNA records may prove helpful when DNA material from new suspects is collected. Similarly, corporate social responsibility units may collate and develop records which do not violate privacy rights.

12. Employees. Information from the *local community* is often supplied in the form of tips to local police, using law enforcement tip lines. Similarly, a corporate social responsibility unit can receive

tips from employees in various departments.

13. Accusations. Victimized persons and goods file a *claim* with the corporate investigation unit or the unit for corporate social responsibility.

14. Exchange. International *policing cooperation* includes exchange of intelligence information. International partners for national police include national police in other countries as well as multinational organizations such as Europol and Interpol. Similarly, trade organizations and other entities for business organizations create exchanges for financial crime intelligence.

15. Media. Intelligence officers are exposed to the *news* by reading newspapers and watching TV.

16. Control authorities. Cartel agencies, stock exchanges, tax authorities and other control authorities are *suppliers of information* to the corporate executives in the event of suspicious transactions.

17. External data storage. A number of business and government organizations store information that may prove useful in financial crime intelligence. For example, telecom firms store data about traffic, where both the sender and the recipient are registered with date and time of communication.

All these information sources have different characteristics. For example, information sources can be distinguished in terms of the extent of trustworthiness and accessibility.

Prisons and other correctional environments are potential places for several information sources and production of intelligence useful to law enforcement. The total prison environment, including the physical plant, the schedule regimens of both staff and inmates, and all points of ingress and egress can be legitimately tapped for intelligence purposes, in countries such as the US. Since organized criminals are often sophisticated in terms of using, or exploiting, the correction environment to their advantage, police and correction personnel need to be immersed in the intelligence operations and strategies of their respective agencies. Legal visitation and escape attempts are sources of information. Prisoners are reluctant to testify, and their credibility is easily attacked. Communication control is derived from inmate use of phones, visits, mail, and other contacts.

The 17 information sources can be classified into two main categories. The first category includes all person-oriented information sources, where the challenge in corporate intelligence is communication with individuals. The

second category includes all media-oriented information sources, where the challenge in corporate intelligence is the management and use of different technological and other media. This distinction into two main categories leads to the following classification of 17 information sources:

A. Person-oriented information sources

- 1 Interrogation in interview
- 2 Informants in network
- 5 Anonymous, individual presence undercover for observation
- 6 Provocation through action
- 12 Tips from citizens in local community
- 13 Claims in accusations
- 14 Information exchange in inter-organizational cooperation

B. Media-oriented information sources

- 3 Crime scenes at location
- 4 Confiscated documents
- 7 Video cameras for surveillance
- 8 Interception for communication control
- 9 Physical materials such as fingerprints
- 10 Open sources such as Internet
- 11 Internal records in policing systems
- 15 News in the media

16 Supply of information from control authorities

17 External data storage

Combinations of information sources are selected in investigation and intelligence according to the subject of white-collar crime. When forensic accounting is applied as document study, it is typically combined with interviews and observations, thereby integrating behavioral aspects into forensic accounting.

Controlling Information Benefits

Information is the raw material in all police work. The relative importance of and benefits from pieces of information is dependent on the relevance to a specific crime case, the quality of information, and the timeliness of information. Information value in police work is determined by information adaptability to police tasks in an investigation. A smart defense lawyer can reduce information value, information quality, information security, legal and ethical compliance, information resource, as well as information requirements in law enforcement.

Chaffey and White¹¹ distinguish between the following six information management themes:

11 Chaffey, D., White, G. (2011), *Business Information Management, Second Edition*, Prentice Hall, London, UK, 688 p.

1. *Information value* representing the importance. Information can be prioritized in importance and better-quality sources identified so that improved information is delivered. Information value can be assessed in terms of its fitness for policing purpose. Once information has been identified as valuable, plans can then be put in place to protect it from deletion or modification, share it within a defined audience, and improve its quality. Lower-value information can either be improved to increase its relevance to police officers or removed from detailed reports to produce summaries.

2. *Information quality* in terms of content, time and form. The content dimension is concerned with accuracy (information correct), relevance (information can support decision making), completeness (no data items missing), conciseness (information is not too detailed), and scope (may be broad or narrow, internal or external to the organization). The time dimension is concerned with timeliness (available when needed, immediate or real-time information is common requirement, alerts are also a requirement), currency (information is up to date), frequency (information supplied at appropriate regular intervals), and time period (a time series covers the right period of time). The form dimension is concerned with

clarity (information readily interpreted), detail (both summary 'dashboard' views and detailed 'drill-down' views may be required), order (data sorted in a logical order and can be modified), presentation (tabulations and graphs), and media (hard copy from print-outs, and soft copy electronically stored and displayed).

3. *Information security* to safeguard from accidental and deliberate modification or deletion by people and events. Information and the media, on which it is held, may be destroyed by security breaches. Information security refers to protection of information and the systems and hardware that use, store, and transmit that information. The key features of information security are availability (only to those eligible), confidentiality (only to those eligible), and authenticity and integrity (safeguarding accuracy of information).

4. *Legal and ethical compliance* to handle sensitivity. Information is held about individuals on computer systems. Governments have developed many laws both to protect individuals and to give government agencies access to information which may be needed for law enforcement.

5. *Information resource* for knowledge management. The police are collections of individuals that pos-

sess knowledge. Information becomes knowledge when it is interpreted by individuals and put into context. Knowledge is information combined with reflection, interpretation, and context, where skills and opinions are added to make sense to new insights. Knowledge becomes information when it is codified and stored in information systems.

6. *Information requirement* to technology. Information is handled electronically by computer systems. Technology support to achieve the objectives of the information management strategy involves selecting relevant information systems applications and infrastructure.

A defense lawyer can reduce information benefits by lower fitness for policing purposes. Information quality can be reduced in terms of less accuracy, less relevance, less completeness, less conciseness, and lack of scope. Information security can be violated by modification or deletion of information elements. Lack of legal and ethical compliance can be stressed by pinpointing incidents of information leakage from the police in the past. Information as a resource is harmed by making it more difficult for the police to make sense to new insights. Finally, information can be passed on to the police in a format not suited for computer systems.

Symbolic Defense Strategy

A symbol is an object or phrase that represents, stands for, or suggests an idea, belief, or action. Symbols take the form of words, sounds, gestures, or visual images and are used to convey ideas and beliefs. Symbolic defense is concerned with activities that represent and stand for defense, but in itself is no defense. Symbolic defense is an alternative and a supplement to substance defense. Substance and symbolic defense are different arenas where the white-collar attorney can work actively to try to make the police close the case, to make the court dismiss the case, and to enable reopening of a case to enable the client to plead not guilty.

The purpose of symbolic defense is to communicate meaning and opinions by means of symbols. Examples of meaning are delays in police investigations, low police work quality or other issues related to police and prosecution work. Complaining about delays in police investigations is not substance defense, as the complaint is not expressing a meaning about the crime and possible punishment. Complaining is symbolic defense, where the goal is to mobilize sympathy for the white-collar client.

It is not necessarily the white-collar attorney who actively contacts the media to conduct symbolic defense. One of the characteristics of a white-collar criminal is media interest in the person and the case, because the person had a position in society that he or she abused in financial crime. Now that the person is prosecuted in court for financial crime, it is indeed interesting for the press and other media to tell the story to its readers, listeners and viewers. A media storm can lead to different results. One outcome might be that the offender after a while is perceived as a victim. Another outcome might be that the judge feels pressured to convict the person, because everybody expects a tough sentence to be passed to the person.

White-collar crime attorneys vary in the extent to which they find media coverage a suitable option for symbolic defense. Ideally, each attorney should only have what is best for the client in mind. However, some famous attorneys may have their own media agenda, more or less independent of the current clients that they are defending in court. Irrespective of client and/or lawyer agenda, the lawyer must be prepared to respond to media inquiries. The client may want to present his or her story in the press because he or she may believe that press

coverage will have a positive impact on personal image as well as court proceedings. Police statements in the press may be perceived as provocation against the client, who wants to tell another story.

Conclusion

This implies that a white-collar crime lawyer works on fewer cases in

parallel. The white-collar lawyer gets the case much earlier and is far more likely to keep charges from being filed. Second, information control is at the center of the attorney's work. The lawyer is concerned with acquisition of crucial information and keeps damaging information out of the hands of government investigators and prosecutors.

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Стратегии защиты от должностных преступлений

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Аннотация

В статье рассматриваются три стратегии, применяемые адвокатами при рассмотрении должностных (беловоротничковых) преступлений, которые особенно примечательны при рассмотрении стратегий защиты от должностных преступлений от других оборонных стратегий в юридической практике.

Ключевые слова

Стратегия защиты, должностное преступление, мошенничество, адвокат защиты.

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