



Caine O'Rear III

Member

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Biographical Information

Caine O'Rear has been in private practice with the Firm of Hand Arendall Harrison Sale since 1975, where he serves as chairman of the Firm's Litigation Section. He is admitted to practice in the Supreme Court of the United States and the Fifth and Eleventh Circuits and tries cases in all three federal districts and numerous circuit courts in Alabama, as well as in courts of other jurisdictions. Mr. O'Rear usually serves as lead counsel both at trial and on appeal.

Mr. O'Rear handles complex cases involving issues of fraud, the False Claims Act, business torts, breach of contract, constitutional claims, class action certification, and professional liability. He also conducts corporate internal investigations and advises companies regarding their compliance obligations. His clients span a wide variety of industries, including government contractors, health care providers, financial companies, nuclear energy, utilities, technology companies, state government, municipalities, and engineering firms.

Mr. O'Rear has prevailed at trial and on appeal for his clients in a number of significant cases throughout the years. Reported decisions include:

- *Baldwin County Elec. Membership Corp. v. City of Fairhope* (2008 WL 2410213) (obtained defense verdict and affirmance on appeal in favor of municipality in territorial dispute between two electric utilities);
- *Radiation Therapy Oncology v. Providence Hospital* (2005 WL 78756) (obtained summary

- judgment and affirmance on appeal for hospital in leading case on medical staff privileges);
- *Waddell & Reed, Inc. v. United Investors Life Ins. Co.* (2003 WL 21512990) (obtained for financial services company a reversal on appeal of \$50 million verdict and established new law on tortious interference with business relations claim); and
 - *Louisiana Debating and Literary Ass'n v. City of New Orleans*, 42 F.3d 1483 (1995 WL 8991) (obtained judgment and affirmance on appeal in Fifth Circuit for private clubs in leading First Amendment case regarding freedom of association).

More recently, Mr. O'Rear served as co-lead counsel with other members of his Firm in representing the State of Alabama and Alabama Medicaid against various pharmaceutical manufacturers where the State obtained a series of jury verdicts in excess of \$400 million regarding claims of improper prescription drug price reporting by the defendant manufacturers. In 2013-14, Mr. O'Rear defended south Alabama's largest health care provider against a multi-million dollar complaint filed by the U.S. Department of Justice under the False Claims Act.

Mr. O'Rear has been selected by his peers for inclusion in The Best Lawyers in America for the categories of Bet-the-Company Litigation, Commercial Litigation, and Construction Litigation. He is also listed in Chambers USA for Commercial Litigation and in Alabama Super Lawyers for Business Litigation. He was named by The Best Lawyers in America as the Lawyer of the Year 2016 for Bet-the-Company Litigation in Mobile, Alabama.

Mr. O'Rear has been active in the Alabama State Bar and other professional organizations. He is a Fellow of the Alabama Law Foundation and served on the Board of Bar Commissioners from 1992 through 2001. He has served on the faculty of the IADC's National Trial Academy and has written and lectured on topics involving trial techniques, trial strategy and ethics. He recently chaired the Federal Court Civil Practice Committee for the Southern District of Alabama.

Mr. O'Rear served in the United States Army and attained the rank of Captain.

Admissions

- Alabama State Bar, 1975
- Alabama Supreme Court
- United States Supreme Court

- U.S. Circuit Courts of Appeals for the Fifth and Eleventh Circuits
- All United States District Courts in Alabama and various other District Courts in other states

Education

- J.D., University of Virginia School of Law, 1975
- B.S., University of Alabama, 1972

Additional Information

Civic and Professional Affiliations

- Board Member, Big Brothers Big Sisters of South Alabama
- Ashland Place United Methodist Church

Publications and Presentations

- "Your Company on the Line." *Business Alabama*, August 2014.
- Caine O'Rear, III & S. Leanna Bankester, *Hospital Management vs. Medical Staff Bylaws*, IADC NEWSLETTER, September 2006, No. 3, at 1.

Awards

- *Chambers USA*, Litigation: General Commercial
- *Best Lawyers*® Lawyer of the Year 2016, Bet-the-Company Litigation, Mobile
- *Best Lawyers In America*©, Bet-the-Company Litigation, Commercial Litigation, Litigation – Construction, 2001–2022
- Alabama Super Lawyers© Business Litigation, 2008–2015
- Martindale-Hubbell AV® Preeminent



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