

# D.J. O'Brien III

Partner



## CONTACT INFO

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## OFFICE

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D.J. O'Brien's practice is constantly evolving to advise and represent employers in commercial litigation, employment law, and regulatory enforcement actions. He has deep experience in all levels of federal and state appellate and trial courts in North Carolina, including the N.C. Business Court.

## MY PRACTICE

### EMPLOYMENT LITIGATION

D.J. represents businesses in a variety of employment-related litigation cases, including discrimination and wage-and-hour claims, before state and federal agencies and courts. He has worked with companies in a broad variety of industries, including technology companies and franchises. D.J. also advises employers on creating appropriate employee policies and procedures and the best way to communicate those policies with workers.

## PRACTICE AREAS

Compliance & Internal Investigations  
Employment  
› Employment Litigation  
Litigation  
› Class Action  
› Complex Business Litigation  
› Federal Litigation  
› North Carolina Business Court  
› Professional Liability Litigation  
White Collar Defense and Investigations

## INDUSTRIES

Accounting & Professional Services  
Banking, Investment & Financial Services  
Retail  
Technology

## EDUCATION

Wake Forest University School of Law  
J.D., 2006; Editor-in-Chief, *Wake Forest Law Review*, 2005-06  
Vanderbilt University  
B.A., 1998

## CLERKSHIP

Law Clerk to The Honorable James C. Dever, III, U.S. District Court, Eastern District of North Carolina, 2006-07

## BAR & COURT ADMISSIONS

North Carolina  
US Court of Appeals  
4th Circuit  
11th Circuit  
US District Court - North Carolina  
Western District  
Middle District  
Eastern District

## COMMERCIAL LITIGATION

D.J. represents businesses and individuals in a range of sophisticated business disputes, including litigation involving the False Claims Act, securities, real estate, and shareholder disputes.

## WHITE COLLAR CRIMINAL DEFENSE

D.J. represents executives and companies who are under criminal or regulatory scrutiny concerning their business practices. He has extensive experience conducting sensitive internal investigations for companies, big and small, in a wide range of practice areas, including banking, health care, and securities.

## FALSE CLAIMS ACT AND QUI TAM ACTIONS

As part of his criminal and civil litigation practice, D.J. regularly represents individuals and corporations from a variety of industries, including the health care, construction, and technology sectors, in claims asserted under the False Claims Act. Most recently, D.J.'s experience has included matters involving grant fraud, including representing a whistleblower in a lawsuit against Duke University, who alleged that university researchers were committing medical research grant fraud by relying on falsified experiment results. The case settled in 2019 for what is believed to be the largest recovery for research grant fraud in the history of the False Claims Act.

## HONORS

Recognized as a "Labor and Employment Star" by [Benchmark Litigation](#) (2020-2021)

Selected by his peers for inclusion in [The Best Lawyers in America](#)® for Employment Law - Management (2019-2021)

Recognized in [North Carolina Super Lawyers](#) (Thomson Reuters) as a "Rising Star" in Business Litigation (2012)

North Carolina Bar Association Leadership Academy, Inaugural Class (2011)

## COMMUNITY INVOLVEMENT

Local Civil Rules Committee, United States District Court for the Middle District of North Carolina (2019-present)

Member, [Greensboro Police Community Review Board](#) (2016-present)

Member, Board of Directors, [Greensboro Rotary Club](#) (2015-2018)

Member, Board of Trustees, [AbolitionNC](#) (2017-present)

Member, Our Lady of Grace Church Finance Council (2015-present)

President, [Federal Bar Association](#), Middle District of North Carolina Chapter (2019-present)

Youth Soccer Coach (2012-present)

Member, Board of Directors, HandyCapable Network, Inc. (2013-2016)

Member, Labor & Employment Law Section, [North Carolina Bar Association](#)

Member, [Chief Justice Joseph Branch Inn of Court](#) (2003-06, 2008-10)

## PUBLICATIONS & MEDIA

- Co-presenter (with Kearns Davis), "Following the Money: The False Claims Act and the Federal Pandemic Response," North Carolina Bar Association July Expert Series Continuing Legal Education, July 2020
- DOL Proposed Rule Clarifies Requirements for Classifying Workers as Independent Contractors , September 28, 2020
- Revised DOL Regulations Limit Scope of Health Care Provider Exception Under the FFCRA, September 14, 2020
- The CDC (and Others) Change Guidance, July 22, 2020
- North Carolina Employers May Provide Financial Assistance to Employees Receiving Unemployment Benefits, April 28, 2020
- DOL Releases Mandatory Employee Notice Under the Families First Coronavirus Response Act, March 25, 2020
- Guidance for Employers with Salaried Employees in Response to COVID-19, March 23, 2020
- Employer Tax Relief Under COVID-19 Legislation, March 18, 2020
- NC Governor Cooper Expands Unemployment Benefits to Workers Affected by COVID-19, March 18, 2020
- Pending Legislation Would Require Job-Protected Leave and Paid Benefits for Absences Related to COVID-19, March 16, 2020
- Workplace Coronavirus Response Plans Must Comply with Applicable Employment Laws, March 5, 2020

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## SPEAKING ENGAGEMENTS

- Brooks Pierce Partners Participate in North Carolina Bar Association Expert Series CLE, July 16, 2020
- Employment Law Changes Lunch and Learn in Greensboro, April 26, 2013