

# Robert M. Adler

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Bob Adler has four decades experience as a litigator, specializing in complex litigation and white collar defense. He has tried numerous cases in federal courts and has represented clients in arbitration and mediation proceedings. Bob also has represented clients in a wide array of civil and white-collar criminal litigation matters, including tax fraud, money laundering, embargo violations, and cases involving complex structured transactions. He specializes in representing clients involved in federal tax controversies.

Prior to joining Nossaman, Bob served in the Criminal Tax Section of the Tax Division of the U.S. Justice Department and later as a civil trial attorney in that Division. He was also an adjunct professor at Georgetown University Law School where he taught a number of courses including a course in the master's degree program in taxation. More recently, Bob has co-taught an intensive seminar for third year law students in cross-border litigation at the Schulich School of Law, Dalhousie University, in Halifax, Nova Scotia.

Bob is AV Preeminent® Peer Review Rated by Martindale-Hubbell.

## EXPERIENCE

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**Tax litigation.** Has served as lead counsel for the Estate of Joseph Wilson, in the District Court and the Court of Appeals in tax litigation involving the applicable penalties for the failure to timely report distributions from a foreign trust.

**Cybersecurity/FDIC Data Breach Issues.** Represents the former Chief Information Officer of a federal agency in connection with investigations relating to reports of major data breaches to Congress.

**Federal Deposit Insurance Corporation.** Represented the FDIC in professional liability litigation brought against 12 former officers and directors of a failed financial institution. He also represented the FDIC in commercial litigation resulting from a bank failure.

**United States v. Arsalan Shemirani.** Represented the Defendant on charges of conspiring to illegally export electronic components from the United States to Iran.

**United States v. Michael Holland.** Successfully represented Michael Holland, an employee of Clark Material Handling Company. Holland was acquitted of criminal charges of knowingly participating in the export of spare fork lift parts to Iran.

**Parmalat related litigation.** Assisted in the representation of a former Bank of America (Milan office) employee in in the defense of criminal charges brought in Milan, Italy related to the Parmalat bankruptcy. The client was acquitted. Assists in the defense of new criminal charges related to the Parmalat bankruptcy brought in Parma, Italy. Assisted in the defense of money laundering charges filed in Switzerland against the same client and the successful argument that the statute of limitations had expired.

**United States v. Tyson Foods, et al.** Successfully defended Gerald Lankford, a former director of human resources at Tyson Foods, in a seven-week criminal trial brought against Tyson Foods and a number of its employees for allegedly hiring workers known to be undocumented immigrants. The *National Law Journal* named the acquittal the biggest defense win of the year.

**Smithsonian Institution.** Served as lead counsel for the Smithsonian in dealing with numerous issues arising from the indictment of its scientist charged with participating in a Smithsonian sponsored hunting trip to China where animals, protected by the Endangered Species Act, were killed.

**National Railroad Passenger Corporation (Amtrak) v. American Pipe Lining, Inc., et al.** Served as lead counsel for American Pipe Lining in a large breach of contract action and warranty action filed by Amtrak in the U.S. District Court for the District of Columbia. The lawsuit had a favorable result for the client. The litigation also resulted in a large settlement for the client with the primary insurance carrier, which had initially refused to defend against the action.

**St. Croix Chippewa Indians of Wisconsin.** Served as lead Washington, D.C. counsel for Wisconsin Indian tribe seeking Bureau of Indian Affairs approval for a proposed casino in Beloit, Wisconsin. Work included all aspects of the project since its inception, including; issues involving local jurisdictions, NEPA matters (preparation of an environmental impact statement) and issues arising out of the National Historic Preservation Act. Previously served as lead counsel for the St. Croix Tribe in its successful opposition to a proposed casino in Hudson, Wisconsin.

**Robert L. White – various disputes with National Archives.** Represented the owner of the largest private collection of John F. Kennedy memorabilia (originally owned by JFK's assistant, Evelyn Lincoln) in a multi year dispute with the National Archives over ownership issues. The high-profile controversy, covered by leading national media outlets, ended with two separate settlements; one with the National Archives and another with Caroline and John F. Kennedy Jr. More recently he represented the owner (in resolving the claims of the National Archives) of an original copy of the audiotape made of the cockpit recordings from Air Force One as it returned from Love Field to Andrews Air Force following JFK's assassination.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

Speaker, "The Wilson Case: Litigation of IRS Form 3520-A and 3520 Issues," Tax Section of the Florida Bar, 08.10.2022

Speaker, "Corporate, Tax & Restructuring," CONSULEGIS's Annual Conference, Lisbon, Portugal, 05.13.2022

Speaker, "The U.S. FATCA Statute and Regulatory Requirements Rules: What Are the Implications in Your Country?," CONSULEGIS Tax & Accounting Meeting, 01.20.2022

Speaker, "U.S. Federal Tax Reconciliation Plan and Lichtenstein "Stiftung" Investment Vehicle," CONSULEGIS Joint Session: Tax & Accounting + Corporate Groups, 10.20.2021

Speaker, "Strategies in Dealing with the IRS in Penalty Cases Involving Non-Reporting of Foreign Assets and Income," Consulegis Webinar, 04.22.2021

Co-Instructor, "Cross-Border Litigation in an Applied Context," Schulich School of Law, Dalhousie University Week-Long Course, Nova Scotia, Canada, 2018, 2019

Speaker, "Development of Utilities on Indian Reservations," Northwest Energy & Economic Development Conference, Bureau of Indian Affairs & Bonneville Power Administration, Worley, ID, 06.25.2003

## PUBLICATIONS

Author, "Manafort's Breach of Plea Deal Has Been Misunderstood," *Law360*, 03.11.2019

Author, "The Conspiracy & FBAR Charges Against Manafort, Gates," *Law360*, 11.17.2017

Author, "Questionable IRS Penalties for the Late Reporting of Offshore Trust Transactions," *Bloomberg BNA Daily Tax Report*, 10.27.2017

## HONORS & RECOGNITIONS

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AV Preeminent® Peer Review Rated by Martindale-Hubbell

Selected to the Washington D.C. Super Lawyers list, 2014-2020

## COMMUNITY & PROFESSIONAL

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Chairman, Stuart Stiller Memorial Foundation, Georgetown University Law School (1979-1991)

## NATIVE AMERICAN AFFAIRS

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Bob Adler leads our Native American Indian Affairs practice. His group provides legal and legislative services to tribal clients in regulatory, transactional, and gaming-related businesses.

He provides tribal governments with an ideal combination of prominent lawyers and policy advisors. Bob and his team design legal strategies, assert and defend tribal rights, and formulate public policy recommendations that make it possible for our tribal clients to accomplish their tribal business, legal, and political goals.

Our Native American Indian Affairs practice draws upon the collective knowledge and experience of our lawyers and policy advisors dedicated to the unique needs of tribal governments on issues of:

- Gaming
- Public Policy
- Economic Diversification
- Environmental Affairs
- Tax
- Infrastructure
- Education
- Labor
- Litigation
- Regulatory Compliance

## PRACTICES

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Litigation

White Collar Defense

Corporate Fraud & Investigations

Privacy, Cybersecurity & Data Protection

Taxation

Commercial Litigation

Corporate

Financial Services

Trade Facilitation & Compliance

Trial Practice

## EDUCATION

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University of Michigan Law School, J.D., 1968

Oberlin College, B.A., 1965

## ADMISSIONS

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District of Columbia

Maryland

Florida

U.S. Court of Appeals, District of Columbia Circuit

U.S. Court of Appeals, Federal Circuit

U.S. Court of Appeals, Fourth Circuit

U.S. Court of Appeals, Seventh Circuit

U.S. Court of Federal Claims

U.S. Tax Court

U.S. Bankruptcy Court, District of Maryland

U.S. District Court, District of Columbia

U.S. District Court, District of Maryland

U.S. District Court, Middle District of Florida