

F. Whitten Peters

Senior Counsel

Whit Peters has represented clients in a wide range of complex civil and criminal litigation and in enforcement matters before various federal agencies. Illustrative of his practice, Whit has successfully represented public companies, audit committees, and senior officers of public companies in securities litigation, derivative litigation, internal investigations of alleged corporate wrongdoing, whistleblower matters, and matters before the Securities and Exchange Commission; international arbitration between a foreign prime contractor and its U.S. suppliers; trade secret litigation relating to the processing of big data; and debarment litigation arising out of contracts performed in Afghanistan. As a former Secretary of the Air Force and Deputy General Counsel of DoD, Whit also advises clients on major government acquisition programs, bid protests, *qui tam* and False Claims Act litigation, debarment and suspension proceedings, and security clearance matters.

Born in Omaha, Nebraska, Whit grew up in Chicago, Illinois, and received his B.A. from Harvard College in 1968. He spent four years as a Navy line officer before earning his M.Sc., with distinction, from the London School of Economics. Mr. Peters received his J.D., *magna cum laude*, from Harvard Law School, where he was President, *Harvard Law Review*. He clerked for Judge J. Skelly Wright on the U.S. Court of Appeals for the District of Columbia Circuit, and for Associate Justice William J. Brennan, Jr., on the Supreme Court. Whit joined Williams & Connolly in 1978. He has served on the firm's Hiring Committee as an associate and chaired the firm's Computer Committee from its inception in 1985 until 2011. He was selected through client nomination to the *BTI Client Service All-Stars 2015*, and has been recognized in the 2015 edition of *The Legal 500 U.S.* for commercial litigation.

Whit left the firm in 1995 to join DoD as its Principal Deputy General Counsel and was later confirmed as the Undersecretary and then Secretary of the Air Force. During his time in the Department, he was awarded the Defense Medal for Distinguished Public Service on three occasions and the Army, Navy and Air Force Exceptional Civilian Service Medals. He was also the first Air Force Secretary to be awarded the Order of the Sword, the highest award noncommissioned officers can grant to recognize individuals they hold in esteem.

Whit returned to Williams & Connolly in 2001. Since 2001, he has served on the Boards of the Air Force Aid Society, the Air Force Enlisted Village, the Air Force Association, and Little Folks School in Washington, D.C., and on the advisory boards of a number of government contractors. Whit has frequently served on Bar committees and on federal advisory



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Education

Harvard Law School, J.D., magna cum laude, 1976: President, Harvard Law Review

London School of Economics, M.Sc., with distinction, 1973

Harvard College, B.A., magna cum laude, 1968

Practice Focus

Administrative Law
Commercial Litigation
Criminal Defense and Government Investigations
Directors and Officers Liability
False Claims Act and Qui Tam
Federal Programs and Government Contracts
Securities Enforcement
Securities Litigation

Recognitions

BTI Client Service All-Stars, 2015

"Washington's Top Lawyers," *Washingtonian* magazine, 2004 and 2007

committees. He has been a member of the Legal Ethics Committee of the D.C. Bar and was chair of the Bar's Rules of Professional Responsibility Review Committee. He was also a member of the Rules Committee, U.S. Court of Appeals for the Armed Forces. From 1991 to 1993, Whit was a member of the Department of Defense Advisory Committee on Streamlining and Codifying Acquisition Law (the "Section 800 panel"), whose recommendations led to the Federal Acquisition Streamlining Act of 1994 and the Federal Acquisition Reform Act of 1995. He served as Vice Chair of the Presidential Advisory Committee on the Future of the Aerospace Industry, Chair of the DoD Advisory Committee on Roles of Civilian and Military Attorneys in the Military Services, and as a member of the Defense Science Board, the National Commission on the Structure of the Air Force, and the Virginia Governor's Commission on Military Basing.

Representative Experience

Though all cases vary and none is predictive, Whit's experience includes:

- Represented a large Silicon Valley company in the defense of trade secret litigation relating to modifications made to Hadoop software for processing big data
- Defended the Chief Financial Officer of a major computer services company in an SEC investigation relating to accounting for a large foreign software project
- Represented the Chief Executive Officer of one of the country's largest investment advisers in an SEC investigation arising out of the mortgage crisis; after presentations to the District Director and Staff, the SEC declined to bring charges
- Obtained dismissal of three derivative cases brought against Intel and its board of directors arising out of the *High Tech Employees Antitrust Litigation*
- Conducted investigations of two whistleblower allegations of accounting misconduct against a Fortune 100 company; after initial presentations to the Staff, the SEC declined to proceed with either matter
- Won summary judgment against the SEC for the Executive Vice President of internet company charged with accounting fraud for aiding and abetting round-trip transactions
- Defended Titan Corporation in civil litigation charging that Titan employees tortured prisoners at Abu Ghraib prison in Iraq
- Won a debarment proceeding for U.S. company providing services in Afghanistan where Army hearing officer held that evidence

Air Force Order of the Sword (highest award given by the enlisted men and women of the Air Force)

Department of Defense Medal for Distinguished Public Service

Army, Navy and Air Force Exceptional Civilian Service Medals

Admissions

District of Columbia

United States Court of Appeals District of Columbia

United States Court of Appeals Armed Forces

United States District Court for the

District of Columbia and Maryland

United States Court of Federal Claims

United States Tax Court

Government Service

Secretary of the Air Force, 1999-2001

Under Secretary and Acting Secretary of the Air Force, 1997-1999

Principal Deputy General Counsel, Department of Defense, 1995-1997

Member, Defense Science Board, 2010-2013

Chair or Member, Various Department of Defense Advisory Committees

Line Officer, United States Navy, 1969-1972

presented showed that charges of fuel theft and corruption made by Special Inspector General for Afghan Reconstruction were completely without factual basis

- Successfully settled Environmental Protection Agency debarment matter for large agro business arising out of convictions for violating Clean Water Act
- After a contested hearing, obtained reversal of an administrative denial of a security clearance to a former senior government official and nationally known expert on China
- Resolved large number of alcohol tax violations without significant penalties for large agro business
- Advised large government contractor on potential litigation to enforce Anti-Impoundment Act
- For a government contractor, prosecuted bid protest of classified, “black” contract