

Emil J. Ali

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Professional Summary

Mr. Ali provides advice to lawyers and law firms on complex issues ranging from compliance with the various rules of professional conduct to client management and ethics/malpractice actions. Mr. Ali's experience allows him to mitigate risk and work within tight deadlines, while solving complex problems in ambiguous situations. Mr. Ali regularly provides continuing legal education seminars and teaches law students on best practices. Mr. Ali is also a fellow of the American Bar Foundation.

Bar Admissions

California, District of Columbia, Oregon, and the United States Patent and Trademark Office (Registered Patent Attorney)

Teaching Experience

Lewis & Clark Law School – Adjunct Professor of Law 2018 – Present

- Design and teach innovative legal ethics course focused on practical aspects of the legal profession
- Coursework includes instruction on how to bill a client, legal advertising best practices, and an in-depth understanding of conflicts of interest and client management
- Educate students on bar admissions and character & fitness process
- Prepare students for Multistate Professional Responsibility Examination

Relevant Experience

McCabe & Ali, LLP – Partner 2020 – Present

- Co-founder of national law firm with focus on representing attorneys in ethics and professional responsibility matters
- Defend patent agents and lawyers charged with ethics violations in disciplinary enforcement actions brought by the federal government and courts, including matters involving allegations of breach of fiduciary duty, lack of competency, UPL, conflicts of interest, duties to clients, inequitable conduct, Rule 11 violations, sanctions, litigation misconduct, patent and trademark prosecution misconduct, lawyer mobility issues, personal misconduct, and criminal convictions
- Advise clients regarding highly complex intellectual property issues and the USPTO Rules of Professional Conduct
- Represent lawyers and law firms in all aspects of proactive and reactive matters related to client management
- Advise lawyers and law firms regarding best practices to identify, avoid, and prevent conflicts of interests and other potential violations of the rules of professional conduct
- Work with departing lawyers on establishing new firms and transferring complex client matters
- Advise law students and patent bar applicants regarding admissions process and moral character issues with USPTO and state bars
- Present ethics-focused continuing legal education seminars to law firms, bar associations, and insurance companies regarding best practices related to intellectual property ethics

Carr Butterfield, LLP – Partner 2018 – 2020

- Provide strategic legal advice to a diverse range of clients in litigation and transactional matters, including as lead trial counsel while efficiently coordinating experts and local outside counsel in administrative agency practice
- Led ethics and professional responsibility practice, representing professionals before federal and state regulators
- Provide written legal opinions for clients to make informed business decisions regarding liability, strategy, and growth, including counseling clients regarding GDPR, trade regulations, integrity, and data protection requirements
- Counsel clients regarding best practices in hiring and employment law matters, including onboarding and benefits
- Prepare and prosecute trademark applications, and provide guidance on patent portfolio strategy
- Provide general counsel and litigation services, including conducting internal investigations, contract negotiation, securities work, marketplace analysis, due diligence, mergers and acquisitions, and corporate governance matters

U.S. Patent and Trademark Office, Office of the General Counsel – Senior Staff Attorney 2012 – 2017

- Investigated grounds for discipline regarding practitioners accused of professional misconduct, including directing junior attorneys and professional staff in reviewing compliance with federal regulations
- Reviewed highly-technical patent and trademark applications for evidence of fraud and unethical conduct
- Provided complex legal opinions, advice, and memoranda to General Counsel and OED Director regarding interpretations of statutes and regulations while leading settlement negotiations in highly contested litigation
- Provided guidance on administrative law, including drafting changes to the USPTO Rules of Professional Conduct and other rulemaking

- Implemented standard operating procedures and long-term technical process improvements, while providing support and oversight in drafting and negotiating vendor procurement contracts and budgets, and monitoring third party compliance
- Drafted questions for Examination for Registration to Practice in Patent Cases (Patent Bar Exam)
- Developed training and provided guidance regarding the interpretation of regulations as a subject matter expert
- Winner of two agency Bronze Medal Awards for superior government Service, as well as an exceptional service award

Department of Justice, U.S. Attorney's Office for the District of Columbia – *Special Assistant U.S. Attorney* 2015

- Assigned a seven-month secondment to investigate and prosecute over three hundred cases involving criminal violations of D.C. law and support DOJ while gaining valuable trial experience
- Reviewed complex evidence and used discretion to determine plea agreements, deferred prosecution agreements, and trial strategies
- Took seventeen cases to trial in the Superior Court of the District of Columbia as lead trial counsel

Department of Labor, Employee Benefits Security Administration – *Employee Benefits Law Specialist* 2009 – 2012

- Performed complex interpretations of Part 7 of ERISA, HIPAA, COBRA, and the ACA
- Worked in conjunction with representatives from Treasury, IRS, and HHS to develop and publish regulations, advisory opinions, and interpretive guidance for employee benefit plans
- Provided guidance and training for attorneys and plan administrators seeking help interpreting regulations
- Provide support and regulatory interpretation for field-office investigations and audits of health plans
- Drafted letters and memoranda interpreting ERISA, including areas with unsettled legal precedent

Civic Engagement & Professional Activities

American Bar Association

- Vice-Chair of Professional Issues Division (2023-2024)
- Chair (and former Vice-Chair) of Section of Intellectual Property Law, Ethics and Professionalism Committee (2019-2024)
- Chair and Vice-Chair of the YLD Ethics and Professionalism Committee (2017-2019)
- Vice Chair of Professional Issues Division (2023-2024)
- Rosner & Rosner Professionalism Award Recipient (2018)
- Principal co-drafter of resolution promoting the proactive management-based regulation of the legal profession
- Member, Center for Professional Responsibility Diversity Committee
- Former Policy Implementation Liaison to Center for Professional Responsibility
- Elected Life Fellow, American Bar Foundation

Association of Professional Responsibility Lawyers

- Board Member (2021 – 2025)
- Member, Diversity Committee

American Intellectual Property Law Association

- Co-Chair, Committee on the Profession (2021-2023)
- Chair, Civility and Ethics (2021)

Cerritos Regional Chamber of Commerce – *Former Board Member*

CORO – *Former Health Leadership Fellow*

Oregon State Bar – House of Delegates Member (2022-2024)

Education

Howard University School of Law – *Juris Doctor*

Activities: Trial Advocacy Moot Court Team Member, Student Orientation Leader, CALI Award Recipient

Leadership: Student Bar Association – Class Vice President, Faculty Bar Passage Committee – Student Member

University of California, Irvine – *Bachelor of Arts in Political Science*

Activities: UCCS Scholar Intern, UCSA LobbyCore

Leadership: Director – Model United Nations

Languages

English; Hindi/Urdu; Spanish; Swahili

Selected Insights & Publications

- ABA – Taking a Deep Dive – Impact of New MRPC 1.16 & Corporate Transparency Act on IP Practitioners (August 1, 2024)
- NAPP – Inequitable Conduct & Taking Over Prior Cases (July 18th, 2024)
- Oklahoma Bar Association – Hot Topics in IP Ethics – From AI to Limited Scope Arrangements, What IP Lawyers Should Know (May 31, 2024)
- ABA – Government Conflicts – Special Circumstances Beyond Rule 1.11 (May 31, 2024)
- Oregon Patent Law Association, Salishan Conference (April 27, 2024)
- ABA – AI Ethical Competency: What Every IP Lawyer Needs to Know About Artificial Intelligence in the Practice of Law (April 19, 2024)
- PLI – Ethics Issues in the Cannabis Industry (April 4, 2024)
- ABA - The Last Twelve Months – Ethics Developments and Legal Malpractice Avoidance (March 27, 2024)
- ALT Legal & Corsearch – AI on the Prize: Ethical Considerations for Emerging Technologies (March 19, 2024)
- Santa Cruz Bar Association – Billing Effectively – 5 Ways to Stay Ethical When Tracking Billing Time to Clients (March 5th, 2024)
- ABA – Ethics Avengers of the IP World: Paralegals Assemble! Navigating the Legal World with Lawyers, One Rule at a Time (February 20, 2014)
- TRTCLE– Essential Ethics: Five Key Considerations for IP Lawyers (February 6th, 2024)
- Chicago Bar Association – Hot Topics in IP Ethics: What Patent and Trademark Lawyers Need to Know (January 26, 2024)
- Knobbe Martens – Controlling the Narrative -Setting the Stage for Well-Being and Competence in 2024 (January 25, 2024)
- Scale LLP – In House Bootcamp CLE Day (January 19, 2024)
- OCIPLA – Ethics in Review: Hot Topics for IP Attorneys (January 18, 2024)
- TRTCLE – Essential Ethics: Five Key Considerations for IP Lawyers (January 2, 2024)
- CELESQ – The Ethical Patent Lawyer – A Primer on the Ethics and Regulation of Patent Prosecutors (September 27, 2023)
- CEB: Billing Effectively – 5 Ways to Stay Ethical When Tracking and Billing Time to Clients (August 10, 2023)
- ABA LPL Section’s Ethics: A Mid-Year review (June 28, 2023)
- ABA Landslide, Ethical Issues of Remote Work for IP Professionals (June 27, 2023)
- ABA IPL Annual, Inequitable Conduct Allegations in Patent Cases: Considerations and Takeaways from Recent Court Decisions (April 14, 2023)
- University of Texas, Austin 2023 Advanced Patent Law Institute, Ethics Issues Facing USPTO Practitioners (March 23, 2023)
- CNA Insurance/Jamison, Risk, Regulation & Resilience: Best Practices for Your IP Practice (March 23, 2023)
- ABA, Practicing Law Across Borders: Managing UPL Risks of Multijurisdictional Practice (March 13, 2023)
- ABA GPSolo Magazine, Communication with Clients: Adequate or Inadequate? (February 17, 2023)
- AIPLA, Creating and Running an Ethical IP Law Firm Part 2 – Creating Firm Entity and Ownership; Determining Fees; Handling Client Money; Getting Paid; Record-Keeping Requirements; and Insurance (February 14, 2023)
- Association of Professional Responsibility Lawyers, Insurance Refresh: An Ethics Lawyer’s Guide to Coverage Issues (February 4, 2023)
- TRT CLE, Hot Topics in IP Ethics (January 31, 2023)
- Anteaters in Law & UCI Law, Ethics: 5 Things That Might Keep You Up At Night (January 27, 2022)
- OCIPLA, Ethics Issues for IP Counsel Working Through Foreign Associates and Intermediaries (January 24, 2023)
- D.C. Bar, A Primer on Conflicts of Interest in IP Practice (January 24, 2023)
- Harrity & Harrity Minority Firm Incubator 2.0, Intellectual Property Ethics: Five Things You Should Know About Running a Successful Patent Practice (July 12, 2022)
- World Trademark Review: Lessons from the USPTO’s war on rule-breaking trademark practitioners (May 7, 2022)
- ABA, Legal and Tax Considerations for a Remote Inventor World (November 3, 2021)
- Lawline, Avoiding Discipline at the USPTO: Recent Developments in Patent and Trademark Ethics (October 25, 2021)

- OTLA Business Litigation Section, Ethical Considerations in Joint Representation (October 14, 2021)
- State Bar of Wisconsin, IP Academy (September 24, 2021)
- PTAB Bar Association, Ethics before the PTAB (September 24, 2021)
- ACBA Labor and Employment 2021 Symposium – Ethical Considerations in Joint Representation (August 27, 2021)
- Conflicts in Patent Prosecution: Avoiding the Ethical Pitfalls Minimizing Risks of Malpractice Liability and Ethics Sanctions (August 26, 2021)
- OSB RELU, Back to Basics—Practical Ethics Tips for Real Estate and Land Use Practitioners (July 29, 2021)
- UIC John Marshall Law School 12th Annual Ethics in the Practice of Intellectual Property Law Seminar, IP & Ethics: Current Trends & Best Practices (June 4, 2021)
- ABA National Conference on Professional Responsibility, Lawyering in the Pandemic (June 2, 2021)
- ABA IPL Spring Virtual, Solicitation Ethics – Best Practices to Engage Potential Litigation Clients (April 14, 2021)
- PLI, Intellectual Property Rights Enforcement 2021 (January 7, 2021)
- World Trademark Review: Decoding the nuances of ethical trademark practice before the USPTO (January 4, 2020)
- World Trademark Review: Top five trademark ethics issues to watch out for (December 28, 2020)
- Multnomah Bar Association, COVID Ethics Crunch – Best Practices in Zooming to Client Success in a Pandemic (October 21, 2020)
- ABA Fall 2020 National Legal Malpractice Conference (September 24, 2020)
- Law 360: Balancing Newly Divergent State, USPTO Ethics Rules (September 23, 2020)
- OSB Bar Bulletin: Creating a Sense of Belonging (September 2020)
- PLI's Patent Fundamentals Bootcamp 2020 (San Francisco), Practising Law Institute (July 15-17, 2020)
- The USPTO's Focus on Declarations - How to Ensure your Patent and Trademark Filings Comport with the USPTO Rules, American Bar Association – IP Section, Washington, DC (April 3, 2020)
- A Trademark Attorney's Guide to OED – and How to Avoid Inadvertent Ethical Violations, Alt Legal Connect 2020 – Trademark Conference New York, Alt Legal (March 22 – 24, 2020)
- Conflicts in Patent Prosecution: Avoiding the Ethical Pitfalls, Strafford (February 25, 2020)
- Regulation BI: Preparing Clients for the New Standard of Conduct, Oregon State Bar Securities Section (February 12, 2020)
- Shifting Landscapes: Adapting your IP Firm to Emerging Threats, CNA Insurance (December 12, 2020)
- Overview of the Form CRS (Regulation Best Interest), Financial Planning Association (November 26, 2019)
- Business Transactions Between Client and Lawyer, CNA Insurance (November 2019, Issue 5)
- Overview Interpretative Guidance (Regulation Best Interest), Financial Planning Association (November 5, 2019)
- How to be a CCO, Carr Butterfield, LLP (October 24, 2019)
- SEC Regulation Best Interest: What It Means for Certified Financial Planners (CFP®), Financial Planning Association (September 19, 2019)
- University of Dayton School of Law - 29th Annual Program In Law and Technology (PILT) Seminar, Trademark Representation: Ethics of the Rise in Foreign Filings (June 7, 2019)
- Strengthen and Update Internal Risk Management, ABA CPR (May 31, 2019) Trademark Representation Risks : Best Practices For Reducing Malpractice And Ethics Complaints, Strafford (May 8, 2019)
- Protecting Your On-Line Reputation without Losing Your License, ABA CPR (April 23, 2019)
- Recommendation and Report to the Assembly Regarding PMBR, ABA YLD Ethics and Professionalism Committee (January 26, 2019)
- University of Dayton School of Law - 28th Annual Program In Law and Technology (PILT) Seminar, Ethics for IP Professionals: The Three C's – Communication, Conflicts, and Client Trust Accounting (June 8, 2018)
- Oregon State Bar Intellectual Property Section, Ethics for IP Professionals: The Three C's – Communication, Conflicts, and Client Trust Accounting (May 2, 2018)
- Oregon State Bar Securities Regulation Section, The Nuts & Bolts of SEC Whistleblower Claims & How the Recent Digital Realty Case Changed the Landscape (March 21, 2018)