



# Hon. Ryon McCabe: *The Federal Lawyer* Judicial Profile Q&A

Interviewed by Rachel V. Rose



Rachel V. Rose, JD, MBA (Houston, Texas) advises clients on compliance, transactions, government administrative actions, and litigation involving healthcare, cybersecurity, corporate and securities law, as well as False Claims Act and Dodd-Frank whistleblower cases. She represented the whistleblower in the DOJ's first settlement under the Civil Cyber Fraud Initiative. She also teaches bioethics at Baylor College of Medicine in Houston. Rose holds a variety of leadership positions within the FBA, including serving on its National Board of Directors, and can be reached through her website, [www.rvrose.com](http://www.rvrose.com).

**R**achel V. Rose: Could you share some brief background on your career trajectory—your experiences as a trial attorney practicing in the area of the False Claims Act, as well as an assistant U.S. attorney?

**Hon. Ryon McCabe:** I began my journey at the Florida State University College of Law (Tallahassee, Fla.). From there, I clerked for U.S. District Court Judge Lacey A. Collier in the Northern District of Florida—Pensacola Division. Later, I worked as an assistant U.S. attorney (AUSA) in the Southern District of Florida (Miami, Fla.) on the criminal side in the Narcotics Division. After several years as an AUSA, I transitioned to private practice, eventually co-founding my own firm, McCabe Rabin, P.A. (West Palm Beach, Fla.), where my practice included representing whistleblowers, referred to as “relators” under the False Claims Act (FCA). I also handled securities and business litigation matters.

In 2022, I was honored to be selected to my current role as a U.S. Magistrate Judge for the Southern District of Florida—West Palm Beach Division. In this role, I preside over a variety of matters, including FCA cases.

**RR: What were the most difficult parts about your transition to the bench? What do you miss about being an advocate?**

**HRM:** Not keeping track of my billable time. Just kidding. I don't miss that.

**Could you explain your case management philosophy and perhaps share a few examples of how this approach has led to more efficient and cost-effective outcomes in your courtroom?**

**HRM:** I try to make decisions quickly. Especially discovery. I find Zoom hearings to be very efficient, so I set lots of them.

**RR: You are known to issue discovery procedures to secure expeditious, just, and cost-conscious determinations of matters before the court. How did your perspective from being a federal prosecutor inform this practice?**



**HRM:** I was fortunate to practice in both the civil and criminal areas as a lawyer. Both experiences shaped my current discovery and trial procedures. As a lawyer, I always wanted judges to give me fully informed, fairly decided, timely rulings. I designed my current procedures to help me deliver the same type of rulings to the litigants before me.

**RR: What insights have you gained from your outside interests and commitments, and how have they influenced your perspective on the bench?**

**HRM:** I am an avid backpacker. For a backpacker, pack weight is everything, so we don't carry things we don't need. This minimalist philosophy has informed other areas of my life, including my work. I try to decide issues in the simplest way possible.

**RR: As a former litigator and federal prosecutor, I'll surmise that you love the courtroom and jury trials. Do you see a trend of more litigants moving forward with trial in False Claims Act cases?**

**HRM:** I see a trend in more non-intervened cases proceeding to active litigation. This is due mainly to increased sophistication in the relators' bar and willingness to proceed with such cases.

As to trials, the risks remain high to proceed to trial in a qui tam case. In our district, Magistrate Judges do a great deal of settlement conferences, and I have found that I enjoy them. In most business cases, reasonable businesspeople can reach reasonable business resolutions. FCA cases are the same. They tend to proceed to trial only when one of the two sides has made a miscalculation of risk.

**RR: How did you arrive at your writing philosophy and from your perspective, what types of items do you like to see advocates file in your courtroom?**

**HRM:** Early in my career, a mentor gave me *The Curmudgeon's Guide to Practicing Law* by Mark Herrmann. Chapter 1, available online, is titled "How to Write: A Memorandum from a Curmudgeon." It begins like this:

**To: New Associate**  
**From: Curmudgeon**

**Welcome to the firm.**

**To work at this firm, you must know how to write. Here are the rules. Follow them.**

The memo goes on to give excellent legal writing advice. I have been trying to follow the Curmudgeon's rules my entire career, and I give this memo to every law clerk and intern in my chambers. If everyone followed these rules, all judges would have an easier job.

**RR: You've always championed civility in the legal profession. Has the level of civility changed throughout your career? How do you think the Federal Bar Association's Qui Tam Section strives to cultivate civility that translates to the courtroom?**

**HRM:** I rarely find civility problems among good lawyers. To me, lack of civility usually means "junior varsity." Young lawyers should learn they do not have to be jerks to be effective. The opposite is usually the case.

**RR: You've been actively involved in educating burgeoning and newly admitted lawyers and law clerks within the community about the False Claims Act. Could you share a little about your efforts and some of your thoughts on the importance of exposing students, clerks, and new lawyers to the nuances and history of the False Claims Act?**

**HRM:** The FCA is a niche area, so most young lawyers have never encountered it. I enjoy explaining the statute, its history, and how it works. I hope this will encourage interest in the practice area.

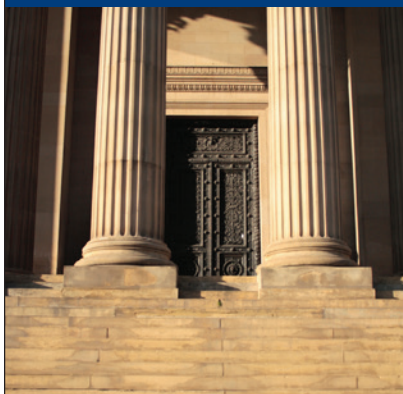
**RR: What do you love about the American legal system from both the bench and the bar perspective?**

**HRM:** As lawyers, we tend to get lost in the work before us. But judges get to see the bigger picture. At the end of the day, the job of the court system is to provide a vehicle for peaceful resolution of disputes according to the rule of law. It may sound corny, but it's true. Our society could not function without the rule of law, and our court system is the place where it happens.

**RR: What is your "go to" coffee beverage at Starbucks?**

**HRM:** Dunkin not Starbucks. Small black coffee. ☺

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