

## Melissa Bayer Tearney

Co-Chair, Litigation



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### Practice Areas

Government Enforcement & Compliance  
Complex Investigations

### Education

Harvard Law School  
JD (1991) *cum laude*

Harvard College  
AB (1988) *magna cum laude*

### Admissions

Massachusetts

U.S. District Court, Massachusetts

U.S. Court of Appeals, First and Fourth Circuits

Melissa Tearney, co-chair of Choate's Litigation Department, helps clients ranging from start-ups to global companies – and their high level executives – to successfully navigate the complex and high-stakes challenges of government investigations, internal investigations, False Claims Act litigation, and the development and implementation of effective compliance measures and programs. Melissa's nearly 30 years of experience includes guiding clients through issues with a range of government agencies including DOJ, HHS-OIG, and the SEC, and state attorney generals. The breadth of her subject matter expertise, particularly as it relates to the life sciences industry, includes research integrity issues and grant management compliance.

Throughout her career, Melissa has established productive working relationships with U.S. Attorneys' offices across the country, which enable her to bring matters to more efficient conclusions for our clients. And, the insights she shares with clients are based on a thorough understanding of the cross-over between compliance best practices and enforcement processes.

### Representative Engagements

- Defend international pharmaceutical and medical device companies in federal and state investigations involving sales, marketing, promotional, and pricing practices.
- Represent multi-national life sciences companies in internal investigations of alleged employee misconduct.
- Represent life sciences companies in settlement negotiations with federal and state authorities, including the negotiation and implementation of Corporate Integrity Agreements and Deferred Prosecution Agreements.
- Represent pharmaceutical and medical device companies in False Claims Act litigation.
- Represent companies and individuals in federal investigations involving quality and safety of medical devices and pharmaceutical products.
- Represent defense contractors in False Claims Act investigations.
- Represent companies and individuals in SEC investigations when they are accused of sophisticated financial fraud.
- Defend individual executives in federal and state investigations targeting international pharmaceutical companies.
- Provide FCPA advice to entities in connection with internal and government investigations.

- Assist multinational public companies in the design, implementation, and evaluation of compliance programs.
- Represent pre-commercial and early stage companies in compliance matters, including the development of appropriate Codes of Conduct, HCP engagement policies, and Investigator-Initiated Trials processes.
- Represent academicians and universities in research misconduct proceedings and False Claims Act investigations.
- Assist university and teaching hospital clients address “foreign component” and potential financial conflict of interest concerns and facilitating self-disclosures to agencies where appropriate.

## Publications and Presentations

- “Stay on the Pulse of Emerging Trends,” moderator, Pharmaceutical Compliance Congress, April 2022
- “Enforcement Action Updates,” moderator, Pharmaceutical Compliance Forum Pharmaceutical and Medical Device Ethics and Compliance Congress, November 2021
- “OIG Special Fraud Alert on Speaker Programs — Company Insight and Benchmarking by Size,” moderator, Informa Connect Pharmaceutical Compliance Congress, September 2021
- “Mini Summit XVIII: Government Enforcement Trends,” moderator, Pharmaceutical Compliance Forum, November 2020
- “Patient-Centricity and Compliance in the Digital Revolution,” moderator, CBI Pharmaceutical Compliance Congress, August 2020
- “Rethinking the Compliance Profession — Where Should We Go from Here?” panelist, CBI Pharmaceutical Compliance Congress, April 2019
- “Expanded Access – A Regulatory Balancing Act For Drug Cos,” co-author, *IP Law360*
- “Female Powerbrokers Q&A: Choate's Melissa Tearney,” featured, *White Collar Law360*
- “Stakes are High for Companies Negotiating CIAs,” co-author, *White Collar Law360*
- “Q&A With Choate’s Melissa Tearney,” featured, *Law360*
- “Trends in White Collar Defense Practice: Stepped-up Government Enforcement Efforts in the Pharma and Medical Device Industries,” interviewed, *The Metropolitan Corporate Counsel*
- “Are You Being Bribed?: Health Care Ethics and Compliance in the AdvaMed Code Era,” co-author, *The American Journal of Orthopedics*

## Professional and Community Involvement

- Member of Choate’s Pro Bono Committee and Diversity, Equity and Inclusion Committees
- Vice-Chair of the Boston Women’s Fund Board of Directors

- Chair of Hebrew SeniorLife's Board of Directors
- Past President of Greater Boston Legal Services and member of its Board of Directors and Executive Committee
- Member of Camp Bauercrest's Board of Directors and Executive Committee
- Former Trustee of Thayer Academy and current Co-Chair of its Capital Campaign
- Member of the Boston Bar Association
- Member of Phi Beta Kappa

## Recognition

- *Boston Magazine* Top Lawyer in Criminal Defense White Collar (2022)
- *Chambers USA* (2020-2023)
- *Best Lawyers in America* (2013-2024)
- "White Collar Crime Trailblazer" by *The National Law Journal*
- "Litigation Star" by *Benchmark Litigation*
- "Top Woman of Law" by *Massachusetts Lawyers Weekly*
- "2016 Woman of Influence" by *Boston Business Journal*
- *Massachusetts Super Lawyers*
- *Lawdragon: 500 Leading Litigators in America* (2024)