



## Charles F.B. McAleer

### Shareholder

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### OVERVIEW

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Charles (“Chas”) McAleer is a shareholder with Bean, Kinney & Korman. As an experienced business litigator, he has a long track record of successful, cost-effective, and timely results for clients in federal and state courts, including particularly the United States District Courts for the District of Columbia and the Eastern District of Virginia.

Chas specializes in fiduciary, business torts, and federal statutory litigation. However, he has handled the full array of business disputes. For example, he has counseled and defended business clients facing fiduciary, director and officer liability, corporate governance, entity control, financial, government procurement, civil fraud, contract and breach of contract cases, business tort, unfair competition, trade secret, intellectual property, civil Racketeering Influenced and Corrupt Organizations (RICO) Act, professional liability, ERISA, securities, real estate, breach of fiduciary duty, and employment-related claims. Many of his cases have involved federal statutory claims, transnational discovery, and parallel federal bankruptcy proceedings.

Chas’s clients have included: financial institutions, technology companies, accounting firms, law firms, government contractors, corporations, partnerships, and business professionals.

In handling the foregoing legal issues, Chas has gained extensive experience in prosecuting and defending claims involving foreign entities and individuals, including the litigation of personal jurisdiction issues, obtaining and opposing evidence located abroad through international treaties and conventions, and conducting depositions outside of the United States.

His experience in federal and state jurisdictional and procedural issues, including those dealing with class actions, privileges, immunities, evidence, expert testimony, depositions, injunctions and other equitable relief, jurisdictional abstention and comity, transfer, and removal from state court provide his clients with a deep and broad understanding of complex matters. He has managed high volume document and electronic data cases, including counseling, and providing in-house training to clients on document retention and electronic discovery issues. Chas frequently speaks on these topics at bar association and continuing legal education programs.

Prior to joining Bean Kinney & Korman, Chas was a member and a business litigation attorney at Miller & Chevalier Chartered in Washington D.C. for 22 years. Throughout his practice, Chas has been dedicated to client service, first and foremost.

## EXPERIENCE

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- (Pro Bono Litigation; Federal Constitutional Litigation) Lead counsel in federal district court civil rights action seeking injunctive relief preventing the execution of a federal prisoner suffering from severe cognitive conditions pursuant to *Ford v. Wainwright*, 477 U.S. 399 (1986); successfully obtained preliminary injunctive relief in federal district court that was affirmed unanimously by federal appellate court; preliminary injunction was ultimately vacated in the U.S. Supreme Court by a 5-4 majority without explanation (2019-20).
- (Transnational Litigation) Successfully opposed enforcement of a document subpoena to a French research institute in an MDL matter; court held that discovery sought from the research institute had to be issued through the Hague Evidence Convention (2019-2020).
- (Fiduciary Litigation) Representing three nonprofits against claims by the Pennsylvania Attorney General, acting pursuant to his *parens patriae* powers, that the nonprofits and their directors and officers engaged in improper transactions and self-dealing (2016-2020).
- (Pro Bono Litigation; Federal Constitutional Litigation) Lead counsel in federal district court litigation challenging sentence of federal prisoner regarding crimes committed as a juvenile under the U.S. Supreme Court's decisions in *Miller v. Alabama*, 567 U.S. 460 (2012) and *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016); successfully obtained right to seek parole and a conditional right to resentencing (2013-2020).
- (Fiduciary Litigation) Represented principals of two national law firms against claims by bankruptcy trustees and claimants; claims successfully resolved (2013-2018).
- (Transnational Litigation; Business Tort Litigation) Represented ship registry firm that served as contractor to a foreign sovereign against claims by a private security firm for tortious interference with contract and business expectancies; claims dismissed on basis of "act of state" doctrine (2015).
- (Federal Statutory Litigation; FCA Litigation) Represented government contractor in two federal district court cases involving *qui tam* and whistleblower claims relating to U.S. Army procurement; claims dismissed or successfully resolved (2014-2015).
- (Fiduciary Litigation) Represented president of 1031 Exchange company against claims in three federal court proceedings by bankruptcy trustee, putative class members and opt-out claimants; claims successfully resolved with no adjudication against client (2011-2017).
- (Federal Statutory Litigation; Transnational Litigation) Represented foreign governmental entity in three federal district court lawsuits against claims under the U.S. Anti-Terrorism Act and various common law tort theories; after five-years of discovery in one of the cases, obtained dismissal of each of the cases on jurisdictional grounds (2007-2015).
- (Federal Statutory Litigation; Transnational Litigation) Represented foreign governmental entity in two federal district court lawsuits against claims under the U.S. Anti-Terrorism Act and various common law tort theories; after protracted pre-trial discovery, filed motions leading to dismissal of both cases on the merits (2007-2015).
- (Federal Statutory Litigation; Transnational Litigation) Represented foreign governmental entity and unincorporated association in several federal and state courts regarding the vacatur of default judgments, judgment enforcement proceedings and related activities; all matters were ultimately resolved (2007-2009).

- (Transnational Litigation) Represented foreign corporation against wrongful death claims in federal district court arising from incident occurring during performance of U.S. government procurement in Iraq; successfully obtained dismissal of all claims on jurisdictional grounds (2006-2007).
- (Federal Statutory Litigation; Fiduciary Litigation) Represented investment management firm in two federal district court cases against claims for breach of fiduciary duty in management of pension fund assets during the 2000-2001 “tech bubble burst”; both cases were successfully resolved (2003-2010).
- (Federal Statutory Litigation; FCA Litigation) Represented government contractor in federal district court case involving *qui tam* and whistleblower claims relating to U.S. Postal Service procurement; claims were successfully resolved (2003).
- (Pro Bono Litigation; Federal Constitutional Litigation) Represented putative class of municipal employees who had been disabled during course of government employment and denied disability compensation benefits (2001-2006).
- (Fiduciary Litigation; Business Torts Litigation) Represented aviation consulting firm and its owner in federal district court against claims of breach of contract, fraudulent conveyance, breach of fiduciary duty and piercing the corporate veil; all claims were dismissed on summary judgment (1998-2001).

## BAR & COURT ADMISSIONS

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- Virginia, 1984
- District of Columbia, 1985
- Virginia Supreme Court
- District of Columbia Court of Appeals
- United States Courts of Appeals for the Fourth Circuit, D.C. Circuit, Eleventh Circuit, and Federal Circuit
- United States District Courts for the Eastern District of Virginia, District of Columbia, Western District of Virginia, and District of Maryland
- United States Bankruptcy Courts for the Eastern District of Virginia, District of Columbia and District of Maryland
- United States Court of International Trade
- *Pro Hac Vice* Admissions in Numerous Federal and State Trial Courts

## EDUCATION

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- Georgetown University Law Center, J.D., 1984
- Georgetown University, A.B., 1981

## AWARDS & AFFILIATIONS

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### Awards

- Virginia Business Legal Elite in Civil Litigation, 2023
- Judicial Conference of the Fourth Circuit, Permanent Member
- Fellows Class of 2021, Virginia Law Foundation, Member

### Professional Affiliations

- Federal Bar Association, Northern Virginia Chapter

- Alexandria Chamber of Commerce
- American Bar Association
- International Bar Association
- Virginia Bar Association
- District of Columbia Bar
- Campagna Center of Alexandria
- Washington Jesuit Academy