

6. In a rudimentary way, these short facts patterns allow for application of the discretionary factors that appear in DOJ's corporate enforcement policies—the application of which is also evident from some of the settlement documents involving corporations used throughout the book. Think about how these hypos differ from each other along various of the dimensions that DOJ considers relevant and important, and consider what additional facts you would want to know (ie, that you would investigate as corporate counsel) that you think would be influential in DOJ's decision making. (B) is kind of the wrinkle case because the federal crime would likely be an environmental violation (arguably a minor one) but the company's neglect arguably led to human deaths, through a different causal mechanism.