

Partner Annie Kastanek and Co-Counsel Stephen Lee Named Litigator of the Week Runners-Up for Seventh Circuit Victory

News

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Co-Chair of the firm's Appellate and Supreme Court Practice Annie Kastanek and outside Co-Counsel Stephen Lee, were named Litigator of the Week Runners-Up by *The American Lawyer* for their victory in *United States v. Sorensen*.

In an important decision, the US Court of Appeals for the Seventh Circuit took the rare step of overturning a defendant's conviction under the Anti-Kickback Statute, establishing important new boundaries for the statute's application to healthcare advertising and marketing. This victory is particularly noteworthy given the rarity of overturning criminal convictions at the appellate level.

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This case is the Seventh Circuit's first comprehensive examination of how the statute applies to advertising and marketing arrangements in the healthcare sector.

The case presented complex questions about the boundaries of the federal Anti-Kickback Statute and its expanded use by DOJ to prosecute payments to marketing and advertising agencies as so-called "kickbacks." DOJ's legal theory has been used to prosecute numerous cases in the past decade.

Annie and Stephen successfully persuaded the Court to adopt a narrower and more precise interpretation of the law that prevents prosecutorial overreach while still preserving the statute's core purpose.

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