

Douglas A. Smith

Skadden

Associate, Los Angeles

Litigation



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Education

J.D., The College of William & Mary, 2006 (Managing Editor, *Law Review*; Moot Court)

M.A., The Catholic University of America, 2003 (International Political Economics; Teaching Assistant in Statistics)

B.A., The Catholic University of America, 2002 (*magna cum laude*; Phi Beta Kappa; NCAA baseball)

Bar Admissions

California
New York

Experience

Law Clerk, Hon. Beverly B. Martin, U.S. Court of Appeals for the Eleventh Circuit (2010)

Law Clerk, Hon. Richard L. Gabriel, Colorado Court of Appeals (2010-2011)

Law Clerk, Hon. Monica M. Márquez, Colorado Supreme Court (2011-2012)

Associations

Board of Directors, The Samburu Project

Board of Directors, Reframe Labs, Inc.

Doug Smith litigates complex matters before trial and appellate courts. His diverse practice concentrates on antitrust, intellectual property, tax-related class actions, data privacy and cybersecurity. Representative matters in which Mr. Smith has been involved include:

- Credit Acceptance Corporation in obtaining summary judgment on antitrust claims seeking approximately \$1 billion in damages arising from the allegedly fraudulent acquisition and enforcement of a patent in the indirect auto lending market. *The Daily Journal* named the decision one of the Top Verdicts of 2017;
- JP Morgan Chase in an antitrust class action involving alleged price fixing and other anti-competitive restraints by Visa and MasterCard members;
- Boardriders, Oaktree Capital Group and Brookfield Asset Management in a trademark and antitrust action;
- Bank of America in class actions regarding alleged underreporting of home mortgage interest payments on IRS Form 1098, and appeals regarding the taxation of the bank's income and fees from its credit card operations;
- American Apparel in shareholder derivative and proxy solicitation fraud lawsuits and in various corporate takeover matters;
- Anheuser Busch in a class action alleging misleading advertising of Bud Light Lime, Lime-a-Rita and related products;
- Jawbone in a trade secret misappropriation and breach of contract lawsuit against Fitbit;
- a CEO in a high-profile civil and criminal insider trading case;
- Toyota Motor Sales in litigations regarding allegations of unintended acceleration;
- First Energy in class actions regarding alleged misclassification of shareholder distributions on IRS Form 1099-DIV; and
- HCP in connection with a multibillion-dollar spin-off transaction.

Mr. Smith serves as the *pro bono* coordinator for Skadden's Los Angeles office. He has received numerous awards for his *pro bono* service, including the California Young Lawyers Association's Jack Berman Award of Achievement. Most recently, he argued before the Ninth Circuit and secured a published opinion in his *pro bono* client's favor. He also is a lecturer in law at USC Gould School of Law, teaching a class on Fundamentals of Intellectual Property Law.

Mr. Smith holds CIPP/US and CIPM certifications from the International Association of Privacy Professionals. He also serves as the managing editor of the *Journal of Law & Cyber Warfare*.

He serves on the boards of The Samburu Project (clean water in Kenya), and Reframe Labs (incubator for innovative public schools in LA). He also co-founded and served on the board of Global Playground (educational infrastructure in developing countries and cross-cultural dialogue). Before joining Skadden, Mr. Smith gained extensive federal government service, including with the White House's Council of Economic Advisers, the Department of Justice, FDIC, Freddie Mac, the U.S. House of Representatives and the U.S. Senate.

Publications

"Fraud on the Market: Short Sellers' Reliance on Market Price Integrity," *47 Wm. & Mary L. Rev. 1003* (2005), cited and quoted in *Rocker Mgmt., LLC v. Lernout & Hauspie Speech Prods., N.V.*, No. 00-5965 (PGS), 2007 WL 2814653 (D.N.J. Sept. 24, 2007).