

Jessica L. Ellsworth

Partner

Washington, D.C.

Biography

Having argued more than 75 appeals, Jessica Ellsworth focuses her practice on the Supreme Court and courts of appeals. She has represented clients in every federal court of appeals and over a dozen state appellate courts, giving her extensive experience in appellate courts and a keen ability to help clients solve litigation challenges.

Jess has handled appeals of motions to dismiss through bench and jury trials. Her cases have included patent and trademark disputes, class actions, arbitrability, statutory interpretation, and a variety of jurisdictional issues. She helps clients with operations in the U.S. and around the world as they navigate U.S.-based litigation. She has argued motions to dismiss, summary judgment motions, and critical issues motions in a variety of trial courts, with an eye toward creating an appellate record.

Jess is a leader in administrative law where she regularly pursues and defends against Administrative Procedures Act challenges to government agency action, and she has a niche practice in litigating dispositive motions and appeals in FCA cases. In these and all her other matters, Jess brings her appellate perspective to developing and managing case strategy to achieve her clients' goals.

Whether defending a trial court win or seeking to overcome a trial court loss, Jess crafts winning briefs and persuasively argues cases. Working in our Chambers-ranked Appellate practice, Jess's clients and



Phone

+1 202 637 5886

Fax

+1 202 637 5910

Email

jessica.ellsworth@hoganlovells.com

Practices

Administrative and Public Law

Education

Health

Litigation Services

Pharmaceuticals and Biotechnology
Regulatory

Commercial Litigation

Banking and Finance Litigation

Products Law

Technology Litigation

Industries

Aerospace and Defense

Automotive and Mobility

Consumer

successful appeals span the automotive, technology, pharmaceutical, health, education, and financial services industries.

Jess served as a judicial clerk to the Honorable Martha Craig Daughtrey of the U.S. Court of Appeals for the Sixth Circuit and the Honorable Rebecca Beach Smith of the U.S. District Court for the Eastern District of Virginia. While in law school, Jessica was named Best Oralist by then-U.S. Supreme Court Justice David Souter in the Harvard Law School Ames Moot Court Competition.

Representative experience

Successfully represented cryptocurrency company on question of stays pending interlocutory arbitrability appeals in the Supreme Court.

Successfully represented plaintiffs challenging congressional redistricting plan in the Supreme Court in challenge under Section 2 of the Voting Rights Act

Successfully represented a pharmaceutical company in a game-changing personal jurisdiction case in the Supreme Court.

Prevailed in obtaining JMOL after a \$105M verdict in a trade secrets case in federal court.

Prevailed in precedential appeal on design patents in the Federal Circuit.

Successfully argued appeals involving the False Claims Act in the Second, Third, Fourth, Fifth, Sixth, Eighth, Ninth, and Eleventh Circuits.

Successfully obtained discretionary interlocutory review in the Ninth Circuit district court rulings on class certification denial of motion to dismiss.

Obtained reversal of judgment entered after a bench trial in a trade dress dispute based on lack of personal jurisdiction in Tenth Circuit.

Obtained reversal of bench-trial damages award of \$40 million in construction delay case in New York Appellate Division.

Education

Energy and Natural Resources

Financial Institutions

Insurance

Life Sciences and Health Care

Technology and Telecoms

Areas of focus

Appellate and Supreme Court Litigation

Administrative Procedure Act

Antitrust and Competition Litigation

Class Actions and Group Litigation

Hospitals and Health Care Providers

Judicial Review

Pharmaceuticals and Biotechnology

Product Litigation

False Claims Act and Qui Tam

Cell, Tissue, and Gene Therapies

Education and admissions

Education

J.D., Harvard Law School, 2001

B.A., Dartmouth College, magna cum laude, 1998

Bar admissions and qualifications

District of Columbia

Virginia

Obtained summary judgment in an Administrative Procedures Act case involving complex issues of agency delegation and then prevailed on appeal in the D.C. Circuit.

Prevailed in a challenge to the FDA's denial of orphan drug exclusivity and obtained order directing FDA to grant such exclusivity.

Obtained reversal of the judgment in a multimillion dollar jury verdict in the Delaware Supreme Court based on legal error in the damages analysis.

Dedicated a decade to seeking, and ultimately obtaining, a green card for a Kurdish Iraqi asylum seeker.

Awards and rankings

- Litigator of the Week, *American Lawyer*, 2023
- Dispute Resolution: Product Liability, Mass Tort, and Class Action: Automotive/Transport, *Legal 500 US*, 2016-2019
- Dispute Resolution: Appellate, *Legal 500 US*, 2015, 2017-2020
- Legal Elite, Appellate Law, *Virginia Business magazine*, 2011-2012, 2014, 2016
- Rising Star (Appellate), *Washington, D.C. Super Lawyers*, 2013-2016
- Transport: Rail and Road (Litigation), *Legal 500 US*, 2019

Latest thinking and events

- Press releases
 - U.S. Supreme Court rejects dangerous attempt to destroy democracy
- Press releases
 - Hogan Lovells secures far reaching Supreme Court win for Coinbase in widely watched arbitration dispute
- Press releases

Court admissions

- U.S. Supreme Court
 - U.S. Court of Appeals, Federal Circuit
 - U.S. Court of Appeals, District of Columbia Circuit
 - U.S. Court of Appeals, First Circuit
 - U.S. Court of Appeals, Second Circuit
 - U.S. Court of Appeals, Third Circuit
 - U.S. Court of Appeals, Fourth Circuit
 - U.S. Court of Appeals, Fifth Circuit
 - U.S. Court of Appeals, Sixth Circuit
 - U.S. Court of Appeals, Seventh Circuit
 - U.S. Court of Appeals, Eighth Circuit
 - U.S. Court of Appeals, Ninth Circuit
 - U.S. Court of Appeals, Tenth Circuit
 - U.S. Court of Appeals, Eleventh Circuit
 - U.S. District Court, Eastern District of Virginia
-

- Hogan Lovells scores major Supreme Court victory for Alabama voting rights
- News
 - Supreme Court's Schutte decision: the meaning of knowledge remains elusive
- Press releases
 - US Supreme Court issues stay pending appeal enabling abortion pill to be distributed
- News
 - Sixth Circuit weighs in on meaning of causation, remuneration for False Claims based on alleged kickbacks