

Sheppard Mullin Adds Crowell & Moring Gov't Contracts Pro

By **Cara Mannion**

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A former Crowell & Moring LLP partner has joined Sheppard Mullin Richter & Hampton LLP, with 17 years of trial experience representing government contractors and health care clients in False Claims Act and antitrust suits against parties such as Mylan Laboratories Inc. and the federal government.

Robert T. Rhoad joined Sheppard Mullin in Washington, D.C., as partner on Aug. 5. He said he hopes to assume a leadership role moving the firm's health care and government contracts False Claims Act work forward while expanding the practice into other industries such as financial services and natural resources.



Robert T. "Bob" Rhoad

Sheppard Mullin's overlapping clientele with Crowell & Moring was a motivator behind his move, Rhoad told Law360 on Friday, but ultimately he was convinced by the opportunity to work again with his longtime mentor David Douglass, who he worked with at Porter Wright Morris & Arthur LLP in the late 1990s.

"Sheppard Mullin is known as having some of the most predominant government contractors as clients," Rhoad said. "But I knew ... that I wanted to work with David again."

Rhoad said that his most memorable False Claims Act case to date was helping his client Moving Water Industries Corp. escape damages in an appeal at the D.C. Circuit over the company's irrigation pump sales commissions. In 2013, a federal jury reached a \$22.5 million verdict against the company, but the appeals court nixed all damages and liability after ruling that the government's definition of an "unreasonably high" commission payment wasn't precise enough for the company to know that it might be violating the law.

"The government can't get away with not defining material terms and then pursuing a case against a small, family-owned company, particularly when that would put it out of business," Rhoad said. "It was the epitome of fundamental unfairness."

In addition to Sheppard Mullin's government contracts team, Rhoad will also work in its health care litigation group. He has experience representing insurance providers, medical device manufacturers and pharmaceutical companies in antitrust, False Claims Act and fraud and abuse suits.

For example, he secured a \$4.3 million settlement in 2008 for his client Health Care Service Corp. after it chose to pursue its own antitrust suit outside of a \$35 million class action settlement against Mylan Laboratories Inc. The suit alleged that Mylan tied up the market for two anti-anxiety drugs and inflated their prices.

Rhoad said that suit was significant because it was the first antitrust case involving the pharmaceuticals industry that was tried to verdict on behalf of health payors and insurers.

“I don’t know if pursuing this type of rare case makes me smart or crazy, but it makes me lucky because we ended up with a better deal,” he said.

Rhoad began his career in the Judge Advocate General’s Corps in 1994 and then moved to Porter Wright Morris & Arthur LLP in 1999, where he became partner. He joined Crowell & Moring in 2007 and worked there for nine years.

Rhoad earned two undergraduate degrees in history and political science from the University of Vermont in 1989. He went on to get a JD from Vermont Law School in 1994 and an LLM in 1999 from the George Washington University Law School, where he works as an adjunct professor.

--Editing by Stephen Berg.