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Q&A With Foley & Lardner's Scott Fredericksen

Law360, New York (June 08, 2009) -- Scott L. Fredericksen is a partner in the Washington, D.C., office of Foley & Lardner LLP and is chair of the firm's securities litigation & white collar practice. He brings more than 30 years of litigation experience to the firm.

Prior to joining Foley, Fredericksen served as special counsel to the U.S. Attorney where he advised and counseled on cases, investigations, special projects and other sensitive matters. Previously, he was associate independent counsel in the Office of Independent Counsel in Washington, D.C., and also served the U.S. Attorney's Office for the District of Columbia, and later for the Eastern District of Virginia.

Q: What is the most challenging case you've worked on, and why?

A: Perhaps the most challenging case I've worked on was in representing a multinational European company in the largest International Traffic In Arms Regulations criminal investigation ever undertaken by the Department of Justice.

The prosecutor initially told me he wanted to indict my client. After two years, the DOJ decided on no criminal prosecution.

Another challenging case involved taking over representation of the CEO and president of a major financial firm who had already received a target letter and was due to be indicted.

Through extensive work, our team was able to convince the prosecutors not to indict our client. And, after further grand jury investigation and a second target letter, we ultimately prevailed in persuading the prosecutors not to indict.

All of the others who were indicted in the same investigation served prison sentences, which would have been the death penalty for the client's company.

Q: What accomplishment as an attorney are you most proud of?

A: Taking over representation of a company already indicted for tax fraud, and facing the end of its government contracting business.

Working collaboratively with our team within Foley, we were able to obtain a deferred prosecution agreement for the company, even though they were already indicted, to help avoid debarment and a record of conviction.

Q: What aspects of law in your practice area are in need of reform, and why?

A: The DOJ has gone through significant changes since 9/11. Some of them are good, but several areas still need significant attention and change.

Most notably, there needs to be leadership from the DOJ to bring uniformity to investigations, pleas and deferred prosecution or non-prosecution agreements.

Q: Where do you see the next wave of cases in your practice area coming from?

A: Certainly we expect a wave in the area related to the financial meltdown by the SEC and DOJ.

In addition, we see increased enforcement of government contracts, the Federal Corrupt Practice Act and issues related to international trade controls.

Q: Outside your own firm, name one lawyer who's impressed you and tell us why.

A: Bruce Swartz is a high-level DOJ attorney with whom I worked at the independent counsel office. No one worked harder or displayed such intelligence and insight into cases.

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: Develop your talents as fully and broadly as possible. Develop as much courtroom experience as you can.

When you are given independent responsibility, use it to show how much you can do and how much your partner can rely upon you. Be prepared to develop different practice areas as you mature as a lawyer.