

ORAL HISTORY OF ROBERT P. TROUT

Third Interview December 22, 2014

This interview is being conducted on behalf of the Oral History Project of the Historical Society of the District of Columbia Circuit. The interviewee is Robert Trout, and the interviewer is Stuart Pierson. The interview is taking place on December 22, 2014, in Bob Trout's office at Dupont Circle in Washington, D.C. This is the third interview.

Stu Pierson: Okay. December 22, 2014. We're at 1350 Connecticut Avenue. Bob Trout across the table. Stu Pierson here. This is our third session into Bob's life and times, and I think where we left off last time we were going to talk about the domestic side of your life and your first marriage.

Bob Trout: Well, I grew up in the South and it was a bit of a transition period where society was moving away from a world where the wives were the homemakers and stayed at home; and the husbands worked and provided the financial security for the family. And probably in the South, they were later in that transition, I would guess. But in any event, I think when I was going to college, a lot of people were finding mates in college, and then they finished college and they got married—or soon thereafter. And I would say that was what happened for my wife and me. We graduated from college at the same time. I went to Washington & Lee. She went to Hollins College. We dated all through college. We basically didn't have a lot of experience meeting different people with different interests and backgrounds. And so we settled into that world together. Her name is Jane Cocke Berkeley, also known as Taisie. That's her nickname, and everybody knows her as Taisie. We were married in 1972 in Charlotte, North Carolina. And we came to Washington. We were trying to figure out what the future held for us. We wanted to experience the city. I think I mentioned earlier that we came to Washington and lived in Old Town for about six

months or so and really weren't doing anything in the city. And so we moved to Georgetown, and then had an absolute ball. But then I got a job in the U.S. Attorney's Office in Baltimore. The law at the time required me to live in Maryland, so we moved to Silver Spring. We continued to do a lot of social activities downtown. And then we had two sons, Carter in 1978 and Philip in 1980. And that obviously changes your life when you have children. And it did ours. My perspective on it was that Taisie was trying to figure out her world. She had gotten a job when we came to Washington. At a certain point she went to work on Capitol Hill for Jim Martin, who was a Congressman from Charlotte, her hometown. And I think as you get to a point where you're trying to figure out what's next, you've experienced these transitional periods. For example, we go to kindergarten for a couple of years, and then we go to elementary school for what, five or six years. Then you go to junior high and after that you go to high school. And then you go to college. And in my case, I then went to law school; and then to a job for a couple years in the Department of Justice; and then to the U.S. Attorney's Office, which is typically for a stint of no more than a few years. And there are all these discrete breaks that are experienced as just discrete steps in the path to the rest of your life. And then you leave the Department of Justice or you leave the U.S. Attorney's Office, as I did, and you take what appears to be the career decision to go work at a law firm. And, at least at the time, I think there was some notion that you go to that law firm and that is where you work for the rest of your life. We figured out in the meantime that it really doesn't need to be that way. But I think when you've had these discrete stages for the first thirty or so years of your life, you get use to periodic change in your life. But then you settle upon what, for the first time, is viewed as a permanent job, all of a sudden you get to that place where you say to yourself, "so this is

the way the rest of my life is going to look.” It can be—disconcerting is not the right word, but it can be . . .

Stu Pierson: Unsettling?

Bob Trout: Unsettling, yes. And I think I experienced that and I don’t know whether you call that a midlife crisis, but my guess is Taisie was going through the same thing. She was looking at what is her life going to be like? She had grown up in Charlotte, and after high school her mother was her only living parent. Her mother was of a generation, I think, where the girls were expected to go to college, to get the credential that was needed to attract someone who was going to be successful in life. And then they marry that person and then they’re in good shape. They have financial security. They would do all the volunteer stuff and take care of the children and live a bit of the social life. At least as I was able to perceive it, that was the world our parents generation—at least in the South—inhabited. And I don’t think that is what Taisie really wanted. But at the same time, it’s not like she had developed a particular career. So I think there were some frustrations there for her, some personal frustrations. We were both looking at this situation where we had arrived at a place where we were supposed to be settled and have a settled view as to the future. But I don’t think that we did. And I think that was probably in part because we had so little experience in relationships. It was the only relationship each of us had ever really had. And so I think we drifted apart. And struggled. And in 1984 we separated. The children were six and four. And we worked all of that out. I wasn’t making a lot of money at the time. By now I was a partner in a small law firm, Dunnells Duvall Bennett & Porter, but I was not making a lot of money. And certainly, even in the large law firms, they weren’t making money the way they came to make money in big firms. So we separated. We

remained friendly and cordial, and we, I think, were both very committed to the idea that both parents were really important to the children. And we needed to support each other in that. And so as difficult as these things can be and as angry as you can get at various different points in time, I think we were both pretty careful to keep that between us and not expose the children to any of that. We ended up getting divorced in 1987. We actually started a trial. Our home had been in the Old Farm section of North Bethesda, and Taisie and the children were still living there. Farmland Elementary School was right across the street from the house that Taisie and I had bought in about 1980, shortly after I left the U.S. Attorney's Office to take the job in Washington. That is where Carter was in school. Philip was in the first grade, at Green Acres School. Philip was born in August and Green Acres had a pretty rigid approach and philosophy that if it is a young boy who's born after June, they need an extra year, so he needed to be . . .

Stu Pierson: Slipped back.

Bob Trout: Slipped back. And I was not in favor of that, although I was clearly wrong about that and believe Philip benefited a great deal from being held back a year. But at the time, I had a different view and that was one of the issues that we were confronting. I also felt it was important for Philip to have the community of his classmates at the school across the street so that he would be fully integrated with his classmates in the neighborhood. So we had our differences about what to do. But Taisie got to make the call on that because they were living with her. She was still in the house. I had moved to a rental house in Chevy Chase, Maryland, very near the Brookville Market. I had the kids with me every other weekend, plus a couple of nights during the week, when they came over to my house. So we are going to trial.

Stu Pierson: Same side or opposite sides?

Bob Trout: We're on the opposite sides. We're going to trial—

Stu Pierson: Concerning the divorce?

Bob Trout: Concerning the divorce. We drew Judge Latham for our judge. Warren Donahue was my lawyer. Marna Tucker had started out as Taisie's and then, when they went to Montgomery County, Rita Bank represented Taisie. I had started out with Peter Sherman, but when it appeared we were headed to court, Peter suggested that I hire Warren Donahue, who later became a Circuit Court Judge in Montgomery County. He was a wonderful person. Very level-headed. So we went to trial and Taisie took the witness stand as the first witness and started talking about this issue of the private school, Green Acres, versus the public school, Farmland. Well, it turned out that Judge Latham lived in that area. And he, I think, thought that Farmland Elementary School was probably, if not certainly, the best elementary school in the universe. And so he stopped the proceedings and he said, "Is this an issue in the case?" And the answer was, "Oh, yes, it is an issue. You know, we've got to figure out where the children are going to go and what the costs are going to be," etc., etc., etc. And Judge Latham said, "I can't hear this case. Farmland Elementary School is absolutely the best elementary school in the world." And, of course, because we separated at the end of 1984 but we not able to get a trial date until 1987, I was concerned that we were going to be put back at the end of the line if we couldn't try the case that day. I didn't think more delay was in anyone's interest. And so Warren asked him to intercede with the assignment office to make sure that we got a new judge quickly. Judge Latham said he would do that, at which point everybody was getting ready to leave. By now I was admitted to the Maryland Bar, and I had appeared in court in Montgomery County, but I

did not know Judge Latham. But as we were leaving the courtroom Judge Latham said, “Bob Trout, can I see you in chambers for a minute?” And I said, “Sure.” No one else was invited. And I went into his chambers, and he wanted to talk about the Little League baseball team that I was coaching and the local Farmland kids. It had nothing to do with the law, or with the case, or with anything else. He just wanted to talk about what was going on with the kids in the neighborhood and the Little League team. I’ve never discussed this with Taisie, although we’re good friends and see each other regularly, but I’ve wondered if that meaningless little secret sidebar with Judge Latham may have spooked Taisie and her lawyer into thinking I must know every judge in Montgomery County, because within two days of leaving Judge Latham’s courtroom, we got a settlement proposal that was completely different from anything that we’d gotten before. And we quickly resolved the case. The children, as they got older and had more challenging academic burdens, became a little bit too much for me to pick them up when they had homework, for this involved my picking them up in North Bethesda, driving them back to my house in Chevy Chase, getting dinner going, serving them dinner, and driving them back in the morning. It became a bit much. Then it became one night a week and then eventually, when they got into junior high and high school, my time with them during the week amounted to my just going out and taking them out for dinner. But I would spend a lot of time with them on weekends. And even if it wasn’t my weekend, I would go to every sporting event I could manage to go to.

Stu Pierson: Where were they in high school?

Bob Trout: Well, they started out at Walter Johnson. Carter was in the ninth grade. He had some cousins, Taisie’s nieces in Baltimore, who had gone away to school and had a

terrific experience. Taisie and I had both gone away to school, but I don't know that we thought that this is what they needed to do. It occurred to me that since they were not in my house, there might be some benefit to male role modeling that they might get going away to school. So they started thinking about it, and Taisie—because her nieces had this great experience and were encouraging them—was certainly thinking along the same lines. My godchild, the daughter of my college roommate, was at Lawrenceville. She was a year older than Carter, and she was encouraging him to come to Lawrenceville. He went up and looked at it and really liked the school. And I believe Taisie took him on some other tours. The school was three hours away, and so it was away, but it was still close enough to get to. So that is where Carter went. Philip could not understand why anyone would do that. He was now in junior high and had no interest in that at all. He would visit and go to events up there, Parents' Weekend, football games and the like. And so he became a little bit more open to it. And then when he was a ninth grader at Walter Johnson, I think they had close to 40 students for each teacher. He would get back a paper with a grade, but otherwise there wouldn't be a mark on the page. He was getting really no feedback: so if that is a B, what do you need to do to get an A? And by the time he finished his freshman year of high school, he was pretty much committed to the idea of going away. He toured some schools. He really liked Andover, and they really liked him. But then he visited Lawrenceville, and they put on a big push. Maybe it was as simple as Lawrenceville was the last school he visited, but in any event, that is where he went. I think they both had a great experience there; it was really valuable. By the time my sons were in high school, my parents had both died. My father and stepmother had bought a timeshare in Grand Cayman where they spent three weeks each winter as a break from the cold weather in Roanoke. In 1990, my father

had a massive stroke while in Grand Cayman, he was brought to Miami where he died on Valentine's Day that year. He was 77. And so we came back to Roanoke and started making funeral arrangements. Taisie was actually quite close to my father. And so I invited her to come down and she replied, "No, I don't think that's a good idea," for whatever reason. And then on the day of the funeral, she called me, just in tears, and we had a very emotional call. She was very sorry that she had not come down, and I would say we haven't had a cross word between us ever since that day, ironically Valentine's Day. Between 1984 and that day in 1990, we did.

Stu Pierson: There were plenty.

Bob Trout: There were plenty. But it was amazing. It was like a light switch. So it really changed—the relationship was fine before that day—but it became really pretty special after that. She is really a remarkable person.

Stu Pierson: Does she live in the D.C. area?

Bob Trout: She does. She remarried—well I remarried in 1995. She remarried probably in the mid-2000s. But it didn't last; it was short-lived and rightfully so. It lasted about a year. And for a good number of years, she and Rod Boggs of the Washington Lawyers' Committee have been together. We see them around town a lot. And my wife, Janet Studley, is an extraordinary person—an extraordinarily generous person—and she has gotten along with Taisie, and Taisie has gotten along with her. They're both really nice people, and so they get along like two peas in a pod. So that has been great. And we've got—we now have grandchildren and so we'll have grandchildren visiting from California.

Stu Pierson: Who's in California?

Bob Trout: Carter is in California.

Stu Pierson: What's he doing there?

Bob Trout: He is now with Mozilla. For a number of years, he was with Yahoo. He went to the University of Virginia for college. He then went out to San Francisco afterwards.

Stu Pierson: What does he do at Mozilla?

Bob Trout: Business development. While he was at Yahoo, he started an executive MBA program at Berkeley and Columbia, and received an MBA from both schools. He would spend time in New York at Columbia, and time at Berkeley. Carter's wife, Lindsay, was originally from Charleston, South Carolina, and she also went to UVa, but the two of them did not start seeing each other until a year or so after graduating. She had started out in New York, but made her way to California where she received her MBA at Stanford. She is with an executive search firm, Egon Zehnder. So both Carter and Lindsay are engaged in business, primarily focused on high tech.

Stu Pierson: And Philip is at Hogan?

Bob Trout: Philip is at Hogan. He also went to Virginia. He was President of the Inter-Fraternity Council at Virginia. In light of the *Rolling Stone* magazine article about rape in a fraternity house, the issues he had to deal with were a walk in the park compared with that. There was an incident that he had to deal with, and I think it may have influenced him in considering a career in the law. There was a blackface incident—it was Halloween—and it created quite a stir, including some national press about it. It was a fraternity guy, and the President of the University, John Casteen, said to him, in effect, "Fix it." And so he set about trying to figure out how to fix it. There were some interesting issues—can the University or can the Inter-Fraternity Council take action against such expression? The

University of Virginia being a state university, there are First Amendment issues involved. So he talked to me about that. And he talked to the lawyers at the University of Virginia about that. And he really started to get into this whole issue about legally what can they do. I can't remember what they did to solve the problem, but apparently everybody agreed it was a good solution. And he got a lot of credit for it. The editorial page of the school newspaper was very complimentary about the way they dealt with it. I think that planted the seed for his interest in the law. But, as I say, that was a walk in the park compared with what they are dealing with now, with allegations of rape in a fraternity house, even if that *Rolling Stone* article has now been debunked. Philip graduated in 2003 and was interested in working on a political campaign. There was some sort of an Indian gaming referendum on the ballot in Maine. He was on the side of trying to get it approved. So there was money there, and they got paid. He spent a summer in Maine until the referendum, which was in the fall of 2003. So he was in Maine at a pretty good time to be in Maine. And then he came off of that, and he went to work for Howard Dean, who at the time was leading the Democratic field for President. He was in New Hampshire for that primary, and he would take Howard Dean around to various homes.

Stu Pierson: So he was there for the primal scream?

Bob Trout: Yes. And they sent him home and basically said, "We'll get back to you when we need you." And they didn't need him again. So from there he went to the Kerry campaign. And that is where he met Rachel Cotton, who is now his wife. Philip was involved in communications on the Kerry side of the campaign, and Rachel was involved in communications on the Edwards side of the phone. After the campaign they continued to see each other, and in due course she started law school at Yale, and he started law school

at Virginia. They maintained that relationship over the course of three years. Then they both came back to Washington. After working for a year at Covington, she clerked for Henry Kennedy on the federal district court here and then for Diana Motz on the Fourth Circuit. He was going to work at Hogan—it was right at the 2009 financial meltdown—and they basically had over-subscribed for associates. So they were offering deferrals—stay away for a year, and we'll pay you half what we were going to pay you. And while it was part of the deal that you could not work for another law firm if you're going to take our money, they made an exception allowing him to work at our small firm. So he worked here for that year and it was great for me and I think for him. He got to work with his dad. I got to work with my son. He didn't need to make a career choice, but he had the experience of seeing what it was like.

Stu Pierson: Real exposure?

Bob Trout: Yes. And he had the experience of working in a small firm to see what that was like, again without making a career choice, and so he was able to taste these experiences. While Philip was here, we had a very fun case come in the door that involved doing some pro bono work for the District of Columbia. The Council of the District of Columbia asked me to serve as Special Counsel to the Council, performing an internal investigation into allegations of corruption in certain construction projects involving the Department of Parks and Recreation. The matter involved a great deal more work than I had been led to believe when I was called to see if I would take this on. As it developed, my partners, Amy Jackson and Gloria Solomon, worked with me on this. And so did Philip. He did great work, so when Amy was nominated to be a federal judge, she asked him to be . . .

Stu Pierson: Be her clerk?

Bob Trout: Be her clerk. Which he did. He didn't want to clerk for more than a year anyway, and there were a lot of judges who really were insisting on two-year clerkships, and so that eliminated a lot of potential clerkships for him. But this was perfect because, while Amy wanted two-year clerks, she needed someone to be a one-year clerk so she could stagger it. And so he was her first law clerk. Actually, by the time she was confirmed, it was less than a year, but he got the value of it, I think, and really enjoyed it. And she has just been a wonderful mentor for him.

Stu Pierson: How long was she here?

Bob Trout: She was here for eleven years.

Stu Pierson: And before that?

Bob Trout: She had been at Venable after she left the U.S. Attorney's Office in, I want to say, the mid-1980s. At a certain point, she took a leave of absence to take care of her children. We had had a case against each other years before and hadn't seen each other in a long time. But in 1999 I saw her at a reception, and she came up to me and said she wanted to pick my brain about opportunities for lawyers to work part-time in the District. She said that she was not asking me about anything at my firm, but really just to talk to someone in the Bar and get a sense of what is out there. So we had lunch. She was very well regarded at Venable. She had worked with Ben Civiletti a lot. And her husband at the time was a lawyer at Arnold & Porter. We had gotten a lot of work from Holland & Knight. My former partner, Dick Duvall, had been very, very generous, always thinking about how he could help me. With that in mind, I thought that her relationships with a couple of big firms would help us. And so when we had lunch, it was always my intention to persuade

her to join our firm. Amy is incredibly bright and efficient and a wonderful lawyer. So she joined us, and she was just a huge asset for our firm. We worked together on many matters, we became the dearest of friends. I consider it one of the blessings of my professional life that I had the opportunity to work with Amy as my partner.

Stu Pierson: Was she part-time the whole 11 years?

Bob Trout: Pretty much, although you wouldn't know it from the amount of work that she would crank out. She was very disciplined about it. She left at a certain hour. Whereas many people who say that they intend to go part-time say that it doesn't work out being part-time. She . . .

Stu Pierson: Kept to a schedule.

Bob Trout: Right. Now there were times when we needed to take trips. There were times when we were going to be in court. And she would know that sufficiently in advance that she would make arrangements to deal with that. Everything she does is very, very efficient. So if it is organizing her time, she is efficient about knowing how to go about doing that—lining things up sufficiently in advance so that it all ends up working. We never had a snafu owing to her schedule. By the time we were trying the Jefferson case—that was two months in trial—both of her sons could take care of themselves and deal with Mom not being there.

Stu Pierson: When was the Jefferson trial?

Bob Trout: The Jefferson trial was in the summer of 2009. Early that year, after Obama was inaugurated, Amy came into my office to tell me that she had decided that she wanted to be a judge. And if that didn't work out, she said—and I think it's true—that she couldn't imagine being any place other than practicing with us. But she wanted to give this a shot.

And so she applied to the Commission that would be making a recommendation to Delegate Eleanor Holmes Norton, and she asked me to support her. So I wrote a letter to Greg Craig, who was White House counsel, and I wrote a letter to the Commission that would be making recommendation to Delegate Norton. And after the Senate confirmed her, she asked me to speak at her investiture. It was a proud moment for me. I remarked on that occasion that I was as certain as I've ever been that she was going to get this because she is so good. And I said that she probably thought I was being generous by writing all the letters that I wrote. But I said I've been living in this town for 40 years, and I know how this game is played: when the outcome is certain, you jump on board so you can take credit when it happens. That got a good laugh. Amy was just a really special lawyer with us, so it was great having her here. One of her dearest friends now is my partner, Gloria Solomon, who is in serious competition with Amy as being the smartest person that has been at this firm. That's a competition they would have at any firm. I had known Gloria since the early 1980's when she was a summer associate and then associate at Dunnells Duvall Bennett & Porter. At the time there were probably about 20 or 25 lawyers at the firm. We used to tease her that she doubled the firm's IQ when she joined us. She is just super, super smart. In 2005, after leaving a large firm, she joined our firm, I like to believe because she enjoyed working with me. And once Amy and Gloria got to know each other, they bonded in a very serious way. And every weekend they were taking walks together and spending time together. And Gloria, Amy, and I tried—the three of us tried the Jefferson case together. It was a hoot. But going back to 1980, I had left the U.S. Attorney's Office, and I joined Dunnells Duvall Bennett & Porter with the idea of taking the Maryland Bar. By then lawyers who had a number of years of practice who wanted to waive into

Maryland were required to take a lawyer's bar exam—a short session focused on Maryland procedure. The problem for me was that the rule required that your prior practice have been in a state where you were admitted to practice. In my case, my prior practice ironically had been as an Assistant U.S. Attorney in Maryland, so I did not qualify for the lawyer's bar exam. I had to take the full exam, which meant one day of the Multistate—I had not taken a Multistate before—and the next day essay questions. Happily, I passed. My next challenge was to figure out a way to get into the Eastern District of Virginia, the so-called Rocket Docket. And in those days, it really was a Rocket Docket. We had enough cases there that it made sense to become a member of that federal court, but even though I was a member of the Virginia bar, there was some bar to my admission based on the fact that either I was not a resident of Virginia or did not have my principal office in Virginia. But as I examined the fine print, I could waive into the Eastern District of Virginia if I was a member of the bar of the Western District of Virginia. And in the Western District, I could waive in if I were simply a member of the Virginia Bar. So one day I flew to Roanoke, was admitted to the Western District, flew back to D.C. and in due course, used my Western District membership to waive into the Eastern District. And happily I've been able to maintain a practice in that federal court.

Stu Pierson: So Dunnells Duvall until . . .

Bob Trout: 1993. That was when the other shoe dropped. By that I mean, after Bob Bennett and his group left for Skadden in 1990, Steve Porter and his transactional group left for Arnold & Porter in 1993. And so there we were with a bunch of empty offices and with a depleted business base. We had dealt with that previously with Bennett's departure, and now we were dealing with it with Porter's departure. And we had a bank loan, a real

estate lease, and we didn't want to go through this again, so we decided—Dick Duvall, I think, was the wise man in this—that we had to merge. There were other suitors out there, but, as you probably know, being interested and actually being able to close the deal were very different things. I think Dick perceived that, and he realized we had to keep our eye on the ball, trying to make a deal with the firm most likely to close. There was a firm, Holland & Knight, which at the time, except for a small office in D.C., was exclusively located in Florida. They wanted to go national. Chesterfield Smith was the iconic leader at Holland & Knight; he had a high profile owing in part to his role as President of the ABA when the Saturday Night Massacre occurred, when he appeared on one of the Sunday news shows condemning Nixon's action. Chesterfield came to Washington to try to develop the D.C. office. There were probably only about six to eight lawyers in D.C. when he arrived, and one of the longest-serving lawyers was a woman by the name of Janet Studley. She did their lobbying work. When Chesterfield came up with license to grow the Washington office as a first step in creating a national firm, he basically grabbed different lawyers and put them into Holland & Knight with the idea that it will either work out or it won't. But let's bring people in, and see how it works out. In due course, it will sort itself out, people will leave or stay depending on their success with the firm. It's not necessarily the way a lot of law firms do it, but that is the way Chesterfield decided he was going to do it. But in the meantime he saw this opportunity to bring a firm in that had a certain brand already and so could establish a beachhead for a more credible presence in D.C. and beyond. Dick Duvall and Chesterfield got along very well, and the two of them really put the merger together. Effective January 1, 1994, the two firms merged. Janet Studley and I had met during the course of those merger discussions. We then started going out. And in 1995, we

got married at the Hay Adams. What a blessing that was. Janet is very smart but also down to earth, not full of herself. She is extraordinarily generous, and has forged a great relationship with her stepsons and their spouses. I've been very much the beneficiary of the fact that everyone likes Janet and likes being with her. And of course I like being with Janet. Pretty much every nice trait you could think about someone would apply to Janet, but if there is one trait that stands out for me is that she is very quick witted and funny. She constantly makes me laugh. She is still a partner in Holland & Knight, although she has slowed down. She was the head of one of their three practice groups for a few years and burned out on that.

Stu Pierson: Litigation or transactional?

Bob Trout: No, it was referred to as the government section, which was really the lobbying and regulatory practice. And so she did that. And then she burned out. Her mother was quite elderly. She was probably 93 at the time. Janet wasn't sure how much longer her mother was going to be around. It turns out she was around for another eight years. Janet decided she wanted to spend more time with her mother. So she took a leave of absence and was spending at least a week or more a month with her mother. And when she returned to the practice after a year, she has had a reduced load.

Stu Pierson: Where was her mother?

Bob Trout: Her mother was in Florida. She was a very nice woman and lived on her own until she was about 93 or 94, something like that. So—

Stu Pierson: So Holland & Knight until?

Bob Trout: Until July 1, 1996. When we were confronted with the demise of the Dunnells Duvall firm, I talked to Dick Duvall about setting up a small litigation boutique.

And Dick's response was that a boutique sounds good, but we have this very sizeable lease obligation. And, oh, by the way, while it sounds good, we have this very sizeable bank loan. And so we need to find someone to merge with who will take our space, take over our lease, and allow us to deal with this bank loan. And we didn't need to have that conversation more than once for me to figure that out as well. That was just not going to work. So I decided to give the big firm a chance, let's see how it goes. They were very generous. I developed some wonderful relationships there—not just my wife—but I met a lot of great people, a lot of great lawyers. It was good. And the senior management of the firm was very loyal to me and conveyed to me that they appreciated me and what I was doing. But by now Janet and I were married, and I really didn't want to be married to my law partner. Some people do that—Brooksley Born and Alex Bennett have pulled that off, and others as well—but that wasn't what I wanted to do. And Janet was much more plugged in to the firm than I was. She had leadership and management roles, not that I necessarily wanted to be doing that, I just wanted to be in a different setup. I also found the email traffic to be very distracting. I was overwhelmed by the internal email traffic. I was not very good at putting blinders on and doing my work and not getting distracted by all the incoming.

Stu Pierson: That related to the entire firm and its practice.

Bob Trout: Yes. And so there were always internal email solicitations for people to help on some project, maybe a new outreach effort or marketing a particular expertise. I wanted to be a good soldier, so I volunteered for this or signed up for that. I just hadn't really developed a way, yet, for filtering this stuff out so that it didn't get in the way of doing what I needed to be doing. At least I felt distracted by it. And the other issue that just kept

coming up was conflicts. For example, Holland & Knight in Florida was the go-to firm for A-list corporate clients who had matters in Florida. But when those same clients had a matter in D.C., they were more likely to use one of the well-established Washington firms, like Covington or Hogan or one of the other large firms. So when one of those A-list clients brought suit against a client that wanted to hire one of the lawyers at Holland & Knight in D.C., there would be a conflict. Sometimes, we could get a waiver, sometimes not. In any event, I was just bumping up against conflicts a lot. And it was new to me. If you grew up in a large law firm, and that was just the way it was, it probably wouldn't have been such a shock to you. But for me it was new. So I began to consider something different. In 1996 there was an entrepreneurial fervor sweeping the land. Roger Zuckerman and I have been very close for many years, and I was also a good friend of his longtime partner, Roger Spaeder. I saw what they had created in their firm. And I was a good friend of Hank Schuelke and later of his partners, Dick Janis and Larry Wechsler. They had a wonderful small firm. So when I was exploring the idea of leaving Holland & Knight to set up my own firm, one of the first persons I talked to, in addition to Roger Zuckerman, was Hank Schuelke. We went out to lunch and he said, "Come on in, the water is fine." And after we opened our doors on July 1, 1996, one of the very first referrals of new business we received was from Hank. So for all of those reasons, I decided I'd like to do something different. Janet, of course, saw I had two sons who were now incurring private school tuitions and also approaching college tuition, and yet I was talking about leaving the financial security of a big firm. She had every reason to be concerned, but she faked it pretty well. She was completely supportive of my going off and starting a firm of my own. There was a lawyer, John Richards, a young lawyer whom I had worked with. John had been a summer clerk

with Plato when Plato and Bill Hundley had their townhouse practice. After John finished law school, he first clerked for then Chief Judge Bryan in the Eastern District of Virginia, and then he came to the Dunnells Duvall firm in the late 1980's when Plato was there. John's a very, very smart guy, very analytical, and a wonderful and careful lawyer. We started working together at the Dunnells, Duvall firm, and he would do brilliantly and eagerly all the stuff that I wasn't really that good at or didn't like to do. And so between the two of us we could really do—

Stu Pierson: Manage.

Bob Trout: Yes. We could do well. John was an associate and he was just very, very good. And he knew as well as anybody did how to navigate the Eastern District, which could be its own . . .

Stu Pierson: It is almost byzantine.

Bob Trout: Yes. So we had some cases that we got involved in that turned out very successfully. And then we started developing a reputation around the firm, when there was a sick case or a case that just wasn't going well, or wasn't being well managed, we would be brought in to try to turn things around. Dick Duvall, who was managing the litigation practice, had a lot of confidence in me and he had a lot of confidence in John. So he would call me up and he would say, "Well, we've got this case. This person is handling this case. It's not in a good place. I'm thinking you guys might need to . . .".

Stu Pierson: Fix it.

Bob Trout: Fix it. "Can you guys get involved?" And we had a lot of success fixing sick cases. And so, when it came time for me to think about how to be successful in a small practice, I went to the person whom I had been working with for a long while. He had just

been made a partner at Holland & Knight. I talked to him about leaving, and he was all in. And I talked to my assistant, Barbara Nichols, about leaving. And she was all in. She was a couple of credits shy of a law degree, but she decided she didn't want to be a lawyer. So she was my secretary, my assistant. And so the three of us on July 1 . . .

Stu Pierson: 1996.

Bob Trout: 1996. And the Friday night—

Stu Pierson: And you go to N Street, right?

Bob Trout: Yes. I had walked out of the Holland & Knight office that Friday night. We were moving over the weekend, and that Friday night Janet and I had dinner with Paul and Liz Friedman at Ruppert's Restaurant, which was then on 7th Street across from where the convention center is today.

Stu Pierson: Was Paul on the bench by this time?

Bob Trout: Yes, he was on the bench. And so we had dinner, and I remember very well the exhilaration from the sense of adventure that I had at the moment. Paul has been a dear friend of mine over the years, and he has always been very supportive, most especially with my decision to start my own firm. The following Monday we opened the firm of Trout & Richards in a townhouse located at 1742 N Street. I brought some matters with me when I moved, but the first day we were in business we opened a new matter. I had known it would be there a couple months before, when I received a call from a friend, Hal Murry, who was then practicing at Howrey before he moved to Baker Botts. The call was out of the blue. I was at Holland & Knight. He said, "I'm representing this large German chemical company that has a issue with the Antitrust Division, and we have an individual who needs

representation. Do you have any sort of conflict?” I said, “Well, let me do a conflicts check . . .”

Stu Pierson: This is when you were at Holland & Knight?

Bob Trout: This is when I was at Holland & Knight. And so I did a conflicts check and it turned out that Holland & Knight was in a really bitter battle with this same company. Not that there was necessarily a conflict, because I would not be representing the company. I would be representing the employee.

Stu Pierson: A business conflict?

Bob Trout: But there would be a business conflict. And the company had zero interest in writing a check to Holland & Knight for any services, even if just for the services to one of its employees. But I mentioned to Hal that I was going to be leaving in a couple of months—I hadn’t announced it yet—but that I was making arrangements to leave. And he said, “Well, this can wait.” And so literally the Friday before we were starting business on Monday, the boxes of documents for this new client showed up at 1742 N Street.

Stu Pierson: You were living right.

Bob Trout: That was certainly client number one that we had not previously represented. And then probably client number two was a matter that Hank Schuelke sent us. So . . .

Stu Pierson: So who is with you at this point?

Bob Trout: John Richards and Barbara Nichols. And Barbara is incredibly efficient, incredibly smart. She has got a fair amount of New Jersey in her, so she can be pretty aggressive. And she has, as much as anybody that I’ve been around, an owner’s mentality. She would beat us up if we were more than one day late . . .

Stu Pierson: Getting the bills out.

Bob Trout: Getting our bills out. She would not tolerate that. So we had our bills go out the first of each month. And she was just very, very efficient in getting us organized and getting us to do what we needed to do.

Stu Pierson: This is a good place to break, don't you think?

Bob Trout: Yes, I do.

[END OF THIRD SESSION]