

Melissa Bayer Tearney

Partner

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Melissa Tearney is a partner in the Firm's Government Enforcement & Compliance Practice Group. She has been named a "Top Woman of Law" by *Mass Lawyers Weekly*, "2016 Woman of Influence" by the *Boston Business Journal*, is a *Massachusetts Super Lawyer* and is listed in *Best Lawyers in America*.

EDUCATION

Harvard Law School
JD, 1991, *cum laude*

Harvard College
BA, 1988, *magna cum laude*

PRACTICE FOCUS

Government Enforcement & Compliance

Ms. Tearney represents individuals and corporations in criminal matters in several substantive legal areas, including: healthcare fraud and abuse; foreign corrupt practices; bank fraud; financial fraud; hazardous waste and other environmental violations; customs; antitrust; and civil and criminal RICO. She routinely represents clients before state and federal grand juries and investigative bodies and has extensive trial and appellate experience. She also assists clients to develop programs to comply with all applicable laws and prepares compliance manuals to minimize the risk of governmental or regulatory scrutiny.

REPRESENTATIVE ENGAGEMENTS

- Defense of international pharmaceutical companies in federal and state investigations involving sales, marketing and pricing practices.
- Defense of international medical device company in federal criminal and civil investigation alleging Anti-Kickback Statute violations.
- Defense of metal refining company for FCPA and customs violations.
- Investigation of allegations that public company engaged in FCPA violations in China.
- Investigation of allegations that public company engaged in FCPA violations in Brazil and management of subsequent voluntary disclosure.
- Defense of academicians and universities in research misconduct proceedings.
- Defense of individual executives in federal and state investigations targeting international pharmaceutical companies.

ADMISSIONS

Massachusetts

PRACTICE AREAS

Government Enforcement &
Compliance

- Defense of medical device company in civil False Claims Act litigation.
- Defense of individuals against allegations of environmental violations.
- Defense of companies and executives against allegations of accounting fraud.
- Design and implementation of compliance programs for multinational public companies.

PUBLICATIONS AND PRESENTATIONS

- “Expanded Access – A Regulatory Balancing Act For Drug Cos,” *co-author, IP Law360*, June 2016.
- “Female Powerbrokers Q&A: Choate's Melissa Tearney,” *featured, White Collar Law360*, February 2014.
- “Stakes are High for Companies Negotiating CIAs,” *co-author, White Collar Law360*, October 2012.
- “Q&A With Choate’s Melissa Tearney,” *featured, Law360*, May 2012.
- “Trends in White Collar Defense Practice: Stepped-up Government Enforcement Efforts in the Pharma and Medical Device Industries,” *interviewed, The Metropolitan Corporate Counsel*, April 2011.
- “Choate Picks up Nixon Peabody White Collar Guru,” *featured, White Collar Law360*, March 2011.
- “Are You Being Bribed?: Health Care Ethics and Compliance in the AdvaMed Code Era,” *co-author, The American Journal of Orthopedics*, March 2006.

PROFESSIONAL AND COMMUNITY INVOLVEMENT

Ms. Tearney is a member of Hebrew SeniorLife’s Board of Directors and chair of the board’s Governance and Conflicts Committees as well as a member of the Development and Audit and Compliance Committees. She is a member of Greater Boston Legal Services and serves on its Board of Directors and Executive Committee. Ms. Tearney also serves on Camp Bauercrest’s Board of Directors and Executive Committee and is chair of Thayer Academy Board of Trustees. She is a member of the Massachusetts Bar Association, the Women’s Bar Association and Phi Beta Kappa. Additionally, Ms. Tearney is a member of the Firm’s Executive Committee and its Pro Bono Committee, and has served as co-chair of the firm’s Hiring Committee and Summer Program.