

Blue Collar Tactics in White Collar Cases

September 2011September 1, 2011 | *The Champion*

*When sophisticated business people begin to adopt the methods of common criminals, we have no choice but to treat them as such.*¹

Criminal defense lawyers are familiar with law enforcement's use of confidential informants and cooperating witnesses in the prosecution of organized crime, drug trafficking, and other "blue collar" offenses. In the past few years, however, the use of these tools has been broadly expanded to investigations of securities fraud, tax fraud, and other traditional white collar crimes. It is clear that the prosecutorial successes achieved through the expanded use of these tools mean they are going to become the norm, not the exception. Lawyers can expect white collar cases to be less about the paper and more about the snitches and their tape recordings.

This article examines recent uses of confidential informants, whistleblowers, and cooperating witnesses. It outlines potential dangers and opportunities, as this emerging trend becomes an ongoing reality.