

# Charles F.B. McAleer Jr.

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## PRACTICE AREAS

Employment

Government Contracting

Alternative Dispute  
Resolution

Appellate Practice

Commercial & Civil  
Litigation

## INDUSTRIES

Associations & Nonprofit  
Organizations

Bank & Lender Services

Government Contracting

Charles (“Chas”) McAleer is a shareholder with Bean, Kinney & Korman. As an experienced business litigator, he has a long track record of successful, cost-effective, and timely results for clients in federal and state courts, including particularly the United States District Courts for the District of Columbia and the Eastern District of Virginia.

Chas specializes in fiduciary, business torts, and federal statutory litigation. However, he has handled the full array of business disputes. For example, he has counseled and defended business clients facing fiduciary, director and officer liability, corporate governance, entity control, financial, government procurement, civil fraud, contract and breach of contract cases, business tort, unfair competition, trade secret, intellectual property, civil Racketeering Influenced and Corrupt Organizations (RICO) Act, professional liability, ERISA, securities, real estate, breach of fiduciary duty, and employment-related claims. Many of his cases have involved federal statutory claims, transnational discovery, and parallel federal bankruptcy proceedings.

Chas’s clients have included: financial institutions, technology companies, accounting firms, law firms, government contractors, corporations, partnerships, and business professionals.

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Professional & Licensed  
Occupations

Real Estate Development &  
Investment

## **BAR AND COURT ADMISSIONS**

Virginia, 1984

District of Columbia, 1985

Virginia Supreme Court

District of Columbia Court  
of Appeals

United States Courts of  
Appeals for the Fourth  
Circuit, D.C. Circuit,  
Eleventh Circuit, and  
Federal Circuit

United States District  
Courts for the Eastern  
District of Virginia, District  
of Columbia, Western  
District of Virginia, and  
District of Maryland

United States Bankruptcy  
Courts for the Eastern  
District of Virginia, District  
of Columbia and District  
of Maryland

United States Court of  
International Trade

*Pro Hac Vice* Admissions  
in Numerous Federal and  
State Trial Courts

In handling the foregoing legal issues, Chas has gained extensive experience in prosecuting and defending claims involving foreign entities and individuals, including the litigation of personal jurisdiction issues, obtaining and opposing evidence located abroad through international treaties and conventions, and conducting depositions outside of the United States.

His experience in federal and state jurisdictional and procedural issues, including those dealing with class actions, privileges, immunities, evidence, expert testimony, depositions, injunctions and other equitable relief, jurisdictional abstention and comity, transfer, and removal from state court provide his clients with a deep and broad understanding of complex matters. He has managed high volume document and electronic data cases, including counseling, and providing in-house training to clients on document retention and electronic discovery issues. Chas frequently speaks on these topics at bar association and continuing legal education programs.

Prior to joining Bean Kinney & Korman, Chas was a member and a business litigation attorney at Miller & Chevalier Chartered in Washington D.C. for 22 years. Throughout his practice, Chas has been dedicated to client service, first and foremost.

## **AWARDS AND HONORS**

Judicial Conference of the Fourth Circuit, Permanent Member

Fellows Class of 2021, Virginia Law Foundation, Member



## **AFFILIATIONS**

Federal Bar Association, Northern Virginia Chapter

American Bar Association

International Bar Association

## EDUCATION

Georgetown University  
Law Center, J.D., 1984

Georgetown University,  
A.B., 1981

Virginia Bar Association

District of Columbia Bar

Campagna Center of Alexandria

Washington Jesuit Academy

## EXPERIENCE

- (Pro Bono Litigation; Federal Constitutional Litigation) Lead counsel in federal district court civil rights action seeking injunctive relief preventing the execution of a federal prisoner suffering from severe cognitive conditions pursuant to *Ford v. Wainwright*, 477 U.S. 399 (1986); successfully obtained preliminary injunctive relief in federal district court that was affirmed unanimously by federal appellate court; preliminary injunction was ultimately vacated in the U.S. Supreme Court by a 5-4 majority without explanation (2019-20).
- (Transnational Litigation) Successfully opposed enforcement of a document subpoena to a French research institute in an MDL matter; court held that discovery sought from the research institute had to be issued through the Hague Evidence Convention (2019-2020).
- (Fiduciary Litigation) Representing three nonprofits against claims by the Pennsylvania Attorney General, acting pursuant to his *parens patriae* powers, that the nonprofits and their directors and officers engaged in improper transactions and self-dealing (2016-2020).
- (Pro Bono Litigation; Federal Constitutional Litigation) Lead counsel in federal district court litigation challenging sentence of federal prisoner regarding crimes committed as a juvenile under the U.S. Supreme Court's decisions in *Miller v. Alabama*, 567 U.S. 460 (2012) and *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016); successfully obtained right to seek parole and a conditional right to resentencing (2013-2020).
- (Fiduciary Litigation) Represented principals of two national law firms against claims by bankruptcy trustees and claimants; claims successfully resolved (2013-2018).

- (Transnational Litigation; Business Tort Litigation)  
Represented ship registry firm that served as contractor to a foreign sovereign against claims by a private security firm for tortious interference with contract and business expectancies; claims dismissed on basis of “act of state” doctrine (2015).
- (Federal Statutory Litigation; FCA Litigation) Represented government contractor in two federal district court cases involving *qui tam* and whistleblower claims relating to U.S. Army procurement; claims dismissed or successfully resolved (2014-2015).
- (Fiduciary Litigation) Represented president of 1031 Exchange company against claims in three federal court proceedings by bankruptcy trustee, putative class members and opt-out claimants; claims successfully resolved with no adjudication against client (2011-2017).
- (Federal Statutory Litigation; Transnational Litigation)  
Represented foreign governmental entity in three federal district court lawsuits against claims under the U.S. Anti-Terrorism Act and various common law tort theories; after five-years of discovery in one of the cases, obtained dismissal of each of the cases on jurisdictional grounds (2007-2015).
- (Federal Statutory Litigation; Transnational Litigation)  
Represented foreign governmental entity in two federal district court lawsuits against claims under the U.S. Anti-Terrorism Act and various common law tort theories; after protracted pre-trial discovery, filed motions leading to dismissal of both cases on the merits (2007-2015).
- (Federal Statutory Litigation; Transnational Litigation)  
Represented foreign governmental entity and unincorporated association in several federal and state courts regarding the vacatur of default judgments, judgment enforcement proceedings and related activities; all matters were ultimately resolved (2007-2009).
- (Transnational Litigation) Represented foreign corporation against wrongful death claims in federal district court arising from incident occurring during performance of U.S. government procurement in Iraq; successfully obtained dismissal of all claims on jurisdictional grounds (2006-2007).

- (Federal Statutory Litigation; Fiduciary Litigation) Represented investment management firm in two federal district court cases against claims for breach of fiduciary duty in management of pension fund assets during the 2000-2001 “tech bubble burst”; both cases were successfully resolved (2003-2010).
- (Federal Statutory Litigation; FCA Litigation) Represented government contractor in federal district court case involving *qui tam* and whistleblower claims relating to U.S. Postal Service procurement; claims were successfully resolved (2003).
- (Pro Bono Litigation; Federal Constitutional Litigation) Represented putative class of municipal employees who had been disabled during course of government employment and denied disability compensation benefits (2001-2006).
- (Fiduciary Litigation; Business Torts Litigation) Represented aviation consulting firm and its owner in federal district court against claims of breach of contract, fraudulent conveyance, breach of fiduciary duty and piercing the corporate veil; all claims were dismissed on summary judgment (1998-2001).

### **PUBLISHED ARTICLES**

- Playing the Sovereign Card: Defending Foreign Sovereigns in U.S. Courts

### **SPEAKING ENGAGEMENTS**

- 2021 Virginia Law Foundation Fellows Induction – Charles McAleer Jr.  
Thursday, January 21, 2021
- Time is Money: Lessons Learned from Rocket Dockets to Improve Efficiency in Litigation  
ABA Webinar, Thursday, June 6, 2019

### **NEWS**

- Charles (Chas) McAleer, Dean Luo and Harrison Clinton Join Bean, Kinney & Korman  
Friday February 12, 2021

## BEYOND THE SUIT

Chas, a native Washingtonian, enjoys exploring all areas of the DMV and, as an avid sports fan, watching his favorite teams including the Nats, the Caps, Georgetown University Men's soccer (of which he was the captain in the 1979 and 1980 seasons) and the Liverpool Football Club. Mostly though, his favorite activity is spending time with his wife and son. Chas and his wife, Ysabel Burns McAleer, have been long time supporters of Rule of Law entities, including the Southern Center for Human Rights and the D.C. Legal Aid Society.