

## Trial Ace: Paul Weiss' Ted Wells

By **Keith Goldberg**

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He made his name successfully defending public officials and earned recent fame with his eponymous professional sports investigations, but Ted Wells' commitment to the courtroom began with a New Jersey federal clerkship — and the Cold War.

Wells, a 2015 Law360 Trial Ace and the co-chair of Paul Weiss Rifkind Wharton & Garrison LLP's litigation department, is a titan of the white collar defense bar and is frequently first on the speed dial of corporations and high-profile individuals in trouble, from Exxon Mobil Corp. to Citigroup Inc.

"What distinguishes him from a handful of superstars is that he is driven and continues to work. He's the lawyer in court who knows the facts best," said Steptoe & Johnson LLP white collar partner Reid Weingarten, who forged a lasting friendship with Wells through their successful defense of former U.S. Secretary of Agriculture Mike Espy. "No one outworks Ted."



Ted Wells

Yet Wells wasn't planning on a courtroom career when he went to New Jersey to clerk for U.S. Circuit Judge John Gibbons of the Third Circuit Court of Appeals in 1976. A Washington, D.C., native armed with law and business degrees from Harvard University, Wells had a job at Paul Hastings LLP in Los Angeles waiting for him when his clerkship was over and figured his future was in the corporate space.

But he was drawn to the federal jury trials taking place in the Newark, New Jersey, courthouse where he was clerking and Judge Gibbons suggested that instead of heading west, he stay in the Garden State and hook up with Matt Boylan, a former federal prosecutor at Lowenstein Sandler PC who was a heavyweight in the growing white collar defense bar.

Wells joined Lowenstein in 1977. A few months into his career, Boylan tapped Wells to help him defend Rudolf Petrovich Chernyayev, one of two Soviet diplomats arrested in a federal sting and charged with espionage.

It was a high-stakes, high-publicity case with legal firepower on both sides — future U.S. Supreme Court

Justice Samuel Alito was one of the prosecutors. But that didn't dissuade Boylan from entrusting the 27-year-old Wells with much of the in-court work.

"He believed in the sink-or-swim school of how you learn things, so he threw me into the deep end," Wells said. "I was doing things at 27 in terms of arguing motions and examining witnesses that you normally wouldn't get at such a young age."

While Chernyayev was eventually convicted and sent back to the Soviet Union, Wells was sold on a career in trial work, and he had an ideal mentor in Boylan.

"He trained me, he counseled, he nurtured me, he gave me the opportunity to prove myself," Wells said. "He was a father figure to me."

Boylan also gave Wells a piece of advice that is still with him as he approaches 40 years as a trial lawyer: Whether you're talking to a jury, judge or courtroom adversary, if you say it, it had better be the truth.

"What that means is that you have to confront the holes in your case in an honest way," Wells said. "You can't put your head in the sand and act like the worst facts in your case don't exist. I don't think there's an inconsistency in being honest and maintaining your credibility. I think the worst thing a trial lawyer can do is lose credibility with the court, the jury or an adversary."

Weingarten says Wells is an intimidating figure in the courtroom, yet manages to completely charm juries and judges, even the occasional prosecutor — a difficult balancing act for a trial attorney.

"He's impossible not to like. He's funny, he's charming, he's got a million great stories," Weingarten said. "There are defense attorneys who can be overbearing ... government prosecutors hate them. Prosecutors generally like and trust Ted."

Wells used those skills to methodically build his white collar trial career, starting with the successful defense of Hudson County, New Jersey, prosecutor Harold Ruvoldt Jr. against extortion charges in 1983.

"Matt [Boylan] said to Harold Ruvoldt, 'You're in good hands,'" Wells said. "That was the case that put me on the map."

Wells also helped secure the acquittal of U.S. Secretary of Labor Raymond Donovan on grand larceny and fraud charges in 1987. But it was the 1998 acquittal of Espy, charged with receiving improper gifts, that helped cement Wells' reputation as a white collar superstar.

Weingarten, who admitted he was a little uneasy when Wells was first brought aboard as co-lead counsel, said their collaboration was "a match made in heaven."

"I think we were a little wary of each other," Weingarten said. "At the end, we were brothers. For me, it was a turning point in our careers."

For Wells, who's also helped the likes of former New York Gov. Eliot Spitzer and former U.S. Sen. Robert Torricelli fend off potential criminal charges, a successful defense goes beyond simply trying to secure a not guilty verdict at trial.

"Part of what you're trying to do when you're representing an individual is not only win the case but win

the case in a way that they can regain their stature in society," Wells said. "The best wins are when you can persuade a prosecutor not to bring a case."

Wells, who moved from Lowenstein to Paul Weiss in 2000, has scored plenty of wins for companies staring down mammoth criminal and civil liability as well.

One can probably include Citigroup on a list of Wells' most satisfied clients. In 2008, he successfully defended the banking giant in a suit claiming it aided and abetted a massive fraud at Italian dairy and food conglomerate Parmalat SpA. After a five-month trial, a jury not only rejected a \$2 billion damages claim against Citigroup, but awarded the bank \$364 million on its counterclaim.

Two years later, Wells secured a jury verdict for Citigroup in a suit by U.K. private equity firm Terra Firma Capital Partners Ltd. claiming it was defrauded in connection with its 2007 purchase of music company EMI Group Ltd. and seeking \$8 billion in damages. Last year, he helped the bank secure a \$7 billion settlement with the federal government to end a probe into its loan securitizations leading up to the 2008 financial crisis.

Wells has also represented Exxon Mobil — first at Lowenstein, then at Paul Weiss — in the decadeslong criminal and civil disputes over pollution from the energy giant's New Jersey refineries. Most recently, he helped broker a \$225 million settlement between Exxon and the state of New Jersey covering alleged natural resource damage claims, even though the state had been pursuing up to \$8.9 billion in damages. A state judge approved the controversial settlement last month.

However, the most recent headlines grabbed by Wells have little to do with his work as a trial lawyer. Wells has been tapped by pro sports associations including the National Football League and National Basketball Players Association to investigate alleged wrongdoing, and his highly publicized findings are commonly known as "Wells reports."

In 2014, Wells led a team in investigating a bullying scandal involving the NFL's Miami Dolphins, leading the league to review its workplace conduct policies. This year, he issued a report on Deflategate, in which the Super Bowl champion New England Patriots were accused of intentionally deflating footballs prior to a January playoff game.

The report's conclusion that Patriots quarterback Tom Brady was "generally aware" of the deflation scheme led NFL Commissioner Roger Goodell to suspend Brady for four games. However, U.S. District Judge Richard Berman nixed the suspension earlier this month, saying Goodell's decision to uphold the suspension was legally deficient.

"These are interesting investigations," Wells said of his sports work. "But even though I've gotten a lot of publicity around these sports investigations, at the end of the day, my practice and my reputation centers around doing jury trial work in some of the most important cases in this country."

His reputation also centers around a lifelong push for civil rights and racial equality, both inside and outside the law office.

In 1968, Wells was one of the first 20 African-American students admitted to the College of the Holy Cross — one of his classmates was U.S. Supreme Court Justice Clarence Thomas. He served as co-chairman of the board of directors of the NAACP Legal Defense and Education Fund Inc. and still works for the fund in areas such as voting rights and police brutality, and has also advocated in defense of

college affirmative action programs.

Wells said he's made it a life goal to promote diversity in the legal profession and make people realize that the space occupied by great trial lawyers isn't limited by race or gender.

"I am constantly sensitive to the fact that we have an obligation to try and change stereotypes, and change people's attitudes about African-American lawyers," Wells said. "You can't categorize us and put us in a box. We have the ability to participate in the most important and intricate legal issues of our time."

--Editing by Katherine Rautenberg and Kelly Duncan.

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