

Robert M. Cary

Partner

Rob Cary is a first-chair trial lawyer with a diverse practice. His three most recent trials were a civil bench trial in Chancery Court in Delaware, a criminal jury trial in federal court in Oregon, and a civil fraud jury trial in federal court in the District of Columbia. The most recent edition of *Chambers & Partners* describes Rob as an “absolutely brilliant” lawyer, who “encompasses all of Williams & Connolly’s best attributes. He’s aggressive, he brings the fight, and he is really, really smart.”

In addition to trying cases, Rob has extensive experience settling class actions, representing companies and individuals in government investigations, and conducting investigations for audit committees of publicly traded companies. He is a Fellow of the American College of Trial Lawyers and Co-Chair of Williams & Connolly’s Law Firm Defense Practice Group.

With client permission and encouragement, Rob wrote a book about the Stevens case. Bob Woodward of *The Washington Post* describes the book *Not Guilty: The Unlawful Prosecution of U.S. Senator Ted Stevens* as a “public service...a shocking, deeply sobering tale that every American worried about the concentration of power in the federal government should read and study.” Barry Scheck, co-director of the Innocence Project, describes it as a “riveting account from one of our country’s great lawyers.” Retired federal judge Nancy Gertner describes it as “an extraordinarily important book, a must read not only for lawyers, but federal judges.”

Rob, together with his colleagues Craig Singer and Simon Latcovich, has also authored *Federal Criminal Discovery*, the first book devoted entirely to the topic of discovery in federal criminal cases. The American Bar Association describes the book as an “invaluable resource for judges, academics, prosecutors, and defense lawyers.”

Rob has represented clients in a number of high-stakes appeals. He has also represented clients in many criminal and civil investigations conducted by government agencies, including the Food and Drug Administration, the Securities and Exchange Commission, and federal and state prosecutors.

Rob has been recognized as a leading lawyer in white collar crime and government investigations in the 2013-2020 editions of *Chambers*, and in the 2015 edition of *The Legal 500*; as a commercial litigation local “litigation star” in the 2012-2021 editions of *Benchmark Litigation*; as a “national star” in the 2015 and 2021 editions of *Benchmark Litigation*; as a



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Education

University of Virginia School of Law,
J.D., 1990: Order of the Coif;
Virginia Law Review
Dartmouth College, , cum laude, 1986

Practice Focus

Civil Litigation and Trial Practice
Criminal Defense and Government
Investigations
Congressional Investigations
False Claims Act and Qui Tam
Financial Services and Banking
Health Care Fraud
Law Firm Defense
Public Corruption
Securities Enforcement
Securities Litigation
State Attorneys General Investigations

Recognitions



Fellow, American College of Trial

“rising star” in commercial litigation in the 2012 edition of *Chambers*; as a leading lawyer in white collar criminal defense in the 2010-18 editions of *The Best Lawyers in America*; and as the Bet-the-Company Litigation Lawyer of the Year for Washington, D.C. in the 2013 edition of *The Best Lawyers in America*. In 2011, *The National Law Journal* named Rob and Brendan Sullivan to its six-person list of the country’s “Most Influential Lawyers” in the area of white collar criminal defense. In 2015, *The National Law Journal* named Rob one of its “White Collar Crime Trailblazers.” In addition to being a Fellow of the American College of Trial Lawyers, Rob is also a Fellow of the American Bar Foundation.

Born in Evanston, Illinois, Rob grew up in Hannibal, Missouri before attending Dartmouth College, where he played football. Rob spent a year as a paralegal at the D.C. office of an international law firm before entering the University of Virginia School of Law, where he was selected for the *Virginia Law Review* and Order of the Coif. Rob was a law clerk to Judge Eugene Lynch of the U.S. District Court for the Northern District of California before joining Williams & Connolly in 1990. He has supervised the firm’s pro bono criminal practice and has chaired the firm’s Hiring Committee and Partner-Associate Committee.

Rob has co-taught “Defending a Criminal Case” at Vanderbilt Law School with The Honorable Amul Thapar and has taught “Federal White Collar Crime” and “Trial Advocacy” at Georgetown University Law Center. He has lectured at a number of other law schools. Rob is a frequent speaker on criminal law, legal ethics, and professional liability. His speaking engagements have included appearances at the U.S. Chamber of Commerce, the Sixth Circuit, the Seventh Circuit, the Tenth Circuit, and the District of Columbia Judicial Conferences. Rob was appointed by the Virginia Supreme Court to its faculty to teach professionalism to new lawyers. He also served on the American Bar Association’s Criminal Justice Standards Task Force charged with updating the ABA’s Discovery Standards.

Representative Experience

Though all cases vary and none is predictive, Rob’s experience includes:

- Has defended many law firms in legal malpractice cases, fraud cases, government investigations, and an age-discrimination case. Defense victory in the only case to go to trial.
- Represented prevailing companies in a civil fraud jury trial.
- Defended acquitted FBI agent in criminal jury trial.
- Defended businesses in business valuation trial in Delaware Chancery Court trial. Favorable decision for defendant businesses.

Lawyers

Fellow, American Bar Foundation and Litigation Counsel of America

“Litigation: White Collar Crime & Government Investigations (D.C.),” *Chambers USA*, 2012-2020

“National Litigation Star,” *Benchmark Litigation*, 2015, 2021

“Local Litigation Star,” *Benchmark Litigation*, 2012-2021

Recognized as one of *The Best Lawyers in America*® for White Collar Criminal Defense, 2010-2021

“Washington’s Top Lawyers,” in the category of Criminal Defense & White Collar, *Washingtonian* magazine, 2018

“White Collar Crime Trailblazer,” *The National Law Journal*, 2015

“Washington’s Best Lawyers,” *Washingtonian* magazine, 2009, 2011, and 2015

“Bet-the-Company Litigation Lawyer of the Year for Washington, D.C.,” *The Best Lawyers in America*®, 2014

“Litigation: General Commercial (DC),” *Chambers USA*, 2012

“Most Influential Lawyers” in the area of White Collar Criminal Defense, *The National Law Journal*, 2011

Admissions

District of Columbia
Virginia
Maryland

- Has represented many institutions and individuals in financial reporting investigations and litigation.
- Has represented businesses and individuals in multiple class actions that were resolved before trial.
- Represented businessman in criminal investigation that resulted in the investigation being terminated and four prosecutors resigning.
- Defended U.S. Senator Ted Stevens in criminal trial. Case dismissed based on government concealment of evidence favorable to the defense.
- Has represented college students accused of sexual assault including acquittal in jury trial in the only case tried and assisting in the criminal defense of the captain of the Duke Lacrosse team in what is now known as the Duke Lacrosse case. Subsequently represented two of the falsely accused players against former District Attorney, a private DNA lab, and other defendants.
- Has represented many health care providers in criminal and civil government investigations.
- Represented businessman and his company in trial brought by the FTC, multiple state attorney generals, and a prominent plaintiffs' firm. Resolved during trial.
- Has served as investigative counsel for audit committees of public traded companies.
- Defended widow of businessman in litigation with creditors. Resolved before trial.
- Represented sports franchise in government investigation.
- Has represented entities and individuals in SEC Enforcement Division investigations.
- Defended automobile dealership in administrative license revocation trial. Resolved during trial.
- Defended seller of business in trade secrets and breach of contract litigation. Resolved before trial.
- Defended Fortune 100 Company in trade secrets case against another Fortune 100 Company. Resolved before trial.
- Represented business in complete reversal of \$1.8 billion jury verdict. (Another firm represented entity at trial).
- Has represented entities in New York Attorney General and New York Inspector General investigations.

New York

United States Court of Appeals for the
District of Columbia, Fourth, and
Tenth Circuits

United States District Court District of
Columbia, Eastern and Western
District of Virginia, Northern and
Southern Districts of New York, and
Eastern and Western Districts of
Arkansas

- Defended manufacturer in product liability actions. All cases resolved before trial.
- Has represented Innocent Project clients in a multi-week evidentiary hearing, a successful jury trial, and an appeal to the Supreme Court,
- Has represented federal officials in all three branches of federal government.

Resources

Publications

- *Problems and Changes in Criminal Procedures Resulting From COVID-19*, September 2020
- *Jury Selection 2.0: Ethical Use of the Internet to Research Jurors and Potential Jurors*, December 2017
- *Not Guilty: The Unlawful Prosecution of U.S. Senator Ted Stevens*, September 2014
- *Putting Justice Above Victory: How Congress Can Compel a Prosecutor's Duty*, October 2013
- *Federal Criminal Discovery*, 2011
- *Exculpatory Evidence: A Call for Reform after the Unlawful Prosecution of Senator Ted Stevens*, Summer 2010

Presentations

- *Search Warrants and Taint Teams: Re-examining the Process of Defending Clients in a Digital Age*, September 2018
- *A Lousy Deal? Defending the Transactional Malpractice Case*, March 2018
- *Technology in the Courtroom*, March 2018
- *Robert Cary Speaks on "Prosecutorial Fallibility and Accountability" Panel at the Cato Institute*, November 2017
- *Robert Cary Speaks at the ABA Southeastern White Collar Crime Institute*, September 2017
- *The Illegal Prosecution of Senator Stevens*, March 2017
- *Proffers, Jury Selection, and Preserving the Record for Appeal*, March 2017
- *Ethical Traps in Investigation: The Defense and Representation of*

Individuals in White Collar Cases, March 2017

- *Lessons from the Senator Stevens Case*, January 2017
- *Lessons from the Senator Stevens Case:* , January 2017
- *The Over-Enforcement Boiling Point*, October 2016
- *Electronic Discovery in Federal Criminal Enforcement and Other Developments in Criminal Discovery*, September 2016
- *Preparing for Luck: Uncovering Discovery Misconduct In the Case of U.S. Senator Ted Stevens*, August 2016
- *Sexual Assault on College Campuses: Balancing the Rights and Interests of the Accused and the Victim*, August 2016
- *Not Guilty: The Unlawful Prosecution of Senator Ted Stevens*, May 2016
- *Brady v. Maryland Is Over 50 Years Old: Is It Ailing? What's the Cure?*, April 2016
- *Response to the Inductee Charge*, March 2016
- *New and Evolving Strategies in Obtaining, Managing, and Challenging the Use of Electronic Data*, March 2016
- *Superstar Trial Seminar 2015: The Stevens Case, Prosecutorial Misconduct, and Fighting for Brady Material & Discovery*, November 2015
- *Practice Lessons Learned From The Unlawful Trial of U.S. Senator Ted Stevens*, September 2015
- *Towards More Transparent Justice*, September 2015
- *Electronic Communications and Data Discovery In Criminal Cases: The Bits & Bytes Required to Satisfy the Interest of Justice*, September 2015
- *Fighting Prosecutorial Misconduct in the Defense of Senator Ted Stevens*, June 20, 2015
- *National Cathedral School - Commencement Address*, June 2015
- *Breaking Developments in Criminal Practice Keynote Address*, May 2015
- *Notable Cases: The Ted Stevens Trial*, May 2015
- *Ninth Annual Fidler Institute on Criminal Justice*, April 2015

- *Pre-trial Motions, Discovery and Jury Selection*, March 2015
- *The Unlawful Prosecution of Senator Ted Stevens*, February 2015
- *Lessons from the Trial of Senator Ted Stevens*, November 2014
- *Defending the White Collar Case: In and Out of Court*, November 2014
- *The Effective Use of Criminal Discovery: Tactics for the Defense and the Government*, September 2011
- *Lessons from the Trial of Senator Ted Stevens*, April 2014
- *Brady Training*, December 2013
- *Brady and the Aftermath of USA v. Ted Stevens*, December 2013
- *Defending Senator Ted Stevens*, April 2013
- *Complying with Brady and Strategies For Defense Counsel*, March 2013
- *Pre-trial Motions, Discovery and Jury Selection*, January 2013
- *Out of Bounds; Calling Foul When the Government Violates its Discovery Obligation*, November 2012
- *Federal Enforcement Overreach? A Look at Department of Justice Practices and Suggested Reforms*, October 2012
- *Emerging Ethical Risks for Attorneys*, July 2012
- *Prosecutorial Misconduct, Legal Ethics and Fair Dealing: Does the Criminal Justice System Need Reform?*, June 2012
- *View from the Bench: Why Bad Things Happen to Good Litigators*, April 2012
- *Perspectives of a Defense Lawyer on the Front Line*, April 2012
- *Pre-trial Motions, Jury Selection, Opening Statements, And New Discovery*, March 2012
- *Misconduct Report on Ted Stevens Prosecution: 'Systematic Concealment of Exculpatory Evidence'*, March 2012
- *Federal Criminal Discovery*, January 2012
- *Exposing the Prosecution: Lessons Learned From the Ted Stevens Trial*, November 2011
- *The Legal Professional*, October 2011

- *The Unlawful Trial of Senator Stevens*, April 2011
- *Leveling the Playing Field: Uncovering and Rectifying Government Misconduct*, April 2011
- *Public Corruption*, March 2011
- *Preventing, Defending and Obtaining Insurance for Claims Against Law Firms*, March 2011
- *Standards on Prosecution and Defense Function*, November 2010
- *A Town Meeting – The State of White Collar Crime*, November 2010
- *Auditor Liability in the Current Environment: How to Protect Yourself*, October 2010
- *The Smoking Gun Witness – Crescendo or Crash*, June 2010
- *Criminal Breakout: Criminal Discovery Obligations*, May 2010
- *The Unlawful Trial of Senator Stevens*, April 2010
- *The Duty to Disclose: Reexamining Prosecutors' Obligations under Brady v. Maryland*, April 2010
- *Prosecutors' Ethical and Legal Obligations to Disclose Exculpatory Evidence*, March 2010
- *Prosecutorial Misconduct*, March 2010
- *The Unlawful Trial of Senator Stevens*, March 2010
- *Government Misconduct: Outlier or Epidemic?*, March 2010
- *The Unlawful Trial of Senator Stevens*, March 2010
- *Brady and the Failure to Disclose Exculpatory Evidence*, February 2010
- *Prosecutorial Misconduct: Brady and Beyond*, January 2010
- *How to Combat Prosecutorial Misconduct: Lessons From the Failed Prosecution of U.S. Senator Ted Stevens*, December 2009
- *Brady Problems and the Trial of Senator Stevens*, November 2009
- *Town Hall Meeting: Brady Practices in State and Federal Jurisdictions*, November 2009
- *Prosecutorial Overreaching? Implications for Our Legal System*, October 2009

- *Choppy Waters: The Ethics of Privilege and Disclosure*, October 2009
- *Prosecutorial Misconduct*, September 2009
- *Hot Topics and Recent Developments in Public Corruption Investigations and Government Ethics*, July 2009
- *International Corporate Transgressions*, January 2009