



Georgetown
University

Stanford
University

Ucla

From *Full House* to the Big House?:
Legal Issues In the “Operation Varsity Blues”
College Admissions Case



WAKE FOREST
UNIVERSITY

Yale

Sung to “The Time Warp”

Its astounding. All this cheating.

One percenters make a mess

But listen closely, not for very much longer

Then we'll make arrests.

I remember, back in the old days

Studying, doing homework

The odds were against us

But with Singer's “side door”

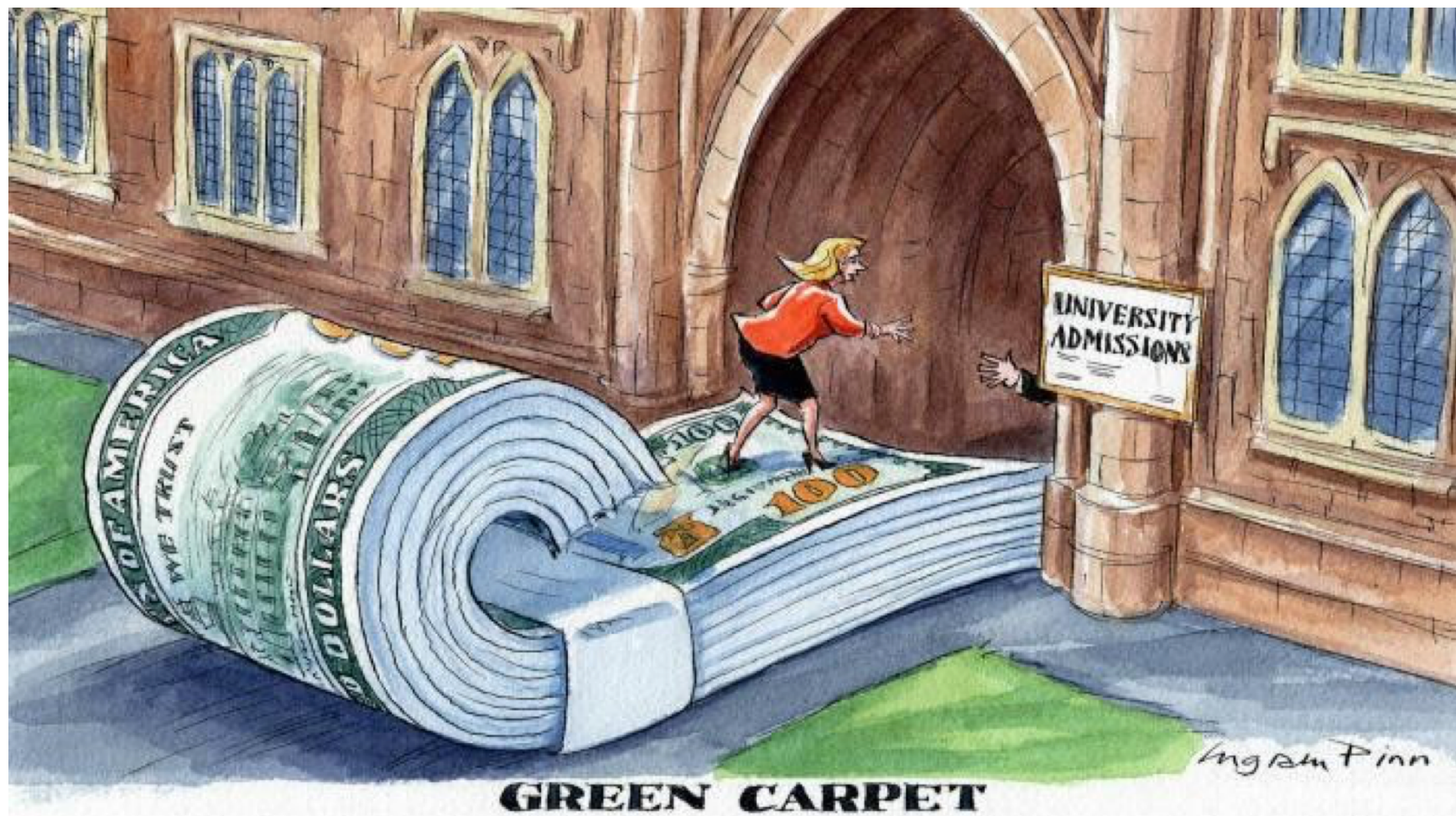
Let's pay our way in today!

Let's pay our way in today!



ACT I

CHARGING DECISIONS



GREEN CARPET





Our final honorary degree goes to Mr. Rockefeller who kicked in three million clams for a chem lab.

Conspiracy to Commit Mail and Wire Fraud

Conspiracy to commit mail and wire fraud under 18 U.S.C. § 1349 requires a jury to find that:

- (1) two or more persons agreed to commit mail or wire fraud; and
- (2) the defendant willfully joined the conspiracy.

Two primary elements for mail and wire fraud under 18 U.S.C. §§ 1341 and 1343:

- (1) a scheme to defraud or to perform specified fraudulent acts, and
- (2) use of the mails or wires to execute the scheme or specified fraudulent acts.

Honest Services Fraud

Under 18 U.S.C. § 1346, a scheme or artifice to defraud includes “a scheme or artifice to deprive another of the intangible right of honest services.”



DOJ Manual 9-27.110 (Purpose)

COMMENT:

Under the federal criminal justice system, the prosecutor has wide latitude in determining when, whom, how, and even whether to prosecute for apparent violations of federal criminal law. The prosecutor's broad discretion in such areas as initiating or foregoing prosecutions, selecting or recommending specific charges, and terminating prosecutions by accepting guilty pleas has been recognized on numerous occasions by the courts.

Since federal prosecutors have great latitude in making crucial decisions concerning enforcement of a nationwide system of criminal justice, it is desirable, in the interest of the fair and effective administration of justice, that all federal prosecutors be guided by a general statement of principles that summarizes appropriate considerations to be weighed, and desirable practices to be followed, in discharging their prosecutorial responsibilities . . .



From: Mossimo and Lori

To: Rick

Subject: USC

Date: April 22, 2016

We just met with Bella's college counselor, and let's just say it didn't go so well. I'd like to sit down with you and see what you can do, just understand all the options on the table and see what we can do about getting her into a school other than ASU.



From: Rick



To: Mossimo and Lori

Subject: Re: USC

Date: April 22, 2016

If you want USC I have the game plan ready to go into motion. Call me to discuss.



From: Rick

To: Mossimo and Lori

Subject: Re: USC

Date: May 1, 2016

In order for this to work, we will need Bella to be recruited by the crew team, and we need to really sell everyone, including the university, on her being a coxswain. Please send over an "action shot" of Bella so we can put her on the crew website.



From: Lori

To: Rick

Subject: Action Shot

Date: May 5, 2016

Take a look and see
if this works.





Olivia Jade 

@oliviajadee



if you had the money you'd done it too amirite --
don't hate the player, hate the game

4:15 PM · March 12, 2019 · [Twitter for Apples](#)

2k Retweets · -3trillion Likes



From: Mossimo

To: Rick

CC: Lori

Date: March 5, 2017

Subject: Trojan Happiness

I wanted to thank you again for your great work with Bella, she is very excited and both Lori and I are very appreciative of your efforts and end result!



From: Rick

To: Mossimo

CC: Lori

Date: March 5, 2017

Subject: Re: Trojan Happiness

Glad you're happy. Do you have a similar need
for your younger daughter?



From: Lori

To: Rick

CC: Mossimo

Date: March 5, 2017

Subject: Re: Trojan Happiness

Yes we do!! USC for Olivia Jade too!!

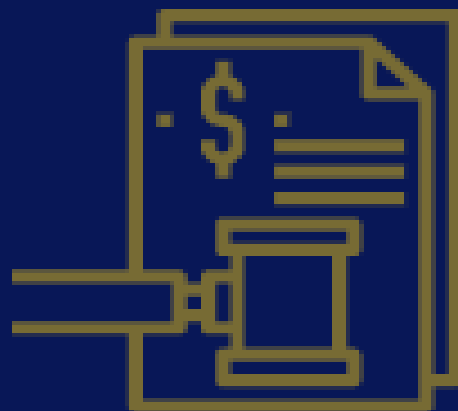


Jordana Caplan
PROMINENT New York Law Firm



ACT II

CONFLICTS OF INTEREST



Loose, Wiley, & Associates LLP

California Rules of Professional Conduct, Rule 1.7

- (a) A lawyer shall not, without informed written consent from each client and compliance with paragraph (d), represent a client if the representation is directly adverse to another client in the same or a separate matter.**

- (a) A lawyer shall not, without informed written consent from each affected client and compliance with paragraph (d), represent a client if there is a significant risk the lawyer's representation of the client will be materially limited by the lawyer's responsibilities to or relationships with another client, a former client or a third person, or by the lawyer's own interests.**

ABA Model Rules of Professional Conduct 1.7, Comment 30

A particularly important factor in determining the appropriateness of common representation is the effect on client-lawyer confidentiality and the attorney-client privilege. With regard to the attorney-client privilege, the prevailing rule is that, as between commonly represented clients, the privilege does not attach. Hence, it must be assumed that if litigation eventuates between the clients, the privilege will not protect any such communications, and the clients should be so advised.

“Hot Potato” Rule

“A law firm that knowingly undertakes adverse concurrent representation may not avoid disqualification by withdrawing from the representation of the less favored client.”

Truck Ins. Exch. v. Fireman's Fund Ins. Co., 6
Cal. App. 4th 1050, 1057, 8 Cal. Rptr. 2d
228 (1992), *reh'g denied and opinion*
modified (June 10, 1992)

ACT III

ATTORNEY MISCONDUCT

SIX MONTHS LATER

Jordana Caplan
PROMINENT New York Law Firm



California Rules of Professional Conduct, Rule 8.4

It is professional misconduct for a lawyer to

. . .

(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit, or reckless or intentional misrepresentation;

(d) state or imply an ability to influence improperly a government agency or official, or to achieve results by means that violate these rules, the State Bar Act, or other law;

California Bus & Prof. Code Sections 6101 and 6102

6101(a): Conviction of a felony or misdemeanor, involving moral turpitude, constitutes a cause for disbarment or suspension.

6102(a): Upon the receipt of the certified copy of the record of conviction, if it appears therefrom that the crime of which the attorney was convicted involved, or that there is probable cause to believe that it involved, moral turpitude or is a felony under the laws of California, the United States, or any state or territory thereof, the Supreme Court shall suspend the attorney until the time for appeal has elapsed, if no appeal has been taken, or until the judgment of conviction has been affirmed on appeal, or has otherwise become final, and until the further order of the court



DISBARRED

ACT IV

SENTENCING

ONE YEAR LATER



18 U.S.C. Sec. 3553(a)(2)(A) and (B)

(a) Factors To Be Considered in Imposing a Sentence.—The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider—

(2) the need for the sentence imposed—

(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

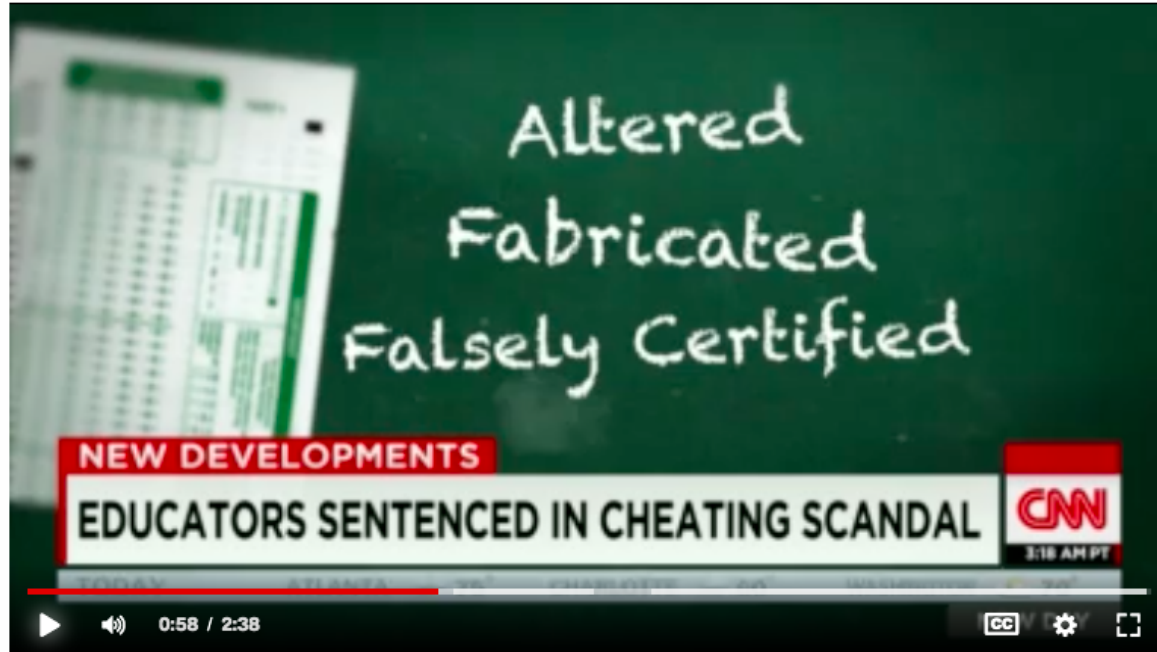
(B) to afford adequate deterrence to criminal conduct;

Prison time for some Atlanta school educators in cheating scandal

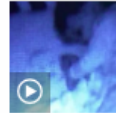


By **Ashley Fantz**, CNN

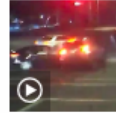
Updated 7:03 AM ET, Wed April 15, 2015



More from CNN



Mom spooked after checking baby monitor to see 'ghost baby...



Video shows car crash prevent horrible accident



IDEAS

Her Only Crime Was Helping Her Kids

Kelley Williams-Bolar, like Felicity Huffman, was punished for trying to get her children a better education.

SEP 13, 2019



Annie Lowrey

Staff writer at *The Atlantic*



Designed for
business.

Built by you.

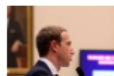


WordPress.com

MORE BY ANNIE LOWREY

Don't Trust Facebook

ANNIE LOWREY



This Mom Went To Prison For Enrolling Her Son In A School Outside Her District

ASHLEY ALESE EDWARDS

LAST UPDATED MARCH 15, 2019, 12:15 PM

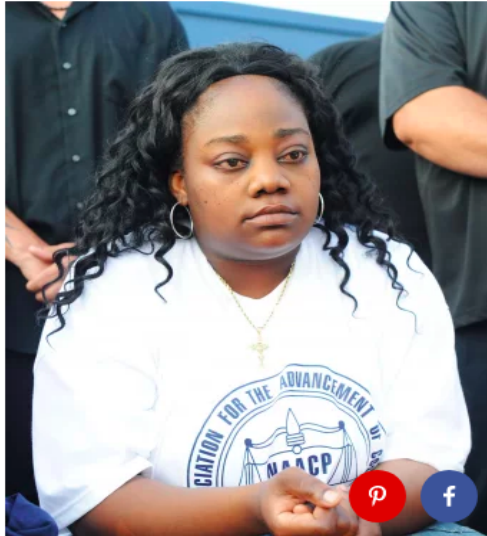
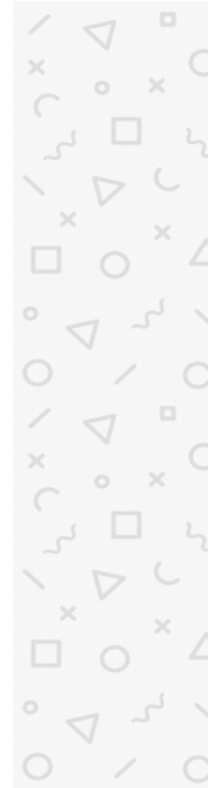


PHOTO: AP IMAGES.

The college cheating scandal that has ensnared at least 50 people, including actresses Felicity Huffman and Lori Loughlin, has sparked a much needed conversation about privilege and money in the U.S. educational system. And while the scam has also produced lots of funny commentary due to the sheer ridiculousness of the lengths these parents went to get their kids into college (like photoshopping their kids' faces onto stock photos of athletes) and the level of privilege these people have (Loughlin's daughter Olivia Jade was literally on the yacht of a billionaire when the news broke), what's not funny is how lower-income people fare when they try to get a better education for their children. One stark example of wealth inequality in education is the case of Tanya

McDowell, who went to prison for enrolling her son in the wrong school district.



“I maybe should say to you, before I get nine more of these: I don’t feel I need an expert report from a criminologist to tell me how to rule here, particularly where it’s the same criminologist that’s going to be probably presenting for everybody in L.A.”

- Judge Indira Talwani, District of Massachusetts**

“The judge has 11 parents to sentence. ... Let’s say that instead of giving each of them 14 days to six months in prison, she gave each parent 2,000 hours of community service. Imagine what 22,000 hours of very productive, hands-on community service could do for society.”

- Nathan J. Hochman, lawyer representing Devin Sloane**

These arguments are “about as tone-deaf as I’ve heard.”

- Judge Indira Talwani, District of Massachusetts**

Sung to “The Time Warp”

It's not dreamy, my kid gets Cs and Bs

For SATs, I'll give Singer a call

In another dimension, with only a mother's best intention

Don't tell my daughter, her ego will fall

It costs only a bit more

And she's got a new test score?

Uh huh. College admissions, will never be the same

I'm can't stand this sensation (OF GUILT)

Can I get some sedation????

Let's pay our way in today!

Let's pay our way in today!



THE END