

Roscoe C. Howard, Jr.



Partner

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Roscoe's practice focuses on white-collar criminal matters, corporate compliance and ethics issues, and complex litigation. He has extensive experience in handling investigative matters initiated by the Department of Justice, Securities and Exchange Commission, and local state law enforcement agencies. He has assisted with corporate internal investigations, provides advice on corporate compliance and ethics issues and has handled a wide variety of criminal cases. Roscoe has tried over 100 cases to trial as a federal prosecutor and has handled matters in federal courts and the District of Columbia Superior Court. He is a member of the Corporate Compliance Investigations and Defense, and the Antitrust Litigation Practice Groups.

Prior to private practice, Mr. Howard served as the United States Attorney for the District of Columbia from 2001-2004, by appointment of President George W. Bush. During his appointment, he served on the Attorney General's Advisory Committee. Roscoe was appointed as United States Attorney from a tenured, full professorship at the University of Kansas School of Law, where he taught from 1994 to 2001. He has twice served as an Associate Independent Counsel, and previously held positions as an Assistant U.S. Attorney in the District of Columbia, as well as the Eastern District of Virginia in both Richmond and Alexandria.

As a federal prosecutor he has handled criminal cases involving narcotics trafficking, homicides, fraud and public corruption, as well as dozens of trials and investigations before the District of Columbia Superior Court, and numerous grand jury investigations. He has also argued appeals before the U.S. Court of Appeals for the Fourth Circuit and served as the Organized Crime Drug Enforcement Task Force Coordinator while in Richmond and Chief of the Task Force that prosecuted cases arising from a local prison.

Roscoe is a member of the NCAA Division I Committee on Infractions, the Virginia Bar Association Jury Task Force, as well as serving on the Board of Directors of the Roger Williams University School of Law, the U.S.-Canada Fulbright Board of Directors, and is a member of the Editorial Board of the National Law Journal. He has authored numerous articles on criminal law and procedure and frequently speaks at white-collar crime seminars and institutes. He is a member of the Virginia and District of Columbia Bars.

REPRESENTATIVE EXPERIENCE

- Advising an international farm manufacturing company charged with violating FCPA and the Oil for Food Program instituted for the country of Iraq.
- Advising international trade company on the propriety of providing gifts to potential clients in China under the FCPA.

PRACTICES

Anti-Corruption and the Foreign Corrupt Practices Act (FCPA)
Antitrust Litigation
Commercial Litigation
Corporate Compliance, Investigations and Defense
Litigation

EDUCATION

JD, 1977, University of Virginia
AB, 1974, Brown University
1970, Culver Military Academy

ADMISSIONS

Virginia
District of Columbia
Supreme Court of Virginia
US Court of Appeals for the District of Columbia Circuit
US District Court for the District of Columbia
US District Court for the Eastern District of Virginia
District of Columbia Court of Appeals
US Court of Appeals for the Fourth Circuit

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- Represented an Asian Pacific Rim airline in two antitrust criminal investigations alleging price fixing. Both investigations ended after years of investigation with the Department of Justice electing to take no action.
- Represented the head of Sea Freight operations for a German Freight Forwarder in a criminal antitrust investigation by the Department of Justice. The investigation ended without charges being brought.
- Represented the head of Air Freight operations for an International Freight Forwarder under criminal investigation by the Justice Department's Antitrust Division for alleged price fixing involving freight out of the Pacific Rim. The investigation concluded without charges.
- Represented a U.S. citizen government contractor for a Lebanese construction company who was charged with bribing a U.S. Army official.
- Represented a government contract company in a *qui tam* action brought by the U.S. Government involving the Small Business Association 8(a) program for small and disadvantaged businesses.
- Represented a chemical manufacturing company in litigation involving the Environmental Protection Agency's system of allowances for producing certain chemicals used as refrigerants and usage of those chemicals.
- Represented the CEO of a New York Lighting Company in a criminal case charging bank fraud in the Eastern District of New York.
- Represented a Division I lacrosse coach during a state criminal investigation of a student athlete in the school's lacrosse program.
- Represented the former Budget Director for the Bureau of Alcohol, Tobacco and Firearms in an Inspector General's criminal investigation of travel vouchers.
- Represented a wood importer in a criminal investigation by the Department of Justice's Division of the Environmental and Natural Resources in a Lacey Act allegation involving the importation of wood from Madagascar.
- Represented an attorney in an FDIC and District of Columbia Bar investigation into a response to a Congressional subpoena for bank documents handled by a contract attorney firm.
- Represented an oil company executive in the Securities and Exchange Commission investigation into alleged Foreign Corrupt Practices Act violations and other alleged improper payments in Nigeria.
- Served as lead counsel in an ERISA arbitration, representing a Michigan Trucking Company against a Union Pension Fund over the assessment of withdrawal liability by the Fund. The arbitration was held in the District of Columbia by agreement of the parties, but originated in the Northern District of Illinois.
- Represented a satellite company in litigation against a government contracts company in civil litigation over breach of contract in the U.S. District Court for the District of Maryland.
- Conducted counseling for an international energy company regarding the Foreign Corrupt Practices Act (FCPA) and designed their FCPA compliance program .
- Represented a Transportation Security Administration attorney in a contempt proceeding in the Eastern District of Virginia involving a terrorism prosecution by the Department of Justice.
- Conducted an internal investigation for the Seneca Nation of Indians in New York State involving the handling of contracts for the construction of their casino in Niagara Falls.
- Represented an engineer for a Fortune 500 Company's Design Division in the International Traffic in Arms Regulation investigation by the U.S. Attorney's Office for the Western District of Virginia into the sharing of classified arms designs with Southeast Asian governments.
- Represented the former General Counsel of a quasi-public city utility in an investigation by the Environment and Natural Resources Division of the Justice Department into the filing of allegedly false and fraudulent reports with the Environmental Protection Agency.
- Represented a member of the Special Inspector General for Iraq Reconstruction in an investigation by the President's Council on Integrity and Efficiency on conflict of interest allegations.
- Represented the Chief-of-Staff for a United States Congressman in an investigation involving alleged conflict of interest, bribery and election fraud.

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- Represented the lobbying group of one of the nation's largest utilities in the grand jury investigation of "influence peddling" by convicted lobbyist Jack Abramoff.

PUBLICATIONS

- Securities and Exchange Commission Adopts Final Whistleblower Rules under the Dodd-Frank Act; Internal Reporting Encouraged but Not Required (July 6, 2011)
- The New DOJ Working Group and What It Means to the Oil and Gas Industry (May 10, 2011)
- The Ninth Circuit Rules that Foreign Documents Brought into the Country are Subject to Federal Grand Jury Demands (January 4, 2011)
- "Reasonable Doubt in a Nation of Immigrants," essay published in *Beyond a Reasonable Doubt*, edited by Larry King, Phoenix Books, at pp. 104-109 (2006)
- "A History of Miranda and Why It Remains Vital Today," co-authored with Lisa A. Rich, Vol. 40, No. 3 *Valparaiso University Law Review* 685 (2006)
- "The Must-Have Record: Board Meeting Minutes," co-authored with Mark E. Nagle and Christopher M. Loveland, Vol. 29, No. 2 *Directors & Boards Magazine* 52 (2005)
- "White Collar Investigations & The RICO Statute, International Workshop on Criminal Law Reform", p. 307; Beyaz Yaka Suçarı ve Rico Yasası [Prof. Roscoe C. Howard 'in Tebliginin Tercümesi], p. 323, Ceza Hukuku Reformu [Criminal Law Reform], Sempozyum, 20-23 Ekim 1999, Taksim Park Plaza Oteli, Taksim, Umut Vakfi Yayınları [Istanbul 2001]
- "Changing the System from Within: An Essay Calling on More African-Americans to Consider Being Prosecutors" 6 *Widener Law Symposium Journal* 139 (2000)
- "Wearing a Bull's Eye: Observations on the Differences Between Prosecuting for a United States Attorney's Office and an Office of Independent Counsel" 29 *Stetson Law Review* 95 (1999)
- "Kumho Tire v. Carmichael - Facts and Background" 9 *The Kansas Journal of Law & Public Policy* 134 (Fall 1999)

PROFESSIONAL RECOGNITION

- Named as one of Washington's "Top Lawyers", *Washingtonian Magazine* (December 2004, 2009)
- Recognized in *Washington D.C. Super Lawyers*, Criminal Defense: White Collar (2007)
- Recognized in *The Best Lawyers in America* in Criminal Defense (2006)
- Honored as one of America's Top Black Lawyers, *Black Enterprise Magazine* (November 2003 Edition)
- Honorary Doctor of Laws Recipient and Commencement Speaker, Roger Williams University, Ralph R. Papitto School of Law, Bristol, Rhode Island (May 2003)
- Recipient, Culver Man of the Year Award, Culver Military Academy, Culver, Indiana (May 2003)
- Hooder, University of Kansas Law School, 127th University of Kansas Commencement, Lawrence, Kansas (May 1999)
- Recipient of the Frederick J. Moreau Award, University of Kansas School of Law (Spring 1996)
- Honorary Member, Culver Chapter of the Cum Laude Society
- Recipient, Federal Bureau of Investigation Award of Appreciation for Exceptional Service in the Public Interest (April 1991), William S. Sessions, Director
- Recipient of a Special Achievement Award for Sustained Superior Performance, The United States Department of Justice, United States Attorney's Office for the Eastern District of Virginia, Richmond Division (Fiscal Year 1990)

BRIEFINGS, SEMINARS & SPEECHES

- Panelist, LexisNexis Counsel to Counsel Forum, *The Perfect Storm: Managing Investigations, Compliance and Audits in Today's Tough Market*, New York, NY (September 27, 2011)

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- Panelist, Minority Corporate Counsel Association 2011 Creating Pathways to Diversity, *The Transition of a Generation: How Your Organization Can Successfully Navigate the Exodus of Baby Boomers*, New York, NY (September 26, 2011)
- Speaker, Texas Bar CLE, 10th Annual In-House Counsel Course, *Keeping Your Nose Clean: Avoiding Criminal Liability As In-House Counsel*, Houston, TX (July 27, 2011)
- Panelist, Your Constitutional Rights Under the 6th Amendment: Speedy Trial, Jury Trial, Confrontation, College of William & Mary, Williamsburg, VA (March 23, 2011)
- Panelist, ACA 2011 Compliance Conference, Books & Records, Orlando, FL (March 3, 2011)
- Allocating Prosecutorial Power: How Prosecutors Complete, Cooperate and Clash, New York University School of Law, New York, NY (April 23, 2010)
- Commentator, "Patching the System: The Next Steps in Reform," *Broke and Broken: Can We Fix Our State Indigent Defense Systems?*, 2010 Missouri Law Review Symposium, University of Missouri School of Law, Columbia, MO (February 26, 2010)
- Panel Member, "Orange Jumpsuits Aren't Flattering: The Expanding Threat of Criminal Liability for Lawyers," with Mark P. Rankin, Aon Global, Large Law Firm Symposium, San Francisco, CA (October 15, 2009)
- Speaker, "Whether Fraud is Criminal or Civil is a Matter of Perception," Rhode Island Fall Judicial Conference, Providence, RI (September 25, 2009)
- Panel Member, "Practical Ethics in the Workplace: Representation, Conflicts and the Privilege," Maryland State Bar Association, Young Lawyers Section (April 22, 2009)
- Speaker, "Whether Fraud is Criminal or Civil is a Matter of Perception," Criminalization of Corporate Conduct, Northwestern University School of Law Judicial Symposium, Chicago, Illinois (April 20, 2009)
- Panel Member, "Responding to Government Inquiries, Establishing an Effective Compliance and Ethics Program," with Ron Minkoff, Steve Kimmelman, Anjali Chaturvedi, Association of Corporate Counsel 2009 Compliance Seminar, New York, NY (April 14, 2009)
- Panel Member, "Pros & Cons of Intellectual Property Case Development, Intellectual Property Rights Enforcement," American Bar Association, 23rd Annual National Institute on White Collar Crime, San Francisco, CA (March 5, 2009)
- Speaker, "Sarbanes-Oxley & Corporate Compliance, How to Survive a SOX Whistleblower Complaint," with Tanya Axenson Macallair and Dean A. Manson, ACC 2008 Annual Meeting, Seattle, WA (October 22, 2008)
- Speaker, "Best Practices: Working with the Government in IP Criminal Cases," American Bar Association Second Annual National Institute on Criminal Enforcement of Intellectual Property Rights, San Francisco, CA (September 26, 2008)
- Speaker, "Impact of the Foreign Corrupt Practices Act (FCPA) on the Sale and Marketing of Drugs," ACI 8th National Forum on Fraud and Abuse in the Sale and Marketing of Drugs, New York, NY (April 8, 2008)
- Speaker, "Foreign Corrupt Practices Act (FCPA) - DOJ & SEC Focus on China," Atlas Legal, Fifth Annual Summit on Legal, Tax and Financial Strategies for Doing Business in China, New York, NY (December 13, 2007)
- Speaker, "Complex Commercial Litigation – Smart Strategies for Hard Cases, Responding to Government Investigations of Corporate Organizations," Defense Research Institute, Phoenix, Arizona (November 1, 2007)
- Speaker, "Foreign Corrupt Practices Act: Enforcement Issues for Pharmaceutical, Diagnostic and Medical Device Companies," Abbott Laboratories 2007 Commercial Litigation Day, Chicago, Illinois (October 18, 2007)
- Panel Member, "To Waiver or Not to Waive: A Word From Counsel Who Has Been On Both Sides," International Association of Defense Counsel, Bermuda (July 11, 2007)
- Speaker, "Practical Strategies for Responding to Regulators: Why Cooperation is Key to Concurrent Criminal and Civil Proceedings," Kansas Association of Defense Counsel, Kansas City, Kansas (December 2, 2006)
- Keynote Speaker, "Convicted, Executed, But Not Guilty? Examining the Risks of Wrongful Executions and the Role of Prosecutors, Defense Attorneys, Academia, and the Press," Sixth Annual Access to Equal Justice Conference, Washington University in St. Louis School of Law, St. Louis, Missouri (November 17, 2006)
- Keynote Speaker, 15th Anniversary Celebration, Canada-U.S. Fulbright Program, Ottawa, Canada (September 27, 2005)

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- Witness, Identification Document Fraud and Implications for Homeland Security, Testimony before the Select Committee on Homeland Security, United States House of Representatives, Washington, DC (October 1, 2003)
- Panel Member, "The Fight Against Terrorism: A Global Effort," 8th Annual Conference and Meeting of the International Association of Prosecutors, Washington, DC (August 11, 2003)
- Keynote Speaker, "Prosecuting Cybercrime," United States Secret Service Electronic Crimes Task Force, Washington, DC (February 11, 2003)
- Lead Panel Member, Nationally Broadcast Symposium on Laws for Narcotics Control in Thailand, Lower House of the Thai Parliament, Bangkok, Thailand (October 11, 2002)
- Speaker, "Management of the Prosecutorial Function: Personnel Resources Management," U.S. Department of Justice, Criminal Division, Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT), Bangkok and Chiangmai, Thailand (May 31 - June 9, 2002)
- Witness, Federal Cocaine Sentencing Policy, Testimony before the Subcommittee on Crime and Drugs Committee on the Judiciary, United States Senate, Washington DC (May 22, 2002)

AFFILIATIONS

- Member of the National Collegiate Athletic Association Division I Committee on Infractions (2009 - present)
- President of the Board of Directors, Canada-U.S. Fulbright Program, Member of the Audit Committee (2006-present), Chairman of the Communications Committee (2006-present)
- Member of the Board of Directors, Roger Williams University School of Law (2005-present)
- Member of the Editorial Board of the *National Law Journal* (2004-present)
- Member of the Attorney General's Advisory Committee (2001-2004)
- Chair, University of Kansas Committee charged with investigating the Academic Integrity of Varsity Sports and the Athletics Department at the University (2000-2001)

PRESS RELEASES

- Andrews Kurth Successfully Resolves Federal Investigation Involving Air New Zealand (July 13, 2011)
- Andrews Kurth Adds Prominent White-Collar and Civil Litigators in its Washington, DC Office (January 28, 2010)