

ADAM M. RUBEN
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San Diego, CA 92102
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EDUCATION

UNIVERSITY OF BUFFALO SCHOOL OF LAW, Buffalo, NY
Juris Doctorate, May 1996

MBA PROGRAM AT SAN DIEGO STATE UNIVERSITY
Masters of Business Administration, June 2012

MEDAILLE COLLEGE, Buffalo, NY
Bachelor of Science, Liberal Studies, May 1993

CANISIUS COLLEGE, Buffalo, NY
Associate of Arts, May 1991

BAR MEMBERSHIP New York (1997) #596681; California (1999) #200996

EXPERIENCE

LAW OFFICE OF ADAM M. RUBEN, San Diego, CA
Solo Practitioner/Attorney. May 2001-Present
General practice of both criminal and civil law in both federal and state courts.

SELTZER CAPLAN McMAHON VITEK, San Diego, CA
Attorney. June 2000-May 2001
White-collar criminal defense and general civil litigation. Extensive research and writing of criminal litigation at the pre-trial level. Specific white-collar cases included tax fraud, mail fraud, bank fraud, and embezzlement at both the federal and state level. Civil research and writing on contract law, injunctions and TRO's.

FEDERAL DEFENDERS OF SAN DIEGO, INC., San Diego, CA
Paralegal & Attorney. August 1996-June 2000
All aspects of criminal litigation at the trial and appellate levels, including motions, briefs and trial practice. Significant accomplishments include drafting a successful Ninth Circuit Court of Appeals brief on behalf of a state court judge charged with conspiracy, mail fraud and RICO violations in a multi-defendant case resulting in a partially overturned conviction and affirming the cross-appeal of the sentence; co-chaired a trial resulting in a hung jury for a client charged with extortion; co-chaired a bank robbery trial; a jury trial that resulted in an acquittal for a client charged with alien smuggling; a jury trial for a client charged with drug smuggling; and writing numerous Ninth Circuit Court of Appeals briefs and *writs of certiorari* to the United States Supreme Court. Responsibilities also included creating and maintaining a computerized appellate brief bank.

NEW YORK SUPREME COURT, Buffalo, NY
Law Clerk to the Hon. Barbara Howe. January-April 1996
Research and writing memoranda of law on a variety of civil and criminal issues.

GARVEY & GARVEY, Buffalo, NY
Law Clerk. October 1992-May 1996
Research and writing motions, appeals and assisting with trials. Representative cases include cases arising under state and federal law in the areas of medical malpractice, personal injury, real estate and contracts.

FEDERAL PUBLIC DEFENDERS OFFICE, Buffalo, NY

Law Clerk, April 1995-May 1996

Research and writing motions and appeals. Co-chaired a six-week trial in federal district court involving allegations of conspiracy and bank fraud relating to a debt-elimination scheme. Co-chaired jury trial in a mail fraud case.

LAW OFFICES OF JOEL L. DANIELS, ESQ., Buffalo, NY

Law Clerk, August 1995-May 1996

Research and writing motions and appeals in state and federal court cases, including drafting a successful motion for grand jury immunity on behalf of Jennifer McVeigh, the sister of Timothy McVeigh convicted in the Oklahoma City bombing case. Researched and co-wrote Second Circuit appeal of an attorney convicted of filing false statements. Researched and co-wrote state appeal of Writ of Prohibition challenging the authority of the New York State Attorney General to prosecute a local murder case.

PUBLICATIONS

NEWSLETTER, Federal Defenders of San Diego, Inc. (8/96-9/99).

Author and co-editor of a monthly publication with nationwide circulation to all federal public defender offices and subscribers in the field of criminal law. Publication summarizes all United States Supreme Court and Ninth Circuit Court of Appeals cases addressing criminal constitutional law and substantive criminal law issues.

RE-OCCURRING PRETRIAL AND TRIAL ISSUES, Federal Defenders of San Diego, Inc.

Author of indexed article of Supreme Court and Ninth Circuit decisions regarding re-occurring trial issues for easy reference during trial. Publication summarizes discovery topics, motions in limine, evidentiary issues, jury selection, opening statements, cross-examination, direct examination, closing argument, jury instructions and juror misconduct.

RULE 901: AUTHENTICATION AND IDENTIFICATION, Federal Defenders of San Diego, Inc.

Author of indexed article to assist trial attorney in understanding the concepts of identification and authentication of various items of evidence as well as providing a quick reference to the specific federal rules and their interpretation by case law and treaty.

DEFENDING A FEDERAL CRIMINAL CASE, Federal Defenders of San Diego, Inc.

Co-authored and editor of chapters 10 (Major Provisions of the Federal Rules of Evidence) and 12 (Common Federal Offenses and Issues), 1998 edition. Co-authored evidence chapter (Ch. 10) and Representing The Federal Grand Jury Witness (Ch. 2), for the 2000 edition. Publication has nationwide circulation bi-annually.

BUILDING AND ZONING MORATORIA: LEGITIMATE OR PRETEXTURAL?, New York Property Law Journal, Spring 1996.

Analysis of building and zoning moratoria. Issues address when a moratorium that denied building applications on a developer's property became a governmental "taking," and under what circumstances a moratorium is tied to a legitimate public purpose.

Court Admissions

- Supreme Court of New York, Appellate Division, Fourth Judicial Department, 1997 (Sworn in by the Hon. M. Delores Denman)
- Supreme Court of California, 1999
- U.S. Court of Appeals, Ninth Circuit, 1999
- U.S. District Court, Southern District of California, 1999
- U.S. District Court, Eastern District of California, 2007
- U.S. District Court, Western District of New York, 2009

Pro Hac Vice Admissions – Admitted on a case-by-case basis in other jurisdictions:

- U.S. District Court, Northern District of Illinois, Eastern Division 2002
- U.S. District Court, Southern District of Texas, Houston Division, 2002
- U.S. District Court, Northern District of Washington, Seattle Division, 2008
- U.S. District Court, Northern District of Georgia, Atlanta Division, 2014

A sampling of cases as solo practitioner where the outcome was a success:

- Client charged with domestic violence, false imprisonment and making criminal threats, jury verdict of not guilty (Case No.: S180361, San Diego County).
- Client charged with manufacturing a controlled substance and possession of marijuana for sale, sentenced to probation, no custody and fine (Case No.: CS278720, San Diego County).
- Client charged with possession of marijuana for sale (374 pounds) and allowing place to store a controlled substance, sentenced to simple possession – less than 28.5 grams – time served and prevented client from being deported (Case No.: CD238103), San Diego County).
- Client charged with alien smuggling from Mexico to San Diego, jury verdict of not guilty in federal court (Case No.: 99-CR-1265).
- Client with prior strike (robbery with firearm) charged with possession for sale of a controlled substance with a firearm enhancement, possession of marijuana for sale, possession of firearm by a felon, sentenced to strike being stricken (Case No.: CD258515, San Diego County).
- Client charged with grand theft by employer, altering entries in records and using personal identity of another in the amount of \$90,000.00, sentenced to 10 days of public work service and restitution of \$35.00 per month (Case No.: SCD250393, San Diego County).
- Client charged with selling controlled substance (one half pound of cocaine), sentenced to probation, no custody and a fine (Case No.: SCD182542, San Diego County).
- Client charged with willful cruelty to an elder with great bodily injury, sentenced to a misdemeanor, no custody and 5 days of public work service (Case No.: CN 350577, San Diego County).

- Client charged with a felony for carrying a dagger, stopped for wearing gang colors, case dismissed as illegal search and seizure (Case No.: CS202234, San Diego County).
- Client charged with domestic violence, reduced to disturbing the peace with an anger management course (Case No.: C249989, San Diego County)
- Client served with domestic violence restraining order, case dismissed (Case No.: EV24269, San Diego County).
- Client charged with conspiracy to distribute marijuana, more than 100 kilograms, sentenced to 1 year (Case No.: U.S.D.C Western District of Washington, 05-0406FDB-002).
- Passenger bus seized by U.S. Customs because of containing marijuana at San Ysidro border crossing, upon petition for remission, vehicle returned to owner (Case No.: 2004 2504 002279).
- Client charged with possession for sale of marijuana, cultivating and theft of electricity; sentenced to felony summary probation, reduced to misdemeanor after 3 years, no jail, no work furlough, no public work service (Case No.: SEC 363191, San Diego County, 2016).
- Client charged with felony domestic violence and felony child endangerment; case dismissed (Case No.: CD 273290, San Diego County, 2017).
- Client charged with felony driving under the influence of alcohol causing great bodily injury to the passenger (spinal fracture requiring surgeries); at sentencing reduced to misdemeanor, no jail, no public work service (Case No.: SCD 272824, San Diego County, 2018).
- Client charged with felony evading and reckless driving (110 mph); at sentencing reduced to misdemeanor, 2 days jail and 10 days public work service (Case No.: SCD 274162, San Diego County, 2018).

References available upon request.