



## Bradley M. Smyer

Partner

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### *Related Services*

Litigation ■ Commercial ■ Health Care Litigation ■ Health Care ■ FDA/Food, Drug & Device ■ Life Sciences ■ White Collar, Government & Internal Investigations ■ State Attorneys General Practice Team ■ Products Liability ■ Insurance Litigation & Regulation ■ Fraud & Abuse ■ Health Care Regulatory Counseling and Fraud & Abuse ■ False Claims Act ■ Corporate Compliance Programs

Brad Smyer helps clients navigate complex litigation, government investigations, and whistleblower lawsuits. Brad also uses his industry experience, including his Certification in Healthcare Compliance (CHC) and prior experience working for a prominent health system, to help health care clients avoid and resolve compliance issues and government enforcement actions. He has been recognized by *The Best Lawyers in America*® “Ones to Watch” in the areas of Health Care Law, Criminal Defense: White Collar, and Commercial Litigation, and by *D Magazine* as a “Best Lawyer Under 40 in Dallas.”

Before joining Alston & Bird, Brad clerked for the Honorable Lloyd D. George, chief judge emeritus of the U.S. District Court for the District of Nevada, and worked for another global law firm. While in law school, Brad was an S.K. Yee Scholar and was awarded Legal Practice Program Honors.

### *Representative Experience*

#### **Government Enforcement & Health Care Compliance**

- Defended a world-renowned university health system in a whistleblower suit in the federal trial and appellate courts.
- Represented a Fortune 500 medical device company in an internal compliance investigation.
- Counseled clients across the health care and life sciences industries on compliance program policies and best practices.
- Assisted with the privileged assessment and development of compliance programs for hospitals and health care providers, medical device manufacturers, pharmaceutical companies, and medical waste entities.
- Represented government contractors in federal appeals involving multibillion-dollar False Claims Act allegations.
- Represented health systems and physician groups in various self-disclosures to state and federal agencies.
- Represented a national neonatal physicians’ practice in the resolution of state and federal whistleblower actions.
- Represented a hospital pharmacy in a narcotics diversion investigation by the DEA and state pharmacy board.
- Represented a dental practice in overcoming Medicaid recoupment based on a challenge to the state’s statistical extrapolation.
- Defended a cardiac physician practice in a federal criminal subpoena and FBI investigation.
- Represented a nationally renowned children’s hospital in the resolution of a commercial overbilling investigation by state insurance agencies.
- Represented freestanding emergency rooms in federal and state license revocation actions.

- Represented a nationally renowned academic medical center in Medicare inpatient payment appeals.
- Represented a large dialysis system in a CMS quality investigation.
- Represented academic researchers in the resolution of a federal research misconduct investigation.
- Represented a nonprofit behavioral health system in the resolution of Medicaid payment holds.
- Represented CLIA laboratories in license revocation actions.
- Represented a major insurance company in civil cases involving network agreement and fee-forgiveness disputes.
- Advised a national dental management company on entity structure and compliance practices.
- Advised a medical device startup on FDA licensing issues.
- Represented a neonatal physician group in a grand jury investigation.

## ***Complex Business, Construction & Commercial Litigation***

- Represented a window manufacturer in the state court enforcement of a non-compete agreement.
- Represented a solar panel manufacturer in the federal appeal of an international arbitration award.
- Represented a large cement manufacturing company in construction cases in state and federal courts and arbitration forums.
- Represented an apartment utilities manager in a third-party subpoena and consumer class action.
- Represented a national telecommunications provider in the dismissal of a state consumer suit.
- Represented an oil drilling company in breach of contract and fraud claim litigation.

## ***Publications & Presentations***

### ***Publications***

- "Be Aware of These 3 Potential False Claims Act Developments," *Dallas Bar Association Headnotes*, April 2023.
- "Five Takeaways from the New Stark/Anti-Kickback Regulations," *Headnotes*, Dallas Bar Association, Vol. 46, No. 4, April 2021.
- "Five Things to Know About the Corporate Practice of Medicine," *Headnotes*, Dallas Bar Association, Vol. 45, No. 2, February 2020.
- "Travel Act Gets Mileage in Health Care Cases," *Law360*, August 30, 2018.
- "Tips for Statistics in Health Care Enforcement Cases," *Headnotes*, Dallas Bar Association, Vol. 43, No. 2, February 2018.
- "Into the Eye of the Storm: Navigating the New Landscape of Government Investigations," *For the Defense*, June 2016.
- "2014 Annual Review of Antitrust Law Developments," *Antitrust*, ABA Section of Antitrust Law, 2015.
- "Five Things Every Lawyer Should Know About Health Care Laws," *Headnotes*, Dallas Bar Association, Vol. 39, No. 11, November 2014.

### ***Education***

- University of Michigan (J.D., 2009)
- Brigham Young University (B.A., 2006)

## *Admitted to Practice*

- Texas