

Ellen E. Oberwetter

Partner

Ellen Oberwetter has experience representing clients in a wide variety of complex civil and criminal litigation. In recent years her practice has been focused primarily on three areas: the defense of professional malpractice claims; litigation related to bankruptcy matters; and Hatch-Waxman patent litigation.

In the professional malpractice area, Ellen has defended law firms against allegations of mishandling litigation and transactional matters; claims for securities fraud; allegations of overbilling; and allegations of mishandling trust and estate matters. She has also defended a major accounting firm in arbitration and court proceedings around the country against claims relating to tax advice. In connection with those representations and otherwise, Ellen has worked on a number of matters relating to bankruptcy litigation, including defending clients against claims brought by litigation and liquidating trusts. Separately, Ellen also has represented clients in Hatch-Waxman patent litigation and parallel IPR proceedings.

Ellen is the current Chair of the firm's Bankruptcy Litigation practice group and is the former Chair of the firm's Hiring Committee. In 2015, Ellen was named by the *National Law Journal* as one of "D.C.'s Rising Stars."

Born and raised in Dallas, Ellen graduated from the University of Michigan in 1997 and received her J.D., with high honors, from the University of Texas School of Law, where she was a member of the *Texas Law Review*, Chancellors honor society, and the Order of the Coif. After graduating from law school, she was a law clerk to Judge Joe Kendall of the U.S. District Court for the Northern District of Texas, and Judge Thomas Reavley of the U.S. Court of Appeals for the Fifth Circuit. She joined Williams & Connolly in 2002.

Ellen has been active in the firm's pro bono work, and serves on the Board of Directors of the Washington Urban Debate League.

Representative Experience

Though all cases vary and none is predictive, Ellen's experience includes:

- Represented a Big 4 accounting firm in arbitrations and court proceedings in professional liability matters related to tax shelter transactions, including tax court proceedings
- Second-chaired a jury trial in D.C. Superior Court on behalf of a law firm client in which the client obtained a complete defense verdict



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Education

The University of Texas School of Law, J.D., with high honors, 2000: Order of the Coif; Chancellors Honor Society; Texas Law Review; Thad T. Hutcheson Moot Court Finalist; Dean's Achievement Award, Criminal Procedure
University of Michigan, B.A., 1997: Phi Beta Kappa

Practice Focus

Lawyer Liability
Accountant Liability
Bankruptcy Litigation
Patent Litigation
Civil Litigation and Trial Practice
Commercial Litigation
Arbitration

Recognitions

"Washington, D.C. Rising Stars," *The National Law Journal*, 2015

Admissions

Texas
District of Columbia
United States Court of Appeals

- Represented a law firm in state and federal court proceedings against litigation trust, multiple plaintiff groups, and an investor class bringing claims for securities fraud and legal malpractice
- Represented law firm against claims of malpractice in handling a bankruptcy matter
- Represented law and accounting firms in Rule 2004 discovery disputes

Federal Circuit
United States Court of Appeals Ninth Circuit
United States District Court District of Columbia
United States Tax Court

Hatch-Waxman patent matters

- Represented pharmaceutical company in a bench trial in the U.S. District Court for the District of Delaware over oncology product patents
- Represented pharmaceutical companies in proceedings in the U.S. District Court for the Southern District of Indiana over cardiovascular product patents
- Represented pharmaceutical companies in *inter partes* review proceedings in a challenge to cardiovascular product patents

Resources

Publications

- *The Judicial Error Defense in Legal Malpractice Cases*, December 2016
- *Nearing the End Zone: Developments in the "Zone of Insolvency"*, August 2016
- *Defending Malpractice Claims Against A Trustee or Receiver*, November 2015
- *Rethinking Military Deference: All Male Draft Registration and the Intersection of Military Need with Civilian Rights*, November 1999

Presentations

- *Ellen Oberwetter Speaks at Legal Malpractice Conference*, September 2018
- *Surprisingly Common Ethical Missteps in Professional Liability for In-House Attorneys and Company Executives*, October 2017
- *Tax Academy: Ethics for Tax Attorneys (Circular 230 and the Rules of Professional Conduct)*, February 2016