ArentFox Schiff LLP
Attorneys

D. Jacques Smith

PARTNER AND INVESTIGATIONS PRACTICE LEADER

As the national leader of the firm's Investigations group, Jacques helps health care and life science companies navigate bet-the-company government enforcement and litigation matters.



Industries

Health Care
Life Sciences

Practices

Complex Litigation
Government Enforcement & White Collar
False Claims Act Investigations & Litigation
— Investigations

Education

National Judicial College, Advanced Evidence; Advanced Procedure, 2010

Louisiana State University, JD, 1991

Loyola University, BA, cum laude, 1988

Offices

Washington, DC

Phone

202.857.6154

Email

jacques.smith@afslaw.com

Recognized as one of the top False Claims Act (FCA) practitioners in the country, Jacques represents health care and life sciences companies facing sensitive and high-stakes government investigations. He has more than 30 years of experience handling jury, bench, and administrative trials in a variety of civil and criminal cases in state and federal courts throughout the country. From 2013 to 2024, Jacques served as the national leader of the firm's Complex Litigation group. He continues to lead the firm's sought-after Investigations group, a destination for pharma and health care companies facing FCA and other civil investigations and litigation.

Jacques counsels his clients from a strategic hybrid perspective gained from his years of experience as both a trial attorney and an AV Preeminent® judicial-rated judge. A decorated Captain with unique legal insight developed over 30 years of service in the US Navy, including 24 years spent maintaining a dual career with ArentFox Schiff, Jacques served as General Courts-Martial Judge and Chief Navy Reserve Trial Judge and on the Navy-Marine Corps Court of Criminal Appeals. He presided over more than 200 jury, bench, and appellate trials and hearings during his more than 12 years on the trial and appellate benches and was designated a Litigation Expert by the Navy Judge Advocate General Corps' Military Justice Litigation Career Track Selection Board in 2009. Today, Jacques excels at steering clients through complex commercial disputes, internal investigations, and responses to government inquiries and helps them put their best foot forward in the courtroom by drawing on his extensive training in evidence, trial practice, and judicial methodology.

Jacques is consistently ranked as a leading health care litigator by both *Chambers USA* and the *Legal 500 US* and is recognized with an AV Preeminent® rating. A frequent writer and speaker on government investigations and the FCA, Jacques' work has been widely cited by *The National Law Journal*, *Bloomberg Legal*, *Compliance Week*, *Law360*, and other leading publications. His cases have gained nationwide attention and been covered by electronic and print media, including *The New York Times*, *USA Today*, *The Wall Street Journal*, *Chicago Tribune*, *The Washington Post*, *The Miami Herald*, and other leading news organizations.

A thought leader in the Health Care and Enforcement industry, Jacques founded and leads the firm's popular *Investigations Blog*, a go-to source of enforcement news and analysis. The weekly publication has been the firm's top blog since its establishment in 2020. From 2020 to 2024, JD Supra recognized Jacques and the Investigations Blog with its Top Author Award. Jacques continues to be one of the firm's top-read authors, gaining almost 100,000 reads of over 50 news alerts and legal commentaries each year.

Client Work

Jacques advises domestic, foreign, and sovereign clients on their rights and liabilities before litigation arises. When litigation becomes necessary, he represents clients in complex internal investigations and civil litigation at all levels in both federal and state courts. He has substantial experience in responding to government subpoenas and civil investigative demands (CIDs) as well as supervising a nationwide litigation docket of complex cases arising in multiple states. More than 50 of Jacques' cases have been reported.

Selected significant matters include:

- Represented a pharmaceutical manufacturer in a $46 million resolution of a four-year investigation brought by the US Attorney for the District of Massachusetts and DOJ alleging violations of the False Claims Act, the Anti-Kickback Statute, antitrust laws, and the Federal Food, Drug, and Cosmetic Act in *United States ex rel. Toulsor 1, Inc. v. Veloxis Pharmaceuticals A/S, et al.* (DOJ; USDC D. Mass)
- Representation of a large public hospital in the resolution of a $70 million False Claims Act and Stark Law litigation in *United States ex rel. Reilly v. North Broward Hospital District* (USDC SD Fla.)
- For more than 17 years, served as lead litigation counsel representing a global pharmaceutical manufacturer in connection with the Average Wholesale Price MDL throughout the country in *In re Pharmaceutical Industry Average Wholesale Litigation* (MDL No. 1456)
- Served as lead counsel representing a large, international pharmaceutical company in an investigation brought by the US Attorney for the District of Massachusetts and DOJ alleging violations of the False Claims Act and possible violations of the Federal Food, Drug, and Cosmetic Act in *United States ex rel. Albermarle v. Cipla, et al.* (DOJ; USDC D. Mass)
- Obtained declination on behalf of a former executive of a health care company in a wide-ranging investigation focusing on allegations related to violations of California's Unfair Competition Law and False Advertising Law through the corporate practice of medicine (the company entered into a multimillion-dollar settlement) in *California v. Carbon Health Technologies, et al.* (Superior Court CA)
- Obtained dismissal on behalf of a global pharmaceutical company in two related litigations alleging violations of the False Claims Act, *United States ex rel. John R. Borzilleri, M.D., et al v. Abbvie, Inc., et al.* (USDC SDNY and DRI; 1st Cir. and 2nd Cir.)
- Represented pharmaceutical manufacturer in bet-the-company investigation brought by the US Attorney for the District of Massachusetts and DOJ alleging violations of the False Claims Act, the Anti-Kickback Statute, antitrust laws, and the Federal Food, Drug, and Cosmetic Act.
- Represented large pharmaceutical manufacturer in False Claims Act investigation brought by DOJ involving alleged violations of the Federal Food, Drug, and Cosmetic Act.
- Represented multi-national generic pharmaceutical manufacturer in False Claims Act investigation brought by DOJ involving alleged violations of the Federal Food, Drug, and Cosmetic Act.
- Obtained declination of two proton therapy centers in a False Claims Act, Stark Law, and Anti-Kickback Statute investigation in *United States ex. rel. Ward v. ProCure Management* (USDC WD Ok.)
- Obtained declination on behalf of the former president of a benefit management company in a False Claims Act investigation (the former company entered into a $54 million settlement) in *United States ex. rel. Miller v. CareCore National* (USDC SDNY)
- Served as lead counsel representing multiple entities in investigations brought by the US Attorney for the District of Massachusetts into whether pharmaceutical manufacturers and patient assistance programs violated the Anti-Kickback Statute and False Claims Act relating to the provision of co-pays, obtaining declination of one entity (DOJ; USDC D. Mass)
- Obtained dismissal of a financial institution in a False Claims Act lawsuit asserting billions of dollars in claims in *United States ex. rel. Brown and Stone v. BankUnited Trust* (USDC SD Fla.)
- Obtained favorable settlements on behalf of multiple pharmaceutical companies in pricing disputes alleging fraudulent Medicaid reimbursements in *State of Louisiana v. Abbott Laboratories, et al.* (19th Judicial District; 1st Cir.; Supreme Court (LA))
- Obtained declination on behalf of an international medical device manufacturer in an investigation by the DOJ Consumer Protection Branch and the United States Attorney's Office for the District of Massachusetts into False Claims Act allegations and possible criminal or civil violations of the

Federal Food, Drug, and Cosmetic Act in *United States v. Coloplast et al.* (USDC D. Mass)

- Obtained dismissal of a major pharmaceutical company in a False Claims Act litigation in *United States, ex rel. Conrad v. Actavis Mid-Atlantic, et al.* (USDC D. Mass)
- Obtained dismissal of a public hospital in four False Claims Act Cases where its former General Counsel brought suit (Sup. Ct. Cal.; USDC ND Cal.)
- Representation of a major hospital in connection with a proposed Government audit and complex administrative subpoena (USDC ED Pa.; 3rd Cir.)
- Representation of a major urban hospital in connection with a False Claims Act case (USDC DDC)
- Obtained dismissal of a vaccine manufacturer in a False Claims Act litigation in *Dingle v. BioPort Corp.* (USDC WD Mich.; 6th Cir.; USSC)
- Obtained summary judgment in favor of a generic pharmaceutical company in a patent case in *Glaxo v. Impax Laboratories* (USDC ND Cal.)
- Obtained dismissal on behalf of a major vaccine producer in a challenge brought by military service members in *Bates v. BioPort Corp.* (USDC DDC)
- Representation of a major pharmaceutical company in connection with patent and unfair competition litigation (USDC MD)

Celebrating ArentFox Schiff's Veterans: Jacques Smith on Going From Military Service to Client Service

In 1990, Jacques began his career as a litigator while serving with the Judge Advocate General's Corps of the United States Navy. As a US Navy attorney, Jacques served as a prosecutor, chief defense counsel, and appellate defense counsel while being stationed throughout the world. He gained extensive litigation experience, trying hundreds of courts-martial at trial and on appeal. Jacques later served in the Navy's General Litigation Division, representing the Navy's and Department of Defense's interests in federal district courts and courts of appeal throughout the country, the US Court of Claims, and the Federal Circuit. Following his affiliation with ArentFox Schiff in 1996, Jacques continued his service as a reserve officer in several roles. Jacques served as Commanding Officer (acting) and Executive Officer of the Regional Legal Service Office for Naval District Washington, as a General Court – Martial Military Judge, as the Chief Judge of the Navy Reserve Trial Judiciary, and as an Appellate Judge on the Navy-Marine Corps Court of Criminal Appeals.

Jacques was named the American Bar Association's Outstanding Young Naval Attorney in 1993 and has been awarded the Legion of Merit, three Meritorious Service Medals, five Navy Commendation Medals, the Navy Achievement Medal, and multiple Secretarial and Flag Letters of Commendation for outstanding military and professional service. He was promoted to Captain in the United States Navy in 2009 and retired from the Navy with 30 years of service in 2020.

Jacques was designated a Litigation Expert by the Navy Judge Advocate General Corps' Military Justice Litigation Career Track Selection Board in 2009. He has taken several advanced classes at the National Judicial College and served as an adjunct faculty member at the Naval Justice School and Army's Judge Advocate General School for many years, focusing on evidence, trial practice, and judicial methodology. As a result, Jacques was recognized with an AV Preeminent® judicial rating.

Read more about Jacques' military career.

Jacques maintained a dual career with ArentFox Schiff and the Navy for 24 years. Out of respect and appreciation for the firm's support during this time, he formed AFSVets with other active, reserve, former, and retired military and uniformed service employees. The goal of AFSVets is to create and foster awareness and community for ArentFox Schiff's military and uniformed service employees by concentrating on issues specific to those who are or have been in service, while applying that experience to serving clients with similar military backgrounds.

Publications, Presentations & Recognitions

Publications

Jacques is a regular writer, speaker, and commentator on a variety of government investigations, FCA, and litigation best practices nationwide. He is the co-author of multiple chapters of a PLI book

on government investigations, litigation, and health care fraud. In addition, he co-wrote about government investigations involving companies' "bring your own device" (BYOD) policies in " Your Employee Has Corporate Data on Her Personal (BYOD) Cellphone – And Someone Else Wants It – Now What?," published by *Chambers USA* (2024). Jacques has also co-written (with Pat Naples and John Keblish) "Cybersecurity failures and liability for healthcare organizations: A new enforcement frontier"; (with Nadia Patel and Meghan Hart) "False Claims Act Enforcement in 2026 to Focus on DEI, AI Fraud"; (with Rebekkah Stoeckler) "How AI May Be Used In Fintech Fraud — And Fraud Detection" (one of *Law360's* most-read expert analyses in March 2024); (with Michael Dearington and Randall Brater) "Eleventh Circuit Deals Blow to Defense Contractors in Key False Claims Act Statute-of-Limitations Tolling Case, Deepening Circuit Split"; and (with Michael Dearington) "Catch Me If You Can: The Divergent and Inconstant Pleading Requirements Governing Qui Tam Complaints."

Jacques is frequently asked to comment on investigations and enforcement trends by industry publications, including:

"DOJ Targeting Healthcare for False Claims Act Enforcement," *Clinician.com,* August 1, 2025, " FCA Working Group Reboot Signals EHR Compliance Risk ," *Law360*, July 22, 2025, "Q&A: FCA Specialist Jacques Smith on Perils, Precautions for Health Care Industry," *The National Law Journal*, May 12, 2021, "Mischievous activity during the pandemic will lead to more healthcare fraud recoveries in 2021," *Healthcare Finance*, March 16, 2021, "Sixth Circuit Offers New Clarity for Copycat Fraud Cases," *Bloomberg Law*, January 29, 2021, "Distilling Compliance Lessons from Healthcare Fraud Cases," *Compliance Week*, January 24, 2019, "DOJ's Slumping FCA Hauls Cloud Future Recovery Prospects," *Law360*, January 11, 2019, and "Damages Could Pile Up if High Court Affirms False Claims Ruling," *Bloomberg Law*, January 4, 2019.

Jacques' recent client alerts and articles in the award-winning *Investigations Blog* include:

- "California Doctor to Pay $3 Million for Insider Trading."
- "Florida Telemarketer Sentenced to 15 Years in Prison for $67 Million Medicare Fraud Scheme."
- "Seventh Circuit Considers When Legal Marketing Transforms Into Illegal Kickbacks."
- "Connecticut State Court Finds Defunct Pharmacy Liable for $39.2 Million in Damages and Penalties."
- "Teva Pharmaceuticals Agrees to Pay $450 Million to Resolve FCA Claims."
- "New York City Mayor Eric Adams Charged for Accepting Foreign Bribes."
- "Walgreens Settles for $106.8 Million Over FCA Violations."
- "Former Congressman George Santos Pleads Guilty to Wire Fraud and Aggravated Identity Theft."
- "Post-Chevron Health Care Regulations: Using Loper Bright as a Shield in Stark Law Litigation."
- "Federal Court Dismisses $680 Million FCA Suit."
- "DOJ Announces Agreement With Rite Aid to Settle Allegations of Violating the FCA and CSA in Relation to Opioid Dispensing."
- "Chicago Laboratory Owner Charged with Defrauding Medicare in $60 Million COVID-19 Test Kit Scheme."
- "Biomedical Company Avoids DOJ Prosecution After First Ever Voluntary Corporate Self-Disclosure of Fraud Under NSD Enforcement Policy."

Recognitions

Chambers USA and *Legal 500 US* have consistently recognized Jacques for his litigation and investigations work in the health care industry.

Professional Activities

Pro Bono Work

Throughout his career, Jacques has demonstrated a strong commitment to public service matters. In 2000, he was awarded the firm's Albert Arent Pro Bono Award for outstanding commitment to community service and pro bono interests. In 2018 and again in 2021, he was awarded the Marc L. Fleischaker Award for his outstanding work on pro bono matters.

Bar Admissions

District of Columbia
Maryland

Court Admissions

Supreme Court of the United States
US Court of Appeals, Armed Forces
US Court of Federal Claims
US Court of International Trade
Navy-Marine Corps Court of Criminal Appeals
US District Court, District of Columbia
US District Court, Eastern District of Louisiana
US District Court, Middle District of Louisiana
US District Court, Eastern District of Wisconsin
US District Court, Western District of Michigan
US Court of Appeals, District of Columbia Circuit
US Court of Appeals, Federal Circuit
US Court of Appeals, 1st Circuit
US Court of Appeals, 3rd Circuit
US Court of Appeals, 4th Circuit
US Court of Appeals, 6th Circuit
US Court of Appeals, 9th Circuit