



## Anthony L. Cochran

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### Areas of Practice

White Collar Law | Litigation / Trial Practice | Health Care

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Anthony (Tony) L. Cochran is a Partner in the Litigation Practice of Smith, Gambrell & Russell, LLP. During the 45 years he has been practicing law in Atlanta, Mr. Cochran has represented many individuals and businesses on a wide variety of complex matters. He has tried dozens of jury trials in many areas of the law (both civil and criminal, federal and state), bench trials (in federal and state courts), administrative and regulatory hearings (before both federal and state agencies and boards), and medical peer review hearings at hospitals. His unique experience allows him to handle parallel civil, administrative and criminal proceedings, which are common in today's legal environment. Being able to competently handle civil, administrative and potentially criminal matters for a client simultaneously can be an enormous savings to a client by preventing duplication of effort.

In 2005, Mr. Cochran was inducted into the American College of Trial Lawyers. He is consistently listed as being one of the "Top 10 Attorneys" in Georgia by *Super Lawyers*. He is listed in *Super Lawyers*, Corporate Counsel Edition, under Business Litigation. He is also listed annually in the publication *The Best Lawyers in America*® (Criminal Law) and in *Atlanta Magazine's* compilation of the Best Lawyers in Atlanta (Criminal Law).

In addition to his law practice, Mr. Cochran is quite active as a Yoga Instructor, teaching several classes each week. He also served as former Chair and Director for the Zaban Paradies Center which assists homeless couples obtain housing and employment.

Mr. Cochran regularly appears on continuing education panels, speaking at a large number of seminars on a variety of topics, including summary evidence under Federal Rule of Evidence 1006, the application of *Daubert* to expert testimony, representing individual physicians, white-collar criminal defense, and internal investigations.

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Mr. Cochran graduated *magna cum laude* from Northwestern University Law School in 1976, beginning his legal career in Atlanta with the firm Powell, Goldstein, Frazer & Murphy. From 1982 to 1985, he served as an Assistant United States Attorney for the Northern District of Georgia, prosecuting a variety of criminal cases. While an Assistant United States Attorney, Mr. Cochran received commendations from the U.S. Attorney General in a Department of Defense procurement fraud prosecution, and from the Director of the F.B.I. in a vote fraud prosecution.

He has also served as an Adjunct Faculty Member of the Emory University School of Law from 1986-2000.

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## Experience

- Successfully represented a physician accused of violating a covenant not to compete in 2019. The physician was served at 5:00 p.m. with a Complaint and Motion for TRO for a hearing scheduled the next day at 1:00 p.m. Prepared overnight and successfully convinced the Superior Court to deny injunctive relief.
- Successfully defended a CPA before the AICPA for alleged violation of an AICPA Rule, with the CPA fully vindicated in 2018.
- Successful representation of Smith, Gambrell & Russell in a 2017 arbitration against Cousins Properties stopping the installation of “building signature signs” on the Promenade in Midtown Atlanta. Smith, Gambrell & Russell sought enforcement of its Lease against the Landlord who proposed to allow another, smaller tenant, to install “building signature signs” with its logo at the top of the Promenade.
- Representation of a corporate defendant in the largest whistleblower action brought under the False Claims Act since the Act was enacted during the Civil War, which resulted in our client successfully settling by paying less than 10% of damages sought by the Government and whistleblower.
- In 2017, successfully represented a corporate officer accused of participating in a criminal violation of the environmental laws. The Government was convinced not to indict the officer, although the corporation was charged.
- In 2017, successfully represented a health care provider accused of invasion of computer privacy. The District Attorney’s Office was convinced to dismiss the charges.
- In 2017, successfully represented a CPA accused of insider trading. The U.S. Attorney’s Office declined to prosecute after an extensive and lengthy investigation.
- In 2016, successfully represented a former corporate employee who was alleged to have violated a covenant not to compete. The lawsuit was dismissed and the former employee was allowed to continue in her new position with a competitor.

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- In 2016, represented a shareholder of a closely-held corporation who successfully sued her fellow shareholders for wrongful distributions, misappropriation of corporate assets, and self-dealing.
- In 2015 and 2016, successfully represented physicians in peer review proceedings involving potential loss of clinical privileges.
- In 2015, successfully represented a former Professor at Georgia Tech who was not charged by the Georgia Attorney General's Office in an alleged racketeering scheme involving theft of more than \$1 million from the University by the former Director of the Georgia Electronic Design Center at the University.
- In 2014, successfully resolved a False Claims Act matter with the DOJ and HHS OIG where the United States agreed to accept an amount from the physician which was one-half of the alleged overpayment, with no multiplier, and less than the cost to take the case to a jury trial. There was no Corporate Integrity Agreement. No criminal charges were filed, either.
- In 2014, successfully resolved an Insider Trading case with the SEC on behalf of an alleged tippee/businessman, with the SEC agreeing to accept an amount that was only 5% of the amount claimed by the SEC, and less than the cost to take the case to a jury trial. No criminal charges were filed by DOJ, either.
- In 2014, successfully resolved an environmental matter with the EPA and DOJ involving alleged violations of the Clean Water Act over a large geographic area allegedly occurring over several years, with the Government agreeing to accept an amount that was a small fraction of the amount claimed by the EPA, and far less than the cost to take the case to a jury trial. No criminal charges were filed by DOJ, either.
- In 2012 and 2013, successfully represented 3 large physician practices from around the State involving false claims/ potentially criminal parallel investigations. All 3 matters were resolved favorably for the healthcare clients.
- In 2011-2014, successfully defended an international pharmaceutical manufacturer in Georgia sued under product liability theories in Multi District Litigation.
- In 2011-2014, successfully represented former CEO of First National Bank of Savannah, concerning FDIC and DOJ.
- In *Mayfield v. Heiman* (2011), successfully obtained summary judgement in complex financial litigation involving securitization of copyrights and thousands of documents spanning over a decade.
- In *State of Georgia v. [Physician]* (2011), successfully obtained a plea in which a physician did not admit guilt and received probation where the State Medicaid Fraud Unit sought a sentence of 4 years of incarceration.
- In 2010 and 2008, successfully sued State agencies under the Open Records Act obtaining public records and large attorney's fee awards.
- Obtained a \$650,000 verdict in favor of a physician against the Board of Regents for violation of MCG's Rules and Procedures governing unsubstantiated allegations of research fraud. Affirmed on appeal.

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- In *State of Georgia v. Riner* (2009), successfully obtained a plea agreement involving no incarceration for a business man alleged to have been involved in a securities scheme in which investors lost more than \$4.5 million.
- In re *Holbrook* (2007), successfully tried a case against the Georgia Medical Board on behalf of an individual physician. The board sought to revoke the physician's license. The physician was completely exonerated.
- *U.S. v. Griffin Industries* (2004). A company had been indicted in an 8-count indictment for alleged felony environmental violations. Successful Daubert motions led to dismissal of these charges.
- In *U.S. v. Ray* (2003). Represented a physician charged of accepting an alleged kickback in return for patient referrals was dismissed after a Daubert motion was filed, challenging the statistical evidence on which the prosecution was based.
- *Gibbons v. Alta Anesthesia*, 245 Ga. App. 79, 537 S.E.2d 388 (2000) – Represented an individual physician, challenged unfair competition by a competing group of anesthesiologists. A State Court jury awarded the physician compensatory damages and \$875,000 in punitive damages. She also recovered her attorney's fees.
- *Thebaut v. Dental Board*, 235 Ga. App. 194, 509 S.E.2d 125 (1998) and *Thomas v. Dental Board*, 197 Ga. App. 589, 398 S.E.2d 730 (1990) – In both of these matters, successfully prevented the Georgia Dental Board from denying dentists fundamental rights, preserving the dentists' licenses.
- *General Electric Co. v. Joiner*, 864 F. Supp. 1310 (N.D. Ga.), rev'd, 78 F.3d 524 (11th Cir.), rev'd, 522 U.S. 136 (1997) – successfully represented a manufacturer in this toxic tort litigation establishing the standard of review on Daubert.

## Admissions

Georgia

U.S. Court of Appeals 4th Circuit

Supreme Court of Georgia

Georgia Court of Appeals

U.S. Court of Appeals 11th Circuit

U.S. District Court Middle District of Georgia

U.S. District Court Northern District of Georgia

U.S. Tax Court

U.S. Court of Appeals District of Columbia Circuit

U.S. District Court Southern District of Georgia

U.S. District Court Northern District of Mississippi

U.S. Court of Appeals 3rd Circuit

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## Memberships

State Bar of Georgia, Member

Atlanta Bar Association, Member

Zaban Couples Center, Advisory Board Member

Georgia Association of Criminal Defense Lawyers