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Barry J. Pollack

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V-CARD

Education :

J.D., *magna cum laude*, Georgetown University Law Center, 1991

Order of the Coif

B.S., *with High Honors*, Indiana University, 1986

Bar Admissions :

District of Columbia

Maryland

New York

ABOUT

Barry Pollack represents individuals and corporations in criminal investigations and trials, and in

other government enforcement matters such as Securities and Exchange Commission (SEC) proceedings. Mr. Pollack also conducts corporate investigations. As a former certified public accountant (CPA), a substantial focus of his practice is the litigation of complex financial matters. Mr. Pollack's clients have included Fortune 500 corporations and their senior executives and high-ranking government officials, including members of Congress.

Mr. Pollack has extensive jury trial experience and is best known for his skills in the courtroom. *Chambers USA* lists Mr. Pollack as a nationally recognized trial lawyer. *Chambers USA* has described Mr. Pollack as a "thorough and deep-thinking lawyer" who "lives, breathes and sleeps trials, and has such a natural way in front of juries." *Who's Who Legal: Business Crime Defence* lists Mr. Pollack as a premier lawyer, and has described him as "incredibly gifted." Mr. Pollack obtained acquittals on all counts on behalf of a former executive of Enron Corporation in a federal criminal case, following a month long jury trial. Mr. Pollack's client was one of only two Enron executives to be acquitted by a jury. More recently, Mr. Pollack obtained not guilty verdicts on all counts in a federal criminal bribery and fraud jury trial in Virginia and, in a case where he was retained after trial, obtained reversal of all counts after his clients were convicted in a four-week federal bribery jury trial in Texas.

Mr. Pollack also represented Martin Tankleff, whose double murder conviction was reversed and all charges against him dismissed. In a lengthy hearing, Mr. Pollack led a team of pro bono counsel that presented evidence that Mr. Tankleff was innocent of the crimes for which he spent 17 years in prison. The Mid-Atlantic Innocence Project honored Mr. Pollack with its "Defender of Innocence Award" and the New York State Association of Criminal Defense Lawyers honored Mr. Pollack with its "Gideon Champion of Justice Award" for his successful representation of Mr. Tankleff. Mr. Pollack represented Mr. Tankleff in civil suits in which Tankleff has been awarded \$13.4 million in compensation for his wrongful conviction. Mr. Pollack also led a pro bono defense team on behalf of Fernando Bermudez, who had been serving a 23-years-to-life prison sentence for murder. After 11 previous unsuccessful attempts, Mr. Bermudez, with Mr. Pollack serving as his lead counsel, challenged his conviction. After an evidentiary hearing, the judge ruled that Mr. Bermudez was innocent, reversed his conviction, and dismissed the indictment.

In addition, Mr. Pollack is an accomplished appellate advocate. He recently won a federal appeal affirming the ruling by a trial court in Texas that had granted a motion filed by Mr. Pollack throwing out the guilty verdicts after a nearly-month long jury trial in a public corruption case, based on a conversation that one of the juror had during deliberations with the courtroom security officer. Mr. Pollack had previously won a complete reversal from another federal court of appeals for a client who had been convicted in a jury trial in Arizona of conspiracy and embezzlement from an insurance company in an alleged scheme to enrich a United States Congressman.

Mr. Pollack is a Fellow in the American College of Trial Lawyers. Fellowship in the College is extended only by invitation, after careful investigation, to experienced trial lawyers who have

mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility, and collegiality. Membership is limited to no more than one percent of the lawyers in each state. He is also a Fellow in the American Board of Criminal Lawyers.

Mr. Pollack's criminal practice has included the representation of individuals in grand jury proceedings, trials, sentencings, appeals, post-conviction proceedings, pardon petitions, and independent and special counsel and congressional investigations. These matters have involved allegations of fraudulent conduct, false statements, or other wrongdoing related to accounting, securities, antitrust violations, government contracting, public corruption, real estate, banking and mortgage lending, health care, manufacturing, and the environment.

With respect to civil matters, Mr. Pollack has litigated False Claims Act (FCA) cases in government contracting and health care. He has also litigated cases involving the First Amendment, civil RICO, employment discrimination, breach of fiduciary duty, professional negligence, civil fraud, complex contract disputes, and suspension and debarment proceedings.

Professional Activities, Publications, and Honors

Past President, National Association of Criminal Defense Lawyers

Fellow, American College of Trial Lawyers

Fellow, American Board of Criminal Lawyers

Adjunct Faculty, Georgetown University Law Center, "Anatomy of a Federal Criminal Trial"

Board of Directors, Washington Lawyers Committee for Civil Rights and Urban Affairs

Board of Directors, Rising for Justice

Past President, Mid-Atlantic Innocence Project

Chambers USA: Litigation: Trial Lawyers (USA – Nationwide) and White-Collar Crime & Government Investigations (District of Columbia)

Ethisphere Institute's Attorneys Who Matter (Top Guns)

Mid-Atlantic Innocence Project Defender of Innocence Award

Gideon Champion of Justice Award, New York State Association of Criminal Defense Lawyers

The Best Lawyers in America®: Criminal Defense: White Collar

Legal 500: Litigation: White-Collar Criminal Defense

Washington's Top Lawyers: White Collar, Criminal Defense (*Washingtonian Magazine*)

American Trial Lawyer Association's Top 100 Trial Lawyers in Washington, D.C.

Who's Who Legal: Thought Leaders – Investigations 2018

Who's Who Legal: The International Who's Who of Investigations Lawyers

Who's Who Legal: The International Who's Who of Business Lawyers

Who's Who Legal: The International Who's Who of Business Crime Defence Lawyers

SmartCEO's Washington Legal Elite

Washington, D.C. Super Lawyers®: Criminal Defense: White Collar

Barrister, Edward Bennett Williams Inn of Court

REPRESENTATIVE MATTERS

Financial Crimes and Regulatory Enforcement

Representing a former executive of Enron Corporation, obtaining acquittal of all federal criminal fraud charges following a month-long jury trial and obtaining the dismissal of a Securities and Exchange Commission enforcement action.

Representing a former AIG executive in criminal and Securities and Exchange Commission investigations of accounting improprieties, obtaining a non-prosecution agreement and no action by the Securities and Exchange Commission.

Representing individual employees of Fortune 500 company in multi-national criminal antitrust investigations.

Representing an executive of a Fortune 500 company in an SEC insider trading investigation.

Representing an executive of a Fortune 500 company in a criminal investigation of violations of the Foreign Corrupt Practices Act.

Representing corporations in federal and state criminal investigations and a Securities and Exchange Commission investigation of violations of the Foreign Corrupt Practices Act and other laws related to improper payments made by participants in the U.N. Oil-for-Food program.

Representing a municipal bond trader in a criminal antitrust investigation.

Representing a co-founder of an Internet currency business on charges of money laundering and operating an illegal money transmitting business.

Representing a mortgage lending officer charged in a federal criminal case with defrauding HUD, obtaining the dismissal of the indictment.

Representing a financial institution in an SEC investigation of accounting improprieties.

Representing former KBR executives in a Foreign Corrupt Practices Act investigation.

Representing executives in the criminal investigation related to MCI-WorldCom.

Performing an internal investigation of a publicly-traded financial services company that became the basis for a favorable settlement with the SEC.

Assisting in the defense of a lawyer charged with conspiring with hospital officials to violate the federal anti-kickback statute.

Representing a physician charged with using unapproved drugs.

Public Corruption

Retained by two defendants after they were convicted on public corruption charges in a four-week federal trial in the Eastern District of Texas and obtained reversal for both defendants of all counts, based on outside influences on the jury during deliberations. Obtained a unanimous decision from the United States Court of Appeals for the Fifth Circuit affirming the trial court's decision granting the defendants a new trial.

Representing a principal of a government contractor charged with bribing a government official to

obtain contracts, obtaining acquittals on all counts following a federal criminal jury trial in Virginia.

Representing a CPA in a successful criminal appeal, reversing convictions for embezzling from an insurance company in an alleged scheme to benefit a United States Congressman.

Representing a former IRS official in congressional investigations of allegations that the IRS improperly targeted Tea Party groups.

Representing a lobbyist in a criminal investigation of a Member of Congress.

Representing a Member of Congress in a House ethics investigation.

Representing a former state elected official in a criminal RICO prosecution.

Representing a congressional staff member in the Jack Abramoff scandal.

Representing a Member of Congress before the House Ethics Committee in its investigation of the House page scandal.

Representing lobbyist with respect to alleged campaign finance violations.

Civil Litigation

Obtaining a favorable jury verdict on behalf of a government contractor in a contract dispute.

Representing a former CIA officer in an Espionage Act trial involving alleged leaks of national defense information to *The New York Times*.

Representing a hospital in a civil False Claims Act case.

Representing major law firm in breach of fiduciary suit.

Representing a former corporate director and officer in a breach of fiduciary duty suit.

Representing the former COO of a major law firm in litigation arising out of the collapse of the firm.

Representing a medical practice in its suit against an accounting firm for malpractice.

Representing a Fortune 500 company in suspension and debarment proceedings.

Assisting in the representation of the ABC television network in a suit by Food Lion as a result of a *PrimeTime Live* exposé about the grocery store chain.

Assisting in the representation of an executive of a commercial jet engine repair facility charged with making false statements to the Federal Aviation Administration (FAA).

Assisting in the defense of the manufacturer of the Hubble Space Telescope in civil False Claims Act litigation.

Assisting in the defense of individuals sued under civil RICO laws for their alleged involvement in the BCCI scandal.

High Profile Pro Bono Matters

Leading a team of pro bono attorneys who obtained release from prison and dismissal of all charges against a Long Island man who served 17 years for the murder of his parents, after presenting evidence he had been wrongfully convicted.

Securing release from prison, reversal of the conviction and dismissal of the indictment of a Manhattan man, after presenting evidence to the New York State Supreme Court he was innocent of the murder for which he had served 18 years.

Represented the chief defense counsel in the Guantánamo Bay Military Commissions in a federal habeas action successfully obtaining the reversal of a ruling by a military judge finding the defense counsel in contempt of court.