

Nicholas M. DiCarlo

Associate

Drawing on experience from serving on Capitol Hill, in the judiciary, and in private practice, Nick DiCarlo delivers informed and objective guidance to each of his representations. Whether navigating corporate clients through crises, advising individuals caught in the crosshairs of government investigations, or helping patients and health care providers recoup benefits owed, Nick marries his communications know-how with a natural facility for productive discourse to advance his clients' objectives.

Nick is frequently called upon to counsel clients through government investigations and litigation. Accustomed to interfacing with regulators and other government lawyers, he is well-equipped to advise clients on untangling obligations in white collar proceedings, making thoughtful and appropriate disclosures, and more broadly, decoding the government's priorities.

In his litigation practice, Nick confronts thorny issues and powerful adversaries to help solve his clients' legal challenges. He represents plaintiffs and defendants, individuals and corporations, and insurers and insureds in tackling complex questions such as whether an insurer has an obligation to provide coverage for industry-leading genetic testing services. Although Nick's practice spans industries and subject matters, it often focuses on health care, where he litigates statutory rights and works on behalf of patients and health care providers to hold large insurers accountable for benefits owed. Nick credits his passion for work in the health care space to his exposure to these issues while working in government.

Prior to joining the firm, Nick was a law clerk to The Honorable M. Margaret McKeown on the U.S. Court of Appeals for the Ninth Circuit. He previously was a litigation associate at an international law firm in Washington, DC, and served for five years as a policy advisor in the U.S. Senate and House of Representatives. From 2009 to 2014, Nick advised U.S. Congresswoman-then U.S. Senator Tammy Baldwin on employment and health issues, including the implementation of the Affordable Care Act, helped to prepare for House Energy & Commerce Committee and Senate Health, Education, Labor & Pensions Committee hearings and mark-ups, drafted legislation, and met with constituents, businesses, and interest groups.

Government service



Washington, DC

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Practice focus

- White Collar Defense
- Investigations
- Business Litigation
- Plaintiffs and Class Actions
- Health Care
- Commercial Health Insurance Disputes
- False Claims Act
- Food and Drug
- Legal Profession and Ethics
- Securities and Commodities Litigation
- Pro Bono

Education

- Georgetown University Law Center, J.D., *magna cum laude*, Order of the Coif, 2015
- Columbia University, B.A., 2007



ZUCKERMAN
SPAEDER

- Legislative Assistant
 - Senator Tammy Baldwin (D-WI)
 - U.S. Congress

- Dean's List; National Merit Scholarship

Languages

Professional leadership

- Legal Counsel for the Elderly, Young Lawyers Alliance Member
- Washington Lawyers' Committee for Civil Rights & Urban Affairs, Associates Campaign Leader
- American Bar Foundation Fellow
- Founding Member, Zuckerman Spaeder Associates' Committee
- Contributing Editor, Zuckerman Spaeder's InsightZS Blog

Recognitions

- The Best Lawyers in America, Commercial Litigation; Criminal Defense: White-Collar (Ones to Watch)
- Super Lawyers (Washington, DC)
- DC Bar Pro Bono Honor Roll (2015-2017, 2022)

Bar admissions

- District of Columbia
- New York

Court admissions

- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, District of Columbia
- U.S. District Court, District of Maryland
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York



Clerkships

- Hon. M. Margaret McKeown, U.S. Court of Appeals for the Ninth Circuit

Representative matters

- Represented the CFO of Eagle Bank in an investigation by the SEC into alleged misstatements in securities disclosures. Obtained a declination after submitting a Wells response and meeting with leadership of the Enforcement Division.
- Represents individuals and businesses under investigation by the U.S. Department of Justice, the U.S. Securities and Exchange Commission, the Federal Election Commission, congressional committees, and other federal and state authorities. Representative investigations have covered subjects including potential violations of the Foreign Corrupt Practices Act (FCPA), False Claims Act (FCA), Food Drug and Cosmetics Act (FDCA), federal securities laws, and federal election laws.
- Represents two genetic testing companies in separate disputes against major health insurance carriers for failure to pay benefit claims.
- Represents Certain Underwriters at Lloyd's, London and other London Market Insurers in litigation involving hundreds of millions of dollars of insurance coverage for lead-paint manufacturers' public nuisance liabilities.
- In pro bono matter, represents four immigrant families in a Fair Housing Act lawsuit challenging a discriminatory mobile home park policy requiring tenants to prove immigration status.
- Represents victims of child sexual abuse in actions against the Boy Scouts of America.
- Drawing on experience serving on Capitol Hill during the passage and implementation of the Affordable Care Act (ACA), represented state hospital associations as amici curiae in litigation concerning the constitutionality of the Act.
- On behalf of a generic pharmaceutical company client, obtained dismissal of a lawsuit brought by a competitor seeking a declaratory judgment that it was entitled to 180 days of marketing exclusivity under the Hatch-Waxman Amendments to the FDCA.

