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ROBERT S. BENNETT

Partner, [Washington, D.C.](#), [New York](#)
robert.bennett@hoganlovells.com

Robert S. Bennett is a partner in Hogan Lovells' Washington, D.C. and New York offices and is a member of the Investigations, White Collar and Fraud practice group. He is a former federal prosecutor and a leading member of the defense bar since 1971.

Bob is renowned in his field as an exceptional trial lawyer who has handled numerous high-profile cases and has represented corporations and individuals, including directors and officers, in criminal, civil, SEC enforcement, and congressional matters for the past 35 years. Bob has been listed repeatedly in various publications as one of the nation's most influential and successful litigators.

In addition to the representation of Enron, his other recent corporate representations include HealthSouth in connection with a criminal investigation being conducted by the United States Attorney's Office for the Northern District of Alabama, and KPMG, where Bob was lead counsel in a tax shelter investigation conducted by the United States Attorney's Office for the Southern District of New York. For the past several years, he has represented a major international foreign corporation in a large Foreign Corrupt Practices Act matter.

Bob successfully represented two former Secretaries of Defense, Clark Clifford (Democrat) and Caspar Weinberger (Republican). His extensive experience includes representing clients before congressional committees; Bob has served as Special Counsel to the United States Senate's Select Committee on Ethics in several major investigations. He was President Clinton's personal attorney in the Paula Jones case, and most recently, he represented Judith Miller in the CIA leak investigation. In 1981 and 1982, he served as a legal consultant to the Senate Foreign Relations Committee regarding the appointment of Alexander M. Haig, Jr. as Secretary of State and served as Special Counsel to the United States Senate Committee on Ethics.

Bob advises management, audit committees, and boards of directors on Sarbanes-Oxley matters, and he assists boards and audit committees in conducting internal investigations.

Bob has co-chaired several American Bar Association National Institute programs on the defense of corporations and their officers in parallel grand jury and administrative agency investigations. He also has written and lectured on complex criminal and civil matters and crisis management issues.

REPRESENTATIVE EXPERIENCE

- Represented Enron in connection with a criminal investigation being conducted by the United States Department of Justice.*
- Represented HealthSouth in connection with a criminal investigation being conducted by the United States Attorney's Office for the Northern District of Alabama.*
- Lead counsel in a tax shelter investigation of KPMG conducted by the United States Attorney's Office for the Southern District of New York.*
- For several years, represented a major international foreign corporation in a large Foreign Corrupt Practices Act matter.*
- Successfully represented two former Secretaries of Defense, Clark Clifford (Democrat) and Caspar Weinberger (Republican).*
- President Clinton's personal attorney in the Paula Jones case.*

* Matter handled prior to joining our legal practice.

HOGAN LOVELLS PUBLICATIONS

13 JANUARY 2016

"[Global Bribery and Corruption Review 2015](#)." Global Bribery and Corruption Task Force, Hogan Lovells

JANUARY 2014

"[Global Bribery and Corruption Review 2013](#).", Hogan Lovells

15 NOVEMBER 2012

"[Top seven things you need to know about the new DOJ/SEC FCPA Guide](#)." Investigations, White Collar, and Fraud Alert, Hogan Lovells

PRACTICES

Litigation and Arbitration

Investigations, White Collar and Fraud

Securities Litigation and Enforcement

Bribery, Corruption and Foreign Corrupt Practices Act Investigations

AREAS OF FOCUS

Accounting Fraud

Civil and Criminal Enforcement

Civil False Claims Act

Complex Civil Litigation

Congressional Investigations

Foreign Corrupt Practices Act (FCPA)

SEC Enforcement

EDUCATION

LL.M., Harvard Law School, 1965

J.D., Georgetown University Law Center, 1964

B.A., Georgetown University, 1961

MEMBERSHIPS

Fellow, American College of Trial Lawyers

AWARDS / RANKINGS

Legal 500 US, White-Collar Criminal Defense, 2011-2013; Leading Lawyer, 2011-2013

Chambers USA: Litigation: White Collar Crime & Government Investigations, 2010-2013

Best Lawyers in America

NLJ: 100 Most Influential Lawyers in America

BAR ADMISSIONS / QUALIFICATIONS

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29 NOVEMBER 2011

"The Long Reach of American Criminal Law: Why the United States Government Might Be Targeting Your Industry, Your Business and, Perhaps, Your Freedom."

07 MAY 2010

"New Amendments to Sentencing Guidelines May Help Reduce Sanctions for Corporate Wrongdoing." SEC Update, Hogan Lovells

04 MAY 2010

"The United States Sentencing Commission Proposes New Amendments to the Organizational Guidelines." Litigation Alert, Hogan Lovells

PUBLISHED WORKS

2013

"From Regulation to Prosecution to Cooperation: Trends in Corporate White Collar Crime Enforcement and the Evolving Role of the White Collar Criminal Defense Attorney." The Business Lawyer, (Co-authored by Robert S. Bennett, Hilary Holt LoCicero, & Brooks M. Hanner)

OCTOBER 2009

"Worldwide Reach." The European Lawyer, Issue 90, Polyview Media

MARCH 2010

"Targeting Business and Freedom." The European Lawyer, Polyview Media

PUBLISHED WORKS PRIOR TO JOINING THE FIRM

2008

"In the Ring: The Trials of a Washington Lawyer," Crown Publishers/Random House Inc.

March 2007

"Recent DOJ and SEC Settlements Illustrate the Importance of Anti-Corruption Compliance in the Context of Acquisition Transactions." The M&A Lawyer, Thomson West

November 2006

"Internal Investigations and the Defense of Corporations in the Sarbanes-Oxley Era." The Business Lawyer, American Bar Association

U.S. Supreme Court

U.S. Court of Federal Claims

U.S. Court of Appeals, District of Columbia Circuit

U.S. Court of Appeals, Fourth Circuit

U.S. Court of Appeals, Eighth Circuit

U.S. Court of Appeals, Eleventh Circuit

U.S. Court of Appeals, Second Circuit

U.S. District Court, District of Columbia

U.S. District Court, Eastern District of Virginia

U.S. District Court, Southern District of New York

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Style

Bob Bennett: The D.C. lawyer who makes it his business to know everyone

By **Ben Terris** March 12, 2014

Look at my fish,” Bob Bennett grumbles, waving his meaty arm toward the back of the room. “Stand up and look under its mouth. It says it all.”

A speckled brown trout, wrestled from the Missouri River in the mid-1980s, hangs mounted in the D.C. superlawyer’s office. Below its agape mouth, a lament: “If I kept my mouth shut, I wouldn’t be here.”

Bennett’s clients have included presidents, secretaries of defense and star journalists. Framed photographs of their beaming faces make up a cluttered trophy shelf of their own. And now, he’s tasked with keeping D.C. Mayor Vincent C. Gray (D) from having to see the inside of a jail cell, or perhaps even the inside of a courtroom. Step One may be getting him to learn from the fish.

“One of the more difficult things in representing high-profile clients is that they’ve gotten where they are because they are great communicators who convince people of whatever they want to convince them of,” Bennett says. “And very often, I want to tell these folks that they are now in a place where that doesn’t necessarily work.”

This week, federal prosecutors said in court that Gray knew about an illegal fundraising operation that helped him win the 2010 election. Using testimony from businessman Jeffrey E. Thompson — who may have conspired to pump more than \$660,000 in illegal donations to the campaign — prosecutors pointed to an alleged plan in which the mayor would use the code name “Uncle Earl” when communicating with Thompson.

After Thompson’s testimony, Gray went on a barnstorming media tour, chatting with such news organizations as The Washington Post, NPR and CNN to call the accusations lies and to say he would not be resigning. This is not ideal for Bennett, who might rather his clients avoid speaking altogether, but he’s diplomatic about it.

“I understand elected officials have a constituency and they feel like they have to answer some questions,” he says. “I have to be a little bit flexible but still manage the best you can what they say and what they don’t say.”

In the real world, not all fixers look like Olivia Pope on the TV show “Scandal.” This one is a squat man in his mid-70s with white hair and shoulders that hunch up to his ears when he sits at his desk. His job description, too, is essentially a frumpier version of the fictional one: work the city he knows best to try to keep his clients from having

to go to court but spend countless hours preparing for the day he won't be able to avoid it.

“Preparation — that’s the Bob Bennett approach,” says Billy Martin, a D.C. lawyer who has represented Monica Lewinsky’s mother, basketball star Allen Iverson, and NFL quarterback Michael Vick. “If you want to know what Bob is going to do, it’s discredit any witness who tells a story different than the one his client wants to tell.”

That starts with the testimony from Thompson.

“The agreed deal — you’d think he pled guilty to possessing a few marijuana cigarettes,” Bennett says. “Such a generous deal, and you have to question his motivations.” Thompson faced up to five years in prison; he was able to lop that to a six-month maximum sentence by cooperating and talking with prosecutors.

It’s a tricky situation for the mayor, having to balance what is best for him legally with what is best for him politically. Talking can get you in legal trouble; not talking allows a story of possible corruption to go unanswered just weeks away from a contentious primary. But he does have one thing going for him: Bennett is “viewed as one of the top trial lawyers, and I think the mayor is fortunate to have him as his lead counsel,” says Martin, who has known Bennett since the late 1980s.

Gray’s fortune in this regard has its roots as far back as 2001, when his daughter, Jonice Gray Tucker, in her first week as a lawyer at Skadden Arps, was assigned to work with Bennett on a case. Bennett said he met the mayor at a fundraiser Tucker had thrown for him and that when Gray approached him some three years ago for legal help, he agreed.

It’s not surprising that Bennett would have some kind of connection to Gray; his job is to know everyone in the city. This is what happens after you’ve helped President Bill Clinton navigate the Paula Jones scandal (even if the Supreme Court did rule unanimously against him in that case), after you’ve gotten Judith Miller out of jail for her involvement in the Valerie Plame CIA leak story, and after you’ve worked for both Clark Clifford and Caspar Weinberger, Democratic and Republican secretaries of defense, respectively. He’s also very familiar with former education secretary and conservative pundit Bill Bennett. They’re brothers.

Bennett likes to point out, however, that he was not born into this role. Growing up in Brooklyn (you can hear the nasal accent still today), he always thought he wanted to be a doctor. But as he got older, he said he found himself hanging around courtrooms. “They were free, and they were one of the greatest shows around,” he said. So, after getting a bachelor’s degree at Georgetown, he stuck around to get a law degree there (picking up moving and janitorial jobs to pay his tuition) before heading to Harvard for more legal education.

But he has more than found a home in the nation’s capital, working for politicians on both sides of the aisle, and working big corporate cases such as the Enron scandal. He’s even written a book, [“In the Ring: The Trials of a](#)

[Washington Lawyer.](#)”

“I think it is always a benefit if [lawyers] understand Washington,” he says. “It’s a benefit to know the players and the music of the town.”

And for Bennett, the real beauty in the music are the notes not played. Even when talking about his own downtime, Bennett knows when it’s best to not be available to comment. Take, for example, the monthly poker game Bennett has reportedly been holding for decades. Chief Justice John G. Roberts Jr. is said to attend, and so is Justice Antonin Scalia.

But ask Bennett about the game, and he glances fleetingly at his mounted fish before saying: “I’m going to be off the record. Stop the tape.”

READ MORE:

[A jury of his peers: There’s no shortage of verdicts on Bob Bennett’s handling of the president’s case.](#)

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Ben Terris is a writer in the Washington Post's Style section with a focus on national politics.

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HOGAN & HARTSON, MUSICAL CHAIRS, ROBERT BENNETT

Breaking: Bob Bennett Leaving Skadden for Hogan & Hartson

By KASHMIR HILL & ELIE MYSTAL

96 Comments / 18 Shares / Sep 3, 2009 at 9:57 AM

Sources at [Skadden](#) report that [Robert S. Bennett](#), the legendary litigator, will be leaving Skadden for [Hogan & Hartson](#). Skadden partners were informed yesterday; Skadden associates are being told right now.

Bob Bennett is one of the most famous trial lawyers in the world. His client list reads like a CNN promo: Enron, Bill Clinton, Judith Miller, [Caspar Weinberger!](#) That's right, I kicked that list with the Cold War winning, Contra-loving SecDef.

[Carl Rauh](#) will also join Bennett at Hogan. Rauh has worked with Bennett on many of his high-profile cases, so that's of little surprise.

But tipsters report that the two will not be taking any other Skadden – D.C. personnel with them.

Bennett started his private practice at Hogan & Hartson. So the move is a bit of a homecoming.



MENU

ABOVE THE LAW

The top brass at Hogan are surely excited about the Bennett acquisition — but might he be to blame for their missing out on the opportunity to meet Sex and the City stars?

Update : SATC 2 is being filmed in Hogan's NYC office [this week](#). We talked about the filming with NY-based firm chairman Warren Gorrell last month. During our interview, we asked whether Gorrell would be meeting SJP and company. He said he would not because there was an Executive Committee meeting scheduled this week in Washington, DC.

Some SATC-loving Committee members — who have flown in from around the world — had hoped the meeting could be changed to NY. But it appears they needed to be in DC to meet a

Skadden

different Mr. Big.

Earlier: [Sex and the City 2 at Hogan & Hartson](#)

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Legends in the Law: Robert S. Bennett

(Appeared in Bar Report, October/November 1995)

Robert S. Bennett is currently a partner with Skadden, Arps, Slate, Meagher & Flom. A 1964 graduate of the Georgetown Law Center, Bennett served as assistant U.S. attorney for the District of Columbia (1967-1970) before venturing into private practice, where he established himself as one of the nation's preeminent trial attorneys. In addition to an impressive list of corporate clients, Bennett serves as President Clinton's personal attorney, and he recently represented former Secretary of Defense Caspar Weinberger in the Iran-Contra matter.

Bar Report: What made you decide that you wanted to be a lawyer?

Robert S. Bennett: Actually, when I went off to Georgetown as an undergraduate I was thinking more about medical school. My mother worked as a medical secretary and two of my uncles were doctors. There was a lot of family pressure on me to become a doctor. I enrolled in some pre-med courses, but it was not a happy match. I didn't enjoy the physical sciences. I am sure that it's a blessing for the human race that I never became a doctor.

When I was a student I'd go down to the federal courthouse to watch criminal trials. I'd just wander in and sit down. I was drawn to the action—the intellectual combat and the human drama—that took place in the courtroom. Somewhere along the line, the bug bit me. I probably sat through 50 trials during my undergraduate years. This was a pretty good sign that law and not medicine was my calling. After all, I wasn't going to hospitals to watch operations.

BR: When you went to law school did you have a vision of the type of lawyer you wanted to be?

RSB: Absolutely. I enrolled in law school with the intention of becoming a trial lawyer.

BR: In 1967, after clerking for U.S. District Judge Howard F. Corcoran, you joined the U.S. attorney's office as a federal prosecutor in the District. Was that a dream job for you?

RSB: Yes, it was the greatest job in the whole world. I loved being a federal prosecutor. My three-and-a-half years at the U.S. attorney's office were among the best years of my life.

BR: Why is that?

RSB: I was working with some of the greatest people and best lawyers I've ever met. They are still my best friends.

In law school you spend a lot of time reading and analyzing cases. It's challenging and interesting, but it's largely an academic pursuit. When you go to work as an assistant U.S. attorney the abstractions disappear. The cases and the people are real. Every time you're handed a case file there's a human story in that file—there's a victim, a family of the victim, and a person standing trial who is accused of a crime.

BR: Do you still have vivid memories of some of the cases that prosecuted?

RSB: I can remember those cases like they happened yesterday. I could spend hours sitting here telling you war stories from those days.

BR: Can you recall your first murder case?

RSB: One of the first murder cases I handled involved a young victim by the name of Schriber. The facts were as follows: he and his girlfriend had left the Biograph theater at the edge of Georgetown when they saw a fellow on the sidewalk who acted as if he needed medical help. They crossed the street and offered to assist him to his apartment. Once they got in the hallway the young man straightened up and pulled out a gun. His writhing in pain on the sidewalk was just a sham. He was trying to lure these innocent good samaritans into the building so he could rob them. In the process of robbing Schriber he shot and killed him.

The press dubbed it "The Good Samaritan Murder." I was given the case, and felt I had to do a good job on it. I remember reading the facts and thinking, "Yes, Schriber was the good samaritan." Here he was extending his hand to help someone he believed to be in distress, and the person he was trying to help turned around and murdered him.

I felt Schriber had to have his day in court. I very much wanted a conviction in that case. In my closing argument I picked up the Bible and turned to read the passage about the "Good Samaritan." Defense counsel objected. The judge sustained the objection, telling me I could quote the passage if I remembered it, but that I couldn't read scripture in front of the jury. Well, you can be sure that if there was one passage in the Bible that I knew by heart, it was that passage. So with great flourish I closed the book and said, "Your honor, I know this document pretty well." I quoted the passage and continued my closing argument. Much to my satisfaction, the jury came back with a conviction.

BR: Does a job where you're dealing with violent crime on a daily basis change you in any way?

RSB: You learn a lot. At night, I used to ride with the police, just so I could see what was going on. For me that was a post-graduate education in the psychology of human emotions—a frightening education. I quickly came to understand that life is not a Norman Rockwell painting. I'd never before experienced first-hand the meanness with which one human being can treat another. I was coming face-to-face with people who would commit rapes and murders with absolutely no concern for their victims.

I had a reputation as a tough prosecutor and I was proud of that reputation, but I also came to feel great empathy for people who reside in the crime-ridden areas of the city who are struggling to live honorable, decent, law-abiding lives. I'll never forget this one little old lady the police brought in on a weapons charge. She'd been arrested for the possession of a sawed-off shotgun. She was living in a public housing project where there were a lot of drug addicts roaming through the building at night. Drug dealers were selling narcotics and addicts were breaking into apartments to steal things so that they could buy their drugs. Every night before this lady went to bed, she took out her sawed-off shotgun and put it on the nightstand for her protection. That was part of her nightly ritual—the same way some people brush their teeth and let the dog out before they go to bed. Even though this lady was clearly in technical violation of the law, I didn't charge her. That was one case it seemed wrong to prosecute. I couldn't help but think of my grandmother, who was the same age but was living in a safe, comfortable home.

BR: What did you glean from experiences like that?

RSB: I think I came away with a better understanding of people. Those experiences gave me a broader lens through which to view both the good and the bad that people are capable of. It was an immersion in "the real world" that law school could just not prepare me for.

BR: Why did you leave the U.S. attorney's office?

RSB: I left because it was time to leave. I'd been in that job for almost four years and I'd tried lots of cases. I wanted new challenges.

Also, I was engaged to be married and I wanted to raise a family. So some of the financial opportunities available in private sector were appealing.

BR: How did you end up at Hogan & Hartson?

RSB: I went out on the market and interviewed with a number of firms, and I decided that Hogan & Hartson would be a good fit.

BR: What kind of practice did you have there?

RSB: Mostly civil litigation.

BR: Did you enjoy it?

RSB: Yes, but not like I enjoyed the criminal cases. I was troubled by the abuses of the discovery process that are common in civil litigation. Whenever money is involved, it seems to draw out the worst in people—every little thing becomes an occasion for a fight. Although I enjoy a good civil case, there are things about the civil practice area that trouble me.

BR: A lot of attorneys are unhappy with the practice of law. Do you think that is due in part to the abuse of discovery and a general lack of civility in civil litigation?

RSB: Yes, I think so. I have no doubt that if I were doing only civil cases I wouldn't be as happy practicing law as I am. As it is, I love being a lawyer. I wouldn't want to do anything else.

BR: How did you manage to break free of the civil litigation treadmill?

RSB: I joined Hogan & Hartson in the early '70s when white collar criminal cases were just beginning to take off. That had a real attraction for me. So I honed in on the white collar area, never knowing that it would explode into the growth industry that it has become.

BR: Was your desire to pursue white collar cases the reason you left Hogan & Hartson to start your own firm?

RSB: It was a factor. I did not get a partnership at Hogan & Hartson in the year I expected it. I was told that the following year might well be different, but I was both disappointed and impatient. That caused me to sit back and ask myself what it was that I wanted to do. For a variety of reasons, it was apparent that Hogan & Hartson at that time did not want to get heavily involved in white collar work. So I decided to cut out on my own. I joined with a few other friends and we formed our own firm which eventually became Dunnells, Duvall, Bennett & Porter.

BR: Wasn't there a lot of risk involved in giving up the security of a major firm to try and build your own practice?

RSB: Yes, sure. There was some risk. Ellen was pregnant at the time and we didn't have any money to speak of. I remember sitting down with her and working out a budget assuming that I would be making substantially less than I was making at Hogan & Hartson. But you know how it is when you're young—if there's a mountain standing in your path, you don't focus on the obstacles you just climb it.

In all candor, I should probably tell you that if I'd known then what I know now about how big firms get and keep business I might not have had the guts to climb that mountain. That was one instance where my ignorance was a blessing. Instead of feeling anxious or intimidated, I was looking forward to the challenge of building my own practice.

BR: How does one go out and build a practice from scratch? How does a young lawyer attract the major clients?

RSB: I don't know. The only sure way is "old lawyers die." There's no formula or tried-and-true method that I'm aware of. This is a people business. Clients make visceral, gut-level decisions about the lawyers they hire. If they find themselves in trouble or under fire, they ask themselves, "Who do I want down here in the fox hole next to me?" That's the essence of the decision they have to make. A young lawyer should plant seeds wherever he or she goes. Good seeds. Many will grow into productive fruit.

BR: How did you get started?

RSB: For me, there were two major matters that were instrumental in building my career. The first was a high profile case that involved the indictment of the president of a defense contractor. It was a case that received a lot of publicity. We went to trial and he was acquitted. So that gave me a boost. Then shortly after that other major defense contractors retained me. One matter led to another.

BR: Are you suggesting an element of luck is involved?

RSB: Luck always plays a part. If you get what you deserve in life you are lucky. But you have to make your luck. You have to take advantage of the breaks that come your way. Good luck, good health, a good marriage or personal relationship—all of that is important.

BR: A good marriage is important to a successful career?

RSB: For me it has been the key.

BR: How so?

RSB: I think that if you lead a full and happy life and experience all life's colors it will make you a much better lawyer. In the last analysis the most important thing you can give to a client is wisdom. Good judgment, common sense, and wisdom are all derived from living a full life. My wife Ellen and I have been married for 26 years now, and we have three wonderful daughters—Catie, Peggy, and Sarah. I

feel blessed by the wisdom they have given me. They are my life. The law is second.

BR: Do you ever take professional problems home and discuss them with your wife?

RSB: Sure I do. Ellen is not a lawyer, but she is one of the most intelligent people I've ever met. I solicit her views about many things, and invariably I find that she's right on target—especially about people.

BR: Was making the transition from a prosecutor to a defense attorney difficult?

RSB: No, it was easy. What attracted me to being a prosecutor was not the desire to put people in jail. The advocacy was the challenge, and that challenge exists on the defense side as well.

BR: Have you ever felt any moral ambiguity as a consequence of what some of your clients are alleged to have done?

RSB: I've never felt any moral ambiguity at all. A criminal defense lawyer must be a fearless, zealous advocate. Now that doesn't mean you can be an assassin and do anything in pursuit of an acquittal—you can't put on perjured testimony, and you can't raise a defense for which there is no factual basis. You are still an officer of the court. So you need to strike a balance. While you must be a zealous advocate you must also be an honorable officer of the court who is a participant in the pursuit of justice.

BR: When someone walks in the door and is the subject of a pending criminal indictment, I would think that would be an emotional, traumatic time. Does a defense attorney need to remain cool and analytical and ignore all of the emotion?

RSB: Oh, no! Dealing with a client's emotions is often the most important part. An indictment is not just words on a piece of paper. You're talking about a human being. When an executive of a company gets into trouble, he's usually someone who is used to being in control, then all of a sudden the control disappears. He's facing the worst, most traumatic situation of his life. It's as if he's hanging on to the end of a rocket that is taking him places he's never been before. Families are impacted, employees are impacted, the press can get involved in ways that do great damage to one's reputation. Everything is scrambled up and disrupted. As an attorney you have to deal with all of that. You have to put your arms around the client and say, "Come here, let's sit down and work these problems out together."

In the case I mentioned earlier that involved the defense contractor, my client was indicted along with a former navy admiral. The government alleged that he had promised a lucrative consulting contract to the admiral in return for a sole source contract. When he came to me he was nervous and worried about going to prison. I listened to him explain what had happened, and when he finished I said that I'd be happy to represent him, that his case presented some interesting issues of fact and law. Well, he put his arm around me and said, "Bob, I'm glad you think this is an interesting case, but I want you to know that I don't view my upcoming indictment, the trial to follow, and the possibility of imprisonment as an educational experience."

His point, of course, was that to someone in trouble, the law is not about legal theory or morality—it's about freedom, reputation, financial survival.

Now, in dealing with those problems, I think it's important to emphasize that knowledge of the law is not enough. The real expertise resides in understanding the process. If someone is indicted on a mail fraud charge, you don't go out and hire the lawyer that knows the most about mail fraud. That's the easy part. Anyone can pick up the books and read the cases and come to an understanding of what the law is. What's important is having an understanding of the process, and the participants in the process—the prosecutors, the judge, the jury, the press. The process is run by people. All of the basic decisions are made by people: Will your client be indicted? Can you get the prosecutor to decline the case? Can you negotiate a plea? If you go to trial, will the client be found innocent or guilty? Understanding the people who make those decisions is essential. You need to know how to get the people making the decisions to come to your side of the table. You need to know what motivates them, what worries them, and what factors they consider to be most important as they make their decisions.

BR: In recent cases your clients have included Clark Clifford and Caspar Weinberger. When a major political player like that is indicted, does dealing with the press form an important component of your responsibility as an attorney?

RSB: Absolutely. When you represent a Clark Clifford or a Caspar Weinberger the issue is not whether

you're going to deal with the press, but how. It's naive to think that "no comment" works in this day and age. Prosecutors, or their agents, talk to the press. You're going to have leaks from the government; you're going to have leaks from an independent counsel; you're going to have leaks from congressional investigations. When I was a prosecutor that just wasn't done. We didn't leak sensitive information to the press. But in today's environment you're in a position where you have to respond, where you have to get your side of the story out.

BR: Do you have any tips for how an attorney should go about doing that?

RSB: The most important rule is that you have to be honest in dealing with the press. The biggest mistake you can make is to be dishonest or deceitful. If you do that, they'll come after you with a vengeance, and your client will suffer. As an attorney, your credibility is your most important asset. I've stopped stories and have gotten things out of stories that would have been harmful to a client because the reporter I was talking to trusted me. I've had situations where a reporter came to me with what he thought was a well-sourced story and when we went eyeball-to-eyeball and I said "That is simply not true", the reporter didn't go with the story because he knew he could trust me to play it straight.

I think it's important to emphasize in talking about the press that you're not just trying to protect the reputation of your client. Good press or bad press can affect prosecutorial decisions. The cases involving independent counsels and congressional investigations aren't like a bank robbery or a murder where there's a clear-cut violation of the law that is heinous and reprehensible. These cases often tend to be in the gray zone. Prosecutors read the papers and watch the news just like everyone else. If the press is supportive of your position, it might help you convince the prosecutor not to bring the case because the prosecutor concludes a declination will be acceptable to the public. Whereas if the press is out to hang your client it's easier for the prosecutor to say, "Okay, let's bring it to the jury and let the jury decide."

BR: So you're saying that press coverage is part of the legal process?

RSB: Yes, the press is an integral part of the legal process.

BR: Can you give an example of a case where press coverage had a significant impact on the outcome?

RSB: Sure. The investigation of Caspar Weinberger illustrates the point. I think there was a gut-level feeling on the part of a lot of reporters that it was wrong to prosecute Cap Weinberger. He'd been on the right side of the Iran-contra issue, and there was a sense that maybe this was an overzealous prosecution. Then when the second indictment was handed down just days prior to the presidential election, the circumstances and the wording of the indictment were such that it was reasonable to conclude that the indictment was politically motivated. I thought that second indictment was a very cheap shot, but I also recognized that it presented me with great opportunities. I'd been arguing for a long time that a presidential pardon was appropriate, but people who politely listened to me before now became supporters. They were saying, "Hey, what is going on here? Maybe Bennett was right all along." The fact that the press was reporting on the abuses that were taking place created a political environment that made it a lot easier for President Bush to issue the pardon. I'm convinced that he wanted to issue the pardon because it was the right thing to do. But my point is that the publicity surrounding the way the Iran-contra investigation was carried out by the independent counsel created an environment that was helpful. A lot of people were convinced that the pardon was the right thing to do. We were able to capitalize on that.

BR: You've mentioned independent counsels a couple of times in passing, and I get the sense that you're not particularly fond of them. Has the independent counsel statute outlived its usefulness?

RSB: Yes. I think we've created a monster. The system is bad. It's ironic that the major argument for the independent counsel statute was to remove the investigations from the Justice Department so that they would appear to be impartial. But the appointment of independent counsels appears to have become a political and highly partisan undertaking. The justification for the statute has been undercut by the practice. The process has become more political.

Years ago, politicians stayed away from trying to use the criminal process to score political points. But

that changed with Watergate, where we witnessed the marriage of politics and criminal law. That has stayed with us. Today the way you go for the jugular is to have your opponent accused of ethical misconduct and criminal wrongdoing, and that often times starts an investigation.

And it's not just confined to the special prosecutors. When I was representing Clark Clifford he was under investigation by several law enforcement entities. The motivating force behind much of these inquiries was less a search for truth and more partisan politics. The House and Senate committees that got involved saw an opportunity to pin the tail on the donkey. Meanwhile, all of those overlapping investigations were tremendously burdensome for my client.

BR: At present, you're representing President Clinton in the Paula Jones matter. Is it fun to be the president's personal attorney?

RSB: Yes, it's a great honor, but also a kick. I'm a middle class kid from Brooklyn. So when the President of the United States hired me to represent him, I couldn't help but say to myself, "Hey, this is a pretty good client." On top of that, I like President Clinton very much. He is a fine, decent, compassionate man. I'm honored to represent him.

BR: In filing the law suit, Paula Jones made some sexual harassment allegations that were expressed in vivid detail. Does the filing of such a law suit say something about the political temper of our times?

RSB: Yes, I think the titillating and false accusations are a sign of the times. Nothing is sacred anymore. When I was a kid there were still a few carnivals that had live freak shows. There was a great public outcry, and our sensibilities were such that we got rid of those freak shows. But today, nothing is off limits. It goes back to what we were discussing earlier—the interweaving of politics and criminal allegations. You can say anything you want to about a public figure, and if you put it in a law suit it's guaranteed to get a lot of attention. I think a free press is absolutely crucial to the country, but at the same time, I think it's unfortunate that the line between honest press coverage and cheap entertainment has blurred. The "respectable" press puts aside their principles very quickly. The respectable papers will cover stories that originally appeared in the tabloids for fear of losing readers. Their excuse is that since someone else published it, it's now okay for them to do so. In our contemporary environment, the press panders to the lowest common denominator. That's unfortunate, and over a period of time it does great damage to our democratic process.

BR: Do you feel that the real stakes in the Paula Jones case have nothing to do with the sexual harassment law suit that was filed?

RSB: Yes, of course. The law suit was not brought until long after Bill Clinton had become President of the United States. The allegations were first made public at a partisan political gathering. The political motive is obvious.

BR: Does President Clinton share those sentiments?

RSB: I don't feel it would be appropriate for me to describe what my client, the President, is thinking or feeling. I can only reiterate what I said before: he's a very honorable, very decent man.

BR: In 1990 you decided to leave the firm you helped found to join Skadden, Arps, Slate, Meagher & Flom. What prompted that move?

RSB: It was not something I was seeking. But when the opportunity came along, I explored it. I was very impressed with the people here at Skadden, and I saw new challenges, new mountains to climb.

BR: What sort of challenges?

RSB: Exposure to areas of the law—particularly in financial corporate matter that were a specialty of this great firm. I'm approaching the age where you'd think I'd be slowing down and seeking fewer challenges. But that hasn't happened yet. I'm still intrigued by the practice of law--still curious, still learning. I still get excited going to work in the morning. There is always a new mountain.

Robert S. Bennett

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Robert S. Bennett is a partner in Hogan Lovells' Washington, D.C. and New York offices and is a member of the Investigations, White Collar and Fraud practice group. He is a former federal prosecutor and a leading member of the defense bar since 1971.

Professor Bennett is renowned in his field as an exceptional trial lawyer who has handled numerous high-profile cases and has represented corporations and individuals, including directors and officers, in criminal, civil, SEC enforcement, and congressional matters for the past 35 years. Professor Bennett has been listed repeatedly in various publications as one of the nation's most influential and successful litigators.

In addition to the representation of Enron, his other recent corporate representations include HealthSouth in connection with a criminal investigation being conducted by the United States Attorney's Office for the Northern District of Alabama, and KPMG, where Professor Bennett was lead counsel in a tax shelter investigation conducted by the United States Attorney's Office for the Southern District of New York. For the past several years, he has represented a major international foreign corporation in a large Foreign Corrupt Practices Act matter.

Professor Bennett successfully represented two former Secretaries of Defense, Clark Clifford (Democrat) and Caspar Weinberger (Republican). His extensive experience includes representing clients before congressional committees; Professor Bennett has served as Special Counsel to the United States Senate's Select Committee on Ethics in several major investigations. He was President Clinton's personal attorney in the Paula Jones case, and most recently, he represented Judith Miller in the CIA leak investigation. In 1981 and 1982, he served as a legal consultant to the Senate Foreign Relations Committee regarding the appointment of Alexander M. Haig, Jr. as Secretary of State and served as Special Counsel to the United States Senate Committee on Ethics.

Professor Bennett advises management, audit committees, and boards of directors on Sarbanes-Oxley matters, and he assists boards and audit committees in conducting internal investigations.

Professor Bennett has co-chaired several American Bar Association National Institute programs on the defense of corporations and their officers in parallel grand jury and administrative agency investigations. He is the author of *In The Ring: The Trials of a Washington Lawyer*. He also has written and lectured on complex criminal and civil matters and crisis management issues.

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Robert S. Bennett is an American attorney and partner at Hogan Lovells



(<http://www.lawcrossing.com/lawfirmprofile/599x42e86cf093e0069safa634cl33bc35c4/Hogan-Lovells/>). He is a member of the Investigations, White Collar and Fraud practice group and was formerly a federal prosecutor. Since 1971, Bob has been a leading member of the defense bar.

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For the past 40 years, he has built a national reputation as a litigator who has handled well-known cases and represented corporations as well as individuals, which includes officers and directors, in civil, criminal, congressional and SEC enforcement matters. Bob is well known for successfully representing President Bill Clinton in the Paula Jones case, Judith Miller (<http://www.law.net/attorney/judith-miller-53e0e4b84956c.html>) in the CIA leak investigation and in defending two former Secretaries of Defense, Caspar Weinberger (Republican) and Clark Clifford (Democrat). He also represented clients before congressional committees; Bob worked as a Special Counsel to the United States Senate's Select Committee on Ethics in a number of major investigations. During 1981 and 1982, he served as Special Counsel to the U.S. Senate Committee on Ethics and was a legal expert to the Senate Foreign Relations Committee concerning the nomination of Secretary of State Alexander M. Haig, Jr.

Bob has represented major corporations such as Enron and HealthSouth, which was being criminally investigated by the U.S. Attorney's Office for the Northern District of Alabama. KPMG hired Bob as lead counsel in a tax shelter investigation that was being directed by the U.S. Attorney's Office for the Southern District of New York. He has also represented a major international foreign company for the past several years in a significant Foreign Corrupt Practices Act matter.

The attorney assists audit committees and boards in conducting internal investigations. He also advises audit committees, management and boards of directors on Sarbanes-Oxley issues.

From 2002 to 2004, Bob served as a member of the National Review Board for the Protection of Children & Young People, which was established by the United States Conference of Catholic Bishops.

Bob has co-chaired many American Bar Association National Institute programs on the defense of businesses and their officers in administrative agency investigations and parallel grand jury. He is currently an adjunct law professor (<http://www.lawcrossing.com/article/8022/An-Adjunct-Law-Professor-To-Be-or-Not-to-Be/>) at Georgetown University Law School (<http://www.lawcrossing.com/article/4247/Georgetown-University-Law-Center-Washington-DC/>). Bob has lectured and written on complex civil and criminal issues and crisis management matters.

Bob was born and raised in Brooklyn, NY. He graduated with a B.A. in Political Science from Georgetown University and earned his J.D. from their Law Center. He received his LL.M. from Harvard Law School and has two Honorary Doctor of Law Degrees from University of Montana Law School and Lewis and Clark Law School. After graduating from law school, Bob served as a clerk for Howard F. Corcoran, a judge of the U.S. District Court for the District of Columbia. He then served as assistant U.S. attorney for the District of Columbia.

When Bob isn't working, he enjoys fly-fishing and watching sports. Although he is a proud New Yorker, he dislikes the Yankees and is an avid Washington Nationals fan. Bob is a frequent visitor of Washington DC's the Bombay Club, Tosca, and The Prime Rib restaurants.

Bob's Successful Law Career

Bob was asked if he received any awards or participated in any internship that influenced his decision to go into the law? He replied, "No, but during my undergrad years, I did watch federal court trials, which had a great influence on me. I went to different courtrooms and watched cases and it influenced me to become a trial attorney."

From 1965 to 1967, Bob served as a clerk for Howard F. Corcoran. How was this experience? "It was a fabulous experience. Judge Corcoran had me in court for all of his cases. We would go back to his chambers and discuss what we observed."

After his clerkship, Bob served as an assistant U.S. attorney for the District of Columbia. What did he learn from his experience as an assistant U.S. attorney? "I learned how to be a trial lawyer and I learned what motivates jurors."

Bob discussed why he became an attorney. "It met with my skills and I have a passion to represent underdogs. I read books written by Clarence Darrow, which influenced me. I was bitten by the bug for trial work and I also believe being an advocate is a very fulfilling life."

The top-notch trial lawyer also discussed his practice areas. "I am mainly a white collar criminal law attorney." He also is an adjunct law professor at Georgetown University Law School. What motivated him to teach? Bob said, "I always like teaching when I have time to do it. I like to pay back students for all I have been given."

So what is the best part of his job? "Guiding a client through the problems they have."

What does Bob have a knack for? "I have a knack for strategizing for the best outcome in a complicated case and for trial work."

What area of the law is he most passionate about? "Trial law."

Is there an area of practice Bob would like to develop further into? "No. Not at this point in my career."

When asked what his strengths and weaknesses were, he acknowledged, "My strength is being a trial lawyer. I have success with the jury. I am also a strategist who can deliver favorable results for my clients." As for his weakness, Bob said, "hopefully I have none as a trial lawyer."

What does Bob think about the legal field today? "It's becoming less of a profession and more of a big business, which is not good. I also think that the legal costs are staggering and, with few exceptions, only those who have fees paid by corporations have representation."

If he weren't a lawyer, what would Bob probably be doing? "I don't know. I suppose a doctor."

The attorney was asked where he sees himself in five years' time. "I hope I am living and practicing. I would also like to spend as much time as I can with my grandchildren."

What motivates Bob to be an attorney everyday? "I get a great sense of fulfillment and I enjoy it."

How does the former federal prosecutor want to be remembered? "As a good husband, father, grandfather and as a first rate lawyer."

High Profile Cases

Bob represented Enron in connection with a criminal investigation being conducted by the United States Department of

Justice. Was he pleased with the outcome of the case? "Enron did not get charged and I am pleased with that."

Bob was President Bill Clinton's personal attorney in the Paula Jones case. Was he pleased with the outcome of the case? "I was pleased with the results. The judge dismissed the case and I was pleased because it was my goal that the case did not interfere with the 1996 presidential race."

The trial lawyer represented Caspar Weinberger, the former U.S. Secretary of Defense, during the Iran-Contra scandal of the 1980s. Bob also handled former U.S. Secretary of Defense Clark Clifford's case in the Bank of Credit and Commerce International (BCCI) scandal. Prominent statesmen are asking Bob to represent them. What does that say about his reputation and skills as a litigator? Bob claimed, "That's for other people to answer."

Important people are relying on Bob, how does that make him feel? Does it give him confidence? "When people hire you, it makes you feel good."

Bob represented Judith Miller in the CIA leak investigation. What did he learn from this case? "There is no substitution for having a good relationship. I had a good relationship with the prosecutor and I got this done in a way that was favorable to Judith Miller."

Bob served as a legal consultant to the Senate Foreign Relations Committee regarding the appointment of Alexander M. Haig, Jr. as Secretary of State and served as Special Counsel to the United States Senate Committee on Ethics. Does he plan on serving the Senate Foreign Relations Committee and being a Special Counsel to the United States Senate Committee on Ethics in the future? "If asked. I was a private lawyer at that time."

For several years, Bob represented a major international foreign corporation in a large Foreign Corrupt Practices Act matter. What made him represent an international foreign corporation? "That's what I do for a living. It's interesting work and a profitable living."

Bob has handled several high-profile cases in the past 40 years. Does any case stand out? "I don't think so. Several stand out." What case does he think was a great accomplishment? Bob stated, "I helped exonerate a police officer in Boston who was convicted of perjury. It was a pro bono case and the officer was exonerated ten years later." The trial lawyer continued to say that he appealed the conviction and prevailed. The case was dismissed and the officer is back on the police force.

The National Review Board for the Protection of Children & Young People, Non Profit Organizations and Mentoring Others

Does Bob handle pro bono work? "I served as a member of the National Review Board for the Protection of Children & Young People along with Leon Panetta and others. I was responsible for investigating and writing a report on child abuse within the Catholic Church." What did the report conclude? Bob summarized his findings. "In a nutshell, there were serious failures of Bishops not to deal with these abuses in real time. That was the bottom line of these reports."

Is Bob involved with any non-profit organizations? "I am not directly involved. But I financially support them from time to time. My wife is involved with them and I support [them] in the form of financial contributions."

Does Bob have a mentor? Is he a mentor? "Not at my age. I don't have a mentor [anymore], they are gone, but I certainly

try to be a mentor to young lawyers who work with me.”

Publishing a Book and Bob's Goals

Bob is the author of *In the Ring: The Trials of a Washington Lawyer*, which was released in 2008. What motivated him to write a book? “My daughters asked me to write a memoir for them, but I couldn't do it for publication. So I wrote this book, and at the suggestion of my daughter, I showed it to an agent and it was published.”

Does the New Yorker have goals? “To live as long as I can and to be healthy and productive.”

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Robert S. Bennett

From Wikipedia, the free encyclopedia

Robert S. Bennett (born 1939) is an American attorney and partner at Hogan Lovells, best known for representing President Bill Clinton during the Lewinsky scandal.

Bennett is also famous for representing Judith Miller in the Valerie Plame CIA leak grand jury investigation case, Caspar Weinberger, the U.S. Secretary of Defense, during the Iran-Contra scandal of the 1980s, Clark Clifford in the Bank of Credit and Commerce International (BCCI) scandal, and Paul Wolfowitz in the World Bank Scandal. He served as special counsel for the Senate Ethics Committee's 1989–1991 investigation of the Keating Five. In 2008, Bennett was hired by John McCain to defend allegations by The New York Times of an improper relationship with a Washington lobbyist.

Born in Brooklyn, New York, he graduated from Brooklyn Preparatory School in 1957. He received his B.A. from Georgetown University in 1961 where he was a member of the Philodemic Society, his LL.B. from Georgetown in 1964, and his LL.M from Harvard Law School in 1965. From 1965 to 1967, he served as a clerk for Howard F. Corcoran, a judge of the U.S. District Court for the District of Columbia. After graduating from law school, Bennett served as assistant U.S. attorney for the District of Columbia. He then went on to Hogan & Hartson, where he worked in the litigation department. He then became a partner with the firm Skadden, Arps, Slate, Meagher & Flom in Washington, D.C. In September 2009, Bennett announced that he would be returning to Hogan & Hartson.^[1]

On January 20, 2012 Bennett confirmed that he will represent Megaupload.^{[2][3]}

Bennett served as a member of the National Review Board for the Protection of Children & Young People, created by the United States Conference of Catholic Bishops, from 2002 to 2004. He is the older brother of William J. Bennett, former U.S. Secretary of Education and Director of the Office of National Drug Control Policy. He is the author of *In The Ring: The Trials of a Washington Lawyer*, published in 2008.

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2. DC attorney Robert Bennett to represent Megaupload in piracy case, promises vigorous defense (http://www.washingtonpost.com/business/technology/dc-attorney-robert-bennett-to-represent-megaupload-in-piracy-case-promises-vigorous-defense/2012/01/20/gIQAPCzGEQ_story.html)Washington Post, January 20, 2012)
3. Renowned attorney Bennett to represent Megaupload (http://www.boston.com/business/technology/articles/2012/01/20/renowned_attorney_bennett_to_represent_megaupload_1327113598), Associated Press, January 20, 2012)

External links

- Eisler, Kim. "Robert Bennett Throws Punches, Tells Tales (<http://www.washingtonian.com/blogarticles/people/capitalcomment/6301.html>)", *Washingtonian*, January 30, 2008.
- Biography, with photo, on Hogan Lovells' site (<http://www.hoganlovells.com/robert-bennett/>)

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