

THOMAS M. POHL

BIOGRAPHY

Mr. Pohl is a Member at Burns White, with a practice that focuses on complex commercial and civil litigation and business disputes. He has been selected by his peers for inclusion in *The Best Lawyers in America*® in the category of Commercial Litigation (2021). He is a former Assistant United States Attorney and a former law clerk on the United States Court of Appeals.

Mr. Pohl has handled trial and appellate-level litigation matters for clients in federal courts across the country, serving as counsel for both defendants and plaintiffs. He has first-chair jury trial experience, and he has tried cases to verdict in Pennsylvania's federal and state courts. He has experience litigating matters involving commercial breach of contract, fraud, and other tort claims for a variety of clients, including those in the aerospace and defense industries, as well as manufacturing, supply and logistics, energy, financial, newspaper and media, and non-profit sectors. Additionally, he has handled civil appellate matters in state and federal courts, including multiple matters in the United States Supreme Court.

He also has international arbitration experience, having arbitrated under the procedures of the International Centre for Dispute Resolution, as well as under the rules of the American Arbitration Association. Mr. Pohl advises clients on matters of commercial and international arbitration, and has provided commentary on international arbitration for the Allegheny County Bar Association's "Third Circuit Review."

Mr. Pohl has managed large-scale civil discovery projects, and previously served as temporary in-house counsel to a major pharmaceutical company, managing a litigation portfolio for that company. His practice also includes meeting with corporate boards to discuss litigation-avoidance planning.

Prior to joining Burns White, Mr. Pohl served within the Department of Justice as an Assistant United States Attorney and Deputy Chief of the Civil Division for the U.S. Attorney's Office, Western District of Pennsylvania. Prior to that, he was an attorney in the complex civil litigation group at one of the world's largest law firms; and, prior to that, he served as judicial law clerk to U.S. Circuit Judge Rhesa Hawkins Barksdale on the United States Court of Appeals for the Fifth Circuit and as a judicial intern to U.S. Senior District Judge T.S. Ellis, III on the United States District Court for the Eastern District of Virginia.

Mr. Pohl taught for several years as a guest lecturer in United States District Judge Arthur J. Schwab's business course at Grove City College, where he instructed business students in the fundamentals of contract law and personal jurisdiction in the age of e-commerce and global supply chains.

Mr. Pohl received his J.D. from the University of Notre Dame Law School and his undergraduate degree from Princeton University. Between college and law school, he served on active duty in the United States Marine Corps for five years, deploying twice. He then transitioned to the Marine Corps reserve with the rank of Captain.



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CREDENTIALSAreas of Law

- Complex Commercial Litigation
- Class Action Litigation
- Civil Litigation
- Business Law
- Insurance Coverage and Extracontractual Litigation

Education

- University of Notre Dame Law School (J.D., 2008; editor-in-chief, Notre Dame Journal of Legislation; board member, Appellate Moot Court)
- Princeton University (A.B., *summa cum laude*, 2000)

Bar and Court Admissions

- Commonwealth of Pennsylvania
- United States Supreme Court
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Federal Circuit
- United States District Court for the Western District of Pennsylvania
- United States District Court for the Eastern District of Michigan

Professional Admissions

- United States Department of Veterans Affairs

Memberships

- Pennsylvania Bar Association
- Allegheny County Bar Association
- Federalist Society

ACCOLADES & INVOLVEMENTHonors/Awards

- Selected by his peers for inclusion in *Best Lawyers in America*® for Commercial Litigation, 2021-2022
- Navy and Marine Corps Commendation Medal
- Navy and Marine Corps Achievement Medal
- Firefighter of the Year, Fox Chapel Volunteer Fire Department

Service/Activities/Community Involvement

- Former Captain, United States Marine Corps (active duty, 2000-2005; reserve, 2005-2010)
- Captain, Fox Chapel Volunteer Fire Department, Pittsburgh PA
- Alumni Council, Shady Side Academy, Pittsburgh, PA
- Parish/Pastoral Council, St. Scholastica Catholic Church, Aspinwall, PA

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PUBLICATIONS

- "International Arbitration: What Smart Business Leaders Should Know," *Pittsburgh Business Times*, November 16, 2012 (co-author)
- "Your Settlement Negotiations May Not Be Privileged: Federal Circuit Nixes Proposed Privilege for Negotiation of Patent Royalties and Other Settlement Discussions," law firm *Client Alert*, April 24, 2012 (co-author)
- "A Little Bird Told Me About the Trial: Revising Court Rules to Allow Reporting from the Courtroom via Twitter," 15 *BNA Commerce & Law Report 1415*, September 15, 2010 (co-author)
- "Disclosures to Independent Auditors – What's the Risk of Waiver?," law firm *Client Alert*, July 23, 2010 (co-author)
- "Self-Critical Analysis Privilege to the Rescue? Don't Count on it," law firm *Client Alert*, June 10, 2010 (co-author)
- "From Blackbeard to Bin Laden: The Re-Emergence of the Alien Tort Claims Act of 1789 and Its Potential Impact on the Global War on Terrorism," *Journal of Legislation*, 34 J. Legis. 77 (2008)

REPRESENTATIVE MATTERS

- Represented a health care insurer in the U.S. Court of Appeals for the Federal Circuit and in the U.S. Supreme Court in an action involving the client's ability to recover its attorneys' fees and costs under Section 285 of the Patent Act when targeted with baseless patent infringement allegations. After hearing oral argument, the Supreme Court issued a 9-0 decision for Mr. Pohl's client.
- Represented an NFL Hall of Famer in a fraud action against an automotive company with which he had partnered. The case involved the sale of an automotive logistics Minority Business Enterprise. The district court entered summary judgment in favor of Mr. Pohl's client on all counterclaims asserted against him and at the same time denied the opposition's own motion for summary judgment on fraud claims. The case was settled shortly thereafter.
- Represented an American defense contractor, defending against an attempt to overturn, in district court, an arbitration result under the Federal Arbitration Act that was favorable to Mr. Pohl's client. The matter involved payment of commissions for sales of defense-industry equipment in Slovakia. The district court upheld the finding for Mr. Pohl's client in its entirety and awarded attorneys' fees, and a settlement was subsequently reached among the parties concerning Mr. Pohl's client's recovery of its attorneys' fees and costs.
- Represented a Pennsylvania manufacturing and defense-industry holding company, providing guidance to the board of directors concerning litigation avoidance, fiduciary duties, executive compensation, merger and acquisition evaluations, and non-charitable trust issues.
- Represented a global communications service provider and its board of directors, defending against shareholder class action litigation arising from a proposed merger agreement claiming inadequate disclosures and an inadequate price.

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REPRESENTATIVE MATTERS

- Represented an oil and gas industry company and its board of directors, defending against shareholder class action litigation seeking to enjoin a proposed merger.
- Represented an individual—a private pilot—in the U.S. Court of Appeals for the Ninth Circuit and then in the U.S. Supreme Court in an action involving the scope of damages recoverable for violations of the Privacy Act of 1974.
- Represented a global pharmaceutical company in long-running litigation against the United States, concerning the company's entitlement to certain research and development tax credits from the Internal Revenue Service. The case involved a multi-decade e-discovery effort, and ended with a favorable settlement.

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