

Drew Erteschik

PARTNER

t: 919.783.2895

Drew focuses on high-stakes litigation.



OFFICE LOCATION

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JURISDICTIONS LICENSED

North Carolina, Supreme Court of the United States, US District Court for the Eastern District of NC, US District Court for the Middle District of NC, US District Court for the Western District of NC, US Court of Appeals for the Fourth Circuit

BIOGRAPHY

Clients trust Drew to take the lead on their most important matters, especially those with challenging legal issues. [*Chambers USA: America's Leading Lawyers for Business*](#) has profiled his “highly acclaimed practice,” and he has been repeatedly recognized in [*The Best Lawyers in America*](#), [*Benchmark Litigation*](#), [*North Carolina Super Lawyers*](#), and [*Business North Carolina's*](#) “Legal Elite.” In 2020, Drew was inducted into [*Business North Carolina's*](#) Legal Elite “Hall of Fame.”

In recent years, Drew has handled matters that included:

- serving as lead counsel for a bipartisan group of U.S. Senators and U.S. House Representatives in a Holocaust restitution case before the U.S. Supreme Court;
- as lead trial counsel, winning the largest jury verdict for a whistleblower in the history of the North Carolina Whistleblower Act;
- obtaining a no-liability result in a \$150+ million shareholder dispute as lead defense counsel for a majority shareholder and related corporate defendants;
- obtaining a significant settlement in a federal antitrust lawsuit as lead counsel for a statewide group of healthcare professionals and their patients;

- serving as lead counsel for a coalition of craft breweries in a successful challenge to North Carolina's beer-distribution laws;
- representing the North Carolina Department of Revenue in a groundbreaking tax case before the U.S. Supreme Court as co-counsel to the North Carolina Solicitor General;
- obtaining a multimillion-dollar settlement as lead counsel for a corporate plaintiff in an intellectual property dispute with Garden & Gun Magazine.

Drew is frequently called upon to litigate cases that attract significant public interest. North Carolina's largest state agencies, cities, and counties have retained him to handle some of their most sensitive and closely watched cases. He also frequently represents private-sector clients whose business interests intersect with the government and its regulators. On multiple occasions, he has won decisions striking down laws as unconstitutional.

Drew also devotes a substantial portion of his practice to protecting businesses in bet-the-company litigation. His clients include Fortune 500 companies, regional businesses, trade associations, and other private institutions, and he frequently appears in the North Carolina Business Court. In a wide array of high-exposure cases, including class actions, he has won dismissals of lawsuits shortly after they were filed. He also has significant experience handling *qui tam* lawsuits under the False Claims Act and other laws that encourage whistleblowers to report fraud.

Drew maintains both a trial practice and an appellate practice. He has tried cases to successful verdicts in state court, federal court, the North Carolina Business Court, administrative agencies, and AAA arbitration. He is also a State Bar board-certified specialist in appellate practice, and clients frequently engage him to handle their appeals before state and federal appellate courts, including the U.S. Supreme Court. He has taught appellate advocacy as an adjunct professor at the UNC School of Law, and he regularly speaks and writes on topics related to appellate practice. He began his career clerking for Justice (later Chief Justice) Mark D. Martin of the North Carolina Supreme Court.

Drew is active in the Bar. He is the immediate past chair of the North Carolina Bar Association's Appellate Rules Committee, which makes recommendations to the North Carolina Supreme Court on issues of appellate procedure. He is also the co-chair of the American Bar Association's Judicial Division Amicus Committee, which evaluates the potential for amicus participation by the ABA in cases involving the judiciary. Two of North Carolina's Chief Justices have separately appointed him to three-year terms on the Chief Justice's Commission on Professionalism.

Drew also serves on a number of boards and commissions focused on improving the quality of justice in North Carolina.

AREAS OF FOCUS

BUSINESS LITIGATION

- Drew recently obtained a no-liability result in a \$150+ million shareholder dispute as lead defense counsel for a majority shareholder and related corporate defendants.
- Drew recently served as lead counsel for a large corporate plaintiff in a lawsuit over royalty payments owed by Garden & Gun Magazine. After Garden & Gun's publisher and owners were deposed, Garden & Gun paid our client a settlement of more than \$5 million.
- As lead defense counsel for a nationwide lender, Drew recently persuaded a federal court to

dismiss a class-action lawsuit alleging thousands of violations of the federal Servicemembers Civil Relief Act.

- Drew was recently lead plaintiffs' counsel in *Henry v. North Carolina Acupuncture Licensing Board*, a federal antitrust lawsuit brought by North Carolina physical therapists and their patients over access to dry needling, a type of physical therapy. The defendants ultimately yielded to all of our clients' demands, and they paid our clients a large monetary settlement.
- In *Laws v. Priority Trustee Services*, Drew obtained a decision from the Fourth Circuit affirming the dismissal of a multimillion-dollar class action against a company on the grounds that the lawsuit impermissibly relied on lawyer ethics rules.

GOVERNMENT & CONSTITUTIONAL LITIGATION

- Drew recently represented the North Carolina Department of Revenue before the U.S. Supreme Court in a case over whether the Due Process Clause allows a state to tax a trust when a trust beneficiary lives in that state. The North Carolina Supreme Court had concluded that the Due Process Clause categorically bars such taxes. The U.S. Supreme Court rejected that rule in favor of a new, more flexible constitutional analysis, which allowed the Department of Revenue to preserve millions in annual tax revenue for North Carolina.
- Drew was recently lead counsel for a coalition of craft breweries in *Craft Freedom v. State of North Carolina*, a constitutional challenge to North Carolina's beer-distribution laws. The case ended with historic legislation that gave the craft breweries the relief they had sought in the lawsuit. As a result, North Carolina's craft beer laws are now among the most progressive in the nation.
- In *Halbrook v. Bradsher*, Drew recently led the trial team that obtained the largest jury verdict ever under the North Carolina Whistleblower Act. Our client was a judicial branch employee who reported a district attorney to the State Bureau of Investigation for a criminal scheme to steal from taxpayers. In the wake of the lawsuit, the district attorney was convicted of multiple felonies.
- In *North Carolina Association of Educators v. State of North Carolina*, Drew won a First Amendment challenge to a state law that would have prohibited payroll dues deductions for approximately 50,000 current and retired public school employees. The Court struck down the law as unconstitutional.

APPELLATE PRACTICE

- Drew was lead counsel for members of Congress on an [amicus brief](#) filed in the U.S. Supreme Court in a Holocaust restitution case. Our brief supported the descendants of German Jews who sold a painting under duress to fund their escape from the Nazis, and who sought recovery under a 2016 federal law that enables Holocaust survivors and their heirs to recover artwork lost during the Holocaust.
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LITIGATION

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CREDENTIALS

CERTIFICATIONS & SPECIALIZATIONS

North Carolina State Bar Board-Certified Specialist in Appellate Practice

EDUCATION

University of North Carolina School of Law, J.D.

University of North Carolina, B.A.

NOTABLE ACCOMPLISHMENTS

Recognized as a Lawyer of the Year for administrative and regulatory law in The Best Lawyers in America, 2023

Recognized as a Leading Attorney by Chambers USA: America's Leading Lawyers for Business (Litigation: General Commercial), 2016-2023

Recognized in *Business North Carolina* magazine's "Legal Elite" (2015, 2017-2020)

Ranked #1 in Appellate Practice by *Business North Carolina* magazine's "Legal Elite" (2020)

Recognized in *Business North Carolina* magazine's "Legal Elite" Hall of Fame in Appellate Practice (2022)

Recognized as "State Litigation Star" by Benchmark Litigation (2018-2020)

Recognized in *Super Lawyers* magazine (2011, 2013-2023)

North Carolina State Bar Board-Certified Specialist in Appellate Practice

North Carolina Pro Bono Honor Society (2016-2020)

Recognized in The Best Lawyers in America® in Administrative / Regulatory Law 2021 and 2023-2024; Appellate Practice 2021 and 2023-2024; Commercial Litigation 2023-2024

PROFESSIONAL & COMMUNITY ACTIVITIES

NC Commission on the Administration of Law and Justice (2015-2017) (appointed by the Chief Justice of North Carolina)

Chief Justice's Commission on Professionalism (2016-present) (appointed to consecutive three-year terms by two different Chief Justices)

American Bar Association – Co-Chair (2016-present) and member (2014-present) of Judicial Division Amicus Committee; Liaison to Young Lawyers Division, Judicial Division (2013-2014); Articles Contributor, Lawyer Professional Liability e-Advisory Journal (2011-2013); Lawyers' Conference, Judicial Division (2012-present)

NC Bar Association – Chair (2019-2021), Vice Chair (2017-19), and member (2011-present) of Appellate Rules Committee; Treasurer (2017-2018), Secretary (2016-2017), and Section Council member (2015-2018) of Appellate Practice Section; Section Council member and Membership Chair, Government and Public Sector Section (2017-2020); Strategic Planning and Emerging Trends Committee (2014-2017)

Wake County Bar Association – Board of Directors (2014-2017); Grievance Committee, Tenth Judicial District Bar (2014-2016); Vice Chair, Strategic Planning Implementation Committee (2014); Chair, Sponsorship Committee (2012-2013); Strategic Planning Implementation Committee (2014); Sponsorship Committee (2011-2013)

NC Supreme Court Historical Society – Board of Trustees (2010-2016); Second Vice President (2010-2011); Membership Chair (2010-2011); Chair, Annual Meeting Committee (2009)

NC Justice Center – Board of Directors (2020-present)

UNC School of Law – Adjunct Professor, Appellate Advocacy (2009); Adjunct Instructor, Legal Writing (2007-2010); Faculty Coach, Moot Court Program (2009)

Arbitrator, Wake County District Court Mandatory Arbitration Program (2012-2013)

Pro Bono Appellate Counsel, NC Guardian ad Litem Program (2010-present)