

**ETHAN S. BURGER**

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**PROFESSIONAL EXPERIENCE:**

- 2008 – Present      **Maxwell & Barke, LLC; Senior Counsel, Rockville, MD, 2008-Present.**  
Advising clients on matters involving international economic crime, legal malpractice/professional responsibility, and age discrimination. Participating in various aspects of dispute resolution, including arbitration, collaborative conflict resolution, litigation and mediation. Engaging in case evaluation.
- 2003- Present      **Georgetown University Law Center, Adjunct Professor, (2006-Present); Universidad Sergio Arboledo, Bogota, Colombia, Adjunct Professor, (2007-Present); American University, School of International Service, Scholar-in-Residence, (2003-7); and Washington College of Law, Adjunct Professor, (2003-6).** Researching corporate governance, economic crime, and foreign corruption issues. Law school teaching. Meeting with foreign governmental officials, researchers and students on a range of topics. Overseeing students' independent study. Monitoring political developments in Belarus and Russia.
- 2003 – 2008      **International Legal Malpractice Advisors, LLC; General Counsel & Managing Director, Washington, D.C.** Operated start-up legal/consulting firm that provided legal and consulting services on international legal malpractice matters and law firm management issues. Acted as an expert on questions on foreign law (Russian and Belarusian) in U.S. judicial proceeding. Served as an arbitrator in attorney/client fee disputes. Conducted research in support of on-going litigation and performing case assessments.
- 2001 - 2003      **American University, The Transnational Crime & Corruption Center (TraCCC); Project Director, AU's School of International Service; Research Associate Professor; Washington College of Law, Adjunct Professor, Washington, D.C.** Managed overseas research centers studying international criminal activities and corruption. Engaged in research on money laundering, economic crime, human rights and illegal weapons exports. Solicited and edited research papers. Conducted seminars and made presentations concerning transnational crime and corruption. Served as an international election observer.
- 1999-2001      **Ludwig & Robinson, P.L.L.C.; Member (Partner), Washington, D.C.**  
Participated in all aspects of commercial litigation and alternative dispute resolution, with an emphasis on cases involving recovery of assets lost as a result of embezzlements, and inaccurate advice on foreign investments. Worked with private investigators to locate laundered funds. Handled lawsuits in the area of auditing, engineering and medical malpractice.

- 1997-1999                   **Russin & Vecchi, L.L.P.; Senior International Counsel, Washington, D.C. and Moscow, Russia (Russian-Ukrainian Legal Group).** Advised clients on aspects of doing business in Russia and Ukraine. Ensured quality control over Russian and Ukrainian attorneys' work product. Advised clients on how to deal with corrupt officials and threats made by organized crime groups. Analyzed political and legal risk of proposed investments/transactions. Led team of attorneys for a USAID Net Assessment of Contract/Judgment Enforcement and Alternative Dispute Resolution in Ukraine.
- 1992--1997                   **Salans, Hertzfeld & Heilbronn; Associate, London and Paris.** Advised clients on corporate and commercial matters in Russia, Kazakhstan, Ukraine, and Belarus. Principal activities included: (i) structuring and restructuring of foreign investment, (ii) preparation of loan, pledge, purchase-sale and real estate contracts, including in connection with project finance and privatization, and (iii) due diligence on potential acquisitions and joint ventures. Advised clients on political and economic risk of particular transactions (including that posed by corrupt officials and organized crime groups).
- 1989 — 1992                   **Patton, Boggs & Blow; Associate, Washington, D.C.** Represented clients on international trade regulation, SEC, HUD, FDIC and environmental matters. Researched and wrote complaints and motions, conducted depositions, and argued motions in judicial and administrative proceedings, principally involving legal malpractice committed by attorneys in Texas in connection with the failure of three S&Ls. Participated in investigation of activities at BCCI and a Civil RICO matter involving the trucking industry. Served as Special Counsel for Lawyers Committee for Human Rights for CSCE Activities.

#### **PRINCIPAL PUBLICATIONS:**

Author, Foreign Direct Investment in India, in Ray August, Don Mayer, and Michael Bixby, *International Business Law*, at 236-41 (4<sup>th</sup> 2009) (Forthcoming).

Author, "Russian Energy Strategy: Does BP-TNK Represent a Valuable Case Study?", *Oil Gas & Energy Intelligence (OGEL) On-Line*, 2009 (Forthcoming).

Author, "Challenging Conventional Wisdom in U.S. Anti-Money Laundering Practices," *ACAMS TODAY*, at 50-53, March/April 2009.

Principal Author, "Medvedev Makes his Move," *Foreign Policy On-Line*, March 2009.

Author, "Only Following Some of the Money in Russia," *Demokratizatsia*, Vol. 17, No. 1, at 41-70, (Winter 2009).

Principal Author, "Law as Politics: The Russian Procuracy and its Investigative Committee," 8 *Col. J. East. European L.*, Vol. 2, No. 2, at 143-94, (2008).

Principal Author, Private Sector Incentives for Fighting International Corruption, in Sharon Eicher, ed., *Corruption in International Business, The Challenge of Cultural and Legal Diversity*, at 163-74 (2008).

Author, "A World Destroyed," *Russia Profile*, Issue No. 9, Vol. V, at 49 November 2008.

Author, "Who Owns [Will Own] British Petroleum?," *Oil Gas & Energy Intelligence (OGEL) On-Line*, No. 3, 2008.

Author, "Silence on the Court: Lawyers need to speak out against corruption in the Russian judicial system," *The Legal Times*, August 25, 2008.

Co-Author, "The Duty to Investigate Possible War Crimes, International Bar Association," Academic and Professional Development Committee's Annual Newsletter (2008).

Author, Not Only Will the Dog Eventually Bark, It Will Also Bite, 38 St. Mary's L. J. 125 (2007).

Author, "The price of Russia's 'dictatorship of law'," *The Christian Science Monitor*, at 9, October 11, 2006.

Principal Author, "Aleksandr Lukashenka's Consolidation of Power," in Joerg Forbrig, *et al.* Prospects for Democracy in Belarus, (German Marshal Fund/Heinrich Boll Foundation 2006).

Principal Author, Why the Private Sector is Likely to Lead the Next Stage in the Global Fight Against Corruption, 30 FORDHAM INT'L L. J. 45 (2006).

Principal Author, KPMG and "Abusive" Tax Shelters: Ethical Implications for Legal and Accounting Professionals, 11 J. Legal Prof. 1 (2006).

Principal Author, The Future of Legal Ethics: Some Potential Effects of Globalization and Technological Change on Law Practice Management in the Twenty-First Century, 15 WIDENER L. J. 169 (2006).

Author, "Shun Belarus' Illegitimate Regime," *Philadelphia Inquirer*, at A-26, March 26, 2006.

Author, Hard-won corporate governance gains must not be lost, *Financial Times*, August 24, 2005, at 11; reprinted in Susan Hunnicutt, *Corporate Corruption* (2007).

Principal Author, The Future of Law School Faculty Hiring in Light of *Smith v. City of Jackson*, 13 Va. J. Soc. Pol'y & L. 1, 21 (2005).

Principal Author, "Climate Change and Possible Energy Scenarios for Russia," *Eastern Europe Reporter*, Vol. 15, No. 4, April 2005.

Author, Who is the Corporation's Lawyer?, 107 W. VA. L. REV. 711 (2005); reprinted in 55 Def. L. Journal 223 (2006).

Author, Regulating Large International Accounting Firms: Should the Scope for Liability of Outside Accountants Be Expanded to Strengthen Corporate Governance and Lessen the Risk of Securities Law Violations?, 28 *HAMLIN L. REV.* 1 (2005).

Author, The Use of Limited Liability Entities for the Practice of Law: Have Lawyers Been Lulled into a False Sense of Security?, 40 *TEX. J. BUS. L.* 175 (2004).

Author, "Why Following the Money Won't Stop Terrorist Financing," *Bank Security News*, Vol. 2, No. 8, October 27, 2004.

Principal Author, "International Legal Malpractice in a Global Economy: A Growing Phenomenon," *Int'l. L. Practitioner*, Vol. 29, No. 2 (July 2004).

Author, Corruption in the Russian *Arbitrazh* Court System: Will There be Progress in the Near-Term?, 38 *INT'L. LAW.* 15 (2004).

Co-Author, Paying a Price to Win the War on Terrorism, *CHI. POL. REV.*, Vol. 8, No. 2, (Spring 2004).

Principal Author, "Vladimir Putin's 'Dictatorship of Law': Its Potential Implications for the Business and Legal Communities," *Eastern Europe Reporter*, Vol. 13, No. 12 (December 2003).

Principal Author, "Commercial Mediation in Russia: Making the Process a Reality," *Eastern Europe Reporter*, Vol. 13, No. 11 (November 2003).

Author, The Recognition of Governments under International Law: The Challenge of the Belarusian Presidential Election of September 9, 2001 for the United States, 35 *GEO. WASH. INT'L. L. REV.* 107 (2003).

Principal Author, "Business Losses in Russia: the Inevitable Search for Accountability and Deep Pockets," *East/West Executive Guide*, Vol. 9, No. 2, January 31, 1999, (reprinted in Aviva Yakren, ed., "A Legal Guide to Doing Business in Russia & the Former Republics of the U.S.S.R.," (ABA, 2000)).

Principal Author, "Making Mediation Viable in Russia and Ukraine: The Need for an Appropriate Legal Framework," *East/West Executive Guide*, September 1998, (reprinted in Aviva Yakren, ed., "A Legal Guide to Doing Business in Russia & the Former Republics of the U.S.S.R.," (ABA, 2000)).

Principal Author, "The New Russian Law on Limited Liability Companies," *Eastern Europe Reporter*, Vol. 8, No. 7, (Special Supplement), April 6, 1998.

Author, "New Legislation on Enforcement of Judicial and Arbitral Decisions," *Russia Business Watch*, Vol. 5, No. 3, Summer/Fall 1997, (reprinted in Aviva Yakren, ed., "A Legal Guide to Doing Business in Russia & the Former Republics of the U.S.S.R.," (ABA 2000)).

Principal Author, "Is Your Gun Covered? States Should Require Firearms Owners to Buy Insurance," *Legal Times*, at 28-29, November 11, 1998.

## **COURSES TAUGHT:**

“Corporate Governance,” (Special Course for Legal Post-Graduate Studies), Universidad Sergio Arboleda, Bogota, Colombia, May 2007 and August 2008.

“International Economic Crime,” Georgetown University Law Center, Spring 2007 and 2008.

“Comparative Corporate Governance,” Washington College of Law, American University, Spring 2003, 2004 and 2006 and Georgetown University Law Center, Fall 2006.

“International Practice and Ethical Dilemmas,” Washington College of Law, American University, Spring 2005.

“Business Organizations,” Legal and Ethics M.A. Program, University of Baltimore, Fall 2005.

“Conflict and Resolution in Post-Soviet Russia,” School of International Service, American University, Spring 2002.

## **MAJOR PRESENTATIONS:**

“Why Law in Russia Matters,” Columbia University (Harriman Center) (March 2009), New York University School of Law (March 2009), and Kennan Institute (Woodrow Wilson Center for Scholars) (May 2009).

“Value/Money Laundering: Old Concepts Die Slow Deaths,” Special Guest Lecture, Georgetown University Law Center, March 2009.

“Law as Politics: The Russian Procuracy and its Investigative Committee,” U.S. Helsinki Commission, Washington, D.C., November 2008 and Centre for Criminology, University of Toronto, October 2008.

“Ethical Dilemma: The Attorney as Gatekeeper in International Money Laundering Systems,” and “Selective Anti-Corruption Policy: Russia in the Not Quite Yet Post-Putin Era,” International Bar Association, Buenos Aires, Argentina, October 2008.

“Globalization & Cross Border Legal Malpractice,” Singapore Management University, Singapore, February 2008.

“Belarus: What Lies in the Future?,” U.S. Department of State Symposium, Washington, D.C., April 2007.

“Not Only Will the Dog Eventually Bark, It Will Also Bite,” St. Mary’s Law School 6<sup>th</sup> Annual Symposium on Ethics, February 2007.

“The State of the Russian *Arbitrazh* Court System: Are We Being Too Unrealistic in our Expectations?,” The Davis Center, Harvard University, September 2006.

“Why is the Price of Real Estate So High in London and Moscow: The Thin Line Between Tax Avoidance and Tax Evasion,” Radio Free Europe/Radio Liberty, June 2006.

“The Lukashenka 'Victory' in Belarus and Sources of Instability in Europe's Last Dictatorship,” Woodrow Wilson Center for Scholars' Kennan Institute, June 2006.

“Can the Private Sector Lead the Fight Against Corruption?,” National Law School, University of India (Bangalore), NALSAR (Hyderabad) and Management Development Institute (Gurgaon), May 2006.

“Is It Ethical for Attorneys [and Judges] to Require Journalists to Reveal Confidential Sources?,” Association of Professional Responsibility Lawyers, Chicago, February 2006.

“The Need to Get Priorities in Order: Human Rights and International Law for the 21<sup>st</sup> Century,” Muskie Fellowship Commencement, U.S. Department of State, June 2005.

“The Sarbanes-Oxley Act of 2002 and International Corporate Governance,” The German Marshal Fund, Washington, D.C., June 2005.

“Russia's Actions in the Near Abroad: Back in the U.S.S.R.,” New York University School of Law, February 2005.

“The U.S. Approach to Combating Money Laundering After September 11, 2001: A New Era of 'Forced Transparency'?” Royal Institute of International Affairs, London, England, May 2002.

“A Brief Conceptual Framework for Understanding Corruption,” IMF, Washington, D.C., April 2002.

## **EDUCATION:**

Georgetown University Law Center, J.D., *cum laude*, 1989; Member: *American Criminal Law Review*, 1987-89.

Georgetown University, Russian Area Studies Program (completed coursework towards masters degree, transferred to law school before completing thesis), 1983-85.

Harvard University, Slavic Language and Literature (Russian and Soviet Area Studies), A.B., *magna cum laude*, 1981 (Russian Language Certificate, 1980 from Leningrad State University).

## **BARS AND PRINCIPAL PROFESSIONAL MEMBERSHIPS:**

District of Columbia Bar, 1989 – Present; U.S. District Court for the District of Columbia, 1989-92 and 2005-Present; Maryland State Bar, 2000 – Present; U.S. District Court for the District of Maryland, 2005-Present

Member, American Bar Association, 1989 - Present.

Mediator and Arbitrator, D.C. Bar Attorney/Client Arbitration Board, 1997 - Present.

Member, American Society of International Law, 1999 - Present.

Member, American Academy of Legal Studies in Business, 2004 - Present.

Member, D.C. Bar's Rules of Professional Conduct Review Committee, 2005 - 2007.

Member, International Bar Association, 1997-2001 and 2006 - Present.

Member, Canadian Bar Association, 2005 - Present.

**FOREIGN LANGUAGE:**

Russian.