

James W. Matthews

Partner

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James Matthews handles complex business disputes for a variety of businesses, including manufacturers of pharmaceutical products and medical devices, frequently representing life sciences and technology companies in commercial disputes pending in courts and before arbitrators throughout the country. In addition to representing these businesses in litigation, he is a trusted advisor to them in connection with the litigation risks associated with their businesses.

In the past 20 years, James has acted as lead counsel to generic drug manufacturers and pharmaceutical distributors in some of the most complex and multifaceted litigations pending in courts across the United States. He has also represented these companies as both defendant and plaintiff in commercial disputes, resulting in defense verdicts and plaintiffs' verdicts and settlements collectively in excess of hundreds of millions of dollars.

Prior to joining Foley, James was a partner at another firm. He also was appointed Special Assistant District Attorney for Middlesex County for an interim period. For two years after law school, he clerked for The Honorable John E. Conway, U.S. District Judge for the District of New Mexico.

James is a member of the Business Litigation & Dispute Resolution Practice Group and co-chair of the Pharmaceutical and Other Regulated Drugs Area of Focus within the firm's Health Care & Life Sciences Sector.

Representative Experience

- Lead national counsel for an international generic drug manufacturer in the generic drug antitrust cases coordinated in the Eastern District of Pennsylvania. Responsible for coordinating claims under federal and state antitrust laws brought by the Attorneys General of most states and purchasers and payors of generic drugs, including Medicaid agencies, wholesalers and distributors, pharmacies, insurers, and consumers.

- Lead national counsel to several drug manufacturers and a distributor of pharmaceutical products in hundreds of cases pending throughout the United States alleging the creation of a public nuisance arising from the sale and distribution of opioid products.
- Lead national counsel for a NYSE-listed generic drug manufacturer and its affiliates in government enforcement actions pending in state and federal courts throughout the country. Responsible for coordinating the defense of civil actions under the Federal False Claims Act and analogous state statutes pending in federal court and in state courts in Alabama, Alaska, Idaho, Florida, Hawaii, Illinois, Kansas, Kentucky, Louisiana, Massachusetts, Mississippi, Missouri, New York, Oklahoma, South Carolina, Texas, Utah, and Wisconsin.
- Lead counsel for international generic drug manufacturer in prosecution “pay-for-delay” antitrust action against brand manufacturer and several generic manufacturers, recovering settlements collectively in excess of US \$150m on eve of submitting claims to jury following multi-week trial.
- Lead counsel for international generic drug manufacturer in successful arbitration of complex commercial dispute that injured manufacturer’s reputation in significant government funded health care market.
- Obtained a US \$15.7m patent infringement verdict for NYSE-listed medical device manufacturer, following a seven-day jury trial and two days of deliberations. (This verdict is listed as #1 by *Massachusetts Lawyers Weekly* in “Top Verdicts of 2009.”)
- Obtained summary judgment for publicly traded generic drug manufacturer in a claim for breach of contract and unfair trade practices where plaintiffs sought recovery of actual damages equal to US \$60m; successfully defended appeal.
- Represented a NYSE-listed medical device manufacturer in three-week arbitration, obtained US \$30m award on behalf of client.
- Represented a generic drug manufacturer in antitrust action resulting from defendants’ attempted enforcement of invalid and unenforceable patent; obtained settlement resulting in client reporting US \$100m gain in publicly filed financial statements.
- Represented venture capital firm in successful defense of efforts to obtain control of company from entrenched founders/managers.
- Obtained substantial judgment for internet search engine in multi-day arbitration claiming right to purchase-price adjustment in connection with corporate acquisition.
- Represented developer in breach of contract and unfair trade practices action, obtained order dismissing counterclaims, and obtained multi-million dollar settlement for client on first day of scheduled trial.

Awards and Recognition

- *The Best Lawyers in America*® in the field of Commercial Litigation (2023)
- Peer Review Rated as AV® Preeminent™, the highest performance rating in Martindale-Hubbell’s peer review rating system
- *The Legal 500* for Health Care – Life Sciences

- *Massachusetts Super Lawyers*® (2006, 2008-2013)

Affiliations

- Member of the Massachusetts Bar Association
- Member of the American and Boston Bar Associations' Health Care Law, Litigation, and Business Law Sections
- Member of the Defense Research Institute and its Drug and Medical Devices, Medical and Health Care Law, Construction Law, and ADR Sections
- Elected to membership in the International Association of Defense Counsel, an invitation-only membership comprised of the world's leading corporate and insurance lawyers and insurance executives

Presentations and Publications

- James is a frequent speaker on topics covering enterprise risk management; litigation prevention, assessment, and management; arbitration of complex business disputes; and depositions.

Sectors

- [Health Care & Life Sciences](#)
- [Pharmaceuticals](#)
- [Racial Justice & Equity](#)

Practice Areas

- [Antitrust & Competition](#)
- [Business Litigation & Dispute Resolution](#)
- [Chemical, Biotechnology & Pharmaceutical](#)
- [False Claims Act](#)
- [Litigation](#)
- [State Attorneys General](#)

Education

- University of Pennsylvania Law School (J.D., cum laude, 1990)
- Bennington College (B.A., 1983)

Admissions

- Massachusetts