

# Bibliography

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- Aguilar, Melissa. "Dpa-Npa Tally Marks Decade's Second Highest." *Compliance Week* (January 4, 2011).
- Ahmed, Parvez, John Gardella, and Sudhir Nanda. "Wealth Effect of Drug Withdrawals on Firms and Their Competitors." *Financial Management* 31, No. 3 (2002): 21–41.
- Akhigbe, Aigbe, Ronald Kudla, and Jeff Madura. "Why Are Some Corporate Earnings Restatements More Damaging?" *Applied Financial Economics* 15, No. 5 (2005): 327–336.
- Aleskerov, Fuad, Denis Bouyssou, and Bernard Monjardet. *Utility Maximization, Choice and Preference*. 2nd Edition. Berlin, Heidelberg, New York: Springer, 2007.
- Allingham, Michael. *Rational Choice*. New York: St. Martin's Press Inc., 1999.
- Amabile, Teresa M., William Dejong, and Mark R. Lepper. "Effects of Externally Imposed Deadlines on Subsequent Intrinsic Motivation." *Journal of Personality and Social Psychology* 34, No. 1 (1976): 92–98.
- Aoki, Kazumasu, Lee Axelrad, and Robert A. Kagan. "Industrial Effluent Control in The United States and Japan." In *Regulatory Encounters*, edited by Robert A. Kagan and Lee Axelrad, 64–95. Berkeley, Los Angeles, London: University of California Press, 2000.
- Archer, Margaret S. and Jonathan Q. Tritter. *Rational Choice Theory: Resisting Colonization*. New York: Routledge, 2001.
- Arlen, Jennifer. "The Potentially Perverse Effects of Corporate Criminal Liability." *Journal of Legal Studies* 23, No. 2 (1994): 833–867.
- Arlen, Jennifer. "Removing Prosecutors from the Boardroom: Limiting Prosecutorial Discretion to Impose Structural Reforms." In *Prosecutors in the Board Room: Using Criminal Law to Regulate Corporate Conduct*, edited by Anthony S. Barkow and Rachel E. Barkow, 62–86. New York: New York University Press, 2011.
- Arlen, Jennifer and Reinier Kraakman. "Controlling Corporate Misconduct: An Analysis of Corporate Liability Regimes." *NYU Law Review* 72, No. 4 (1997): 687–779.
- Armour, John, Henry Hansmann, and Reinier Kraakman. "Agency Problems and Legal Strategies." In *The Anatomy of Corporate Law: A*

- Comparative and Functional Approach*, edited by Reinier Kraakman, John Armour, Paul Davies, Luca Enriques, Henry Hansmann, Gerard Hertig, Klaus Hopt, Hideki Kanda and Edward Rock, 35–53. New York: Oxford University Press, 2009a.
- Armour, John, Henry Hansmann, and Reinier Kraakman. “Agency Problems, Legal Strategies, and Enforcement.” In *The Anatomy of Corporate Law: A Comparative and Functional Approach*, edited by Reinier Kraakman, John Armour, Paul Davies, Luca Enriques, Henry Hansmann, Gerard Hertig, Klaus Hopt, Hideki Kanda, and Edward Rock, 21–32. New York: Oxford University Press, 2009b.
- Armstrong, Andrew. “Drug Courts and the De Facto Legalization of Drug Use for Participants in Residential Treatment Facilities.” *The Journal of Criminal Law & Criminology* 94, No. 1 (2003): 133–168.
- Atiyah, Patrick S. *Vicarious Liability in the Law of Tort*. London: Butterworths, 1967.
- Australian Competition and Consumer Commission (ACCC). *Corporate Trade Practices Compliance Programs*, 2005. Available at: <http://www.accc.gov.au>.
- Avio, Kenneth L. “Capital Punishment in Canada: A Time-Series Analysis of the Deterrent Hypothesis.” *The Canadian Journal of Economics* 12, No. 4 (1979): 647–676.
- Aviram, Amitai. “In Defense of Imperfect Compliance Programs.” *FSU Law Review* 32 (2005): 763–780.
- Axelrod, Robert. “Effective Choice in the Prisoner’s Dilemma.” *The Journal of Conflict Resolution* 24, No. 1 (1980): 3–25.
- Axelrod, Robert. “More Effective Choice in the Prisoner’s Dilemma.” *The Journal of Conflict Resolution* 24, No. 3 (1980): 379–403.
- Axelrod, Robert. “The Emergence of Cooperation Among Egoists.” *The American Political Science Review* 75, No. 2 (1981): 306–318.
- Axelrod, Robert. *The Evolution of Cooperation*. New York: Basic Books, 1984.
- Baggs, James, Barbara Silverstein, and Michael Foley. “Workplace Health and Safety Regulations: Impact of Enforcement and Consultation on Workers’ Compensation Claims Rates in Washington State.” *American Journal of Industrial Medicine* 43, No. 5 (2003): 483–494.
- Balch, Robert W. “Deferred Prosecution: The Juvenilization of the Criminal Justice System.” *Federal Probation* 38 (1974): 46–50.
- Baldwin, Robert and Martin Cave. *Understanding Regulation: Theory, Strategy, and Practice*. New York: Oxford University Press, 1999.
- Bandura, Albert. *Principles of Behavior Modification*. New York: Holt, Rinehart and Winston, 1969.
- Bardach, Eugene and Robert A. Kagan. *Going By The Book: The Problem*

- of Regulatory Unreasonableness*. Philadelphia, PA: Temple University Press, 1982.
- Bartley, Robert L. "Andersen: A Pyrrhic Victory." *The Wall Street Journal* (June 24, 2002): A17.
- Baylson, Michael. "Getting the Demons into Heaven: A Good Corporate Compliance Program." *Corporate Conduct Quarterly* 2 (1992): 33–34.
- Bazerman, Max H. and Don A. Moore. *Judgment in Managerial Decision Making*, 7th Edition. Hoboken, NJ: John Wiley & Sons, Inc., 2008.
- Beccaria, Cesare. *On Crime And Punishment, and Other Writings*. Translated by Richard Davies, edited by Richard Bellamy, 1995 Edition. Cambridge: Cambridge University Press, 1767.
- Becker, Gary S. "Crime And Punishment: An Economic Approach." *The Journal of Political Economy* 76, No. 2 (1968): 169–217.
- Becker, Gary S. *The Economic Approach to Human Behavior*. Chicago, IL: University of Chicago Press, 1978.
- Becker, Gary S. "Make Punishment Fit the Corporate Crime." *Business Week* (March 13, 1989): 22–30.
- Becker, Gary S. "Nobel Lecture: The Economic Way of Looking at Behavior." *The Journal of Political Economy* 101, No. 3 (June, 1993): 385–409.
- Becker, Gary S. and George J. Stigler. "Law Enforcement, Malfeasance, and Compensation of Enforcers." *The Journal of Legal Studies* 3, No. 1 (1974): 1–18.
- Bentham, Jeremy. *An Introduction to the Principles of Morals and Legislation*, 1973 Edition. Garden City, NY: Anchor Books, 1789.
- Bernstein, Lisa. "Opting Out of the Legal System: Extralegal Contractual Relations in the Diamond Industry." *Journal of Legal Studies* 21, No. 1 (1992): 115–157.
- Bernstein, Lisa. "Private Commercial Law in the Cotton Industry: Creating Cooperation Through Rules, Norms, and Institutions." *Michigan Law Review* 99, No. 7 (2001): 1724–1790.
- Bierschbach, Richard A. and Alex Stein. "Overenforcement." *The Georgetown Law Journal* 93, No. 6 (2005): 1743–1781.
- Bittlingmayer, George. "The Market for Corporate Control (Including Takeovers)." In *Encyclopedia of Law and Economics*, edited by Boudewijn Bouckaert and Gerrit De Geest. Vol. 5640, 725–771. Available at: <http://encyclo.findlaw.com/index.html>; Edward Elgar and The University of Ghent, 1999.
- Black, Julia. "Managing Discretion." *ARLC Conference Papers. Penalties: Policy, Principles and Practice in Government Regulation*. Available at: <http://w.lse.ac.uk/collections/law/staff%20publications%20full%20text/black/alrc%20managing%20discretion.pdf> (2001).

- Blank Rome LLP. "Keeping a Watchful Eye: Corporate Deferred Prosecution Agreements and the Selection of Corporate Monitors." *Mondaq Business Briefing* (July 3, 2008).
- Bloch, Robert E. "Compliance Programs and Criminal Antitrust Litigation: A Prosecutor's Perspective." *Antitrust Law Journal* 57 (1988): 223–232.
- Block, Michael K. "Optimal Penalties, Criminal Law and the Control of Corporate Behavior." *Boston University Law Review* 71 (1991): 395–419.
- Blumenthal, Marsha, Charles Christian, and Joel Slemrod. "The Determinants of Income Tax Compliance: Evidence From a Controlled Experiment in Minnesota." *National Bureau of Economic Research Working Papers No. 6575* (1998): 1–39.
- Blumstein, Alfred, Jacqueline Cohen, and Daniel Nagin. *Deterrence and Incapacitation: Estimating the Effects of Criminal Sanctions on Crime Rates*. Washington DC: National Academy of Sciences, 1978.
- Boatright, John R. "Reluctant Guardians: The Moral Responsibility of Gatekeepers." *Business Ethics Quarterly* 17, No. 4 (2007): 613–632.
- Boozang, Kathleen M. and Simone Handler-Hutchinson. "'Monitoring' Corporate Corruption: DOJ's Use of Deferred Prosecution Agreements in Health Care." *American Journal of Law & Medicine* 35, No. 1 (2009): 89–124.
- Bose, Pinaki. "Regulatory Errors, Optimal Fines and the Level of Compliance." *Journal of Public Economics* 56, No. 3 (1995): 475–484.
- Bowles, Roger, Michael Faure, and Nuno Garoupa. "The Scope of Criminal Law and Criminal Sanctions: An Economic View and Policy Implications." *Journal of Law And Society* 35, No. 3 (2008): 389–416.
- Bowles, Roger and Nuno Garoupa. "Casual Police Corruption and the Economics of Crime." *International Review of Law and Economics* 17, No. 1 (1997): 75–87.
- Braithwaite, John. "Enforced Self-Regulation: A New Strategy For Corporate Crime Control." *Michigan Law Review* 80, No. 7 (1982): 1466–1507.
- Braithwaite, John. *To Punish or Persuade: Enforcement of Coal Mine Safety*. Albany, NY: State University of New York Press, 1985.
- Braithwaite, John. *Restorative Justice & Responsive Regulation*. Studies in Crime and Public Policy. New York: Oxford University Press, 2002.
- Braithwaite, John and Ian Ayres. *Responsive Regulation: Transcending the Deregulation Debate*. New York: Oxford University Press, 1992.
- Braithwaite, Valerie and John Braithwaite. "An Evolving Compliance Model For Tax Enforcement." In *Crimes of Privilege*, edited by N. Shover and J. P. Wright. Oxford: Oxford University Press, 2001.

- Braithwaite, John and Toni Makkai. "Trust And Compliance." *Policing and Society* 4, No. 1 (1994): 1–12.
- Brehm, Sharon S. and Jack Williams Brehm. *Psychological Reactance: A Theory of Freedom and Control*. New York: Academic Press, 1981.
- Brickey, Kathleen F. "Corporate Criminal Accountability: A Brief History and an Observation." *Washington University Law Quarterly* 60, No. 2 (1982): 393–423.
- Burns, Greg. "Corporations Avoid Criminal Cases", *Chicago Tribunal* (March 20, 2005): 5.
- Burrows, Melinda. "The Seven Elements of an Effective Compliance and Ethics Program." *The Practical Lawyer* February (2006): 21–23.
- Calabresi, Guido. *The Costs of Accidents: A Legal and Economic Analysis*. New Haven, CT: Yale University Press, 1970.
- Camerer, Colin and Martin Weber. "Recent Developments in Modeling Preferences: Uncertainty and Ambiguity." *Journal of Risk and Uncertainty* 5, No. 4 (1992): 325–370.
- Canada Competition Bureau. *Corporate Compliance Programs*, 2008.
- Carr-Hill, Roy A. and Nicholas H. Stern. "An Econometric Model of the Supply and Control of Recorded Offences in England and Wales." *Journal of Public Economics* 2, No. 4 (1973): 289–318.
- Casper, Jonathan D., Tom R. Tyler, and Bonnie Fisher. "Procedural Justice in Felony Cases." *Law & Society Review* 22, No. 3 (1988): 483–508.
- Centre For European Policy Studies (CEPS), Erasmus University Rotterdam (EUR), Luiss Guido Carli (LUISS). *Final Report: Making Antitrust Damages Actions More Effective in the EU: Welfare Impact and Potential Scenarios*. Brussels, Rome, Rotterdam: European Commission (December 21, 2007).
- Chang, Juin-Jen, Ching-Chong Lai, and C. C. Yang. "Casual Police Corruption and the Economics of Crime: Further Results." *International Review of Law and Economics* 20, No. 1 (2000): 35–51.
- Chayes, Abram and Antonia H. Chayes. "On Compliance." *International Organization* 47, No. 2 (1993): 175–205.
- Chu, Cyrus C. Y. and Yingyi Qian. "Vicarious Liability Under a Negligence Rule." *International Review of Law and Economics* 15, No. 3 (1995): 305–322.
- Ciancio, Nick. *The Seven Pillars of an Effective Ethics and Compliance Program* 2007. Available at: <http://ethicsline.com/resources/news-articles/>
- Clark, Nolan E. "No Soul to Damn: No Body to Kick: An Unscandalized Inquiry into the Problem of Corporate Punishment." *Michigan Law Review* 79, No. 3 (1981): 386–459.

- Clark, Nolan E. "Understanding Enron: It's About the Gatekeepers, Stupid." *The Business Lawyer* 57 (August 2002): 1403–1420.
- Clark, Nolan E. "Deferred Prosecution: Has It Gone Too Far?" *The National Law Journal* (July 25, 2005): 13.
- Clark, Nolan E. *Gatekeepers: The Professions and Corporate Governance*. New York: Oxford University Press, 2006.
- Clark, Nolan E. "Corporate Sentencing Guidelines: Drafting History." Chapter 2 in *Compliance Programs and the Corporate Sentencing Guidelines: Preventing Criminal and Civil Liability*, edited by Jeffrey M. Kaplan and Joseph E. Murphy. Revised Edition, St. Paul, MN: Thomson/West, 2009.
- Coffee, John C. Jr. "The Attorney as Gatekeeper: An Agenda For the SEC." *Columbia Law Review* 103 (2003): 1293–1316.
- Colvin, Eric. "Corporate Personality and Criminal Liability." *Criminal Law Forum* 6, No. 1 (1995): 1–44.
- Commission of the European Communities. *Green Paper – Damages Actions For Breach of the EC Antitrust Rules*. Brussels: Commission of the European Communities (December 19, 2005).
- Cook, Philip J. "Research in Criminal Deterrence: Laying the Groundwork for the Second Decade." *Crime and Justice* 2 (1980): 211–268.
- Cooter, Robert D. "Prices and Sanctions." *Columbia Law Review* 84 (1984): 1523–1560.
- Cooter, Robert D. "Punitive Damages for Deterrence: When and How Much." *Alabama Law Review* 40 (1988): 1143–1196.
- Cooter, Robert and Thomas Ulen. *Law And Economics*. The Addison-Wesley Series in Economics. 5th Edition. Boston: Pearson Addison Wesley, 2007.
- Corona, Carlos and Ramandeep S. Randhawa. "The Value of Confession: Admitting Mistakes to Build Reputation." *Working Paper*. Available at: SSRN: <http://ssrn.com/abstract=1702444> (2010).
- Corporate Crime Reporter. *Crime Without Conviction: The Rise of Deferred and Non Prosecution Agreements*. Available at: <http://www.corporatecrimereporter.com/deferredreport.htm> (December 28, 2005).
- Creighton, Virginia Morton. "Colorado's Environmental Audit Privilege Statute: Striking the Appropriate Balance." *University of Colorado Law Review* 67 (1996): 443–476.
- Crofts, Lewis. "EC's Lowe Moots Due-Process Improvements, But Firms' Compliance Rewards Not on Agenda." *MLex Market Intelligence* (November 17, 2009).
- Crofts, Lewis. "EC's Lowe Still to be Convinced of Effective Compliance Programmes." *MLex Market Intelligence* (January 11, 2010).
- Croley, Steven. "Vicarious Liability in Tort: On the Sources and Limits of

- Employee Reasonableness.” *Southern California Law Review* 69 (1995): 1705–1738.
- Curley, Shawn P., Frank J. Yates, and Richard A. Abrams. “Psychological Sources of Ambiguity Avoidance.” *Organizational Behavior and Human Decision Processes* 38, No. 2 (1986): 230–256.
- Dahlström, K., C. Howes, P. Leinster, and J. Skea. “Environmental Management Systems and Company Performance: Assessing the Case for Extending Risk-Based Regulation.” *European Environment* 13 (2003): 187–203.
- Dana, David A. “The Perverse Incentives of Environmental Audit Immunity.” *Iowa Law Review* 81 (1996): 969–1006.
- Davis, Kenneth C. *Discretionary Justice: A Preliminary Inquiry*. Baton Rouge, LA: Louisiana State University Press, 1969.
- Deci, Edward L. “Effects of Externally Mediated Rewards on Intrinsic Motivation.” *Journal of Personality and Social Psychology* 18 (1971): 105–115.
- Deferred Prosecution Agreement with AGA Medical. Available at: <http://www.law.virginia.edu/pdf/faculty/garrett/agamedical.pdf> (June 3, 2008).
- Deferred Prosecution Agreement with America Online, Inc. (AOL). Available at: <http://www.corporatecrimereporter.com/documents/aol.pdf> (2004).
- Deferred Prosecution Agreement with Bristol-Myers Squibb. Available at: [http://lib.law.virginia.edu/Garrett/prosecution\\_agreements/pdf/bristol-meyers.pdf](http://lib.law.virginia.edu/Garrett/prosecution_agreements/pdf/bristol-meyers.pdf) (June 13, 2005).
- Deferred Prosecution Agreement with KPMG. Available at: <http://www.justice.gov/usao/nys/pressreleases/August05/kpmgdpagmt.pdf> (August 26, 2005)
- Deferred Prosecution Agreement with Monsanto Company. Available at: <http://www.corporatecrimereporter.com/documents/monsantoagreement.pdf> (January 6, 2005).
- Deferred Prosecution Agreement with Willbros Group Inc. Available at: <http://www.techagreements.com/agreement-preview.aspx?num=585046&title=willbros%20group%20-%20deferred%20prosecution%20agreement> (May 14, 2008).
- Demott, Deborah A. “The Discrete Roles of General Counsel.” *Fordham Law Review* 74 (2005): 955–981.
- Department of Health and Human Services (HHS), Office of Inspector General (OIG). “Publication of the OIG Compliance Program Guidance for Clinical Laboratories.” *Fed. Reg.* 63, No.163 (1998a): 45076–45087.
- Department of Health and Human Services (HHS), Office of Inspector

- General (OIG). "Publication of the OIG Compliance Program Guidance for Hospitals." *Fed. Reg.* 63, No. 35 (1998b): 8987–8998.
- Department of Health and Human Services (HHS), Office of Inspector General (OIG). "Publication of the OIG Compliance Program Guidance for Third-Party Medical Billing Companies." *Fed. Reg.* 63, No. 243 (1998c): 70138–70152.
- Department of Justice. *Press Release, U.S. Department of Justice and SEC Enter \$290 Million Settlement with Salomon Brothers*. Available at: [http://www.usdoj.gov/atr/public/press\\_releases/1992/211182.htm](http://www.usdoj.gov/atr/public/press_releases/1992/211182.htm) (May 20, 1992a).
- Department of Justice. *Press Release: Department of Justice and SEC Enter \$290 Million Settlement with Salomon Brothers in Treasury Securities Case*. Available at: [http://www.justice.gov/atr/public/press\\_releases/1992/211182.htm](http://www.justice.gov/atr/public/press_releases/1992/211182.htm) (May 20, 1992b).
- Department of Justice. *Press Release No.08-417, Willbros Group Inc. Enters Deferred Prosecution Agreement and Agrees to Pay €22 Million Penalty for FCPA Violations*. Available at: <http://www.foley.com/files/willsbrosdojrelease.pdf> (May 14, 2008).
- Department of Justice. *Press Release No.08-491, AGA Medical Corporation Agrees to Pay \$2 Million Penalty and Enter Deferred Prosecution Agreement for FCPA Violations*. Available at: <http://www.justice.gov/opa/pr/2008/June/08-crm-491.html> (June 3, 2008).
- Department of Justice. *Tenaris S.A. Agrees to Pay \$3.5 Million Criminal Penalty to Resolve Violations of the Foreign Corrupt Practices Act*. Available at: <http://www.justice.gov/opa/pr/2011/May/11-crm-629.html> (May 17, 2011).
- Desai, Kiran and Mayer Brown. "Compliance." *The European Antitrust Review* (2010):15–21.
- Downs, George W. "Reputation, Compliance, and International Law." *The Journal of Legal Studies* 31, No. S1 (2002): S95–S114.
- Downs, George W., David M. Rocke, and Peter N. Barsboom. "Is the Good News about Compliance Good News about Cooperation?" *International Organization* 50, No. 3 (1996): 379–406.
- Easton, David. "The Perception of Authority and Political Change." In *Authority*, edited by Carl J. Friedrich. Cambridge, MA: Harvard University Press, 1958.
- Eckert, Heather. "Inspections, Warnings, and Compliance: The Case of Petroleum Storage Regulation." *Journal of Environmental Economics and Management* 47, No. 2 (2004): 232–259.
- Ecorys. "Study on Incentives Driving Improvement of Environmental Performance of Companies." Available at: [http://ec.europa.eu/environment/pubs/pdf/Incentives\\_Ecorys.pdf](http://ec.europa.eu/environment/pubs/pdf/Incentives_Ecorys.pdf) (2012).



- Edgerton, Henry W. "Corporate Criminal Responsibility." *The Yale Law Journal* 36, No. 6 (1927): 827–844.
- Eger, Thomas and Peter Weise. "Limits to the Private Enforcement of Antitrust Law." *German Working Papers in Law and Economics* 2007, No. 2 (2007): 1–14.
- Ehrlich, Isaac. "Participation in Illegitimate Activities: A Theoretical and Empirical Investigation." *The Journal of Political Economy* 81, No. 3 (1973): 521–565.
- Ehrlich, Isaac. "The Deterrent Effect of Capital Punishment: A Question of Life and Death." *The American Economic Review* 65, No. 3 (1975): 397–417.
- Ehrlich, Isaac. "Crime, Punishment, and the Market for Offenses." *The Journal of Economic Perspectives* 10, No. 1 (1996): 43–67.
- Ehrlich, Isaac and Mark Randall. "Fear of Deterrence: A Critical Evaluation of the 'Report of the Panel on Research on Deterrent and Incapacitative Effects'." *The Journal of Legal Studies* 6, No. 2 (1977): 293–316.
- Elkins, James R. "Corporations and the Criminal Law: An Uneasy Alliance." *Kentucky Law Journal* 65, No. 1 (1977): 73–129.
- Ellickson, Robert C. "A Hypothesis of Wealth-Maximizing Norms: Evidence from the Whaling Industry." *Journal of Law, Economics and Organization* 5, No. 1 (1989): 83–97.
- Emmett, Ross B., ed. *The Elgar Companion to the Chicago School of Economics*. Cheltenham U.K. & Northampton, MA: Edward Elgar Publishing Limited, 2010.
- Environmental Protection Agency (EPA). *The Exercise of Investigating Discretion*. Available at: <http://www.epa.gov/enforcement/criminal/documents/policies/exercise.pdf> (January 12, 1994).
- Environmental Protection Agency (EPA). "Incentives for Self Policing: Discovery, Disclosure, Correction, and Prevention of Violations." *Fed. Reg.* 60 (1995): 66706–66712.
- Environmental Protection Agency (EPA). "Calculation of the Economic Benefit of Noncompliance in EPA's Civil Penalty Enforcement Cases." *Fed. Reg.* 64 (June 18, 1999): 32948–32972.
- Environmental Protection Agency (EPA). "Incentives for Self Policing: Discovery, Disclosure, Correction, and Prevention of Violations." *Fed. Reg.* 65 (2000): 19618–19627.
- Esgate, Anthony, David Groome, and Kevin Baker. *An Introduction to Applied Cognitive Psychology*. New York: Psychology Press, 2004.
- Estes, William K. *An Experimental Study of Punishment*. Evanston, IL: The American Psychological Association, Inc., 1944.
- European Union (EU) Commission. *Guidelines on the Method of Setting*

- Fines Imposed Pursuant to Article 23(2)(A) of Regulation (EC) No 1/2003* OJ C 210/2 (September 1, 2006).
- Faull, Jonathan and Ali Nikpay, eds. *The EC Law of Competition*. New York: Oxford University Press, 2007.
- Faure, Michael. "Environmental Crimes." Chapter 165 in *Criminal Law and Economics*, edited by Nuno Garoupa. 2nd Edition, 320–345. Cheltenham, U.K. & Cambridge, MA, U.S.A.: Emerald Group Publishing Limited, 2009a.
- Faure, Michael. *The Impact of Behavioral Law and Economics on Accident Law*. The Hague, NL: Boom Juridische Uitgevers, 2009b.
- Fenn, Paul and Cento G. Veljanovski. "A Positive Economic Theory of Regulatory Enforcement." *The Economic Journal* 98 (1988): 1055–1070.
- Filip, Mark R. *Memorandum For Heads of Department Components United States Attorneys: Principles of Federal Prosecution of Business Organizations*. U.S. Department of Justice. Available at: <http://www.usdoj.gov/opa/documents/corp-charging-guidelines.pdf> (August 28, 2008).
- Fisher, Cynthia D. "The Effects of Personal Control, Competence, and Extrinsic Reward Systems on Intrinsic Motivation." *Organizational Behavior & Human Performance* 21, No. 3 (1978): 273–288.
- Franck, Thomas M. *Fairness in International Law and Institutions*. New York: Oxford University Press, 1995.
- French, John R. Jr and Bertram Raven. "The Bases of Social Power." In *Studies in Social Power*, edited by Dorwin Cartwright. Ann Arbor, MI: University of Michigan, 1959.
- Friedman, David and William Sjostrom. "Hanged for a Sheep: The Economics of Marginal Deterrence." *The Journal of Legal Studies* 22, No. 2 (1993): 345–366.
- Friedman, Howard M. "Some Reflections on the Corporation as Criminal Defendant." *Notre Dame Lawyer* 55 (1979): 173–202.
- Friedman, Milton. *Essays in Positive Economics*. Chicago, IL: The University of Chicago Press, 1953.
- Friesen, Lana L. "Targeting Enforcement to Improve Compliance with Environmental Regulations." *Journal of Environmental Economics and Management* 46, No. 1 (2003): 72–85.
- Gagné, Marylène and Edward L. Deci. "Self-Determination Theory and Work Motivation." *Journal of Organizational Behavior* 26 (2005): 331–362.
- Galen, Michele. "Keeping the Long Arm of the Law at Arm's Length." *Business Week* (April 22, 1991): 104.
- Garoupa, Nuno and Daniel Klerman. "Corruption and the Optimal Use of Nonmonetary Sanctions." *International Review of Law and Economics* 24, No. 2 (2004): 219–225.

- Garrett, Brandon L. "Structural Reform Prosecution." *Virginia Law Review* 93 (2007): 853–957.
- Gibbs, Jack P. *Crime, Punishment, and Deterrence*. New York: Elsevier, 1975.
- Gibson Dunn. *2008 Year-End Update on Corporate Deferred Prosecution and Non-Prosecution Agreements*. Available at: <http://www.gibsondunn.com/publications/pages/2008year-endupdate-corporatedpas.aspx> (January 6, 2009).
- Gibson Dunn. *2009 Mid-Year Update on Corporate Deferred Prosecution and Non-Prosecution Agreements* (July 8, 2009).
- Gibson Dunn. *2009 Year-End Update on Corporate Deferred Prosecution and Non-Prosecution Agreements* (January 7, 2010).
- Gibson Dunn. *2010 Mid-Year Update on Corporate Deferred Prosecution and Non-Prosecution Agreements* (August 5, 2010).
- Gibson Dunn. *2010 Year-End Update on Corporate Deferred Prosecution and Non-Prosecution Agreement* (January 4, 2011).
- Gibson Dunn. *2011 Mid-Year Update on Corporate Deferred Prosecution and Non-Prosecution Agreements* (July 12, 2011).
- Gibson Dunn. *2011 End-Year Update on Corporate Deferred Prosecution and Non-Prosecution Agreements* (January 4, 2012).
- Gibson Dunn. *2012 Mid-Year Update on Corporate Deferred Prosecution and Non-Prosecution Agreements* (July 10, 2011).
- Gilboy, Janet A. "Compelled Third-Party Participation in the Regulatory Process: Legal Duties, Culture, and Noncompliance." *Law & Policy* 20, No. 2 (1998): 135–155.
- Gilboy, Janet A. "Implications of Third-Party Involvement in Enforcement: The INS, Illegal Travelers, and International Airlines." *Law & Society Review* 31 (1997): 505–530.
- Gilson, Ronald J. "The Devolution of the Legal Profession: A Demand Side Perspective." *Maryland Law Review (1936)* 49, No. 4 (1990): 869–916.
- Gilson, Ronald J. and Reinier Kraakman. "Reinventing the Outside Director: An Agenda for Institutional Investors." *Stanford Law Review* 43 (1991): 863–906.
- Goldsmith, Jack L. and Eric A. Posner. "A Theory of Customary International Law." *The University of Chicago Law Review* 66, No. 4 (1999): 1113–1177.
- Goldsmith, Michael and Chad W. King. "Policing Corporate Crime: The Dilemma of Internal Compliance Programs." *Vanderbilt Law Review* 50 (1997): 1–47.
- Gordon, Neil. *Checking Up On DPAs, NPAs and Corporate Monitors*. Available at: <http://pogoblog.typepad.com/pogo/2009/06/checking-up-on-dpas-npas-and-corporate-monitors.html> (June 26, 2009).

- Graafland, Johan J. and Hugo Smid. "Reputation, Corporate Social Responsibility and Market Regulation." *Tijdschrift Voor Economie En Management* 49, No. 2 (2004): 271–309.
- Grabosky, Peter N. "Using Non-Governmental Resources to Foster Regulatory Compliance." *Governance: An International Journal of Policy and Administration* 8, No. 4 (1995): 527–550.
- Gray, Wayne B. and Mary E. Deily. "Compliance and Enforcement: Air Pollution Regulation in the U.S. Steel Industry." *Journal of Environmental Economics and Management* 31, No. 1 (1996): 96–111.
- Green, Christopher R. "Punishing Corporations: The Food-Chain Schizophrenia in Punitive Damages and Criminal Law." *Nebraska Law Review* 87 (2008): 197–269.
- Greenberg, Joseph. "Avoiding Tax Avoidance: A (Repeated) Game-Theoretic Approach." *Journal Of Economic Theory* 32, No. 1 (1984): 1–13.
- Greenblum, Benjamin M. "What Happens to a Prosecution Deferred? Judicial Oversight of Corporate Deferred Prosecution Agreements." *Columbia Law Review* 105, No. 6 (2005): 1863–1904.
- Grindler, Gary G., Acting Deputy Attorney General. *Memorandum For Heads of Department Components United States Attorneys: Additional Guidance on The Use of Monitors in Deferred Prosecution Agreements and Non-Prosecution Agreements with Corporations*. U.S. Department of Justice, Office of the Deputy Attorney General. Available at: <http://www.justice.gov/dag/dag-memo-guidance-monitors.pdf> (May 25, 2010).
- Groskaufmanis, Karl A. "Impact of Corporate Compliance Outside the Criminal Process." Chapter 24 in *Compliance Programs and the Corporate Sentencing Guidelines: Preventing Criminal and Civil Liability*, edited by Jefferey M. Kaplan and Joseph E. Murphy. Revised Edition St. Paul, MN: Thomson/West, 2009.
- Gunningham, Neil. "Negotiated Non-Compliance: A Case Study of Regulatory Failure." *Law & Policy* 9, No. 1 (1978): 69–96.
- Gunningham, Neil, Dorothy Thornton, and Robert A. Kagan. "Motivating Management: Corporate Compliance in Environmental Protection." *Law & Policy* 27, No. 2 (2004): 289–316.
- Gunningham, Neil. *Mine Safety: Law, Regulation, Policy*. Sydney: The Federation Press, 2007.
- Guzman, Andrew T. *How International Law Works: A Rational Choice Theory*. New York: Oxford University Press, 2008.
- Haines, Fiona. *Corporate Regulation: Beyond 'Punish and Persuade'*. Oxford: Clarendon Press, 1997.
- Hamdani, Assaf. "Gatekeeper Liability." *Southern California Law Review* 77 (2003): 53–120.

- Handler, Joel F. "Dependent People, the State, and the Modern/ Postmodern Search for the Dialogic Community." *UCLA Law Review* 35 (1988): 999–1113.
- Harford, Jon D. "Measurement Error and State-Dependent Pollution Control Enforcement." *Journal of Environmental Economics and Management* 21, No. 1 (1991): 67–81.
- Harford, Jon D. "Improving on the Steady State in the State-Dependent Enforcement of Pollution Control." *Journal of Environmental Economics and Management* 24, No. 2 (1993): 133–138.
- Harford, Jon D. and Winston Harrington. "A Reconsideration of Enforcement Leverage When Penalties are Restricted." *Journal of Public Economics* 45, No. 3 (1991): 391–395.
- Harrington, Winston. "Enforcement Leverage When Penalties are Restricted." *Journal of Public Economics* 37, No. 1 (1988): 29–53.
- Harris, John R. "On the Economics of Law and Order." *The Journal of Political Economy* 78, No. 1 (1970): 165–174.
- Hawkins, Keith. "Bargain and Bluff: Compliance Strategy and Deterrence in the Enforcement of Regulation." *Law and Policy Quarterly* 5, No. 1 (1983): 35–73.
- Hawkins, Keith. *Environment and Enforcement: Regulation and the Social Definition of Pollution*. Oxford Socio-Legal Studies. Oxford: Clarendon Press, 1984.
- Hawkins, Keith. "Compliance Strategy, Prosecution Policy, and Aunt Sally: A Comment on Pearce and Tombs." *British Journal of Criminology* 30, No. 4 (1990): 444–466.
- Hawkins, Keith. "Enforcing Regulation: More of the Same from Pearce and Tombs." *British Journal of Criminology* 31, No. 4 (1991): 427–430.
- Hayek, Friedrich A. "The Use of Knowledge in Society." *The American Economic Review* 35, No. 4 (1945): 519–530.
- Hefendehl, Roland. "Corporate Criminal Liability: Model Penal Code Section 2.07 and the Development in Western Legal Systems." *Buffalo Criminal Law Review* 4 (2000): 283–300.
- Heineman, Ben W. Jr. "Caught in the Middle." *Corporate Counsel* (April 2007): 84–89.
- Hendricks III, William C., Fraud Division Chief to United States Attorneys. *Memorandum*. Reprinted in *White Collar Crime*. New York: American Bar Association, 1987.
- Heyes, Anthony G. "Cutting Environmental Penalties to Protect the Environment." *Journal of Public Economics* 60, No. 2 (1996): 251–265.
- Heyes, Anthony G. "Making Things Stick: Enforcement and Compliance." *Oxford Review of Economic Policy* 14 (1998): 50–63.
- Heyes, Anthony G. and Neil Rickman. "Regulatory Dealing – Revisiting

- the Harrington Paradox.” *Journal of Public Economics* 72, No. 3 (1999): 361–378.
- Hicks, John R. “The Foundations of Welfare Economics.” *The Economic Journal* 49 (1939): 696–712.
- Hirshleifer, Jack and John G. Riley. “The Analytics of Uncertainty and Information – An Expository Survey.” *Journal of Economic Literature* 17, No. 4 (1979): 1375–1421.
- Holder, Eric, Deputy Attorney General. *Memorandum For Heads of Department Components United States Attorneys: Principles of Federal Prosecution of Corporations*. U.S. Department of Justice, Office of the Deputy Attorney General. Available at: [http://federalevidence.com/pdf/Corp\\_Prosec/Holder\\_Memo\\_6\\_16\\_99.pdf](http://federalevidence.com/pdf/Corp_Prosec/Holder_Memo_6_16_99.pdf) (June 16, 1999).
- Huff, Kevin B. “The Role of Corporate Compliance Programs in Determining Corporate Criminal Liability: A Suggested Approach.” *Columbia Law Review* 96 (1996): 1252–1298.
- Huntington, Samuel P. “The Marasmus of the ICC: The Commission, The Railroads, and the Public Interest.” *The Yale Law Journal* 61, No. 4 (1952): 467–509.
- Ilovsky, Eugene. “Corporate Deferred Prosecution Agreements: The Brewing Debate.” *Criminal Justice* 21 (2001): 36–39.
- Inciardi, James A., Duane C. McBride, and James E. Rivers. *Drug Control and the Courts*. Thousand Oaks, CA: Sage Publications, Inc., 1996.
- Innes, Robert. “Self-Policing and Optimal Law Enforcement When Violator Remediation is Valuable.” *Journal of Political Economy* 107, No. 6 (1999): 1305–1325.
- Innes, Robert. “Violator Avoidance Activities and Self-Reporting in Optimal Law Enforcement.” *Journal of Law, Economics and Organization* 17, No. 1 (2001): 239–256.
- Inniss, David A. “Developments in the Law: Alternatives to Incarceration.” *Harvard Law Review* 111, No. 7 (1998): 1863–1990.
- Israeli Antitrust Authority (IAA). *Model Internal Compliance Program*. Israel, 1998.
- Jiménez, Marcos D. and Dana E. Foster. “The Importance of Compliance Programs for the Health Care Industry.” *University of Miami Business Law Review* 7 (1998): 503–512.
- Johnstone, Richard. “From Fiction to Fact – Rethinking OHS Enforcement.” *National Research Center for Occupational Health and Safety Regulation Working Paper 11*, 2003.
- Jolls, Christine. “Behavioral Economics Analysis of Redistributive Legal Rules.” *Vanderbilt Law Review* 51, No. 6 (1998): 1653–1677.
- Kagan, Robert A. and John T. Scholz. “The ‘Criminology of the Corporation’ and Regulatory Enforcement Strategies.” In *Enforcing*

- Regulation*, edited by Keith Hawkins and John M. Thomas, 352–377. Boston and The Hague: Kluwer-Nijhoff, 1984.
- Kahneman, Daniel and Amos Tversky. “Prospect Theory: An Analysis of Decision Under Risk.” *Econometrica* 47, No. 2 (1978): 263–290.
- Kaldor, Nicholas. “Welfare Propositions of Economics and Interpersonal Comparisons of Utility.” *The Economic Journal* 49 (1939): 549–552.
- Kaplan, Jeffrey M. “Corporate Sentencing Guidelines: Overview.” Chapter 3 in *Compliance Programs and the Corporate Sentencing Guidelines: Preventing Criminal and Civil Liability*, edited by Jeffrey M. Kaplan and Joseph E. Murphy. Revised Edition. St. Paul, MN: Thomson/West, 2009.
- Kaplow, Louis and Steven Shavell. “Optimal Law Enforcement with Self-Reporting of Behavior.” *Journal of Political Economy* 102, No. 3 (1994): 583–606.
- Karpoff, Jonathan M., D. Scott Lee, and Gerald S. Martin. “The Cost to Firms of Cooking the Books.” *Journal of Financial and Quantitative Analysis* 43 (2008): 581–611.
- Karpoff, Jonathan M., John R. Lott Jr., and Eric W. Wehrly. “The Reputational Penalties for Environmental Violations: Empirical Evidence.” *The Journal of Law & Economics* 48, No. 2 (2005): 653–675.
- Keohane, Robert O. *After Hegemony: Cooperation and Discord in the World Political Economy*. Princeton, NJ: Princeton University Press, 1984.
- Keren, Gideon and Léonie E. M. Gerritsen. “On the Robustness and Possible Accounts of Ambiguity Aversion.” *Acta Psychologica* 103, No. 1–2 (1999): 149–172.
- Khanna, Vikramaditya S. “Corporate Liability Standards: When Should Corporations Be Held Criminally Liable?” *American Criminal Law Review* 37 (2002): 1239–1283.
- Khanna, Vikramaditya S. “Reforming the Corporate Monitor?” In *Prosecutors in the Board Room: Using Criminal Law to Regulate Corporate Conduct*, edited by Anthony S. Barkow and Rachel E. Barkow, 226–248. New York: New York University Press, 2011.
- Khanna, Vikramaditya S. and Timothy L. Dickinson. “The Corporate Monitor: The New Corporate Czar.” *Michigan Law Review* 105 (2007): 1713–1756.
- Kim, Sung H. “The Banality of Fraud: Re-Situating the Inside Counsel as Gatekeeper.” *Fordham Law Review* 74 (2005): 983–1077.
- Kim, Sung H. “Gatekeepers Inside Out.” *The Georgetown Journal of Legal Ethics* 21 (2008): 411–463.
- Kinsey, Karyl. “Deterrence and Alienation Effects of IRS Enforcement: An Analysis of Survey Data.” In *Why People Pay Taxes: Tax Compliance*

- and *Enforcement*, edited by Joel Slemrod, 259–285. Ann Arbor, MI: University of Michigan Press, 1992.
- Kirstein, Roland. “Risk Neutrality and Strategic Insurance.” *Geneva Papers on Risk and Insurance: Issues and Practice* 25, No.2 (2000): 251–261.
- Kornhauser, Lewis A. “An Economic Analysis of the Choice Between Enterprise and Personal Liability for Accidents.” *California Law Review* 70 (1982): 1345–1392.
- Korobkin, Russell B. and Thomas S. Ulen. “Law and Behavioral Science: Removing the Rationality Assumption from Law and Economics.” *California Law Review* 88 (2000): 1051–1144.
- Kraakman, Reinier. “Corporate Liability Strategies and the Costs of Legal Controls.” *Yale Law Journal* 93 (1984): 857–898.
- Kraakman, Reinier. “Gatekeepers: The Anatomy of a Third-Party Enforcement Strategy.” *Journal of Law, Economics, and Organization* 2, No.1 (1986): 53–104.
- Kraakman, Reinier. “Vicarious and Corporate Liability.” In *Tort Law and Economics*, edited by Michael Faure. 2nd Edition, 669–681. Cheltenham, U.K. & Northampton MA: Edward Elgar, 2009.
- Krawiec, Kimberly D. “Cosmetic Compliance and the Failure of Negotiated Governance.” *Wash. U. L. Q.* 81 (2003): 487–544.
- Krawiec, Kimberly D. “Organization Misconduct: Beyond the Principal Agent Model.” *Florida State Law Review* 32 (2005): 571–615.
- Lacovara, Philip A. and David P. Nicoli. “Vicarious Criminal Liability of Organizations: RICO as an Example of a Flawed Principle in Practice.” *St. John’s Law Review* 64 (1989): 725–778.
- Laffont, Jean-Jacques and Jean Tirole. “The Politics of Government Decision-Making: A Theory of Regulatory Capture.” *The Quarterly Journal of Economics* 106, No.4 (1991): 1089–1127.
- Landes, William M. and Richard A. Posner. “The Private Enforcement of Law.” *Journal of Legal Studies* 4, No. 1 (1975): 1–46.
- Landsberger, Michael and Isaac Meilijson. “Incentive Generating State Dependent Penalty System: The Case of Income Tax Evasion.” *Journal of Public Economics* 19, No. 3 (1982): 333–352.
- Langbein, Laura and Cornelius M. Kerwin. “Implementation, Negotiation and Compliance in Environmental and Safety Regulation.” *The Journal of Politics* 47, No. 3 (1985): 854–880.
- Laufer, William S. *Corporate Bodies and Guilty Minds: The Failure of Corporate Criminal Liability*. Chicago and London: The University of Chicago Press, 1994.
- Laufer, William S. “Integrity, Diligence, and the Limits of Good Corporate Citizenship.” *American Business Law Journal* 34, No.2 (1996): 157–182.



- Laufer, William S. "Corporate Liability, Risk Shifting, and the Paradox of Compliance." *Vanderbilt Law Review* 52 (1999): 1341–1420.
- Law Reform Commission of New South Wales. "Sentencing: Corporate Offenders." *Issues Paper* 20 (2001).
- Lederman, Eliezer. "Criminal Law, Perpetrator and Corporation: Rethinking a Complex Triangle." *Journal of Criminal Law and Criminology* 76, No. 2 (1985): 285–340.
- Lee, Fiona, Christopher Peterson, and Larissa Z. Tiedens. "Mea Culpa: Predicting Stock Prices from Organizational Attributions." *Personality & Social Psychology Bulletin* 30, No. 12 (2004): 1636–1649.
- Lepper, Mark and David Greene. "Turning Play into Work: Effects of Adult Surveillance and Extrinsic Rewards on Children's Intrinsic Motivation." *Journal of Personality and Social Psychology* 31, No. 3 (1975): 479–486.
- Levine, Michael E. and Jennifer L. Forrence. "Regulatory Capture, Public Interest, and the Public Agenda: Toward a Synthesis." *Journal of Law, Economics, & Organization* 6, No. 1 (1990): 167–198.
- Lichtblau, Eric and Kitty Bennett. "30 Former Officials Became Corporate Monitors." *The New York Times* (May 23, 2008).
- Lieder, Kathleen A. and Christopher P. Mazzoli. "Ellerth and Faragher: Applying the Supreme Court's "Delphic Pronouncements" on Employers' Vicarious Liability for Sexual Harassment." *Michigan Bar Journal* 78 (1999): 432–434.
- Lind, Edgar A. and Tom R. Tyler. *The Social Psychology of Procedural Justice: Critical Issues in Social Justice*. New York: Plenum, 1988.
- Lowi, Theodore J. *The End of Liberalism: Ideology, Policy, and the Crisis of Public Authority*. New York: Norton, 1969.
- Mahoney, Barry, Bruce D. Beaudin, John A. Carver, Daniel B. Ryan, and Richard B. Hoffman. *Pretrial Services Programs: Responsibilities and Potential*. U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, 2001.
- Malik, Arun S. "Avoidance, Screening and Optimum Enforcement." *Rand Journal of Economics* 21, No. 3 (1990): 341–353.
- Marcus, Alfred A. and Robert S. Goodman. "Victims and Shareholders: The Dilemmas of Presenting Corporate Policy During a Crisis." *Academy of Management Journal* 34, No. 2 (1991): 281–305.
- Marjit, Sugata and He-Ling Shi. "On Controlling Crime with Corrupt Officials." *Journal of Economic Behavior & Organization* 34, No. 1 (1998): 163–172.
- Marks, Stephen G. "The Separation of Ownership and Control." In *Encyclopedia of Law and Economics*, edited by Boudewijn Bouckaert and Gerrit De Geest. Vol. 5630, 692–724. Available at: <http://encyclo>.

- findlaw.com/INDEX.HTML: Edward Elgar and the University of Ghent, 1999.
- Mascini, Peter and Eelco Van Wijk. "Responsive Regulation at the Dutch Food and Consumer Product Safety Authority: An Empirical Assessment of Assumptions Underlying the Theory." *Regulation & Governance* 3, No. 1 (2009): 27–47.
- Matthews, Christopher M. "Judge Blasts Compliance Monitors At Innospec Plea Hearing." *Main Justice: Politics, Policy and the Law* (March 18, 2010a)
- Matthews, Christopher M. "Compliance Monitors Are Here to Stay." *Main Justice: Politics, Policy and the Law* (April 8, 2010b).
- Matthews, Christopher M. "Fraud Chief: Effective Compliance Programs Can Prevent Monitors." *Main Justice: Politics, Policy and the Law* (May 24, 2010c).
- Matthews, Christopher M. "Grindler Touts Importance of Compliance, but Doubts Linger." *Main Justice: Politics, Policy and the Law* (May 25, 2010d).
- Maurer, Ronald J. "The Federal Sentencing Guidelines for Organizations: How Do They Work and What Are They Supposed To Do?" *Dayton Law Review* No. 18 (1993): 799–833.
- May, Peter J. and Soren Winter. "Regulatory Enforcement and Compliance: Examining Danish Agro-Environmental Policy." *Journal of Policy Analysis and Management* 18, No. 4 (1999): 625–651.
- Mckendall, Marie M., Beverly Demarr, and Catherine Jones-Ridders. "Ethical Compliance Programs and Corporate Illegality: Testing the Assumptions of the Corporate Sentencing Guidelines." *Journal of Business Ethics* 37, No. 4 (2002): 367–383.
- Mcnulty, Paul, Deputy Attorney General. *Memorandum for Heads of Department Components United States Attorneys: Principles of Federal Prosecution of Business Organizations*. U.S. Department of Justice, Office of the Deputy Attorney General. Available at: [http://www.justice.gov/dag/speeches/2006/mcnulty\\_memo.pdf](http://www.justice.gov/dag/speeches/2006/mcnulty_memo.pdf) (December 12, 2006).
- Mearsheimer, John J. "The False Promise of International Institutions." *International Security* 19, No. 3 (1994): 5–49.
- Miller, Gregory D. "Hypotheses on Reputation: Alliance Choices and the Shadow of the Past." *Security Studies* 12, No. 3 (2003): 40–78.
- Montesquieu, Charles De Secondat (Baron de). *The Spirit of Laws*. Rept. Edition of 1977. Berkeley, CA: University of California Press, 1748.
- Mookherjee, Dilip and Ivan Paak-Liang Png. "Marginal Deterrence in Enforcement of Law." *Journal of Political Economy* 102, No. 5 (1994): 1039–1066.
- Morford, Craig S., Acting Deputy Attorney General. *Memorandum for*

- Heads of Department Components United States Attorneys: Selection and Use of Monitors in Deferred Prosecution Agreements and Non-Prosecution Agreements with Corporations.* U.S. Department of Justice, Office of the Deputy Attorney General. Available at: <http://www.justice.gov/dag/readingroom/dag-030708.pdf> (March 7, 2008).
- Muir, William Ker Jr. *Police: Streetcorner Politicians.* Chicago, IL: University of Chicago Press, 1977.
- Mukasey, Michael B. and Andrew J. Ceresney. "Should Corporations Self-Report Wrongdoing?" *New York Law Journal* (October 1, 2010).
- Murphy, Joseph E. "An FTC View of Compliance Programs: Good Faith Efforts Can Mean No Penalties." *Corporate Conduct Quarterly* 4 (1996): 53–66.
- Murphy, Kristina. "'Trust Me, I'm The Taxman': The Role of Trust in Nurturing Compliance." *Centre for Tax System Integrity Working Paper No. 43* (2002): 1–31.
- Murphy, Kristina. "Procedural Justice and Tax Compliance." *Australian Journal of Social Issues* 38, No. 3 (2003): 379–407.
- Nagel, Ilene H. and Winthrop M. Swenson. "The Federal Sentencing Guidelines for Corporations: Their Development, Theoretical Underpinnings, and Some Thoughts About their Future." *Washington University Law Quarterly* 71 (1993): 205–259.
- Nielsen, Vibeke L. "Are Regulators Responsive?" *Law and Policy* 28, No. 3 (2006): 395–416.
- Non Prosecution Agreement with Micrus S.A. Available at: <http://www.justice.gov/criminal/fraud/fcpa/cases/micrus-corp/02-28-05micrus-agree.pdf> (February 28, 2005).
- Nyborg, Karine and Kjetil Telle. "Firms' Compliance to Environmental Regulation: Is There Really a Paradox?" *Environmental & Resource Economics* 35, No. 1 (2006): 1–18.
- Oded, Sharon. "Deferred Prosecution Agreements: Prosecutorial Balance in Times of Economic Meltdown." *The Law Journal for Social Justice* 2 (2011): 65–99.
- Oded, Sharon. "Inducing Corporate Compliance: A Compound Corporate Liability Regime." *International Review of Law and Economics* 31, No. 4 (2011): 272–283.
- Oded, Sharon. "Corporate Monitors: Overcoming the Classification Failure of Targeted Monitoring Systems." *Berkeley Business Law Journal* 10, No. 2: (forthcoming, 2013).
- Office of Fair Trading (OFT). *Drivers of Compliance and Non-Compliance with Competition Law.* U.K., 2010. Available at: [http://www.oft.gov.uk/shared\\_of/reports/comp\\_policy/oft1227.pdf](http://www.oft.gov.uk/shared_of/reports/comp_policy/oft1227.pdf)
- Office of Fair Trading (OFT). *How Your Business Can Achieve Compliance*

- with Competition Law: Guidance*. June 2011. Available at: [http://www.oft.gov.uk/shared\\_offt/ca-and-cartels/competition-awareness-compliance/oft1341.pdf](http://www.oft.gov.uk/shared_offt/ca-and-cartels/competition-awareness-compliance/oft1341.pdf)
- Ogus, Anthony. "Self-Regulation." In *Encyclopedia of Law and Economics*, edited by Boudewijn Bouckaert and Gerrit De Geest. Vol. 9400, 587–602. Available at: <http://encyclo.findlaw.com/index.html>; Edward Elgar and the University of Ghent, 1999.
- Ogus, Anthony. "Enforcing Regulation: Do We Need the Criminal Law?" In *New Perspectives on Economic Crime*, edited by H. Sjögren and G. Skogh, 42–55. Cheltenham, U.K.: Edward Elgar Publishing Limited, 2004.
- Ogus, Anthony. "Criminal Law and Regulation." In *Criminal Law and Economics*, edited by Nuno Garoupa. 2nd Edition, 90–110. Cheltenham U.K. and Northampton MA: Edward Elgar Publishing Limited, 2009.
- Ogus, Anthony and Carolyn Abbot. "Pollution and Penalties." In *An Introduction to the Law and Economics of Environmental Policy: Issues in Institutional Design, Book Series: Research in Law and Economics*, edited by Timothy Swanson. Vol. 20, 493–516. Bingley, U.K.: Emerald Group Publishing Limited, 2002.
- O'Hare, Jennifer. "The Use of the Corporate Monitor in SEC Enforcement Actions." *Brooklyn Journal of Corporate, Financial and Commercial Law* 1 (2006): 89–118.
- Palmrose, Zoe-Vonna, Vernon J. Richardson, and Susan Scholz. "Determinants of Market Reactions to Restatement Announcements." *Journal of Accounting & Economics* 37, No. 1 (2004): 59–89.
- Parker, Jeffrey S. "Rules Without . . . : Some Critical Reflections in the Federal Corporate Sentencing Guidelines." *Washington University Law Quarterly* 71 (1993): 397–442.
- Paternoster, Raymond and Sally Simpson. "Sanction Threats and Appeals to Morality: Testing a Rational Choice Model of Corporate Crime." *Law and Society Review* 30, No. 3 (1996): 549–583.
- Paulsen, Erik. "Imposing Limits on Prosecutorial Discretion in Corporate Prosecution Agreements." *New York University Law Review (1950)* 82 (2007): 1434–1469.
- Pearce, Frank and Steve Tombs. "Ideology, Hegemony, and Empiricism: Compliance Theories of Regulation." *British Journal of Criminology* 30, No. 4 (1990): 423–443.
- Pearce, Frank and Steve Tombs. "Policing Corporate 'Skid Rows': A Reply to Keith Hawkins." *British Journal Of Criminology* 31, No. 4 (1991): 415–426.
- Perino, Michael A. "SEC Enforcement of Attorney Up-The-Ladder

- Reporting Rules: An Analysis of Institutional Constraints, Norms and Biases.*" *Villanova Law Review* 49, No. 4 (2004): 851–866.
- Perry, William K. and Linda S. Dakin. "Compliance Programs and Criminal Law." Chapter 22 in *Compliance Programs and the Corporate Sentencing Guidelines: Preventing Criminal and Civil Liability*, edited by Jeffrey M. Kaplan and Joseph E. Murphy. Revised Edition, St. Paul, MN: Thomson/West, 2009: 22.1–22.16.
- Pfaff, Alexander A. and William Sanchirico. "Big Field, Small Potatoes: An Empirical Assessment of EPA's Self-Audit Policy." *Journal of Policy Analysis and Management* 23, No. 3 (2004): 415–432.
- Phillips, Llad and Harold L. Votey Jr. "Crime Control in California." *The Journal of Legal Studies* 4, No. 2 (1975): 327–349.
- Pitt, Harvey L. and Karl A. Groskaufmanis. "Minimizing Corporate Civil and Criminal Liability: A Second Look at Corporate Codes of Conduct." *Georgetown Law Journal* 78 (1990): 1559–1654.
- Polinsky, Mitchell A. "Private Versus Public Enforcement of Fines." *The Journal of Legal Studies* 9, No. 1 (1980): 105–127.
- Polinsky, Mitchell A. and Steven Shavell. "The Optimal Tradeoff Between the Probability and Magnitude of Fines." *The American Economic Review* 69, No. 5 (1979): 880–891.
- Polinsky, Mitchell A. and Steven Shavell. "Enforcement Costs and the Optimal Magnitude and Probability of Fines." *The Journal of Law & Economics* 35 (1992): 133–148.
- Polinsky, Mitchell A. and Steven Shavell. "Should Employees be Subject to Fines and Imprisonment Given the Existence of Corporate Liability?" *International Review of Law and Economics* 13, No. 3 (1993): 239–257.
- Polinsky, Mitchell A. and Steven Shavell. "Should Liability Be Based on the Harm to the Victim Or the Gain to the Injurer?" *Journal of Law, Economics and Organization* 10, No. 2 (1994): 427–437.
- Polinsky, Mitchell A. and Steven Shavell. "Punitive Damages: An Economic Analysis." *Harvard Law Review* 111, No. 4 (1998): 869–962.
- Polinsky, Mitchell A. and Steven Shavell. "The Economic Theory of Public Enforcement of Law." *Journal of Economic Literature, American Economic Association* 38, No. 1 (2000): 45–76.
- Polinsky, Mitchell A. and Steven Shavell. "Corruption and Optimal Law Enforcement." *Journal of Public Economics* 81 (2001): 1–24.
- Polinsky, Mitchell A. and Steven Shavell. "Public Enforcement of Law." In *Criminal Law and Economics*, edited by Nuno Garoupa. 2nd Edition, 1–59. Cheltenham, U.K. and Northampton, MA: Edward Elgar Publishing Limited, 2009.
- Porter, Lyman W. and Edward E. Lawler. *Marginal Attitudes and Performance*. Homewood, IL: Dorsey Press, 1968.

- Posner, Richard A. *Economic Analysis of Law*. 6th Edition. New York: Aspan Publications, 2003.
- Poundstone, William. *Prisoner's Dilemma*. New York: Doubleday, 1992.
- Raymond, Mark. "Enforcement Leverage when Penalties are Restricted: A Reconsideration under Asymmetric Information." *Journal of Public Economics* 73, No.2 (1999): 289–295.
- Reisinger, Sue. "Designated Drivers." *Corporate Counsel* (October 2004).
- Resnik, Scott A. and Keir N. Dougall. "The Rise of Deferred Prosecution Agreements." *New York Law Journal: Securities Litigation & Regulation* (December 18, 2006).
- Riesel, Daniel. *Environmental Enforcement: Civil and Criminal*. Litigation Series. New York: Alm Properties Inc. Law Journal Press, 1997.
- Robinson, James K., Phillip E. Urofsky, and Christopher R. Pantel. "Deferred Prosecutions and the Independent Monitor." *International Journal of Disclosure and Governance* 2, No.4 (2005): 325–347.
- Rosenblum, Lisa. "Mandating Effective Treatment for Drug Offenders." *The Hastings Law Journal* 53 (2001): 1217–1243.
- Ross, Hugu L. *Deterring the Drinking Driver: Legal Policy and Social Control*. Reviewed and Updated Edition. Lexington, MA: Lexington Books, 1984.
- Rousseau, Sandra S. "Timing of Environmental Inspections: Survival of the Compliant." *Journal of Regulatory Economics* 32, No.1 (2007): 17–36.
- Rupp, Nicholas G. "The Attributes of a Costly Recall: Evidence from the Automotive Industry." *Review of Industrial Organization* 25, No.1 (2004): 21–44.
- Russell, Clifford S. "Game Models for Structuring Monitoring and Enforcement Systems." *Natural Resource Modeling* 4, No.2 (1990): 143–173.
- Schäfer, Hans-Bernd and Andreas Schönenberger. *Strict Liability Versus Negligence*. Vol. 3100 Edward Elgar and the University of Ghent. Available at: <http://encyclo.findlaw.com/3100book.pdf> (1999).
- Schmidt, Patrick. *Eyes Half Blind: The Possibilities and Limits of Lawyers as Third Party Enforcers*. Presented to the annual meeting of the Western Political Science Association, Portland, OR. Available at: [http://citation.allacademic.com/meta/p\\_mla\\_apa\\_research\\_citation/0/8/8/1/5/pages88159/p88159-1.php](http://citation.allacademic.com/meta/p_mla_apa_research_citation/0/8/8/1/5/pages88159/p88159-1.php) (March 12, 2004).
- Scholz, John T. "Voluntary Compliance and Regulatory Enforcement." *Law & Policy* 6, No.4 (1984a): 385–404.
- Scholz, John T. "Cooperation, Deterrence, and the Ecology of Regulatory Enforcement." *Law and Society Review* 18 (1984b): 179–224.
- Scholz, John T. "Cooperative Regulatory Enforcement and the Politics of

- Administrative Effectiveness." *The American Political Science Review* 85, No. 1 (1991): 115–136.
- Scholz, John T. "Can Government Facilitate Cooperation? An Informational Model of OSHA Enforcement." *American Journal of Political Science* 41, No. 3 (1997a): 693–717.
- Scholz, John T. "Enforcement Policy and Corporate Misconduct: The Changing Perspective of Deterrence Theory." *Law And Contemporary Problems* 60, No. 3 (1997b): 253–268.
- Schwartz, Barry. *Psychology of Learning and Behavior*. New York: Norton, 1989.
- Schwartz, Gary T. "The Hidden and Fundamental Issue of Employer Vicarious Liability." *Southern California Law Review* 69 (1995): 1739–1767.
- Section of Antitrust Law, American Bar Association (ABA). *Jury Instructions in Criminal Antitrust Cases, 1976–1980*. U.S.A.: American Bar Association (ABA), 1982.
- Segal, Ilya R. and Michael D. Whinston. "Public vs. Private Enforcement of Antitrust Law: A Survey." *European Competition Law Review* 28, No. 5 (2007): 306–315.
- Selten, Reinhard. "What is Bounded Rationality?" In *Bounded Rationality: The Adaptive Toolbox*, edited by Gerd Gigerenzer and Reinhard Selten, 13–36. Boston, MA: MIT Press, 2002.
- Shafir, Eldar and Amos Tversky. "Thinking through Uncertainty: Nonconsequential Reasoning and Choice." *Cognitive Psychology* 24, No. 4 (1992): 449–474.
- Shapiro, Sidney A. and Randy S. Rabinowitz. "Punishment Versus Cooperation in Regulatory Enforcement: A Case Study of OSHA." *Administrative Law Review* 49, No. 3 (1997): 713–762.
- Shapiro, Susan P. "The Social Control of Impersonal Trust." *The American Journal of Sociology* 93, No. 3 (1987): 623–658.
- Shavell, Steven. "Strict Liability versus Negligence." *Journal of Legal Studies* 9, No. 1 (1980): 1–25.
- Shavell, Steven. "The Social versus the Private Incentive to Bring Suit in a Costly Legal System." *The Journal of Legal Studies* 11, No. 2 (1982): 333–339.
- Shavell, Steven. "Liability for Harm versus Regulation of Safety." *Journal of Legal Studies* 13 (1984a): 357–374.
- Shavell, Steven. "A Model of the Optimal Use of Liability and Safety Regulations." *Rand Journal of Economics* 15, No. 2 (1984b): 271–280.
- Shavell, Steven. "Criminal Law and the Optimal Use of Nonmonetary Sanctions as a Deterrent." *Columbia Law Review* 85, No. 6 (1985): 1232–1262.

- Shavell, Steven. "The Judgment Proof Problem." *International Review of Law and Economics* 6, No. 1 (1986): 45–58.
- Shavell, Steven. *Economic Analysis of Accident Law*. Cambridge, MA: Harvard University Press, 1987.
- Shavell, Steven. "A Note on Marginal Deterrence." *International Review of Law and Economics* 12, No. 3 (1992): 345–355.
- Shavell, Steven. "The Optimal Structure of Law Enforcement." *Journal of Law & Economics* 36, No. 1 (1993): 255–278.
- Shavell, Steven. "The Optimal Level of Corporate Liability Given the Limited Ability of Corporations to Penalize their Employees." *International Review of Law and Economics* 17, No. 2 (1997): 203–213.
- Shenefield, John H. and Richard J. Favretto. "Compliance Programs as Viewed from the Antitrust Division." *Antitrust Law Journal* 48 (1979): 73–79.
- Shover, Neal, Donald Clelland, and John Lynxwiler. *Enforcement or Negotiation: Constructing a Regulatory Bureaucracy*. SUNY Series in Critical Issues. Albany, NY: State University of New York Press, 1986.
- Simon, Herbert A. "A Behavioral Model of Rational Choice." *The Quarterly Journal of Economics* 69, No. 1 (1955): 99–113.
- Simon, Herbert A. "Rational Decision Making in Business Organizations." *The American Economic Review* 69, No. 4 (1979): 493–513.
- Spence, David B. "The Shadow of the Rational Polluter: Rethinking the Role of Rational Actor Models in Environmental Law." *California Law Review* 89, No. 4 (2001): 917–998.
- Spivack, Peter and Sujit Raman. "Regulating the 'New Regulators': Current Trends in Deferred Prosecution Agreements." *The American Criminal Law Review* 45 (2008): 159–194.
- Spratling, Gary R., Deputy Assistant Attorney General – Antitrust Division. "The Experience and View of the Antitrust Division." Speech at the Capitol Hilton Hotel, Washington, DC. Available at: <http://www.justice.gov/atr/public/speeches/0456.htm> (1995).
- Stafford, Sarah L. "The Effect of Punishment on Firm Compliance with Hazardous Waste Regulations." *Journal of Environmental Economics and Management* 44, No. 2 (2002): 290–308.
- Stafford, Sarah L. "Self-Policing in a Targeted Enforcement Regime." *Southern Economic Journal* 74 (2008): 934–951.
- Staw, Barry M. "Dressing Up Like an Organization: When Psychological Theories Can Explain Organizational Action." *Journal of Management* 17, No. 4 (1991): 805–819.
- Steer, John R. "Sentencing Guidelines: In General." Chapter 1 in *Compliance Programs and the Corporate Sentencing Guidelines: Preventing Criminal and Civil Liability*, edited by Jeffrey M. Kaplan



- and Joseph E. Murphy. Revised Edition St. Paul, MN: Thomson/West, 2009.
- Stein, Mark J. and Joshua A. Levine. "The Filip Memorandum: Does It Go Far Enough?" *New York Law Journal* (September 11, 2008).
- Stigler, George J. "The Optimum Enforcement of Laws." *The Journal of Political Economy* 78, No. 3 (1970): 526–536.
- Stigler, George J. "The Theory of Economic Regulation." *Bell Journal of Economics and Management Science* No. 3 (1971): 3–18.
- Strader, J. Kelly. *Understanding White Collar Crime*. Newark, NJ: Lexisnexis, 2002.
- Sunstein, Cass R., ed. *Behavioral Law and Economics*. Cambridge, MA: Cambridge University Press, 2000.
- Sutherland, Edwin H. *White Collar Crime: The Uncut Version*. New Haven, CT: Yale University Press, 1983.
- Suurmond, Guido. *Enforcing Fire Safety in the Catering Industry: An Economic Analysis*. Leiden, Netherlands: Leiden University Press, 2008.
- Swaine, Edward T. "Rational Custom." *Duke Law Journal* 52, No. 3 (2002): 559–627.
- Sykes, Alan O. "The Economics of Vicarious Liability." *The Yale Law Journal* 93 (1984): 1231–1280.
- Sykes, Alan O. "The Boundaries of Vicarious Liability: An Economic Analysis of the Scope of Employment Rule and Related Legal Doctrines." *Harvard Law Review* 101 (1988): 563–609.
- Sykes, Alan O. "The Economics of Public International Law." Unpublished manuscript, *John M. Olin Law & Economics Working Paper, No. 216* (2004). Available at SSRN: <http://ssrn.com/abstract=564383>
- Telang, Rahul and Sunil Wattal. "An Empirical Analysis of the Impact of Software Vulnerability Announcements on Firm Stock Price." *IEEE Transactions on Software Engineering* 33, No. 8 (2007): 544–557.
- The American Law Institute. *Restatement of Law (Second), Torts*, edited by the American Law Institute at Philadelphia, Pennsylvania American Law Institute Publishers, 1979.
- The American Law Institute. *Restatement of Law (Third), Agency*, edited by the American Law Institute at Philadelphia, Pennsylvania American Law Institute Publishers, 2006.
- The International Chamber of Commerce (ICC). *The Fining Policy of the European Commission in Competition Cases*. Paris, France, 2009.
- Thibaut, John Walter and Laurens Walker. *Procedural Justice: A Psychological Analysis*. Hillsdale, NJ: Erlbaum, 1975.
- Thompson, Larry D., Deputy Attorney General. *Memorandum For Heads of Department Components United States Attorneys: Principles of Federal Prosecution of Business Organizations*. U.S. Department of

- Justice, Office of the Deputy Attorney General. Available at: [http://www.justice.gov/dag/cftf/corporate\\_guidelines.htm](http://www.justice.gov/dag/cftf/corporate_guidelines.htm) (January 20, 2003).
- Thompson, Victor A. *Decision Theory: Pure and Applied*. New York: General Learning Press, 1971.
- Thornton, Dorothy, Neil Gunningham, and Robert A. Kagan. "General Deterrence and Corporate Environmental Behavior." *Law and Policy* 25, No. 2 (2005): 262–288.
- Tigar, Michael E. "It Does the Crime But Not the Time: Corporate Criminal Liability in Federal Law." *American Journal of Criminal Law* 17, No. 3 (1990): 211–234.
- Toffel, Michael W. and Jodi L. Short. "Coming Clean and Cleaning Up: Does Voluntary Self-Reporting Indicate Effective Self-Policing?" *Journal of Law and Economics* 54 No. 3 (2011): 609–649.
- Turner, Jonathan H. *The Structure of Sociological Theory*. 7th Edition. Belmont, CA: Wadsworth Publishing Company, 2003.
- Tversky, Amos and Daniel Kahneman. "Judgment Under Uncertainty: Heuristics and Biases." *Science (New York)* 185 (1974): 1124–1131.
- Tyler, Tom R. "Justice and Leadership Endorsement." In *Political Cognition*, edited by Richard Lau and David Sears, 257–278. Hillsdale, NJ: Lawrence Erlbaum and Associates, 1986.
- Tyler, Tom R. "The Psychology of Legitimacy: A Relational Perspective on Voluntary Deference to Authorities." *Personality and Social Psychology Review* 1, No. 4 (1997): 323–345.
- Tyler, Tom R. *Why People Obey the Law*. Princeton, NJ: Princeton University Press, 2006.
- Tyler, Tom R. and Steven L. Blader. *Cooperation in Groups: Procedural Justice, Social Identity, and Behavioral Engagement*. Philadelphia, PA: Psychology Press, 2000.
- Tyler, Tom R. and Peter DeGoey. "Trust in Organizational Authorities: The Influence of Motive Attributions on Willingness to Accept Decisions." In *Trust in Organizational Authorities*, edited by Roderick M. Kramer and Tom R. Tyler, 331. Thousand Oaks, CA: Sage Publications, Inc., 1996.
- Tyler, Tom R. and E. Allan Lind. "A Relational Model of Authority in Groups." In *Advances in Experimental Social Psychology*, edited by Mark P. Zanna. Vol. 25, 115–191. New York: Academic Press, 1992.
- Tyler, Tom R. and Heather J. Smith. "Social Justice and Social Movements." Chapter 101 in *The Handbook of Social Psychology*, edited by Daniel T. Gilbert, Susan T. Fiske and Gardner Lindzey. 4th Edition. Vol. II, 595–629. New York: Oxford University Press, 1998.
- Ulen, Thomas S. "Rational Choice Theory in Law and Economics." In *Encyclopedia of Law and Economics*, edited by Boudewijn Bouckaert

- and Gerrit De Geest. Vol. 0710, 790–818. Available at: <http://encyclo.findlaw.com/0710book.pdf>; Edward Elgar and the University of Ghent, 1999.
- United States Attorney's Office, Announcement of Decision not to Prosecute Sequa Corporation (June 24, 1993). Reprinted in press releases issued by United States Attorney, Southern District of New York, 1248 PLI/CORP. 197, 211–214 (2001).
- United States Attorney's Office. *The Securities and Exchange Commission Today Entered into a Deferred Prosecution Agreement (DPA) with Tenaris S.A. in its First-Ever Use of the Approach to Facilitate and Reward Cooperation in SEC Investigations*. Available at: <http://www.sec.gov/news/press/2011/2011-112.htm> (May 17, 2011).
- United States Federal Department of Justice, Antitrust Division. *Corporate Leniency Policy*. Available at: <http://www.justice.gov/atr/public/guidelines/0091.pdf> (August 10, 1993).
- United States Government Accountability Office (GAO). *Corporate Crime: Preliminary Observations On DOJ's Use and Oversight of Deferred Prosecution and Non-Prosecution Agreements (Statement of Eileen R. Larence, Director Homeland Security and Justice)*. Available at: <http://www.gao.gov/new.items/d09636t.pdf> (June 25, 2009).
- United States Sentencing Commission (USSC). Report on the Continuing Impact of United States v. Booker on Federal Sentencing. Available at: [http://www.ussc.gov/Legislative\\_and\\_Public\\_Affairs/Congressional\\_Testimony\\_and\\_Reports/Booker\\_Reports/2012\\_Booker/Part\\_A.pdf](http://www.ussc.gov/Legislative_and_Public_Affairs/Congressional_Testimony_and_Reports/Booker_Reports/2012_Booker/Part_A.pdf).
- United States Sentencing Commission (USSC). *Federal Sentencing Guidelines Manual: Chapter Eight – Sentencing of Organizations*. Available at: [http://www.ussc.gov/Guidelines/Organizational\\_Guidelines/guidelines\\_chapter\\_8.htm](http://www.ussc.gov/Guidelines/Organizational_Guidelines/guidelines_chapter_8.htm) (November 1, 2009).
- Van Bael, Ivo. *Competition Law of the European Community*. The Hague, Netherlands: Kluwer Law International, 2005.
- Van Den Bergh, Roger. “Should Consumer Protection Law Be Publicly Enforced? An Economic Perspective on EC Regulation 2006/2004 and its Implementation in the Consumer Protection Laws of the Member States.” In *Collective Enforcement of Consumer Law: Securing Compliance in Europe Through Private Group Action and Public Authority Intervention*, edited by Willem Van Boom and Marco Loos, 177–203. Groningen, Netherlands: Europa Law Publishing, 2007.
- Van Den Bergh, Roger and Hans-Bernd Schäfer. “Member States Liability for Infringement of the Free Movement of Goods in the EC: An Economic Analysis.” *Journal of Institutional and Theoretical Economics (JITE)* 156 (2000): 382–403.
- Van Dijk, Eric and Marcel Zeelenberg. “The Discounting of Ambiguous

- Information in Economic Decision Making.” *Journal of Behavioral Decision Making* 16, No. 5 (2003): 341–352.
- Vianale, Kenneth J. and Baruch Weiss, Assistant U.S. Attorneys for the S. Dist. of N.Y., U.S. Department of Justice Letter to Scott W. Muller & Carey R. Dunne, Davis Polk & Wardwell, Counsel to Prudential Securities, Inc. Available at: <http://www.corporatecrimereporter.com/documents/prudential.pdf> (October 17, 1994).
- Vinegrad, Alan. “Deferred Prosecution of Corporations.” *New York Law Journal* 230, No. 72 (2003).
- Vito, Gennaro F. and Debora G. Wilson. *The American Juvenile Justice System*. Beverly Hills, CA: Sage Publications, Inc., 1985.
- Vu, Stacey Newmann. “Corporate Criminal Liability: Patchwork Verdicts and the Problem of Locating a Guilty Agent.” *Columbia Law Review* 104 (2004): 459–495.
- Walsh, Charles J. and Alissa Pyrich. “Corporate Compliance Programs as a Defense to Criminal Liability: Can a Corporation Save its Soul?” *Rutgers Law Review* 47 (1995): 605–692.
- Warin, F. Joseph and Andrew S. Boutros. “Deferred Prosecution Agreements: A View from the Trenches and a Proposal for Reform.” *Virginia Law Review* 93 (2007): 121–134.
- Warin, F. Joseph and Jason C. Schwartz. “Deferred Prosecution: The Need for Specialized Guidelines for Corporate Defendants.” *The Journal of Corporation Law* 23 (1997): 121–134.
- Webb, B., J. Chilvers, and J. Keeble. “Improving Business Environmental Performance: Corporate Incentives and Drivers in Decision Making.” A Report to the Department for Environment, Food and Rural Affairs. Defra, London: Arthur D. Little Ltd, 2006.
- Weissmann, Andrew. “A New Approach to Corporate Criminal Liability.” *American Criminal Law Review* 44 (2007): 1319–1342.
- Weissmann, Andrew and David Newman. “Rethinking Criminal Corporate Liability.” *Indiana Law Journal (Bloomington)* 82 (2007): 411–451.
- Wenzel, Michael. “The Impact of Outcome Orientation and Justice Concerns on Tax Compliance: The Role of Taxpayers’ Identity.” *Journal of Applied Psychology* 87, No. 4 (2002): 629–645.
- Wenzel, Michael. “Principles of Procedural Fairness in Reminder Letters: A Field-Experiment.” *Center for Tax System Integrity Working Paper No. 42* (2002).
- Wilkinson, Beth A. and Alex Young K. Oh. “The Principles of Federal Prosecution of Business Organizations: A Ten-Year Anniversary Perspective.” *NYSBA Inside* 27, No. 2 (2009): 8–11.
- Wils, Wouter P. J. “The Relationship Between Public Antitrust

- Enforcement and Private Actions For Damages.” *World Competition* 32, No. 1 (2009): 3–26.
- Wolpin, Kenneth I. “Capital Punishment and Homicide in England: A Summary of Results.” *The American Economic Review* 68, No. 2 (1978a): 422–427.
- Wolpin, Kenneth I. “An Economic Analysis of Crime and Punishment in England and Wales.” *The Journal of Political Economy* 86, No. 5 (1978b): 815–840.
- Wray, Christopher A. and Robert K. Hur. “Corporate Criminal Prosecution in a Post-Enron World: The Thompson Memo in Theory and Practice.” *The American Criminal Law Review* 43 (2006): 1095–1188.
- Yu, Jiang. “Punishment Certainty and Severity: Testing a Specific Deterrence Model on Drunk Driving Recidivism.” *Journal of Criminal Justice* 22, No. 4 (1994): 355–366.
- Yu, Jiang and Allen E. Liska. “The Certainty of Punishment: A Reference Group Effect and its Functional Form.” *Criminology (Beverly Hills)* 31, No. 3 (1993): 447–464.
- Zey, Mary. *Rational Choice Theory and Organizational Theory: A Critique*. Thousand Oaks CA: Sage Publications, Inc., 1998.
- Zimring, Franklin E. and Gordon Hawkins. *Deterrence: The Legal Threat in Crime Control*. Chicago, IL: University of Chicago Press, 1973.