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LIFETIME ACHIEVEMENT AWARDS

ROGER WITTEN

SENIOR COUNSEL AT WILMERHALE

His unparalleled strategic judgment and negotiating skills repeatedly helped find solutions where others failed.

BY JOHN TRENOR

The lifetime achievement award is a fitting tribute to the illustrious career of Roger Witten. Roger has achieved national and international recognition time and again in multiple fields, ranging from major domestic and international litigation, to complex internal investigations and law enforcement matters, including pioneering work relating to the Foreign Corrupt Practices Act, to election and campaign finance law.

Roger has repeatedly achieved these successes with quiet humility, by letting his work speak for itself. It is therefore opportune that the *New York Law Journal* now recognizes that lifetime of work. He has contributed in myriad ways to the advancement of the law, public service, pro bono, and his colleagues and co-workers.

He has always taken the high road, driven to do the right thing, rather than the expedient or self-interested thing. Rather than boasting in efforts to impress clients, Roger would get to work showing clients the right path and advancing clients' interests through effective counseling and advocacy. He treats his allies and adversaries alike with the respect and grace of the profession at its best.

Roger came to Wilmer Cutler & Pickering—now WilmerHale—from his position as an assistant Watergate special prosecutor, having been selected by his former professor and then-Special Prosecutor Archibald Cox. During the ensuing 44 years—33 as a partner in the firm's Washington and New York offices—he has brought to successful conclusion many cases of public and historic significance.

He has participated in numerous Supreme Court cases, beginning with *Buckley v. Valeo* as a young associate, spawning a life-long commitment to campaign finance reform. He was lead counsel for Senators McCain and Feingold in successfully defending the Bipartisan Campaign Finance Reform Act. He served as Counsel to Common Cause and Democracy 21, on whose board he sits.

Roger built and headed the firm's internationally-renowned FCPA practice. He literally "wrote the book," together with WilmerHale colleagues, *Complying With the Foreign Corrupt Practices Act*, contributing greatly to this developing area of law.

Roger's work has often involved complex matters of law and policy and multiparty negotiations with powerful stakeholders ranging from companies to governments to international organizations to NGOs. His unparalleled strategic judgment and negotiating skills repeatedly helped find solutions where others failed. While others at the negotiating table would endlessly fight and repeat their seemingly intractable

positions, Roger would quietly be drafting language on the back of a sheet of paper to bridge seemingly insurmountable divisions between the parties. Even where professional diplomats failed to find solutions, Roger never did.

Roger is an elegant, skillful writer, proving that less is more, with an innate ability to focus on what matters, as succinctly as possible, while ruthlessly deleting unnecessary verbiage. From simple letters to complex memos, motions to dismiss to Supreme Court briefs, he always finds a way to persuade through his choice of words and acute legal mind.

Roger has an effective, understated approach in oral argument, mastering the details of the facts and the law, knowing how to read the court, and adapting his argument on the fly. His skillful, conversational style has won accolades and gratitude from many judges and others who have seen him in action.

He is the consummate WilmerHale lawyer, building on the rich traditions of his mentors, including Lloyd Cutler, John Pickering, and others. He has devoted significant time over his distinguished career to public service and pro bono work, leading over 50 matters.

Perhaps Roger's greatest legacy is his mentorship of generations of WilmerHale lawyers. He does not hand-hold but knows when to lend a hand. He has taught many who have had the pleasure of working with him how to be successful lawyers, but most importantly how to be good lawyers.

His calm demeanor, reflective approach, and sound judgment lead others to look to him for advice. For years, he was the chair of the firm's litigation department and a member of the management committee. Indeed, it was Roger's friendship with longtime Hale and Dorr partner, Jim Quarles, that led to the enormously successful merger in 2004 between Wilmer Cutler & Pickering and Hale and Dorr. He is deservedly proud to have helped create a new law firm, built on the foundations of professional excellence, integrity, hard work, collegiality, and public service.

Those who have worked with Roger recognize that those are all traits that exemplify Roger and his remarkable career. We are proud that the *New York Law Journal* has chosen to honor him with this award.

John Trenor is a partner at WilmerHale.

