



## Ty Kelly

Shareholder

Baltimore | 410.862.1049 | [tykelly@bakerdonelson.com](mailto:tykelly@bakerdonelson.com)

Washington, D.C. | 202.508.3400

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Ty Kelly is a Fellow in the American College of Trial Lawyers and a member of Baker Donelson's Board of Directors. She defends companies in government investigations and high-stakes litigation.

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Ty Kelly is widely known as a skilled and experienced trial lawyer, representing both companies and individuals in high-stakes litigation and white collar matters. After a ten-year career at the Department of Justice (DOJ), Ms. Kelly is also known for her instinct and judgment in identifying and developing successful defenses and strategic approaches to the threat of government action or litigation, often successfully persuading prosecutors and others to not bring charges or claims before matters are ever made public. Part of this success stems from her experience in conducting internal investigations, resulting in the ability to advise companies strategically and efficiently under the threat of government action or litigation.

Some of Ms. Kelly's public current and former engagements include: the defense of a public health care provider in a False Claims Act matter related to false billing; the defense of numerous health care providers in DOJ and OIG investigations related to alleged anti-kickback violations; the defense of a national real estate company in an action brought by the State of Maryland and a putative class action alleging deceptive trade practices; and the defense of a national government contractor in a False Claims Act case.

Prior to private practice, Ms. Kelly was an Assistant United States Attorney for the District of Maryland for seven years. Prior to becoming an Assistant United States Attorney, Ms. Kelly served as a trial attorney in the Department of Justice's Criminal Division, Fraud Section, after being admitted into the prestigious Attorney General Honors Program. During her tenure at the Fraud Section, she also served as a Special Assistant United States Attorney for the District of Columbia trying cases in the District of Columbia Superior Court.

Ms. Kelly was inducted into the American College of Trial Lawyers in Spring 2019 and serves on the Federal Rules of Criminal Procedure Committee. Additionally, she previously served on the Board of Trustees for the Office of the Public Defender of Maryland, a position which is appointed by Governor Larry Hogan. Ms. Kelly proudly serves on Baker Donelson's Board of directors. She is actively involved in community affairs, serving on the Women's Leadership Council for My Sister's Place, a division of Catholic Charities, which provides meals, case management, education, and job training to women in Baltimore City.

## Representative Matters

- Representing numerous health care providers and related companies in federal and state civil and criminal investigations nationwide related to health care fraud, False Claim Act claims and anti-kickback claims.
- Representing a major agricultural company in multi-defendant antitrust class actions alleging wage fixing and no poaching agreements.
- Representing a private equity company in a False Claims Act investigation.
- Obtained a favorable settlement in a False Claim Act case against a public health care company related to overbilling.
- Represented a Fortune 100 company in a grand jury investigation resulting in witness status of company.



## Professional Honors & Activities

- Fellow – American College of Trial Lawyers
  - Vice-Chair, Federal Rules of Criminal Procedure Committee
  - Maryland State Committee
- Listed in *Chambers USA* as a leading Litigation: White-Collar Crime & Government Investigations lawyer (2019 – 2023)
- Listed in *Maryland Super Lawyers* (2015 – 2024)
- Named the Best Lawyers® 2024 Criminal Defense: White-Collar "Lawyer of the Year" in Baltimore
- Listed in *The Best Lawyers in America*® in Criminal Defense: White Collar (2018 – 2024) and Criminal Defense: General Practice (2021 – 2024)
- Honoree – Maryland's Top 100 Women by *The Daily Record* (2023)
- Named to *The Daily Record's* Criminal Law Power List (2023)
- Recipient – Leadership in Law Award by *The Daily Record* (2021)
- Member – American Bar Association
  - Co-Chair, Criminal Justice Section, White Collar Mid-Atlantic Sub-Committee
- Recipient – United States Attorney's Office Barney Skolnik Award
- Recipient – Department of Health and Human Services Inspector General's Integrity Award
- Recipient – United States Attorney's Office Award for Excellence in Prosecution of Fraud Award



## Government Experience

- Assistant United States Attorney, United States Attorney's Office for the District of Maryland (2005 – 2013)
- Trial Attorney, Criminal Division, Fraud Section, United States Department of Justice (2003 – 2005)
- Special Assistant United States Attorney, United States Attorney's Office for the District of Columbia (2003)
- Law Clerk, Richard D. Bennett, Judge, United States District Court for the District of Maryland (2003)
- Law Clerk, Frederic N. Smalkin, Chief Judge, United States District Court for the District of Maryland (2002 – 2003)



## Publications

- "Mentoring Lawyers Well – Practical Tips and Lessons Learned," *Today's Managing Partner* (March 2024)
- "Mentoring: Lessons Learned and New Ideas," *Baker Women Newsletter* (Issue 1, 2024)
- "Department of Justice Announces Criminal Prosecution Protection for Voluntary Self-Disclosures Related to Mergers & Acquisitions," republished in *Bloomberg Law* (October 2023)
- "Sixth Circuit Joins Eighth Circuit and Widens Circuit Split by Requiring "But-For" Causation in Some Anti-Kickback Cases" (April 2023)
- "What to Learn From the Department of Justice Criminal Enforcement Guidance," *MedCity News* (March 2023)
- "Health Care Entities Take Notice: DOJ Antitrust Division and HHS-OIG Look to Cooperate More on Antitrust Enforcement in Health Care" (January 2023)
- "Health Care Companies Can Mitigate Risks by Ensuring Compliance Effectiveness Based on Recent Department of Justice Criminal Enforcement Guidance" (November 2022)
- "Eighth Circuit Breaks from Third Circuit, Requiring the Government to Prove "But-For" Causation in Some Anti-Kickback Cases," republished August 15, 2022, in *Westlaw* (July 2022)
- "Lab Owners Beware – Conflicting EKRA Opinions Muddy the Landscape on Payments for Physicians' Test Referrals," republished in *Westlaw* (June 2022)
- "DOJ Cracks Down on Alleged Wage Fixing and No Poach Agreements," republished in *Westlaw* (February 2022)

- "Five Key Elements to Consider for Remote Hearings," *Trial Spotlight Newsletter* (April 2021)
- "State and Local Enforcement of Executive Orders on the Rise as Businesses Reopen Across America: Be Prepared to Respond " (April 27, 2020)



## Speaking Engagements

- "AHLA 2022 Fraud & Compliance Year in Review: Looking Back, Planning Ahead" (January 2023)
- "Criminal, Civil and Administrative Enforcement in Kickback Cases," 32nd Annual National Institute on Health Care Fraud (June 2022)



## Webinars

- Post-Dobbs: Intersection of Civil and Criminal Liability for Providers (August 2022)
- Your HR Department May Be a Ticking Antitrust Time Bomb (June and July 2022)
- 2022 Health Care Outlook (March 2022)
- Conducting Workplace Investigations – Part II (September 2021)
- To Trial or Not to Trial: Changing Considerations and Strategies for Effective COVID-Era Dispute Resolution (March 2021)
- What to Do When the Government Comes Knocking on Your Office Door (February 2020)



## Education

- University of Maryland, J.D.
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  - The John L. Thomas Prize, Second Highest Scholastic Average
- University of Maryland, B.A.



## Admissions

- Maryland (2002)
- District of Columbia (2014)