

# Scott Mendeloff

## Devoted to Commercial and White Collar Litigation

by Amy Hoffman

Scott T. Mendeloff, a partner at **Greenberg Traurig LLP**, decided he wanted to be a lawyer in the late 1960s due to the influence of Martin Luther King Jr. and Bobby Kennedy. “I never wanted to be anything else,” Mendeloff says. “Coming from three generations of doctors, this was rather controversial at home. I was the black sheep for sure.”

Having grown up in Milwaukee, Mendeloff completed his undergraduate studies at the University of Wisconsin-Madison. He went on to get joint degrees from Georgetown in foreign affairs and law.

“The foreign affairs degree is something I love and is really pertinent to the Foreign Corrupt Practices Act portion of my practice,” says Mendeloff. “It gives me a real significant insight into to operations of foreign governments and cultures.”

### Making a Difference as a Lawyer

After law school, Mendeloff went to work at Sidley Austin. He was there for three years

before joining the Justice Department as an assistant U.S. attorney. He was a supervisor in the Criminal Division and the Special Prosecutions Division in the Chicago office, leading the office’s work in the area of public corruption and white collar prosecutions. Most notably, he prosecuted three judges as part of the Operation Greylord Investigation. One of those judges, Judge Thomas J. Mahoney, was the first judge ever convicted of fixing murder cases.

“(Mendeloff) is an excellent attorney,” says Judge William Hooks, who met Mendeloff on a case they had together when Mendeloff was with the U.S. Attorney’s Office and Hooks was a defense attorney. They spent two months working on opposite sides of a complex conspiracy case.

“He is a master of the federal rules of evidence and trial practice,” Hooks says. “He is respected by judges and opposing counsel. He is held in high regard by many attorneys. He has had success both as a white collar defense attorney and as a commercial litigator.

“He is one of the premier lawyers in Illinois and the United States,” says Hooks. “He is an expert in national security. He is the type of lawyer that, if my son or daughter were an attorney, I would want them to be like Scott.”

Chris Gair of The Gair Law Group, who met Mendeloff when they worked together at the U.S. Attorney’s Office, says, “Scott is probably the most intense, well-prepared trial attorney I know.”

“He has an incredibly thorough litigation strategy,” says Gair. “He is one of the smartest layers I know. He’s a force of nature. I would be afraid to be in his way.

“I tried one of my first cases with him,” Gair says. “He is a great pleasure in the courtroom. He has an aura of confidence. Recently, I had a large civil case where the client was being asked to pay a billion dollars. I brought in Scott because he was perfect for a job against an aggressive litigant. He is a pleasure to work with.”

Judge Thomas Durkin of the Northern Dis-

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trict of Illinois recalls when Mendeloff joined the U.S. Attorney's Office as a young lawyer. "He was tenacious, hardworking and intelligent," says Judge Durkin. "He investigated cases thoroughly. He left no stone unturned."

Mendeloff eventually got burnt out at the prosecutor's office. "It was wonderful. The best job I have ever had," he says. "It was incredibly educational not only trying cases but as much to see how the world really works—business, government and politics."

"It's a practical legal and social education you can't get anywhere else. If I had stayed in private practice, I would have missed most of that."

"I tried a lot of cases. This was a time before the sentencing guidelines, so many more cases went to trial. I was fortunate enough to handle lots of complex financial and tax cases, which I loved. All that was great. But, eventually, I got really tired of the sentencing. The person who was convicted should do the time; there is no question about that. But it also often tore apart the families, who were usually entirely innocent."

"It was heart wrenching a lot of times to see what the families were going through as they watched their father or son going to prison sometimes for a long time. That's what got old."

Just when he was about to leave the U.S. Attorney's Office to return to Sidley, he got a call from the lead prosecutor in the Oklahoma City Bombing prosecution, Joe Hartzler, a good friend and Mendeloff's co-counsel in the Greylord prosecution of Judge Martin Hogan. Hartzler asked if Mendeloff wanted to try Tim McVeigh and Terry Nichols, accused in the Oklahoma City bombing. Mendeloff called Sidley, and they told him by all means to go and try the case.

He spent the next 18 months in Oklahoma City and, because of a change of venue, in Denver. There was a change of venue motion that resulted in the case being moved from Oklahoma to Denver. "It was an extraordinarily intense period, but very rewarding," Mendeloff says.

After the case was over, he went back to Sidley for 11 more years. He then did a short stint at Howrey before it collapsed. He has now been at Greenberg for more than three years.

David Clough, who participated in hiring Mendeloff at Howrey, says, "I enjoyed working with him. He is more intense than anyone I know. He leaves no rock unturned. He gets down to the details. He is very loyal to his people but is also very demanding of them."

"It is important to be in at a firm that is fun and enjoyable," Mendeloff says. "I have been fortunate enough to have been at three firms like that. I particularly like Greenberg. The collaboration and camaraderie here is really great. One of the reasons I came here was I wanted a smaller, more intimate place. Greenberg is unique, because it is a large firm consisting of numerous smaller offices. I've been very lucky."

## Advocating with All He Has

It wasn't difficult for Mendeloff to go from the U.S. Attorney's Office to private practice. "I believe that the joy of being a lawyer is to represent my clients as best I can," says Mendeloff. "When I was with the government, I gave every-

thing I had to the people of the United States."

"Over the years since then, I devote the same energy and commitment to my private clients. Fundamentally, that is what lawyers do. People will say, 'How can you represent somebody who is under investigation?' My answer is 'I am their lawyer, and I am devoted to their interests.' That is what lawyers are supposed to do. That is the core of our system of justice.

"I take great pride in advocating for my clients and doing the best I can for them," Mendeloff says. "I want them to be able to rely on and feel safe in the knowledge that they have someone who is wholly committed to their interests to do it in an ethical way and, very importantly, to maximize efficiency.

"Having experience as a prosecutor has been a huge advantage," says Mendeloff. "It certainly provides decisive insights in my white collar practice because I understand how the Justice Department thinks and analyzes things.

"In civil litigation, having tried all of those cases, the benefit is that you really know what works and what doesn't and what matters and what doesn't. There are certain things that are worth fighting for and certain things that aren't worth fighting over. It makes you a better lawyer with much greater strategic insight."

"Critically, it allows you to produce results for clients with efficiency. That means smaller bills."

"I have had the privilege of working with Scott on several high-profile matters," says Brian Duffy, co-president at Greenberg. "Scott is that rare lawyer who combines a tremendous work ethic with a quick legal mind and practical problem-solving judgment. He is truly a 'trusted adviser' to his clients and a great partner to his colleagues."

Mendeloff enjoys the diversity of what he does because he handles commercial litigation and white collar work. "I like the strategy involved in law," he says. "Developing the best way to present something to the court or to negotiate with the government or the other side in a civil case is my favorite aspect of my law practice."

"I've worked on some fascinating commercial litigation cases," Mendeloff says. One, a healthcare fraud case, had a particularly fascinating element. "After obtaining a \$124 million judgment, we were left to unearth and collect the judgment by repatriating millions of dollars of assets concealed in numerous countries and trusts, in other people's names. Going after those assets, which were everywhere, was a real challenge."

"A great part of my work these days is on FCPA matters. I've spent a lot of time in Asia over the last few years," says Mendeloff. "Advising clients in dealings with foreign governments and doing investigations abroad is fascinating, especially when that foreign government is a communist government that exercises tremendous but covert control over its society."

"The business of law is a thousand percent different than when I first stated," Mendeloff says. "Back then, partners effectively had tenure. There was no such thing as discounts. All of that has changed. Clients are highly cost conscious, looking for high quality work at a good price. That's one of the reasons I thought Greenberg was unique. We can offer a price point but with lawyers that have a great pedigree."

"The old-school partnership which was

more institutional has been supplanted, in most places, by a model that is heavily structured in business."

"That is why I enjoyed coming to a place like Greenberg where, business imperatives aside, you've got a really great feeling of partnership. I work all the time with people in different areas of this firm. The camaraderie...that's what I was looking for and that's what I got."

## Lessons from Judges and Others

"I learned so much from the more senior trial lawyers at the U.S. Attorney's Office, like Joe Hartzler. Those people were brilliant trial lawyers and, as importantly, they taught me how to be a professional," says Mendeloff. "Chuck Douglas at Sidley was also a big influence. I had the pleasure of working with him as a young lawyer at Sidley and as his partner when I left the government."

Mendeloff's father, a doctor, also had an impact on his career and his life. "We talked often about my career. Although he was a doctor, he always had wonderful insight," he says.

Mendeloff has also been influenced by some of the judges he has practiced with. "There are judges who are magnificent. Some of them are attorneys I've worked with who are now on the bench," Mendeloff says. "I still look up to Judge Jeff Cole. He is now a federal magistrate judge. He was a fantastic lawyer and is a fantastic judge. His opinions are so incisive.

"Judge Kocoras is a real judge's judge, as were Judge Prentice Marshall and Judge Matsch, the judge in the McVeigh case.

"Judge Bauer has had an enormous influence upon Chicago, this district, and the fundamental values and practices for the U.S. Attorney's Office here," says Mendeloff. "He is head and shoulders above anyone else. People think of judges as issuing opinions and not having a direct influence on society. All of these judges have influence far beyond that in terms of showing lawyers, in their own way, what the law should be in their own way. I am thankful for them.

"I try, when working with young lawyers, to ensure that they aren't just working but that they are learning as well," Mendeloff says. "I try to take the time when something doesn't go right to explain or when something is done well to commend. I think it is a really important part of what we do—to pass on what you know.

"I've been incredibly fortunate. I've had a fascinating career, so far, and have gotten to work with people who have taught me a lot and helped me become a better lawyer. It's extremely important to realize that you don't know everything. You learn as you go along. That's what I try to do.

"When I was younger, I tried to learn from my mentors and the people who came before me. And now I still try to learn by watching what the other side does, how they react, watching what the judge does, and watching what works and what doesn't. If you stop trying to learn then you are going in the wrong direction."

Because he travels so much, Mendeloff cherishes what little free time he has with his wife and children, ages 8 and 11.

"They are the best thing that ever happened to me, bar none. I am fortunate enough to have a very wonderful and patient wife." ■