

Jessica L. Ellsworth

Partner

Washington, D.C.

Biography

Having argued more than three dozen appeals, Jessica Ellsworth focuses her practice on the Supreme Court and federal and state courts of appeals. She also partners with regulatory colleagues in Administrative Procedures Act challenges to government agency action, with the white collar group in False Claims Act (FCA) litigation, and with colleagues around the firm on issues of personal jurisdiction. In all these matters, she brings her appellate perspective to developing and managing case strategy and crafting dispositive motions.

Jess combines extensive knowledge of and experience in appellate courts with a keen ability to help clients approach and solve the litigation challenges they face.

Whether the case involves the FCA, a challenge to federal agency action, sovereign immunity, statutory interpretation, patent infringement, or a contrary jury verdict, Jess helps clients craft winning appellate briefs. Well-versed in appellate argument, she then presents clear and cogent arguments on behalf of her clients in federal courts of appeals around the country (most recently, the Federal, Second, and Fifth Circuits) and in state appellate courts (most recently, in Florida, Pennsylvania, and Maine). Jess has been named a *Super Lawyers* Rising Star for appellate litigation in 2013, 2014, 2015, and 2016.



Phone

+1 202 637 5886

Fax

+1 202 637 5910

Email

jessica.ellsworth@hoganlovells.com

Practices

Administrative and Public Law

Education

Health Law

Litigation

Pharmaceutical and Biotechnology
Regulatory Law

Industries

Aerospace, Defense, and
Government Services

Automotive and Mobility

Consumer

Education

Jess follows developments in the law on the issues that matter to her clients, and her clients span the automotive, pharmaceutical, life sciences, and financial services industries, among others. She has successfully litigated motions to dismiss, motions for summary judgment, and appeals across all these industries.

Before joining the firm, Jessica served as a judicial clerk to the Honorable Martha Craig Daughtrey of the U.S. Court of Appeals for the Sixth Circuit and the Honorable Rebecca Beach Smith of the U.S. District Court for the Eastern District of Virginia. While in law school, Jessica was named Best Oralist by then-U.S. Supreme Court Justice David Souter in the Harvard Law School Ames Moot Court Competition.

Representative experience

Successfully represented an Indian tribe in the Supreme Court on a matter of tribal sovereign immunity.

Prevailed in a challenge to the FDA's denial of orphan drug exclusivity and obtained order directing FDA to grant such exclusivity.

Successfully argued a Fourth Circuit appeal involving the False Claim Act's public disclosure bar.

Successfully argued a D.C. Circuit appeal involving the Foreign Sovereign Immunities Act and personal jurisdiction.

Prevailed in a Second Circuit appeal based on an arbitration award precluding an employment retaliation claim.

Filed successful brief opposing certiorari in a case involving the United Nations Convention on Recognition and Enforcement of Foreign Arbitral Awards.

Argued a successful appeal in the Virginia Supreme Court for a university involving a statutory

Energy and Natural Resources
Financial Institutions
Insurance
Life Sciences and Health Care
TMT

Areas of focus

Appellate and Supreme Court Litigation
Administrative Procedure Act
Antitrust and Competition Litigation
Class Actions and Group Litigation
Commercial Litigation
Financial Services Litigation
Hospitals and Health Care Providers
Judicial Review
Pharmaceutical and Biotechnology
Product Litigation

Education and admissions

Education

J.D., Harvard Law School, 2001

B.A., magna cum laude, Dartmouth College, 1998

interpretation question of first impression.

Dedicated a decade to seeking, and ultimately obtained, a green card for a Kurdish Iraqi asylum seeker.

Awards and rankings

- Dispute Resolution: Product Liability, Mass Tort, and Class Action: Automotive/Transport, *Legal 500 US*, 2016-2017
- Dispute Resolution: Appellate: Supreme Court (Federal and State), *Legal 500 US*, 2015, 2017
- Legal Elite, Appellate Law, *Virginia Business magazine*, 2011-2012, 2014, 2016
- Rising Star (Appellate), *Washington, D.C. Super Lawyers*, 2013-2016

Latest thinking and events

- Hogan Lovells Publications
 - Implications from Digital Realty Trust, Inc. v. Somers *FCA Alert*
- Hogan Lovells Publications
 - Lessons from the new U.S. Supreme Court decision affecting timing for filing federal appeals *Appellate Alert*
- Blog Post
 - Hogan Lovells Obtains Major TCPA Consent Revocation Victory
- Hogan Lovells Publications
 - The District of Oregon Rules That the United States May Not Pursue False Claims Act Litigation Against State Entities *Education Alert*
- Hogan Lovells Publications
 - False Claims Act: A Year in Review 2016
- Hogan Lovells Publications
 - False Claims Act Alert: Fourth Circuit Punts on Sampling and Extrapolation *False Claims Act Alert*

Bar admissions and qualifications

District of Columbia

Virginia

Court admissions

U.S. Court of Appeals, District of Columbia Circuit

U.S. Court of Appeals, 8th Circuit

U.S. Court of Appeals, 11th Circuit

U.S. Court of Appeals, Federal Circuit

U.S. Court of Appeals, 5th Circuit

U.S. Court of Appeals, 1st Circuit

U.S. Court of Appeals, 4th Circuit

U.S. Court of Appeals, 9th Circuit

U.S. Court of Appeals, 2nd Circuit

U.S. Court of Appeals, 7th Circuit

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, 10th Circuit

U.S. Court of Appeals, 3rd Circuit

U.S. District Court, Eastern District of Virginia

U.S. Supreme Court
