

Publications

“Honest Services” Fraud – Strong Medicine for “Pay to Play”

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SERVICES

This article provides brief guidance as to the manner in which courts have interpreted 18 U.S.C. § 1346, which generally provides that for purposes of federal mail and wire fraud statutes (18 U.S.C. §§ 1341 and 1343, respectively), a “scheme or artifice to defraud” includes a “scheme or artifice to deprive another of the intangible right to honest services.” Specifically, this article examines the manner in which courts have interpreted the broad language of § 1346 in circumstances that do not involve the explicit bribery of public officials.

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