



BYRNE  
CANAAN  
LAW



# Davis Powell

*Partner*

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Davis Powell focuses his practice on defending health care providers and other professionals in complex criminal, civil, and regulatory litigation. As a former prosecutor, Davis has significant experience in both the courtroom and in government investigations. Davis also recently served as in-house counsel to a publicly-traded tech company, where he managed a broad range of litigation matters and led sensitive internal investigations.

With his diverse set of experiences, Davis is uniquely situated to advise clients in government investigations and high-exposure litigation. He regularly represents health care providers and their practices when facing government investigations for allegations ranging from improper prescribing to health care fraud. Davis has also assisted a number of health care clients respond to whistleblower claims brought under the False Claims Act ("FCA").

Davis has represented clients facing white collar criminal investigations led by federal and state government agencies such as the U.S. Department of Justice, the Drug Enforcement Administration, and the Virginia Department of Health Professions. Davis also has significant courtroom experience, having represented clients in both criminal and civil cases in federal and state courts across Virginia. He routinely appears in the U.S. District Court for the Eastern District of Virginia (also known as the "Rocket Docket"), where he also serves as court-appointed counsel for indigent defendants in serious criminal matters.

In addition to his government investigations and white collar practice, Davis represents health care providers in complex medical malpractice cases. He has represented providers across Virginia with a wide variety of specialties including obstetrics, neurosurgery, and orthopedics. Davis has experience in all phases of the litigation process and has delivered successful results before both judges and juries.

Davis is also involved in a number of bar associations and professional organizations, including the Virginia Bar Association, where he previously served as the state-wide Chair of the Criminal Law Section. Davis received his undergraduate degree from the University of Georgia and his law degree from the University of Richmond.



## REPRESENTATIVE EXPERIENCE

### *Government Investigations, Enforcement Actions & White Collar Criminal Defense*

- Regularly represent health care providers and other professionals involved in government investigations and enforcement actions.
- Represent health care practices in responding to investigations conducted by federal and state agencies such as the Department of Justice, Medicaid Fraud Control Unit, CMS, HHS-OIG, FBI, DEA, FDA, and others
- Represent individuals and companies in connection with federal grand jury investigations and document requests.
- Routinely represent health care providers in licensing investigations conducted by the Virginia Department of Health Professions.
- Represent health care providers and practices in billing audits and reimbursement appeals before public and private health payers, including Virginia Department of Medicaid Services (DMAS) and Centers for Medicare Services (CMS).
- Represented physician on criminal charges in the Eastern District of Virginia for alleged improper opioid prescribing. Government dismissed all counts of the indictment and agreed to favorable civil resolution prior to trial.
- Represented compounding pharmacy and its owner in parallel criminal and civil False Claims Act (FCA) investigation conducted by DOJ into alleged upcoding, improper billing, and kickbacks in the Western District of Virginia. Government declined intervention and closed case without filing criminal charges.
- Represented pharmacy and its owner in connection with parallel federal criminal and civil investigations related to improper opioid dispensing in the Eastern District of Virginia. After more than 2 years of investigation, the government closed case without charges filed.
- Represented nursing home administrator charged with multiple counts of elder abuse in Virginia state court. Charges were dismissed by prosecutor prior to trial after aggressive advocacy and motions practice.
- Represented nurse charged with sexual assault of patient in Virginia state court. Charges were dismissed by prosecutor prior to trial after aggressive advocacy in pretrial phase.
- Represented ENT and his practice in significant FCA litigation and related Virginia DMAS proceedings related to claims of improper billing for surgical procedures. Case resulted in civil settlement with no future exclusion from Medicare or Medicaid.
- Represented dentist in the Eastern District of Virginia on federal criminal charges for opioid diversion. Client sentenced to home confinement and probation.
- Represented pharmacist facing state drug diversion charges related to drug diversion, resulting in sentence of probation.
- Obtained reduction of life sentence to time served for indigent criminal defendant in the Eastern District of Virginia (Richmond Division) on motion filed under the First Step Act of 2018.
- Represented numerous defendants in significant federal criminal cases in the Eastern District of Virginia, including capital murder, drug distribution, and robbery, as member of Criminal Justice Act (CJA) Panel.



### *Medical Malpractice Defense*

- Significant litigation and trial experience representing health care clients including hospitals, physicians, physician practices, dentists, and nurses in complex malpractice cases across courts in Virginia.
- Achieved multiple no pay dismissals prior to trial in significant malpractice cases through aggressive advocacy and pretrial motions.
- Represented orthopedic surgeon and his practice in medical malpractice trial alleging improper performance of spinal fusion surgery, leading to bleeding complication. Jury returned defense verdict after multi-day trial.
- Represented gastroenterologist in medical malpractice case alleging insufficient sedation during endoscopy procedure. Plaintiff voluntarily dismissed case prior to trial after deposition of plaintiff's expert witness.
- Represented emergency medicine physician in medical malpractice case alleging improper catheterization of male patient, resulting in permanent urethral damage. Plaintiff voluntarily dismissed case against our client before trial following disclosure of defense experts.

### **PUBLICATIONS & PRESENTATION**

- "HB1730 – Expanded Employer Liability for Employee Intentional Torts" – July 2025
- "Chevron Overruled: What Does it Mean for Health Care Providers?" – July 2024
- "Medical Malpractice in the COVID-19 Era: How will the Illusive COVID-19 Standard of Care and Virginia's Immunity Statutes Affect Future Cases?" Virginia Lawyer Magazine, October 2020
- "As Opioid Strike Force Comes to Virginia, What Prescribers Need to Remember" Virginia Medical Law Report, May 2019
- "Gov't Signals Sea Change on Healthcare False Claims," Virginia Medical Law Report, March 2018; also reprinted in Virginia Lawyers' Weekly, March 2018.
- "Protecting your Practice: A Legal Perspective for Virginia Prescribers and Pharmacists." One Care of Southwest Virginia Educational Forum on Substance Abuse Disorders
- "Risk Management and Legal Tips for Dealing with Difficult Patients" – Virginia Medical Group Management Association
- "Medical Malpractice in Virginia," Hospital System Surgery Department Grand Rounds
- "Prescription Drug Abuse: A Legal Perspective" Educational Forum on Substance Use Disorders: Prescribing, Prevention, and Practical Applications to Practice, Virginia hospital system
- "Medical Malpractice Liability in the COVID-19 Era", Virginia Association of Family Physicians
- "Virginia Criminal Law and Procedure for the Virginia Health Care Provider" OB-GYN Practice Group
- "Federal and State Response to the Opioid Crisis" Virginia Bar Association White Collar Criminal Law Forum, Panel Member, Compliance and the Defense Perspective
- "Everything the Health Care Provider Should Know about the Practical Aspects of Virginia Criminal Process and Procedure" Virginia Hospital System
- "Virginia's New Opioid Prescribing Laws & Regulations"



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## PRACTICE

- Health Care Investigations & Enforcement Actions
- Medicaid/Medicare & Private Insurance Audits
- Medical Malpractice Defense
- White Collar & Government Investigations
- False Claims Act (“FCA”) and Qui Tam Litigation
- Controlled Substances Act (“CSA”) Violations
- Risk Management

## LICENSURE

- Virginia
- U.S. District Court, Eastern District of Virginia
- U.S. District Court, Western District of Virginia
- United States Court of Appeals for the Fourth Circuit

## ACADEMIC CREDENTIALS

- University of Georgia, B.A.
- University of Richmond School of Law, J.D.
- Moot Court Board; Bridge to Practice Public Service Fellowship (2012)

## ASSOCIATIONS AND PROFESSIONAL MEMBERSHIPS

- Virginia Bar Association, Chair, Criminal Law Section
- American Health Lawyers Association
- John Marshall Inn of Court
- Richmond Bar Association
- Virginia Association of Defense Attorneys
- Virginia State Bar

## DISTINCTIONS AND AWARDS

- Recognized in the 2021 and 2022, 2023 editions of Best Lawyers “One to Watch” for Criminal Law: White Collar, Health Law, Medical Malpractice – Defense
- Recognized in 2020, 2021, 2022, 2024 “Virginia Legal Elite” for Criminal Law by Virginia Business Magazine