

## Ryan T. Scarborough

### Partner

Ryan Scarborough draws upon his deep experience in both federal and state courts across the country. He has led trial teams in cases ranging from banking to pharmaceutical product liability to contractual disputes, argued dispositive motions and appeals, and prepared, defended, and examined experts and fact witnesses at deposition and trial.

Ryan frequently defends financial institutions, law firms, corporations, and their directors and officers who are under investigation or find themselves facing litigation from government authorities, regulators, consumers, shareholders, and competitors. He has litigated against the Consumer Financial Protection Bureau, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Federal Housing Finance Agency, and other financial regulatory agencies, and been recognized by *The Legal 500* for his work in handling Financial Services litigation, which praises him for his “calming approach.”

Ryan also has extensive experience trying pharmaceutical product liability cases, having represented Wyeth and Pfizer for more than a decade in mass tort litigation involving diet drugs, vaccines, and menopausal hormone therapy. In the hormone therapy litigation, Ryan helped lead trial teams for bellwether cases and cases that were remanded from the MDL or in state court.

Ryan frequently speaks and writes about topics related to the representation of directors and officers, including regulatory and enforcement initiatives. Ryan published an article in the *Fordham Journal of Corporate and Financial Law* discussing “Why Does the FDIC Sue Bank Officers? Exploring the Boundaries of the Business Judgment Rule in the Wake of the Great Recession,” 20 *Fordham J. Corp. & Fin. L.* 367 (2015). He has also published articles about the CFPB, including “The Law of Unintended Consequences: How the CFPB’s Unprecedented Legislative Authority and Enforcement Approach Has Invited Increasing Challenges,” which appeared in the July 2016 edition of *Banking & Financial Services Policy Report*, and “Sometimes It Pays to Litigate Against the CFPB,” which appeared in the October 13, 2017 issue of *Law360*.

Ryan’s pro bono work includes an active role in supervising Williams & Connolly associates who represent clients in immigration/asylum matters, landlord-tenant disputes, Social Security disability cases, and historical preservation matters in Washington, D.C. He has also served as an adjunct professor at Georgetown University Law Center, where he taught a trial practice seminar regarding expert witnesses.



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### Education

Harvard Law School, , cum laude,  
1998: Primary Editor, *Harvard Law Review*; Co-Trainer, Harvard Mediation Program, 1996-1997  
Tohoku University, , 1994-1995:  
Fulbright Scholarship to Japan  
Duke University, A.B., summa cum laude, 1994: Phi Beta Kappa

### Practice Focus

Financial Services and Banking  
Directors and Officers Liability  
Civil Litigation and Trial Practice  
Commercial Litigation  
Insurance Disputes  
Lawyer Liability  
Products Liability, Torts, and Medicine  
Securities Enforcement  
Securities Litigation

### Recognitions

"Local Litigation Star," in General Commercial Litigation, *Benchmark Litigation*, 2020

"Local Litigation Star," in Product Liability, *Benchmark Litigation*, 2020

Ryan was born and raised in Austin, Texas. He graduated *summa cum laude* from Duke University in 1994 with a degree in Public Policy Studies. Ryan then studied abroad in Japan for a year as a Fulbright Scholar at Tohoku University before entering law school. Ryan graduated *cum laude* from Harvard Law School in 1998, and served as a Primary Editor on the *Harvard Law Review*. He joined Williams & Connolly in 2000 after clerking for U.S. District Court Judge Alan C. Kay in Honolulu.

## Representative Experience

- Defended former directors and officers of a dozen different banks in response to threatened or actual FDIC receivership lawsuits
- Represented bank directors, officers, and institution-affiliated parties in response to threatened enforcement actions by the OCC, FDIC, and Federal Reserve Bank
- Represented companies in response to CFPB enforcement investigations and actions, including appealing supervisory exam findings pursuant to the Bureau's internal appeals process
- Advised directors in response to threatened shareholder lawsuit
- Litigated breach of contract and misappropriation of trade secrets case on behalf of payment processing client
- Advised and defended major AmLaw law firm in response to threatened and actual claims
- Defended bank in response to lender liability claims
- Tried numerous cases on behalf of Pfizer and Wyeth involving menopausal hormone therapy medicines Prempro and Premarin
- Litigated breach of contract case in Delaware Chancery Court on behalf of real estate developer
- Litigated two breach of contract suits against the federal government on behalf of investors who recapitalized insolvent banks only to have the FDIC seize those banks after Congress enacted laws undoing the deals

## Resources

### Publications

- *Sometimes It Pays to Litigate Against The CFPB*, October 2017
- *The Law of Unintended Consequences: How the CFPB's*

Selected to *Super Lawyers*, 2014, 2017-2019

## Admissions

District of Columbia and Commonwealth of Virginia  
United States Court of Federal Claims  
United States District Court for the Eastern District of Virginia, Western District of Virginia, Eastern District of Michigan, District of Maryland, District of Columbia, District of Colorado, and Northern District of Florida  
United States Court of Appeals for the Federal Circuit, District of Columbia, Third, and Eighth Circuits

*Unprecedented Legislative Authority and Enforcement Approach Has Invited Increasing Challenges*, July 2016

- *Why Does the FDIC Sue Bank Officers? Exploring the Boundaries of the Business Judgment Rule in the Wake of the Great Recession*, September 2015
- *Broken Promises: The FDIC's Refusal to Give Former Bank Directors and Officers Pre-Litigation Access to Bank Records*, July 2015

## Presentations

- *Partners Speak at Financial Services Roundtable Lawyers Council Spring Meeting*, May 2018
- *Moving Past the Great Recession in the Trump Era: A New Direction for Consumer Financial Services*, February 2018
- *Through the Looking Glass: Regulation and Enforcement at the Consumer Financial Protection Bureau 2018 Update*, January 2018
- *Flexing its Muscles: The CFPB's Approach to Regulation and Enforcement of Financial Institutions*, November 2016
- *CFPB Enforcement 2016: Bloomberg BNA Webinar*, June 2016
- *Minimizing Liability for Banks, Financial Services Companies and Their Executives and Directors: CFPB Developments in Debt Collection, Student Loans, Auto Lending and DOJ Actions Against Corporate Individuals*, May 2016
- *Defending Bank Enforcement and FDIC D&O Suits: Latest Cases, Defenses, and Successful Litigation Strategies*, October 2015
- *Bank Enforcement Actions—Roundtable With the Experts: New Issues, Higher Penalties, Joint Enforcement Actions*, September 2014
- *FDIC and Other Banking Agency Litigation Against Auditors, Law Firms, Appraisers and Other Outside Advisors*, August 2014