



Eric L. Yaffe

Partner | eric.yaffe@lathropgpm.com

WASHINGTON, D.C.

600 New Hampshire Avenue,
NW
The Watergate - Suite 700
Washington, DC 20037

T: 202.295.2222
F: 202.295.2272

Assistant

Kimberly Bradshaw
202.295.2212
Email

PRACTICE AREAS

Franchise Litigation & Dispute
Resolution

Litigation

Franchise & Distribution

Investigations & White-Collar
Defense

Health Care Litigation

Antitrust & Trade Regulation

Nonprofit & Tax-Exempt
Organizations

Appellate Practice

INDUSTRIES

Restaurant, Food & Beverage

Health Care

COURT MEMBERSHIPS

- District of Columbia
- Massachusetts

Eric Yaffe represents corporations and individuals in high-stakes litigation and investigations across the country. He is Chair of the firm's Investigations & White Collar Defense team and focuses his practice on white collar and government investigations, legal ethics, complex civil litigation, and franchise litigation. In connection with white collar matters, Eric represents companies and individuals in health care fraud, financial fraud, government contract fraud, obstruction of justice, Foreign Corrupt Practices Act, conflicts of interest, trade secrets, and other matters.

Eric also litigates complex civil and franchise litigation cases including but not limited to shareholder disputes, employment issues, antitrust, trademark infringement, covenants not to compete, false advertising, breach of contract, and fraud.

In addition to his active white collar and litigation practices, Eric commits his efforts to matters pertaining to ethics in the legal profession. Eric has represented law firms and individuals in connection with admissions to the bar and alleged violations of the rules of professional conduct. From 2014 to 2016, he served as Chair of the Board on Professional Responsibility for the District of Columbia. He is currently chair of the Advisory Committee on Admissions and Grievances for the United States Court of Appeals for the District of Columbia Circuit, and is a member of the District of Columbia Legal Ethics Committee.

From 1991 to 2000, Eric worked for the U.S. Department of Justice as an Assistant United States Attorney for the District of Columbia and as a trial attorney for the Public Integrity Section. From 1999 to 2000, Eric

- Minnesota
- U.S. District Court for the District of Columbia
- U.S. District Court for the District of Maryland
- U.S. District Court for the District of Massachusetts
- U.S. District Court for the Eastern District of Michigan
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Federal Claims

EDUCATION

University of Chicago Law School, J.D.

Oberlin College

was Deputy Chief of the Department's Campaign Financing Task Force.

When not working, Eric enjoys tennis, jogging, hiking, and following Boston sports teams.

Representative Experience

White Collar

- Represented Midwest healthcare clinic in Stark and anti-kickback civil *qui tam* matter brought in federal court and investigated by the U.S. Department of Justice.
- Represented individuals in investigations and cases brought by the U.S. Department of Justice in the Northeast alleging violations of trade secret laws.
- Represented physician group in Stark and False Claims Act matter investigated by the U.S. Attorney's Office in Virginia.
- Conducted internal investigation of potential False Claims Act violations for national health care contractor based in the Midwest.
- Represented national health care provider in civil *qui tam* action brought in federal court in the State of Washington in which the Relator alleged violations of the Stark and Anti-kickback laws, and upcoding.
- Represented former President of Taylor Bean Whitaker in criminal mortgage fraud case brought in federal court in Virginia.
- Represented individual in government's investigation of multi-national telecommunications company for alleged violations of the Foreign Corrupt Practices Act.
- Represented former high-level executive of a large soft drink manufacturing and distribution company in the Department of Justice's and SEC's parallel investigations of the company for alleged false earnings claims.
- Represented key witness in the Department of Justice's investigation in California of the Milberg Weiss law firm for alleged improprieties in the bringing of class action lawsuits.

- Represented Washington, D.C., corporation in internal investigation of potential conflicts of interest.
- Represented individual in jury trial in federal court in Virginia on conspiracy and obstruction of justice charges; trial resulted in client's acquittal on all charges.
- Represented individual in Senate Ethics Committee investigation of Senator John Ensign (R-Nev.).
- Represented company and individuals who were subjects of grand jury investigation in the Southern District of New York concerning President Clinton's pardon of Marc Rich.

Civil/Franchise Cases

- Represented international franchisor in five class actions brought in various federal and state courts for alleged improper imposition of sales taxes. Prevailed in each case on motion to dismiss or otherwise.
- Represented non-profit charitable foundation in federal court bench trial against another non-profit organization. Court found in favor of client and against defendant on its counterclaims.
- Represented international franchisor in 12-day arbitration concerning supply and distribution dispute with Mexican franchisor. Prevailed on all counts.
- Represented large national franchisor in federal jury trial in Pennsylvania, defending against alleged multi-million dollar breach of development agreement, which resulted in finding of no liability on all counts for client.
- Represented national franchisor in jury trial in Florida concerning dispute over development rights. Jury found in client's favor on all counts.
- Represented minority shareholder in action brought against majority shareholder of automobile dealerships in Michigan.
- Represented shareholder of a Virginia corporation in breach of contract and employment dispute involving other shareholders.
- Represented political fundraising and compliance software company against allegations brought in federal court in Washington, D.C. by competitor that it had engaged in false and deceptive advertising in violation of the Lanham Act; after 5-day trial, court found in favor of client on all counts brought against it.

- Represented national sandwich shop franchisor in antitrust case brought against it in San Diego, California by approximately 100 franchisees; prevailed on summary judgment on most counts, and then remainder of matter settled on favorable terms for client.
- Represented national ice cream shop franchisor in federal court action brought against it for breach of contract, fraud, and making false earnings claims in its FDD; prevailed on motion to dismiss all counts.

Events

- State of Litigation: Football Draft Edition
April 12, 2023
- Health Law Seminar
September 22, 2022
- Synapse Health Webinar Series: Responding to Government Subpoenas
April 8, 2021
- State of Litigation Virtual Event Series
Session 1 - Thursday, July 16; Session 2 - Thursday, July 23;
Session 3 - Thursday, July 30
- 23rd Annual Health Law Seminar
July 25, 2019
- Trade Secrets Forum
December 6, 2018
- Responding to “Kitchen Sink” Complaints Filed by Franchisees
December 14, 2017
- Government Investigations: Avoiding Obstruction of Justice Traps
November 2, 2017
- GPM Ethics Luncheon with Professor Richard Painter
June 21, 2017
- White Collar Breakfast Briefing: Governmental Investigations -
Decision-Making in the First 24 Hours
September 19, 2016
- Advanced Forum for False Claims & Qui Tam Enforcement
1/27/2014 - 1/28/2014

Presentations

Below is a select list of Eric's presentations:

- Interviewer, "Post-Game Interview: DeMaurice Smith, Executive Director, NFL Players Association," Lathrop GPM 2023 State of Litigation: Draft Edition, April 12, 2023
- Speaker, "The Unwelcome Phone Call: Responding to Regulatory Audits and Investigations," ABA Forum on Franchising, October 19, 2017
- Roundtable facilitator, "Avoiding Malpractice in the Representation of Franchisors and Franchisees," International Franchise Association 50th Annual Legal Symposium, Washington, D.C., May 10, 2017
- Presenter, "Foreign Corrupt Practices Act and Other Anti-Bribery Laws: Implications on International Franchise Expansion," September 22, 2015
- Roundtable facilitator, "The Foreign Corrupt Practice Act in the International Franchising Context," International Franchise Association 48th Annual Legal Symposium, Chicago, Illinois, May 5, 2015
- Presenter, "Current Trends in Legal Ethics," Litigation Counsel of America Fall Conference, New Orleans, LA, October 2014
- Presenter, Advanced Forum for False Claims & Qui Tam Enforcement, January 27-28, 2014
- Presenter, "Negotiated Disciplinary Proceedings," DC Board on Professional Responsibility Hearing Committee Training Program, Washington, DC, January 24, 2014
- Moderator, "Staying on the Right Side of the Line — How to Avoid Bar Complaints," 2013 District of Columbia Judicial and Bar Conference, April 19, 2013
- Presenter, "Emerging Ethical Considerations for Lawyers in the Age of Increased Whistleblower Activity," ACI Advanced Summit on White Collar Litigation, January 1, 2013
- Moderator, "The Foreign Corrupt Practices Act: What Every International Franchisor Must Know," International Franchise Association 45th Annual Legal Symposium, Washington, DC, May 1, 2012
- Presenter, "Joint Representation of Franchisors, Their Officers, Employees, and Affiliates in Litigation," 34th Annual ABA Forum on Franchising, Baltimore, Maryland, October 20, 2011
- Roundtable facilitator, "E-Discovery in Franchise Disputes," International Franchise Association 43rd Annual Legal Symposium, Washington, DC, May 18, 2010

- Presenter, "Government Investigations of Antitrust Issues," Law Seminars International Pharmaceutical Antitrust Conference, Washington, DC, April 2008
- Panelist, "Criminal Liability and Prosecution Under McCain-Feingold," Georgetown University, Washington, DC, November 2003

Publications

Below is a select list of Eric's publications:

- "The Unwelcome Phone Call: Responding to Regulatory Audits and Investigations," author, Franchise Law Journal, January 2018
- "What Trial Lawyers Can Learn From Deflate-gate," 7 Litigation Commentary & Review 12, April 7, 2015
- "Joint Representation of Franchisors, Their Officers, Employees, and Affiliates in Litigation," 34th Annual ABA Forum on Franchising, October 2011
- "Defensive Measures and Focal Points in the White Collar Legal Arena," chapter in Managing White Collar Legal Issues, Aspatore/Thomson Reuters, January 2011
- "Caught in the Crosshairs: Strategies for Responding When Health Regulators Come Calling," 2010 Health Law Institute, June 10, 2010
- "The Foreign Corrupt Practices Act: Implications On Systems, Franchisees," Franchising World, April 2009
- "Mandating English Language Proficiency For Franchisees," Franchise Law Journal, January 2009
- "Government Investigations of Antitrust Issues," Law Seminars International Pharmaceutical Antitrust Conference, April 2008
- "Minimum Resale Pricing Policies In The Wake Of Leegin V. Creative Leather," The Franchise Lawyer, October 2007

Client Alerts And Blog Posts

- \$43 Million False Claims Act Verdict in Minnesota Illustrates Ongoing Anti-kickback Statute Risks
March 3, 2023
- Down But Not Out: The CFPB's Future After Seila Law LLC v. Consumer Financial Protection Bureau
July 30, 2020

- Health Alert: Supreme Court Clarifies Statute of Limitations in Nonintervened False Claims Act Qui Tam Suits
May 31, 2019
- Litigation Update - How This Former Prosecutor Views the New FCPA Guidance
November 26, 2012
- FCPA: Good Compliance and Monitoring Will Keep the Government at Bay
April 11, 2011

In The News

- Law360 Features New D.C. and Los Angeles Partners In Charge
Frank Sciremammano, Laura Reathaford
January 10, 2023
- "Q&A with Eric Yaffe: Chair of the Board on Professional Responsibility," Washington Lawyer
January 2015
- "How to Catch a Thief In Your Midst (When You're Not Norman Bates)," Inc.
March 9, 2014

News Releases

- Washington, D.C. Super Lawyers Recognizes Two Lathrop GPM Attorneys
April 23, 2024
- 11 Lathrop GPM Attorneys Recognized in the International Who's Who Legal Franchise 2023 List
November 27, 2023
- Eight Lathrop GPM Attorneys Named Lawyer of the Year, 89 Ranked as The Best Lawyers in America©
August 17, 2023
- 14 Lathrop GPM LLP Practice Groups and 35 Attorneys Ranked in Chambers USA 2023
June 1, 2023
- Washington, D.C. Super Lawyers Recognizes 4 Lathrop GPM Attorneys
May 2023
- 10 Lathrop GPM Attorneys Recognized in the International Who's Who Legal Franchise 2022 List
September 28, 2022

- Six Lathrop GPM Attorneys Named Lawyer of the Year, 95 Ranked as The Best Lawyers in America©
August 18, 2022
- Chambers USA 2022 Names Lathrop GPM a Top Law Firm, Franchise Group Ranked Nationwide
June 1, 2022
- Five Attorneys Named 2022 Washington, D.C. Super Lawyers and Rising Stars
May 3, 2022
- 11 Lathrop GPM Attorneys Recognized in the International Who's Who Legal Franchise 2021 List
October 12, 2021
- Seven Lathrop GPM Attorneys Named Lawyer of the Year, 100 Ranked as The Best Lawyers in America©
August 19, 2021
- Chambers USA 2021 Names Lathrop GPM a Top Law Firm, Franchise Group Ranked Nationwide
May 20, 2021
- Five Attorneys Named 2021 Washington, D.C. Super Lawyers and Rising Stars
April 27, 2021
- Two Lathrop GPM Attorneys Named BTI Client Service All-Stars
December 14, 2020
- Lathrop GPM Attorneys Recognized in Who's Who Legal Franchise 2020 List
September 30, 2020
- Lathrop GPM Attorneys Named to The Best Lawyers in America©, Lawyer of the Year, and Ones to Watch for 2021
August 20, 2020
- Eight Attorneys Named 2020 Washington, D.C. Super Lawyers and Rising Stars
June 10, 2020
- Chambers USA 2020 Names Lathrop GPM a Top Law Firm, Insurance Recovery Team Earns New Recognition, Franchise Group Ranked Nationwide
April 23, 2020
- Gray Plant Mooty Attorneys Recognized in the International Who's Who Legal: Franchise for 2019
December 10, 2019

- Gray Plant Mooty Attorneys Named The Best Lawyers in America© 2020
August 15, 2019
- Gray Plant Mooty Recognized as Leader in Chambers USA 2019
April 26, 2019
- 11 Gray Plant Mooty Attorneys Named 2019 Washington, D.C. Super Lawyers and Rising Stars
April 19, 2019
- 15 Gray Plant Mooty Attorneys Recognized in the International Who's Who Legal: Franchise for 2018
October 29, 2018
- Gray Plant Mooty Attorneys Recognized in The Best Lawyers in America© 2019
August 15, 2018
- Gray Plant Mooty Recognized as Leader in Chambers USA 2018
May 3, 2018
- 11 Gray Plant Mooty Attorneys Named 2018 Washington, D.C. Super Lawyers and Rising Stars
April 23, 2018
- 17 Gray Plant Mooty Attorneys Recognized in the International Who's Who Legal: Franchise for 2017
October 2, 2017
- Three GPM attorneys to speak at the American Bar Association's 40th Annual Forum on Franchising
September 11, 2017
- 37 Gray Plant Mooty Attorneys Recognized in The Best Lawyers in America 2018
August 15, 2017
- 4 Gray Plant Mooty Practices, 12 Attorneys Recognized in Chambers USA 2017
May 26, 2017
- 11 Gray Plant Mooty Lawyers Named 2017 Washington, D.C. Super Lawyers and Rising Stars
April 24, 2017
- 35 Gray Plant Mooty Attorneys Recognized in The Best Lawyers in America 2017
August 15, 2016
- 5 Gray Plant Mooty Practices, 12 Attorneys Recognized in Chambers USA 2016
May 27, 2016

- 36 Gray Plant Mooty Attorneys Recognized in The Best Lawyers in America 2016
August 17, 2015
- 6 Gray Plant Mooty Practices, 12 Attorneys Recognized in Chambers USA 2015
June 19, 2015
- 33 Gray Plant Mooty Attorneys Recognized as Best Lawyers
August 19, 2014
- Eric Yaffe Appointed Chair of D.C. Board on Professional Responsibility
June 13, 2014
- Four Gray Plant Mooty Practices, Ten Attorneys Recognized in 2014 Edition of Chambers USA: America's Leading Lawyers for Business
May 30, 2014
- Nine Gray Plant Mooty Attorneys Named 2014 DC Super Lawyers and Rising Stars
April 25, 2014
- Gray Plant Mooty, 11 Attorneys Recognized in 2013 Edition of Chambers USA: America's Leading Lawyers for Business
June 12, 2013
- Four Gray Plant Mooty Attorneys Selected as Fellows of the Litigation Counsel of America
May 14, 2013
- Five Gray Plant Mooty Attorneys Named 2013 DC Super Lawyers and Rising Star
April 30, 2013
- Gray Plant Mooty, 11 Attorneys Recognized in 2012 Edition of Chambers USA: America's Leading Lawyers for Business
June 11, 2012
- Gray Plant Mooty's Peter Klarfeld & Eric Yaffe Named DC Super Lawyers
May 31, 2012
- Several Gray Plant Mooty Attorneys Recognized in 2011 Edition of Chambers USA: America's Leading Lawyers for Business
June 10, 2011
- Gray Plant Mooty's Eric Yaffe Appointed to DC Court of Appeals Board on Professional Responsibility
August 5, 2010

- Several Gray Plant Mooty Attorneys Recognized in 2010 Edition of Chambers USA: America's Leading Lawyers for Business
June 11, 2010
- Gray Plant Mooty Attorneys Named 2010 Washington, DC "Super Lawyers"
March 3, 2010

Professional Affiliations

- American Bar Foundation, Fellow
- Litigation Counsel of America, Senior Fellow
- International Franchise Association
- American Bar Association, Forum Committee on Franchising, White Collar Crime and Litigation sections
- The District of Columbia Court of Appeals: Chair of the Board on Professional Responsibility for the District of Columbia, 2014-2016; D.C. Circuit Court of Appeals Advisory Committee on Admissions and Grievances, Chair, 2021- ; D.C. Legal Ethics Committee, 2021-

Honors

- Selected among *The Best Lawyers in America*®, 2013-2024
- *Chambers USA: America's Leading Lawyers for Business*, Nationwide Franchise, 2010-2023
- Washington, D.C. *Super Lawyers*, 2010, 2012-2024
 - "Top 100: 2018 Washington, D.C. Super Lawyers," *Super Lawyers*
- *The International Who's Who of Franchise Lawyers*, 2015-2023
- "Client Service All-Star," BTI Consulting Group, 2020
- AV® Preeminent™ Peer Review Rated from Martindale-Hubbell