

Jeffrey S. Bucholtz

Partner

Trial and Global Disputes

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Jeff Bucholtz focuses on appeals and legal issues before federal and state courts across the country. As a partner in our Appellate, Constitutional and Administrative Law and Contracts and Business Torts practices, Jeff represents clients in a wide range of civil, regulatory and criminal matters.

Jeff has argued over 40 appeals spanning nearly every federal circuit and several state courts, including two arguments before the U.S. Supreme Court. Jeff's experience extends to a wide range of subject areas, including False Claims Act investigations and litigation, First Amendment and other constitutional issues, product liability litigation, administrative law, and many other types of business litigation. Jeff has particular expertise in Life Sciences and represents numerous FDA-regulated companies in civil, regulatory and criminal matters.

Previously, Jeff served at the U.S. Department of Justice in a number of senior roles, including the Acting Assistant Attorney General and Principal Deputy Assistant Attorney General for the Civil Division, the department's largest litigating division. Jeff was also the Deputy Assistant Attorney General overseeing the Consumer Protection Branch, which brings criminal and civil enforcement actions on behalf of FDA and defends FDA in administrative law challenges, as well as the Torts Branch, which defends constitutional and common-law tort claims against the government and federal employees and officers.

Jeff represents clients in a variety of industries in appeals as well as trial court litigation, and government investigations and regulatory matters that require exceptional legal analysis and creative and strategic advocacy.

Matters

Vascular Solutions in successful defense of a federal criminal prosecution in Texas alleging off-label promotion.

Pandora Media in successful defense in the Second Circuit of an important rate-court decision against ASCAP.

Chevron in a successful action in DC federal court to confirm a \$100M international arbitral award against Ecuador.

A KBR subsidiary in a successful action in NY federal court to confirm a \$400M international arbitral award against Mexico's state oil company, despite a Mexican court's annulment of the award.

Huntington Ingalls in obtaining dismissal (and affirmance on appeal and the denial of certiorari) of a qui tam suit under the False Claims Act in Mississippi, based on the relator's ethical violations.

Several leading companies in life sciences, healthcare, transportation, and other sectors in defense of criminal and civil government investigations, obtaining declinations of criminal charges, dismissal of False Claims Act claims, and favorable resolutions.

Allergan in its First Amendment declaratory judgment action challenging the government's restrictions on truthful speech about off-label uses of FDA-approved drugs.

R.J. Reynolds in several successful appeals in product liability cases in state courts in Florida and Missouri.

GlaxoSmithKline in opposing plaintiffs' lawyers' attempts to bring large numbers of claims in jurisdictions having no relationship to the claims.

A DEA agent in successfully obtaining a grant of certiorari from the U.S. Supreme Court and then reversal after oral argument in *Walden v. Fiore*, a case presenting important issues of personal jurisdiction.

A medical imaging provider in a successful Sixth Circuit appeal of an adverse judgment in a government-intervened False Claims Act case.

Several hospitals in a successful DC Circuit appeal seeking relief for CMS's erroneous adjustments to hospitals' payments.

PODS in obtaining a favorable settlement in an Eleventh Circuit appeal of a trademark infringement action against a competitor.

Allergan and **Shire** in separate Lanham Act false advertising cases against competitors.

A software company in a successful Ninth Circuit appeal of an order refusing to compel arbitration.

Equifax in a successful Fourth Circuit appeal of an order granting class certification.

Two wrongfully convicted individuals who spent 25 years in prison, in a civil rights action against the prosecutors who framed them for murder, after the U.S. Supreme Court granted certiorari to decide whether prosecutorial immunity barred our clients' claims.

GE Capital Aviation Services in a successful Alabama Supreme Court appeal of a large punitive damages award in a commercial dispute.

A large REIT in a successful Eleventh Circuit appeal of a class certification order in a securities case.

A dietary supplement manufacturer in successful defense of an Eleventh Circuit appeal by the FTC.

A leading chemical company in obtaining a favorable settlement of a Second Circuit appeal in a CERCLA action.

Credentials

EDUCATION

B.A., Psychology, University of Pennsylvania, summa cum laude
J.D., Harvard University, magna cum laude

ADMISSIONS

U.S. Court of Appeals for the Federal Circuit
Supreme Court of the United States
U.S. Court of Appeals for the First Circuit
U.S. Court of Appeals for the Second Circuit
U.S. Court of Appeals for the Third Circuit
U.S. Court of Appeals for the Fourth Circuit
U.S. Court of Appeals for the Fifth Circuit
U.S. Court of Appeals for the Sixth Circuit
U.S. Court of Appeals for the Seventh Circuit
U.S. Court of Appeals for the Eighth Circuit
U.S. Court of Appeals for the Ninth Circuit
U.S. Court of Appeals for the Tenth Circuit
U.S. Court of Appeals for the Eleventh Circuit
U.S. Court of Appeals for the D.C. Circuit
U.S. District Court for the District of Columbia
District of Columbia
Virginia

CLERKSHIPS

Judicial Clerk, Samuel A. Alito, Jr., U.S. Court of Appeals for the Third Circuit
Judicial Clerk, Stephen V. Wilson, U.S. District Court for the Central District of California

LANGUAGES

French

Recognition

Firm of the Year for Supreme Court and Appellate Practice
LEGAL 500, 2015

Practice of the Year, Appellate practice
LAW360, 2014

Exemplar of Good Legal Writing, for a Supreme Court brief
GREEN BAG, 2013

Litigator of the Week, for Second Circuit Win for Pandora Media
AMERICAN LAWYER, 2015

Insights

ARTICLE

June 10, 2020 • Source: Chamber Litigation Blog
The Nuisance of Nuisance Litigation

CLIENT ALERT

July 30, 2020

Trump Administration Continues to Promote Drug Importation as a Way to Lower the Cost of Prescription Drugs

April 28, 2020

Constitutional Limitations On Emergency Authority

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Events

CONFERENCE

November 12, 2019

12th Annual King & Spalding Pharmaceutical University

November 13, 2018

11th Annual King & Spalding Pharmaceutical University

WEBINAR

May 14, 2020

FCA Fundamentals for the COVID-19 Landscape

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News

IN THE NEWS

November 17, 2020 • Source: *Law360 and Global Data Review*

Joe Akrotirianakis, Jeffrey Bucholtz and Matthew Noller represent NSO Group before the Ninth Circuit on its immunity request from a lawsuit claiming that it hacked into the phones of more than a thousand WhatsApp users

November 13, 2020 • Source: *Law360*

Daniel Sale, Jeff Bucholtz, Sheldon Bradshaw and Paul Mezzina represent Genus Lifesciences in a lawsuit against the FDA

November 2, 2020 • Source: *Benzinga*

Jeff Bucholtz and Paul Mezzina represent iControl before a Florida federal court, which ruled in favor of the company in a trade secrets dispute with Financial Information Technologies

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