

# Roger C. Spaeder

Retired Founder

Roger Spaeder was a leader of the firm until his retirement in 2012. Following law school, Roger served as an Assistant U.S. Attorney for the District of Columbia, and in 1976 he joined Roger Zuckerman in private practice.

Described as one of the defense bar's "wisest legal talents" by *Washingtonian* magazine, a fellow of the American College of Trial Lawyers and a top-rated attorney in *The Best Lawyers in America* for 20 years, Roger spent more than three decades building Zuckerman Spaeder, including early service as the firm's managing partner.

Roger's practice focused on criminal and civil litigation, with a concentration on the defense of federal enforcement investigations and prosecutions.

Throughout his career, Roger represented corporations and their senior executives in investigations and prosecutions for criminal securities fraud, government contracting fraud, tax evasion, and wire and bank fraud. His expertise included the representation of high-profile public company executives before the U.S. Securities and Exchange Commission (SEC) and federal grand juries. His civil litigation practice embraced the defense of federal antitrust litigation, false claims actions brought by qui tam relators, and business tort litigation. He successfully defended senior federal officials against allegations of wrongdoing.

Roger was a faculty member of the Attorney General's Advocacy Institute, National Institute of Trial Advocacy, Georgetown University Law Center (adjunct lecturer), and Harvard Law Litigation Program. He also chaired a Georgetown University and American Bar Association (ABA)-sponsored annual symposium on federal enforcement for more than a decade and was Cardozo Prize Judge at the Yale Law School.

## Government service

- Assistant U.S. Attorney
  - District of Columbia

## Professional leadership

- Fellow, American College of Trial Lawyers



## Washington, DC

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## Education

- George Washington University Law School, J.D., with honors, 1970
- Bowling Green University, B.S., 1965
  - Omicron Delta Kappa

- Adjunct Lecturer, Trial Practice (Prettyman Program), Georgetown University Law School, 1972-1973
- Co-Chair, DC Subcommittee on Criminal Litigation, ABA Section of Litigation
- Master Emeritus, Edward Bennett Williams American Inn of Court
- Member, Assistant U.S. Attorneys Association

### **Recognitions**

- AV® Peer Review Rated, Martindale-Hubbell
- Top Lawyers, Washingtonian, 2009
- Top Lawyers, Washingtonian, 2007
- Top Lawyers, Washingtonian, 2004

### **Bar admissions**

- District of Columbia

### **Court admissions**

- U.S. Supreme Court
- U.S. Court of Federal Claims
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. District Court, District of Columbia
- U.S. District Court, District of Maryland

### **Clerkships**

- Hon. Thomas A. Flannery, U.S. Attorney for the District of Columbia

### **Representative matters**

- Successfully defended a former cabinet secretary on allegations under the Independent Counsel Act that the secretary had accepted a bribe from a foreign government. Based on his investigation and presentation to the U.S. Department of Justice, the attorney general declined to request the appointment of an independent

counsel.

- Roger was special counsel to the Executive Office of the President of the United States, successfully defending the Clinton White House Counsel's Office against allegations of obstructing justice in a civil proceeding. Following years of litigation, the allegations were dismissed.
- Represented a defense contractor employee indicted on multiple counts of procurement fraud in connection with labor overcharging for torpedoes purchased by the U.S. Navy. After a lengthy jury trial in federal court, the client was acquitted of all counts.
- Represented the president of a corporate contractor in a jury trial on federal bribery charges involving EPA contracts. Despite the government's efforts to introduce secretly taped recordings involving the client's alleged bribe, Roger persuaded the jury to acquit the client on all counts, save for one count on which a mistrial was declared. As to that count, the defendant received a probationary sentence after a misdemeanor plea.
- Successfully represented a high-ranking official of the Central Intelligence Agency (CIA) on allegations of mishandling classified materials. Investigations of our client were conducted by the U.S. Senate Select Committee on Intelligence and by a special prosecutor at the U.S. Department of Justice. Following the investigations the government declined prosecution of the client, and the Senate took no action against him.
- Represented an officer of a public company in connection with an investigation of criminal securities fraud and related U.S. Securities and Exchange Commission (SEC) violations arising from statements of the company's revenues, which allegedly were manipulated to appear greater than they actually were. The U.S. Department of Justice declined criminal prosecution, and the client reached a civil settlement with the SEC.
- Successfully represented a group of national environmental testing laboratories against False Claims Act allegations brought by the U.S. Department of Justice which alleged that the testing practices of the laboratory were tainted by falsification. After conducting an investigation with technical experts retained by the firm and then disclosing our findings, the U.S. government withdrew its charges and dismissed the case, accepting Roger's assertion that the allegations lacked merit.
- Represented the president of a corporate defense

contractor on charges of procurement fraud in connection with building flight simulators for the armed forces. After Roger's persistent pre-trial motions attacking the indictment, the government dismissed the charges in return for the client's misdemeanor plea and a probationary sentence.

- He represented the president and trustees of a national transportation union against allegations of violations of the Labor-Management Reporting and Disclosure Act (LMRDA) brought by a union member as a derivative action. During a hearing before the U.S. District Court for the Southern District of New York, the court received evidence and dismissed the complaint.
- Represented the director of one of the nation's most prominent medical research institutes in a defamation action brought against the client by a former research contractor at the institute. The plaintiff alleged that the client improperly disseminated damaging information about him. Following Roger's investigation and pretrial motions, a federal magistrate judge granted summary judgment for the client and dismissed the case.
- Defended a corporate client in a jury trial of federal antitrust claims under the price discrimination provisions of the Robinson-Patman Act. The case was tried in the U.S. District Court for the Middle District of Florida and settled following Roger's cross-examination of the plaintiff's witnesses.
- Represented a high-ranking U.S. Army officer who formerly supervised military intelligence operations against allegations that he authorized illegal wiretaps of American citizens residing abroad. The case involved novel issues of the extra-territorial effect of the Fourth Amendment. Following extensive proceedings in federal court, the case was settled.
- Represented a high-tech startup and its principals in litigation brought against the clients for alleged violations of intellectual property (IP) law and the Maryland Trade Secrets Act. Following a judicial hearing, the case was dismissed and subsequently settled. Numerous efforts by the plaintiff in the following years to re-litigate the case and obtain appellate relief were unsuccessful.