



Jillian Somers Donovan

Partner

Jillian's practice focuses on civil and regulatory litigation for health care industry clients and providers of long-term care services. Her representation includes skilled nursing facilities, hospitals, medical staffs, assisted living facilities, continuing care retirement communities, independent living communities, and intermediate care facilities for the developmentally disabled. Jillian represents clients in administrative proceedings and litigation, including suits challenging regulatory citations, deficiency appeals, staffing audits, licensure actions, abuse and neglect complaints, as well as lawsuits on a wide array of matters. Jillian handles all phases of litigation: discovery, law and motion practice, mediation, arbitration, administrative hearings, trials, writs and appeals.

Jillian guides her clients through issues involving multiple government agencies, including the California Department of Public Health, California Department of Social Services, U.S. Department of Health and Human Services and Centers for Medicare and Medicaid Services. Jillian handles advice and counsel for disputes with government agencies and manages the response to investigations conducted by the same.

Jillian also defends hospitals, medical staffs, and medical staff leaders in civil litigation arising from peer review activities. She has participated in the representation of medical staffs in formal hearings involving peer review actions. Jillian has also acted as a trial attorney representing hospitals in multiple lawsuits involving peer review and physician contracting issues. As part of her work with hospital clients, Jillian also provides advice and representation to clients with regard to Probate Code capacity and medical judgment petitions and related questions.

Jillian strongly supports pro bono representation and has successfully obtained Domestic Violence Restraining Orders for numerous pro bono clients over the years. During that representation she has attained no-contact orders, modified visitation schedules, emergency orders, and orders for sole custody and visitation. Jillian also works on pro bono matters for military veterans.

Jillian's prior experience was in the representation of companies in large-scale breach of contract actions, state and federal class actions, and State Attorney General actions. Jillian's representation involved pharmaceutical and health care litigation, as well as consumer fraud actions.

Representative Work

San Francisco

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Firm Leadership

Recruiting Committee

Practices/Industries

Health Care Litigation

Health Care

Litigation & Dispute Resolution

Senior Housing and Care

Represented multiple skilled nursing facilities in successfully resolving citation matters.

Successfully opposed a petition for an emergency order authorizing medical treatment filed against a hospital

Represented skilled nursing facilities in successful Independent Dispute Resolutions.

Represented Continuing Care Retirement Community in trial of two unlawful detainer actions.

Represented hospital system in multi-million dollar lawsuit alleging interference with contract and retaliation, including acting as trial counsel.

Successfully briefed and argued summary judgment motion in civil litigation challenging State AA Citation issued to a skilled nursing facility.

Obtained restraining orders for pro bono clients after hearing.

Obtained dismissal of deportation action for pro bono clients based on Fourth Amendment search and seizure violation.

Assisted with obtaining appellate reversal and dismissal of US\$1.2 billion Medicaid fraud judgment and reversal and remand of US\$11.4 million unfair trade practice judgment against pharmaceutical manufacturer in action brought by the Arkansas Attorney General.

Assisted in matter where client prevailed on appeal from \$330 million judgment in Medicaid fraud action by the Louisiana Attorney General, winning reversal and entry of judgment in favor of pharmaceutical manufacturer in the Louisiana Supreme Court.

Assisted with obtaining order striking class claims before any discovery in case alleging violations of Missouri Merchandising Practices Act by over-the-counter manufacturer.

Assisted in defending major consumer products company against false advertising class actions involving personal care products.

Publications

"CMS' Changes to Nursing Home Compare and the Five Star Rating System," co-author, American Health Lawyers Association (May 2019)

"Proposed Bill Would Increase Skilled Nursing and Intermediate Care Facility Citations and Penalties," *Senior Care & Housing Alert* (February 2019)

"Social Media: Connections with Residents and Employees - Issues and Concerns," co-author, *LeadingAge California Engage Magazine* (May 2018)

"Long-Term Care Requirements of Participation - Phase 2 Implementation Effective November 28, 2017," co-author, *Health Care Law Alert* (November 2017)

"California Statutes Expanded to Include Peer Review Protections and Requirements for Licensed Midwives," *Health Care Law Alert* (November 2017)

"Fourth Circuit Decides Closely Watched False Claims Act Case, *Michaels v. Agape Senior Community*, But Declines to Rule on Validity of Statistical Sampling," *AHLA Member Alert* (March 2016)

"Finalized Medicare 60-Day Overpayment Rule Goes Into Effect Today – Providers Are You Ready?" *Health Care Alert* (March 2016)

"New California Assisted Suicide Law Gives Senior Care Providers Limited Protection," co-author, *Senior Housing & Care Law Alert* (October 2015)

"Evidence Code Section 1157 Expanded to Include Pharmacy Review Committees," co-author, *Health Care Law Alert* (October 2015)

"Antitrust Considerations For Senior Living Providers," co-author, *American Seniors Housing Association Special Issues Brief* (Summer 2013)

"Zealous Advocacy and the Discovery Process: Does the Duty to Cooperate Leave Room for Lawyering after National Day Laborer?" co-author, *Practicing Law Institute's Summer Ethics Programs* (June 2011)

Presentations

"Navigating the Transfer/Discharge Process," LeadingAge California Annual Conference (May 2019)

"The Dynamics of Disputing Federal Deficiencies", CAHF Annual Conference (November 2018)

"Phase 2 Requirements of Participation," CAHF Delta Stockton Branch (April 2018)

"Phase 2 of Requirements of Participation," Golden Gate Association of Health Facilities (January 2018)

"Independent Informal Dispute Resolutions," co-speaker, CAHF Annual Conference (November 2017)

Community Involvement

Hastings Trial Team, Volunteer Coach

Professional Affiliations

CAHF GR Legal Subcommittee

California Society for Healthcare Attorneys

American Health Lawyers Association

California Association Medical Staff Services

LeadingAge California

California Association of Health Facilities

Bar Association of San Francisco

Academic Distinctions

Hastings Law Journal

Thurston Society

Education

J.D., *magna cum laude*, University of California, Hastings College of the Law (2009)

B.A., *magna cum laude*, California Polytechnic State University (2004)

Admissions and Courts

California

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Northern District of Florida