

Jacques Semmelman

Partner

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Practices

FOCUS: Commercial Litigation
Antitrust and Competition Litigation
Appeals and Critical Motions
Foreign Corrupt Practices Act Litigation
Intellectual Property Litigation
International Arbitration
Litigation
Patent Litigation and Patents
Pharmaceutical and Life Sciences Litigation
Trademarks and Trademark Litigation
White Collar and Internal Investigations

Industries

Pharmaceutical and Life Sciences

Education

JD, Harvard Law School, *cum laude*
PhD, Harvard University, Applied Mathematics
AM, Harvard University, Mathematics
BS, Columbia University

Bar Admissions

New Jersey
New York
Pennsylvania
US Virgin Islands

Court Admissions

US District Court, District of Colorado
US District Court, District of New Jersey
US District Court, District of the Virgin Islands
US District Court, Eastern District of New York

A former Assistant US Attorney in the Eastern District of New York, Jacques Semmelman delivers for his clients by tapping into his significant courtroom experience. He is known for deftly handling complex cases — including those involving quantitative, econometric, scientific and engineering issues — by leveraging his mathematical and scientific background that includes a PhD from Harvard.

Speaking the clients' language

Jacques works with clients through all phases of civil and criminal litigation and arbitration, as well as in the defense of government investigations and enforcement proceedings. He is an accomplished trial lawyer, having served as lead counsel in more than 25 jury and bench trials and arbitral hearings, and is a skilled appellate advocate, having argued 16 appeals.

Jacques's practice is wide-ranging and includes significant matters involving antitrust, product liability, contracts, fraud, breach of fiduciary duty, derivative and class action litigation, commodities, securities, commercial and governmental bribery, trademark, patent, computer hacking, money laundering, and international extradition. He has considerable expertise in US anti-corruption laws, as well as in US sanctions and export controls laws. He regularly advises clients on Foreign Corrupt Practices Act (FCPA) compliance, and on regulations issued by the US Department of the Treasury (OFAC). Jacques also conducts internal investigations involving suspected violations of OFAC sanctions, the FCPA and other anti-bribery laws, and anti-money laundering laws.

Jacques has particular experience handling the multifaceted needs of pharmaceutical clients. He provides counsel on matters related to Hatch-Waxman litigation, other patent-related litigation, and contractual disputes involving the development, licensing and marketing of pharmaceutical products. Clients also call on Jacques for his extensive experience with the metals industry, including in antitrust matters as well as in commercial

Jacques Semmelman

Partner

US District Court, Southern District of New York

US Court of Appeals, District of Columbia Circuit

US Court of Appeals, Federal Circuit

US Court of Appeals, Second Circuit

Community Involvements

American Society of International Law

Extradition Lawyers' Association

Federal Bar Council

National Association of Criminal Defense Lawyers

New York State Bar Association,
International Section

litigation and arbitration.

Additionally, Jacques represents clients from diverse industries in intellectual property matters such as Lanham Act litigation, including cases involving trademark infringement, trade dress infringement and false advertising. He has also handled US International Trade Commission litigation involving microchip technology and finite element analysis.

Jacques is a thought leader with regard to international extradition, having published extensively in this area. His law review articles have been cited by numerous courts, including the US Courts of Appeals for seven federal circuits. He has served as counsel or co-counsel in several high-profile extradition cases. Jacques has testified in a notable trial on behalf of the Ministry of the Attorney General of British Columbia as an expert witness on US extradition law and procedure. The Supreme Court of British Columbia has described him as "a leading expert on extradition proceedings in the United States," with "broad practical and academic experience."

Representative Experience

- Served as expert witness on OFAC sanctions in proceedings before the International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation.*
- Served as expert witness on US extradition law on behalf of the Attorney General of British Columbia in criminal case in British Columbia, Canada.*
- Served as expert witness on New York law in litigation in Thailand.*

Commercial Litigation and Arbitration

- Served as lead arbitration counsel for claimant Asian pharmaceutical company in licensing and marketing dispute with US-based multinational pharmaceutical company; obtained eight-figure arbitral award for client, as well as substantial award of legal fees.*
- Served as lead counsel for a US generic pharmaceutical company in Hatch-Waxman litigation against UK-based multinational pharmaceutical

Jacques Semmelman

Partner

company; case settled on very favorable terms.*

- Served as lead counsel for Australian pharmaceutical company in defense of shareholder derivative and class action litigations in Delaware Court of Chancery revolving around majority ownership of US public company engaged in drug development; case settled on very favorable terms.*
- Served as lead counsel for plaintiff chain of US department stores in Lanham Act injunction action against major US retailer; obtained injunction via summary judgment, as well as full award of legal fees.*
- Served as lead counsel for international sports federation in defense of antitrust claims; case against client was dismissed voluntarily after completion of discovery.*
- Served as lead trial counsel for contractual beneficiary of \$331 million winning bid in US Bankruptcy Court case involving challenge brought by competing bidder seeking to reopen auction based on alleged collusion; following trial, court found no collusion and approved the transaction.*
- Represented international trading company as co-counsel in multi-defendant proposed class action involving alleged antitrust conspiracy to elevate metal prices; class certification was denied and summary judgment granted dismissing class action case.*

White Collar Criminal and Regulatory Defense

- Represented Swiss banker arrested in Germany and held for extradition to US on tax fraud and related charges; extradition was denied by German court.*
- Represented businessman under criminal investigation in the Southern District of New York for alleged corrupt payments to Mexican government officials; no charges brought.*
- Conducted internal investigation on behalf of Latin American bank into potential OFAC sanctions violations; no charges brought.*
- Conducted internal investigation on behalf of European manufacturing company into potential OFAC sanctions violations; no charges brought.*

*Experience prior to Katten

Jacques Semmelman

Partner

Recognitions

Recognized or listed in the following:

- AV Preeminent Peer Review Rating by LexisNexis Martindale-Hubbell
- *Super Lawyers*
 - 2013–2022

News

- *Wall Street Journal* Speaks With Jacques Semmelman on Extradition Treaty Issues (April 4, 2023)
- Commercial Lit Team Draws Coverage From *Reuters*, *American Lawyer*, *Law360* and More (January 11, 2023)
- Katten Lands Talented Litigation Team in New York (January 10, 2023)

Publications

- Financial Markets and Funds *Quick Take* | Issue 18 (September 2023)
- *ESG Guidepost* | Issue 5 (August 2023)
- Financial Markets and Funds *Quick Take* | Issue 16 (July 2023)
- *ESG Guidepost* | Issue 3 (June 2023)
- Extradited Defendant Denied Standing To Enforce Sentencing Agreement | *New York Law Journal* (October 9, 2015)
- Protecting Client Communications With Foreign Counsel From Discovery in U.S. Litigation | *ABA/BNA Lawyers' Manual on Professional Conduct* (March 11, 2015)

Jacques Semmelman

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- Interpol Red Notices and Diffusions: Powerful – And Dangerous – Tools of Global Law Enforcement | *The Champion* (May 2014)
- Obtaining Bail in International Extradition Cases | *The Champion* (January/February 2011)
- Case Comment, International Decisions: Sacirbey v. Guccione | *American Journal of International Law* (October 2010)
- The Doctrine of Specialty in Criminal Cases | *New York Law Journal* (January 3, 2008)
- Defending the International Extradition Case | *The Champion* (June 2006)
- Case Comment, International Decisions: Cornejo-Barreto v. Seifert | *American Journal of International Law* (2001)
- The Rule of Non-Contradiction in International Extradition Proceedings: A Proposed Approach to the Admission of Exculpatory Evidence | *Fordham International Law Journal* (2000)
- Case Comment, International Decisions: Lo Duca v. United States | *American Journal of International Law* (1997)
- Case Comment, International Decisions: Lobue v. Christopher | *American Journal of International Law* (1996)
- Case Comment, International Decisions: Industria Panificadora, S.A. v. United States, Goldstar (Panama) S.A. v. United States | *American Journal of International Law* (1993)
- Case Comment, International Decisions: State v. Ebrahim | *American Journal of International Law* (1993)
- The Doctrine of Specialty in the Federal Courts: Making Sense of United States v. Rauscher | *Virginia Journal of International Law* (1993)
- Case Comment, International Decisions: United States v. Alvarez-Machain | *American Journal of International Law* (1992)
- Due Process, International Law, and Jurisdiction Over Criminal Defendants Abducted Extraterritorially: The Ker-Frisbie Doctrine Reexamined | *Columbia Journal of Transnational Law* (1992)

Jacques Semmelman

Partner

- Federal Courts, the Constitution, and the Rule of Non-Inquiry in International Extradition Proceedings | *Cornell Law Review* (1991)

Presentations and Events

- US, EU, and UK Sanctions Imposed Against Russia: What Every Business Should Know Right Now Webinar (April 12, 2022)
- The Knowledge Congress Live Webcast Series | *Anti-Corruption Compliance and Enforcement: Key Developments in 2016 & Beyond* (February 3, 2016)
- Mexican Mediation Institute Program | *The Long Arm of the U.S. Foreign Corrupt Practices Act* (November 6, 2015)
- New York State Bar Association's International Section Program | *Foreign Corrupt Practices Act (FCPA): Enforcement Trends and Case Studies* (June 21, 2014)