

**Sarah N. Welling**  
Ashland-Spears Distinguished Research Professor of Law

College of Law  
University of Kentucky  
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**Employment**

Professor of Law, University of Kentucky, 1981-present  
Ashland-Spears Distinguished Research Professor, since 2010  
Wendell H. Ford Professor, 1996-2010  
Teaching criminal law, criminal procedure, and federal criminal law

Visiting Professor of Law, Loyola University–Chicago, Spring, 2009

Visiting Professor of Law, William & Mary, Spring, 1996

Isham, Lincoln & Beale, Chicago, Illinois, 1979-81  
Associate in litigation section

Law Clerk for Judge Eugene E. Siler, Jr., United States District Court for the Eastern and  
Western Districts of Kentucky (now Court of Appeals for the Sixth Circuit), 1978-79

**Publications**

**Books**

Wright & Welling, Federal Practice and Procedure Treatise, 4th ed., Volumes 3 and 3A  
These two volumes cover Federal Rules of Criminal Procedure 31-42.  
Vol. 3 is cited in *Wall v. Kholi*, 131 S. Ct. 1278, 1289 n.7 (2011) (citing 3 C.  
Wright & S. Welling, Federal Practice and Procedure § 622 (4th ed. 2011)).

**Sixth Circuit Pattern Criminal Jury Instructions (Reporter)**

As Reporter, I write the instructions and commentary for review by the Committee. The instructions are published by West and are posted on the Sixth Circuit website, [www.ca6.uscourts.gov](http://www.ca6.uscourts.gov). The Committee and I revise the instructions on-line as needed. In June, 2011, instructions for controlled substance crimes and credit card fraud crimes came on-line; they were published by West in November, 2011. In June, 2013, child exploitation instructions were posted.

**Federal Criminal Law and Related Actions: Crimes, RICO, Forfeiture and the False Claims Act**  
This two-volume treatise, co-authored with Professors Sara Sun Beale and Pamela Bucy Pierson, was published by West Group in 1998; includes 2000 supplement.

## Articles

*Reviving the Federal Crime of Gratuities*, 55 Ariz. L. Rev. 417 (2013)

*Friction in Reconciling Criminal Forfeiture and Bankruptcy: The Criminal Forfeiture Part*, 42 Golden Gate Univ. L. Rev. 551 (2012) (with Jane Lyle Hord) (solicited symposium)

*Cyberlaundering: The Risks, the Responses*, 50 Fla. L. Rev. 295 (1998) (with Andy Rickman)

*Defining Excessiveness: Applying the Eighth Amendment to Civil Forfeiture after Austin v. United States*, 83 Ky. L. J. 835 (1994-95) (with Medrith Lee Hager)

*White Collar Crime from Scratch: Some Observations on the East European Experience*, 35 Wm. & Mary L. Rev. 271 (1993)

*Money Laundering: The Anti-Structuring Rules*, 44 Ala. L. Rev. 787 (1993)

*Money Laundering and Lawyers*, 43 Syracuse L. Rev. 1165 (1992) (with Professor Gene Gaetke)  
reprinted at 1 Criminal Practice Law Review 567 (1995)

*Smurfs, Money Laundering and the Federal Criminal Law: The Crime of Structuring Transactions*, 41 Fla. L. Rev. 287 (1989)  
cited in *Ratzlaf v. United States*, 510 U.S. 135, 162 n.14 (1994) (Blackmun, Rehnquist, O'Connor & Thomas, JJ., dissenting)

*Prison Reform Issues for Today: Modification and Dissolution of Injunctions in the Federal Courts*, 20 Conn. L. Rev. 865 (1988) (with Barbara W. Jones)

*Victims in the Criminal Process: A Utilitarian Analysis of Victim Participation in the Charging Decision*, 30 Ariz. L. Rev. 85 (1987)

*Victim Participation in Plea Bargains*, 65 Wash. U. L. Q. 301 (1987)  
reprinted at 1 Criminal Practice Law Review 253 (1989)

cited in legislative history of the 2004 Crime Victims' Rights Act (18 U.S.C. § 3771). *See, e.g.,* *Hearings before the Constitutional Subcommittee of the House Committee on the Judiciary, H. J. Res. 64 – The Crime Victims' Rights Amendment*, Federal News Service (Feb. 10, 2000); *Hearings before the Senate Judiciary Committee, Critics of the Victims' Rights Amendments*, Federal News Service (Mar. 24, 1999); *Hearings before the Senate Committee on the Judiciary, Crime Victims Rights*, Federal News Service (April 28, 1998).

*Discovery of Nonparties' Tangible Things under the Federal Rules of Civil Procedure*, 59 Notre Dame L. Rev. 1101 (1983)

*Intracorporate Plurality in Criminal Conspiracy Law*, 33 Hastings L. J. 1155 (1982)  
cited in *Copperweld Corp. v. Independence Tube Corp.*, 467 U.S. 752, 787 n.14 (1984) (Stevens, Brennan & Marshall, JJ., dissenting)

Student Comment, *State ex rel. Swann v. Pack: Self-Endangerment and the First Amendment*, 65 Ky. L. J. 195 (1976)

Student Comment, *The Uniform Disposition of Community Property Rights at Death Act*, 65 Ky. L. J. (1976)

### **Short articles in newsletters**

Bankers' Hotline (1 article)  
Money Laundering Law Report (1 article)  
Money Laundering Alert (15 articles)  
Supreme Court Preview (5 articles)

### **Appointments**

Fellow of the American Bar Foundation, nominated 2012

American Law Institute, elected 2007

Reporter for Committee on Sixth Circuit Criminal Pattern Jury Instructions

This committee of federal district judges, U.S. Attorneys, defense attorneys, and law professors from Sixth Circuit states provides pattern jury instructions for federal criminal cases. Member of Committee since 1986; appointed Reporter in 1997.

Bank Secrecy Act Advisory Group (1994-2003)

This panel of 30 members from the private sector and law enforcement met quarterly to advise the Treasury Department on strengthening the anti-money laundering program.

Team Leader, RAND Corp. money laundering operational exercise, sponsored by Financial Crimes Enforcement Network, U.S. Department of the Treasury, June, 1997.

Advisory Panel on Money Laundering and Artificial Intelligence, Office of Technology Assessment, United States Congress (1994-96)

This panel studied the use of artificial intelligence programs to detect money laundering in wire transfers and published a report.

Participant, Office of National Drug Control Policy, Drug-Related Financial Crimes Policy Group, Roundtable of Experts (1990-91)

This group of experts from the private sector, academia and government worked to coordinate national strategy on the financial aspects of drug trafficking.

## Other Activities

### International

Speaker, Prosecuting the CIA for Torture, Day of American Law Program, Masaryk University, Brno, the Czech Republic, October 20, 2009

Participant in roundtable discussion on money laundering in Latin America sponsored by the CIA, Directorate of Intelligence, Office of Transnational Issues, Tysons Corner, VA, May 21, 2002

Expert witness on money laundering in *United States v. Alcala Navarro, et al.*, No. CR 98-509(B) - LGB (C.D.Cal.1998) (“Casablanca” prosecution; expert for defendant Bancomer, S.A., a Mexican bank, which reached a plea agreement before trial, April, 1999)

Author, *International Strategies to Combat Money Laundering*, 7 Crim. L. F. 703 (1996) (with Dana Todd) (reviewing William C. Gilmore, *Dirty Money: The Evolution of Money Laundering Counter-Measures*, Council of Europe Press, 1995)

Speaker, The American Criminal Law System and White Collar Crime, to graduate international law class at Zhongshan (Sun Yat-Sen) University in Guangzhou (Canton), China, December 10, 1994

Speaker, The Criminal Liability of Senior Corporate Officers and the Role of Willful Blindness in Fixing Responsibility, at The Corporation and the Criminal Law, the 8th Annual International Conference sponsored by the Society for the Reform of the Criminal Law, Hong Kong, December 4-8, 1994

Co-author, *Money Laundering: A Concept Paper Prepared for the Government of Bulgaria*, 28 Int'l Law. 835 (1994) (a project sponsored by CEELI; with 8 co-authors)

Professor in Residence at Law Faculty of the University of Rijeka, Rijeka, Croatia, May 3-June 1, 1993. Funding provided by a grant from the United States Information Agency.

Participant, Workshop on Technical Legal Assistance in White Collar Crime, sponsored by the American Bar Association Central and East European Law Initiative, Poland, May 19-25, 1992

Speaker, The United States' Approach to Money Laundering, Criminal Law Society, University of Warsaw, Warsaw, Poland, May 25, 1992

Speaker, The United States' Approach to White Collar Crime, Second Annual Polish Law Days, in cooperation with the American Bar Association Central and East European Law Initiative, Posnan, Poland, May 22-23, 1992

#### National

Participant, American Law Institute, Model Penal Code-Sentencing, Members Consultative Group (2011-12)

Participant, American Law Institute, Principles of Government Ethics, Members Consultative Group (2011-12)

Speaker, Representing Victims of Financial Fraud in Asset Forfeiture and Bankruptcy Proceedings, webinar sponsored by ABA Business Law Section, 1:00-2:00 p.m., August 23, 2012

Panelist, What Do You Mean the Government Seized the Assets? There Must Be *Something* We Can Do! ABA Business Law Section, Business Bankruptcy Committee Spring Meeting, Brunch Program, Las Vegas, March 23, 2012

Key Level Panelist and Conferee, A Cross-Disciplinary Dialogue: White Collar Crime and Business Bankruptcy, co-sponsored by ABA and Golden Gate University School of Law, San Francisco, November 4-5, 2011

Speaker, Late-Breaking News on the Fourth Amendment, at Kentucky Bar Association Annual Conference, Lexington, KY, June 15, 2011

Speaker, Foundations of White Collar Law and Practice and Handling a Health Care Fraud Case, ABA Health Care Fraud Institute, Phoenix, AZ, May 13, 2009

Planning Committee, American Association of Law Schools (AALS) Conference on Criminal Justice, Washington, D.C., June 10-13, 2000

Moderator, Race and Gender: Sentencing and Beyond, panel discussion at AALS Conference on Criminal Justice, Washington, D.C., June 12, 2000

Moderator, Eroding the Boundaries Between Criminal and Civil Actions, panel discussion at AALS Conference on Criminal Justice, Washington, D.C., June 11, 2000

Speaker, Money Laundering and Cyberbanking, AALS Annual Conference, Washington, D.C., January 5, 1997

Speaker, The Bank Secrecy Act and Money Laundering Laws, Second International Money Laundering Conference, Miami, May 18-20, 1994

Speaker, What the East Europeans Can Teach Us About Criminal Justice, Conference on the American Criminal Justice System Approaching the Year 2000, at the law school at William & Mary, Williamsburg, Virginia, November 11, 1993

Speaker, Section 6050I, Money Laundering Enforcement Conference, American Bar Association and American Bankers Association, Washington, D.C., October 27, 1992

Speaker, Representing Criminal Defendants in the New Age: Setting, Collecting and Retaining Attorney's Fees, ABA Annual Meeting, Atlanta, August 10, 1991; reported at 49 Crim. L. Rep. 1501 (1991)

Speaker, The Anti-Structuring Laws, Money Laundering Enforcement Update, American Bar Association and American Bankers Association Annual Conference, Washington, D.C., September 24, 1990

Officer, Criminal Justice Section, American Association of Law Schools (1989-92)  
Secretary 1990 (published 2 newsletters)  
Chair-elect 1991  
Chair 1992

For the AALS annual conference in 1993, I organized and moderated the Criminal Justice Section panel discussion, "Taking Sexual Victims Seriously"

#### Miscellaneous

Selected Administration at University of Kentucky College of Law: Appointments Committee, 2011-2012; Chair of Speakers Committee 2010-2011; Faculty Executive Committee 2012-13, 2011-12, 2006-07, 2005-06, 1994-95, 1993-94, 1991-92, 1990-91

#### Expert Witness on Money Laundering

–Roberts v. Stardust Cruisers, Inc., Wayne (Kentucky) Circuit Court No. 93-CI-00360 (1994) (explaining how corporate conduct constituted money laundering crimes)

–Gross v. Citizens Fidelity Bank, Clark (Kentucky) Circuit Court No. 89-CI-303 (1992) (explaining impact of United States v. Gross, No. 89-6411 (6th Cir. (1992))

## **Education**

Law School: University of Kentucky  
J.D. with high distinction, 1978  
Class rank: 5 of 155  
Member, Order of the Coif  
Editor-in-Chief, *Kentucky Law Journal*, Vol. 66

College: University of Wisconsin at Madison  
B.A. *cum laude* in American Studies, 1974