

James R. Lawrence III



James R. Lawrence, III
Partner

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Court Admissions

- All North Carolina State Courts
- North Carolina Business Court
- U.S. District Court, Eastern District of North Carolina
- U.S. District Court, Middle District of North Carolina
- U.S. District Court, Western District of North Carolina
- U.S. District Court, Eastern District of Tennessee
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Federal Circuit

Education

- University of North Carolina at Chapel Hill School of Law, Juris Doctor (J.D.), with honors
 - Articles Editor and Staff Member, North Carolina Review
 - Joyner Award, North Carolina Law Review
- North Carolina State University, Bachelor of Science (B.S.), magna cum laude, in Biomedical Engineering
 - Benjamin Franklin Scholar

Bar Activities

- Federalist Society

Honors & Recognition

- Tau Beta Pi National Engineering Honor Society
- Phi Beta Kappa
- Phi Kappa Phi

Prior Employment

- United States Department of Health and Human Services
- Michael Best & Friedrich LLP
- Crown Laboratories
- Coats & Bennett
- Accenture
- AVOS Life Sciences (acquired by Syneos Health)

Representative Matters

- Represented life sciences company in its acquisition by private equity firm; involved in all aspects of due diligence, negotiation, and closing the same.
- Represented company as lead trial counsel in commercial arbitration before the American Arbitration Association in breach of contract dispute.
- After trial, retained to represent coal mining company in design patent infringement case; argued appeal at the Federal Circuit; confidential settlement.
- Lead trademark trial counsel to apparel company in bankruptcy adversary proceeding; confidential settlement.
- As counsel to borrower, closed \$20 million senior secured credit facility with investment bank; served as primary interface with lender for ongoing credit agreement reporting and compliance.
- Served as first-chair litigator for plaintiff life sciences company in action for trademark infringement, trademark dilution, unfair competition, false advertising, and false patent marking; confidential settlement.
- Served as lead trial counsel for plaintiff life sciences company in lawsuit involving claims for false designation of origin, false advertising, and unfair and deceptive trade practices; confidential settlement.
- Represented plaintiff academic association in contract and copyright dispute; won summary judgment in part on dispositive contract issue, allowing client to publish its academic journal

with academic press of its choosing.

Publications & Presentations

- *Start-Ups and the Health Care Industry: Navigating a Competitive Marketplace*, November 7, 2019 (panel moderator at 2019 Michael Best Technology + the Law Symposium).
- *Supreme Court Inaction Leaves Website Accessibility Requirements Uncertain*, Michael Best and Friedrich LLP Client Alert, Oct. 15, 2019 (co-author).
- *Supreme Court Empowers Judges to Resolve Preemption Defenses in Failure-to-Warn Drug Labeling Cases*, Michael Best and Friedrich LLP Client Alert, May 22, 2019 (co-author).
- *Working with Payers, Providers, and Medical Centers: A Guide for Entrepreneurs*, June 7, 2018 (presentation at LaunchBio, Durham, North Carolina).
- *From Start-Up to Market: Launching an Innovation-Driven Start-Up*, October 25, 2018 (panel moderator at 2018 Michael Best Technology + the Law Symposium).
- *Juiced Up: POM Wonderful and the Future of False Advertising and Unfair Competition Claims in Regulated Industries*, June 2015 (presentation at North Carolina Bar Association Annual Meeting).
- *"Can't Beat the Real Thing," Unless Perhaps It Isn't: Supreme Court to Define Interplay Between False Advertising and Federal Food, Drug, and Cosmetic Act*, NC Bar IP Links, Apr. 2014.
- *A Cooperative Solution to Patent Trolls*, Credit Union Times, Nov. 23, 2013.
- *Whittling Away at the Quid Pro Quo: Patent Law's Best Mode Requirement after the AIA*, NC Bar IP Links, Nov. 2012.
- Comment, *"Let Us Now Try Liberty": Freeing the Private Sector to Tackle North Carolina's Tobacco Addiction by Reinstating Employment Freedom of Contract*, 90 N.C. L. Rev. 510 (2012) (William T. Joyner Award).

Practice Areas

- **Regulatory**
- **Litigation**
- **Intellectual Property**
- **Complex Commercial Transactions**
- **Corporate Governance**
- **Mergers & Acquisitions**
- **Labor & Employment**
- **Corporate Investigations**

James helps clients solve a variety of business, legal, and regulatory problems. James' experience spans the lifecycle of businesses and nonprofits, from the courtroom to the board room. As a former general counsel, his practice involves litigation, intellectual property, complex commercial transactions, corporate governance, mergers and acquisitions, labor and employment.

James litigates patent, trademark, copyright, trade secret, unfair competition, and complex commercial disputes. His litigation work includes serving as lead counsel in trials and appeals, pre-suit investigation, discovery, corporate investigations, and dispositive motions. James also has experience working on a variety of transactions, including mergers, asset sales, in-licenses, out-licenses, joint ventures, and collaboration agreements. Clients that engage James benefit from this

broad-based, practical, business-oriented experience.

James draws on significant experience in both the health care and life sciences industries to lead Envisage Law's Health Care and Life Sciences practice. A biomedical engineer, he understands medical technology from a product developer's perspective, and the technical, commercial, and regulatory considerations that inform product development. Before going to law school, James worked as a management consultant to health insurers, health care providers, pharmaceutical manufacturers, and medical device companies. He served as in-house general counsel of an established life sciences company, advising on legal issues related to developing, manufacturing, distributing, marketing, and selling prescription drugs, over-the-counter drugs, medical devices, and cosmetics.

James served as a Deputy General Counsel at the United States Department of Health and Human Services, and as Chief Counsel of the Food and Drug Administration under President Donald J. Trump. While serving at HHS during the COVID-19 pandemic, James worked with senior Department leaders on a variety of matters confronting the American people, including regulatory reform and drug pricing. This government service experience gives James a unique perspective on the federal Administrative Procedure Act, the Food, Drug, and Cosmetic Act, and the Health Insurance Portability and Accountability Act (HIPAA).

Among his litigation victories, James served as lead counsel for independent journalist and former *New York Times* reporter Alex Berenson in his lawsuit against Twitter. A path-breaking case, Mr. Berenson's lawsuit led to his reinstatement on the platform, the first known reinstatement of its kind. National outlets including Revolver News, Breitbart, *The Wall Street Journal*, and *The Atlantic* have reported on the case, and the outcome has been discussed on national podcasts such as The Joe Rogan Experience and TimCast.

A native of Raleigh, North Carolina, James earned his Bachelor of Science in Biomedical Engineering, magna cum laude, from North Carolina State University, and Juris Doctor with honors from the University of North Carolina at Chapel Hill School of Law where he served as an Articles Editor on the North Carolina Law Review. While in law school, James served as a Judicial Extern to the Honorable Paul M. Newby on the North Carolina Supreme Court.

We exist to help our clients achieve their visions for the future.

We stand shoulder to shoulder with our clients, helping them to anticipate, avoid and overcome challenges and obstacles to their successes.

A Rich Tradition. A Bright Future.

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