

PARTNER

Samuel C. Kaplan

Washington D.C.

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PROFILE

Samuel's practice focuses on complex commercial litigation with a subspecialty in government litigation. Throughout his career in private practice, as a trial attorney at the U.S. Department of Justice (2001-2007), and as Assistant Deputy Attorney General for Civil Litigation with the District of Columbia Office of the Attorney General (2007-2011), Sam has excelled in developing novel approaches to complex and difficult issues of first impression. He has represented clients in numerous trials, evidentiary hearings, and appeals and argued numerous dispositive motions.

While with the DOJ, Sam served as lead counsel and successfully represented the United States in a wide range of civil litigation, including a challenge to the federal nursing home enforcement regulations and standard survey protocol brought by the largest nursing home chain the country; lawsuits asserting the unconstitutionality of the copyright restoration provisions of the Uruguay Round Agreements Act; and the first major lawsuits invoking the so-called unfunded mandates provision of the No Child Left Behind Act. He also successfully represented the U.S. Department of Housing and Urban Development in a major land sales fraud case brought against 20 individual and corporate defendants.

Sam supervised civil litigation and served as lead counsel in various matters while with the District of Columbia, including successfully obtaining decertification of a major class action, and defending against a fair cross-section challenge to the District's jury-selection system and attempts to overturn District same-sex marriage legislation via a proposed initiative and referendum. He received the Office's Distinguished Service Award.



PRACTICES

Antitrust and Competition
Appellate
Energy
Media and First Amendment
Constitutional Law
Government Litigation
Life Sciences and Health Care
Commercial Disputes
Aerospace and Satellite
Employment Disputes
Elections and Political Disputes

EDUCATION

Harvard Law School, J.D., *magna cum laude*
University of Texas at Austin, B.A., *summa cum laude*, Plan II/History Honors Program

ADMISSIONS

Bars

District of Columbia
Maryland
U.S. District Court: District of Columbia
U.S. District Court: District of Nebraska
U.S. Court of Federal Claims
U.S. Court of Appeals: Fourth Circuit

EXPERIENCE

Sam’s representative matters at BSF have included:

- Defense of the Kurdistan Regional Government in litigation brought by the Republic of Iraq
- Defense of property owners in major eminent domain actions related to large-scale developments in Washington D.C.
- Defense of Napster in its landmark copyright dispute against the Recording Industry Association of America
- Defense of a major tobacco company in antitrust litigation related to its retail-merchandising programs
- Post-trial motions challenging a jury's award of over \$50 million in compensatory and punitive damages against PBS
- Supreme Court litigation involving the constitutionality of restrictions on access to information about arrestees and the retention of interest earned on improperly forfeited property

PUBLICATIONS & PRESENTATIONS

"Grab Bag of Principles' or Principled Grab Bag? The Constitutionalization of Common Law," 49 S.C. L. Rev. 463 (1998)

U.S. Court of Appeals: Fifth Circuit

U.S. Court of Appeals: Tenth Circuit

U.S. Supreme Court

GOVERNMENT SERVICE

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Trial Attorney, United States Department of Justice, Civil Litigation Division, Federal Programs Branch

Assistant Deputy Attorney General, Office of the Attorney General for the District of Columbia, Civil Litigation Division

CLERKSHIPS

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Chief Judge Richard S. Arnold, U.S. Court of Appeals: Eighth Circuit