

People



Noam B. Fischman

Co-Team Leader, Healthcare Litigation

Washington, D.C.

T: +1 202 824 1725

noam.fischman@akerman.com

vCard

An experienced healthcare litigator and go-to trial lawyer, Noam Fischman is a trusted guide for healthcare providers, pharmaceutical companies, life sciences companies, and related healthcare vendors, leading clients through cases in federal and state courts, government investigations, and matters involving regulatory agencies. Noam has a specific focus on managing risk related to fraud and alleged false claims, and fiduciary duty-related issues. He represents hospitals and hospital systems, behavioral health centers, ambulance companies, and skilled nursing facilities. Additionally, Noam has focused a significant portion of his practice to managing deal-related due diligence for clients engaging in corporate mergers and other transformational transactions, and advising clients about – and litigating when necessary – post-closing deal disputes.

Outside of the healthcare industry, for more than twenty years, Noam has managed commercial litigation needs. The scope of his experience includes contract disputes, commercial fraud matters, challenges to government action under the Administrative Procedure Act, among other types of cases. Noam routinely advises clients on issues related to the Foreign Corrupt Practices Act and manages related due diligence and investigations. He has litigated RICO matters and has guided clients through employment-related litigation and litigation issues associated with the EB-5 foreign investor program. He has also served for years in the role of outside general counsel to nonprofit organizations and has advised several Boards of Directors on matters related to corporate and non-profit governance.

Noam leverages his industry-specific knowledge and experience to provide clients with practical advice aimed at avoiding disputes before they arise. If disputes are unavoidable, Noam pivots to innovative and goal-oriented litigation strategies aimed at maximizing leverage for his clients while simultaneously seeking to minimize the impact of litigation of the client’s business.

Notable Work

Areas of Experience

Healthcare Fraud and Abuse
 Healthcare
 Pharmacy, Drugs, and Medical Devices
 Senior Living and Care
 White Collar Crime and Government Investigations
 Commercial Disputes
 Healthcare Litigation
 Staffing Law

Education

J.D., George Washington University Law School, 1999
 B.A., Rutgers University, 1996

Admissions

Bars

District of Columbia
 Maryland
 Virginia

Courts

U.S. Court of Appeals, District of Columbia
 U.S. Court of Appeals, Fourth Circuit
 U.S. District Court, District of Columbia
 U.S. District Court, District of Maryland
 U.S. Court of Appeals, Ninth Circuit

Related Content

Idaho’s Defense of Life Act and EMTALA: For Now, A Federal Court Permits an Idaho Health System To Stabilize Pregnant Patients Even If the Care Endangers a Fetus
 March 31, 2025

Blizzard of Executive Orders Signals Trump Administration’s Healthcare Priorities
 February 06, 2025

False Claims Act and Other Fraud Defense Work:

- Won motion to dismiss of False Claims Act case in the trucking industry related to government contracts.
- Argued and won Ninth Circuit appeal of summary judgment for one of the largest ambulance transport companies in the United States in connection with a multi-year False Claims Act litigation involving hundreds of thousands of allegedly false claims. Argued and won summary judgment on this same matter.
- Won motion to dismiss for hospital in which plaintiff (a senior official) alleged violations of the False Claims Act and the anti-retaliation provisions of the False Claims Act.
- Defended healthcare-related trade association in response to Congressional subpoenas.
- Settled for nuisance value after filing a motion to dismiss a False Claims Act case asserted against a skilled nursing facility by a former nurse.
- Currently defending a large educational institution against False Claims Act allegations related to the procurement of government grants.
- Successfully completed dozens of corruption-related due diligence reviews of foreign affiliates, consultants and/or joint venture partners. Advise clients regarding FCPA compliance, and draft/conduct related training for senior executives in the health care, nutrition, construction, and government contracts industries.
- Successfully defended nursing homes and skilled nursing facilities in connection with challenges by the Small Business Administration in connection with PPP loan qualification and forgiveness.

Fiduciary Duty Work:

- Successfully defended a group of five former directors of a privately-held life sciences company who were sued for alleged breach of their respective fiduciary duties. Spearheaded joint defense group and defense strategy that led to the reimbursement of all of the defendants' attorneys' fees and costs.
- Successfully defended a Maryland LLC against a derivative action filed by minority members alleging fraud and managing-member misconduct.
- Defended a publicly-traded company against Delaware Section 220 books and records action by shareholder representative challenging a tender offer to take the company private.
- Conducted multiple investigations of various large trade associations related to allegations of breaches of fiduciary duties by key executives.

Commercial Litigation:

- Won arbitration for publicly-traded life sciences company in connection with intellectual property escrows related to a merger.
- Won at all district court and appellate (Federal Circuit) court levels (including defeating a Writ of Certiorari to the United States Supreme Court) in challenge to the intellectual property rights and contractual loyalty rights in connection with military-grade weapons.

- Defeated a motion for a temporary restraining order, preliminary injunction, and motion to compel arbitration for major telecommunications company in a vendor dispute valued at close to \$100 million.
- Successfully defended a hospital system and settled for nuisance value a privacy dispute related to the unauthorized release of medical records, which led to the incarceration of the plaintiff.

Healthcare M&A:

- Advised publicly-traded medical equipment company related to post-closing escrow and setoff rights.
- Advised private-equity backed behavior health company related to post-closing litigation issues of acquired entity.
- Spearheaded internal investigation for large hospital system in connection with potential FCPA risk from international joint venture.
- Frequent contributor on merger due diligence teams in connection with fraud, fiduciary duty, and litigation risk.

Honors and Distinctions

- The Capital Pro Bono Honor Roll, 2023
- *Super Lawyers* Magazine 2013-2014, Listed in Washington, D.C. as a “Rising Star”

Published Work and Lectures

- *Law360*, Quoted, “High Stakes Healthcare Court Battles To Watch In 2025,” January 1, 2025
- *Bloomberg Law*, Quoted, “Abortion Pill Ruling on Standing Raises Hurdles for Trade Groups,” September 12, 2024
- Health Law Rx Blog, Co-Author, “What’s it to You? Justice Scalia’s 41-Year-Old Gatekeeping Question on “Standing” Influences Court to Uphold FDA’s Regulation of Mifepristone,” June 18, 2024
- Akerman LLP, Co-Author, “False Claims Act Enforcement Trends: A FY 2023 Retrospective and Considerations for FY 2024 and Beyond,” May 6, 2024
- *Healthcare Risk Management*, Quoted, “Knowing When to Call a Lawyer Can Help Avoid Bigger Problems,” February 1, 2024
- Health Law Rx Blog, Author, “Teva FCA Decision Sheds Light on Varying Interpretations of the Elements of an FCA Claim,” August 10, 2023
- Health Law Rx Blog, Co-Author, “OIG Issues Information Blocking Penalties Final Rule: Health IT Developers and Health Information Exchanges/Networks Have a Million Reasons to Care,” July 18, 2023
- Health Law Rx Blog, Co-Author, “The Supreme Court Clarifies the Government’s FCA Dismissal Power and Invites Constitutional Challenge to the FCA’s Qui Tam Provision,” June 27, 2023
- Health Law Rx Blog, Co-Author, “*SafeCo* No More: The Changing Landscape of Scierter under the False Claims Act,” June 2, 2023
- Akerman LLP, Co-Author, “False Claims Act 2022, in Review,” April 18, 2023
- Law.com, Quoted, “Akerman Debuts Health Care Litigation Team Amid Uptick in Regulation Activity,” April 10, 2023
- *Law360*, Quoted, “Akerman Launches Health Care Litigation Team,” April 5, 2023

- Health Law Rx Blog, Co-Author, “The Trebling Effect of (Some) False Claims Act Trials,” March 30, 2023
- Health Law Rx Blog, Co-Author, “State Attorneys General Flex in a Post-Dobbs world – can complying with federal regulatory guidance constitute racketeering activity?” February 13, 2023
- American Health Law Association (AHLA), *Health Law Weekly*, Co-Author, “Litigation in a Post-Dobbs World: Providers and Allies Beware,” February 3, 2023
- Health Law Rx Blog, Co-Author, “Mind Games: SCOTUS to Rule on what ‘Knowing’ Means under the False Claims Act,” January 31, 2023
- Thompson Reuters West LegalEdcenter, Webinar, Speaker, “The Evolving Challenges of Providing Healthcare in a Post-*Dobbs* America,” December 8, 2022
- Health Law Rx Blog, Co-Author, “Important Update: Georgia Abortion Law Remains in Effect Until Judicial Review,” November 30, 2022
- Health Law Rx Blog, Co-Author, “Breaking News: Georgia Court Overturns State Abortion Law,” November 17, 2022
- Health Law Rx Blog, Co-Author, “Recent FCA Settlements Warn Providers of Improper Billing Practices,” November 10, 2022
- *Compliance Today*, Co-Author, “False Claims Act Cases: A Cautionary Tale in Transactional Diligence,” September 2022