Adam H. Charnes

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Services

Appellate Litigation

Constitutional Litigation

Complex Commercial Litigation

Native American Litigation

Product Liability

Industries

Automotive

Retail & Consumer Goods

Adam Charnes focuses his practice on appellate and constitutional litigation. Adam has extensive experience in cases pending in federal and state courts of appeals across the nation, including the United States Supreme Court. He has broad appellate experience in numerous areas of federal and state law, including contract, business torts, environmental, copyright, trademark, patent, tax, employment, Native American, and ERISA litigation. He also regularly represents clients in constitutional litigation, including cases involving the First and Fourteenth Amendments, federalism, and the Commerce Clause. Adam is a fellow and member of the board of directors of the prestigious American Academy of Appellate Lawyers.

Following law school, Adam served as a law clerk to Supreme Court Justice Anthony M. Kennedy and to Judge J. Harvie Wilkinson III of the U.S. Court of Appeals for the Fourth Circuit. Prior to joining the firm, he was an associate at a Washington, D.C. law firm and then was an executive-level in-house litigator for a *Fortune* 500 company. From 2002 to 2003, Adam served as the Principal Deputy Assistant Attorney General for the Office of Legal Policy at the United States Department of Justice. At the Office of Legal Policy, he was responsible for various legal policy matters, including counter-terrorism policy and civil justice reform, and for assisting with the selection and confirmation of federal judges.

Adam was awarded the Attorney General's Distinguished Service Award in July 2003. While at Harvard Law School, he was the recipient of the Sears Prize, awarded to the three students with the top academic performance during their first year of law school. Adam was recognized in *The Best Lawyers in America*® for Appellate Law, Commercial Litigation, and First Amendment Litigation in 2027 and the 19 years immediately preceding. He was also named a 2022 and 2024 "Triad Lawyer of the Year" in the area of First Amendment Litigation and a 2021 "Triad Lawyer of the Year" in the area of Appellate Law by *The Best Lawyers in America*®. Adam has been listed in the 2016 and the nine immediately preceding editions of *Chambers USA: America's Leading Lawyers for Business* in the area of General Commercial Litigation. He has been named a North Carolina "Super Lawyer" in 2025 and the 13 immediately precedent years in the area of Appellate Law, and one of the top 100 lawyers in North Carolina, by *Super Lawyers* magazine. Adam was also recognized as a Texas "Super Lawyer" in 2020, 2021, 2022, 2023 and 2025 for Appellate Law by *Super Lawyers* magazine. He was

named a "Litigation Star" among North Carolina attorneys and a “Fourth Circuit Litigation Star” in the 2013 edition of *Benchmark Litigation*. Adam was also named a "Litigation Star" for North Carolina in 2014, 2015 and 2016 by *Benchmark Litigation*. He was named a “Legal Elite” in 2022 and 2024 by *Business North Carolina* magazine for Appellate Law. In 2025, Adam was named to the Capital Pro Bono Honor Roll, which recognizes the contributions of those D.C. Bar members who donated 50 hours or more of pro bono service during the previous calendar year. He is AV® rated by Martindale-Hubbell.*

Experience

Briefed and argued for the plaintiff in *D.H. Pace Co. v. OGD Equipment Co.* (11th Cir.). This case, which was argued in February 2023, involves the ability of a trademark licensee to sue for unfair competition under the Lanham Act.

Briefed and argued for the plaintiff in *Vir2us Inc. v. Sophos, Inc.*, 2023 WL 2136379 (4th Cir. 2023). The case involved allegations of breach of a settlement agreement and software license.

Briefed and argued for Blue Cross of North Carolina in *Senderra RX Partners LLC v. Blue Cross Blue Shield of North Carolina*, 2022 WL 1768851 (4th Cir. 2022). The case involved the scope of North Carolina’s “any willing provider” law.

Briefed and argued for the contractor-plaintiff in *M.G. Dyess, Inc. v. Markwest Liberty Midstrean & Resources, LLC*, 522 P.3d 204 (Colo. App. 2022). The trial court overturned a substantial jury verdict for the plaintiff, and the Court of Appeals reversed, reinstating the verdict.

Briefed and argued in *Greaney v. Simon-Jenson*, 2021 WL 4190168 (Cal. Ct. App. 2021). The case involved a challenge to the trial court’s interpretation of a trust document.

Briefed and argued for the streaming companies in *City of Fishers v. DIRECTV*, 5 F.4th 520 (7th Cir. 2021). The appeal involved the question whether the district court properly abstained from exercising jurisdiction under the “comity abstention doctrine.”

Briefed and argued in State ex rel. *Utilities Comm’n v. Friesian Holdings, LLC*, 281 N.C. App. 391 (2022). The case involved the denial of an application for a certificate of public convenience and necessity to build a solar power electric generating plant.

Briefed and argued for Vesuvius in *Phillips v. Vesuvius USA Corp.*, 202 WL 3118892 (Ohio Ct. App. 2020). The case involves the proper scope of discovery in light of the GDPR.

Represents Thryv, Inc. in briefing and argument at the U.S. Supreme Court in *Thryv, Inc. v. Click to Call Techs. LP*, 140 S. Ct. 1367 (2020). This patent case was argued in December 2019.

Briefed and argued for Ford in *Wickersham v. Ford Motor Co.*, 432 S.C. 384 (2020), and 997 F.3d 526 (4th Cir. 2021). The case involved an appeal an adverse jury verdict against Ford of more than $4.5 million in a products liability case.

Represented Boehringer Ingelheim Pharmaceuticals in *Knight v. Boehringer Ingelheim Pharmaceuticals, Inc.*, 984 F.3d 329 (4th Cir. 2021). The case involved an appeal of a $1.25 million jury verdict in a products liability case.

Briefed and argued for four intervening Indian tribes in *Brackeen v. Bernhardt*, 994 F,3d 249 (5th Cir. 2021) (en banc). The case involved a constitutional challenge to the Indian Child Welfare Act under the due process, equal protection, and commerce clauses and the 10th amendment.

Briefed and argued for Blue Cross of North Carolina in *Sykes v. Blue Cross and Blue Shield of North Carolina*, 372 N.C. 318 (2019).

Briefed for Ford in *Philips v. Ford Motor Co*., 726 F. App'x 608 (9th Cir. 2018). Successfully defended the denial of class certification and summary judgment in a consumer fraud class action under California law.

Briefed and argued for RJR in *Tatum v. RJR Pension Inv. Comm*., 855 F.3d 553 (4th Cir. 2017). Successfully defended the district court's judgment for defendants, after a bench trial, in a certified class action alleging breach of fiduciary duty under ERISA.

Briefed and argued for the taxpayer in *Wright v. Commissioner*, 809 F.3d 877 (6th Cir. 2016). Successfully overturned a decision of the U.S. Tax Court finding that an investment was an unlawful tax shelter.

Represented parties in several appeals from decisions by the Patent Trial and Appeal Board in *inter partes* reviews, including *Softview LLC v. Kyocera Corp.*, 592 Fed. Appx. 947, 592 Fed. Appx. 949 (Fed. Cir. 2015), *Tandus Flooring, Inc. v. Interface, Inc.* (Fed. Cir., pending), and *Prolitec, Inc. v. ScentAir Techs. Inc.*, 607 F. App'x 992 (Fed. Cir. 2015).

Briefed and argued on behalf of DuPont in *Big Vision Private Ltd. v. E.I. DuPont de Nemours and Co.*, 601 F. App'x 69 (2d Cir. 2015). The case involved claims of unfair competition arising joint laboratory trials.

Represented Ford Motor Co. in *Ford Motor Co. v. Johnson*, 473 S.W.3d 925 (Tex. Ct. App.—Dallas 2015), involving whether venue was proper in this product liability case.

Represented the taxpayer in *Kearney Partners Fund, LLC v. United States*, 803 F.3d 1280 (6th Cir. 2015). The case involved the application of the "economic substance" rule to certain foreign currency transactions.

Represented NCR in *Astornet Technologies Inc. v. BAE Systems, Inc.*, 802 F.3d 1271 (Fed. Cir. 2015). The case involved whether the exclusive remedy for patent infringement by federal contractors was a suit against the United States in the Court of Federal Claims.

Briefed and argued on behalf of the defendants in *Alabama v. PCI Gaming Auth.*, 801 F.3d 1278 (11th Cir. 2015). The case involved whether Alabama has a state or federal cause of action to challenge the legality of gaming on certain parcels of tribal lands.

Briefed and argued on behalf of R.J. Reynolds in *Tatum v. RJR Pension Inv. Comm.*, 761 F.3d 346 (4th Cir. 2014). The case involved a class action plaintiff's appeal of a defense verdict after a bench trial in an ERISA breach-of-fiduciary duty class action.

Briefed and argued on behalf of DuPont defending a $919 million trade secrets verdict in *DuPont v. Kolon Industries, Inc.*, 564 Fed. Appx. 710 (4th Cir. 2014). DuPont alleged, and the jury found, that Kolon stole the trade secrets for DuPont's Kevlar® product.

Briefed and argued on behalf of Ford Motor Co. in *Conley v. Ford Motor Co.*, 757 S.E.2d 20 (Ga. 2014). Ford appealed a new trial order in a case where Ford prevailed at trial; the order was based on Ford's alleged failure to disclose its insurers during discovery and voir dire.

Briefed and agued on behalf of a class of state employees in *Sanders v. State Personnel Commission*, 762 S.E.2d 850 (N.C. 2014). The case involved whether the North Carolina state government violated personnel regulations in the hiring of "temporary" employees for a period of more than one year.

Briefed and argued on behalf of the plaintiffs in *IMT, Inc. v. City of Lumberton*, 738 S.E.2d 156 (N.C. 2013). Successfully obtained a Supreme Court ruling invalidating a city's privilege license fees under the North Carolina Constitution's Just and Equitable Tax Clause.

Briefed and argued on behalf of Nestlé Waters North America in *Eureka Water Co. v. Nestlé Waters North America*, 690 F.3d 1139 (10th Cir. 2012). Successfully overturned an adverse $14 million jury verdict involving claims of breach of contract and tortious interference with contract.

Briefed and argued on behalf of a class of 500,000 individual Native Americans in *Cobell v. Salazar*, 679 F.3d 909 (D.C. Cir. 2012). The class action alleged that the United States breached its fiduciary duties to beneficiaries of the Individual Indian Money trust. Successfully defended a landmark $3.4 billion class settlement with the United States government in an appeal in the D.C. Circuit brought by class objectors.

Briefed and argued on behalf of Ford Motor Co. in *Stark v. Ford Motor Co.*, 723 S.E.2d 753 (N.C. 2012). Represented Ford Motor Company in a petition for discretionary review and merits briefing in the North Carolina Supreme Court in an appeal from an adverse products liability ruling in the Court of Appeals. The Supreme Court reversed the lower court ruling against Ford in an opinion establishing favorable products liability law for manufacturers.

Briefed and argued on behalf of plaintiffs in *Hest Technologies, Inc. v. State ex rel. Perdue*, 725 S.E.2d 10 (N.C. App. 2012), *rev'd*, 2012 WL 6218202 (N.C. 2012). The case involved a First Amendment challenge to a state law banning electronic sweepstakes.

Successfully represents Reynolds American Inc. in a bench trial of an ERISA class action alleging breach of fiduciary duty. The case arose from the 1999 spin-off of R.J. Reynolds Tobacco Co. from R.J.R. Nabisco. The claims stem from the liquidation of frozen non-employer stock funds and the subsequent appreciation of those securities.

Represents Krispy Kreme Doughnut Corp. in a complex breach of contract and tortious interference with contact case arising out of the award of company franchises in the Philippines.

Briefed and argued on behalf of AT&T in *Duval Wiedmann, L.L.C. v. Inforocket.com, Inc.*, 620 F.3d 496 (5th Cir. 2010). The case involves questions of New York contract law and federal patent law.

Briefed on behalf of one of the defendants in *Nisqually Indian Tribe v. Gregoire*, 623 F.3d 923 (9th Cir. 2010). The case involved questions of federal Indian law.

Co-counsel for the Tohono O'odhom Nation in *United States v. Tohono O'odhom Nation*, 131 S. Ct. 1723 (2011). The case involved the scope of the Court of Federal Claims' jurisdiction.

Briefed and argued on behalf of the defendant in *Olin Corp. v. P.H. Glatfelter Co.*, 369 Fed. App'x 430 (4th Cir. 2010). The case involved an alleged breach of an indemnification contract.

Briefed and argued on behalf of South Carolina Governor Mark Sanford in *Edwards v. South Carolina*, 383 S.C. 82, 678 S.E.2d 412 (2009), and *Sanford v. McMaster*, No. 3:09-cv-01322-JFA (D.S.C.). The cases involved the constitutionality of a South Carolina statute directing the Governor to accept, over his objection, certain federal stimulus funds.

Briefed on behalf of Zino Davidoff in *Zino Davidoff SA v. CVS Corp.*, 571 F.3d 238 (2d Cir. 2009). The case involved whether the sale of products from which production codes were removed constituted trademark infringement.

Briefed and argued on behalf of Wake Forest University's North Carolina Baptist Hospital in *North Carolina Baptist Hosp. v. Novant Health, Inc.*, 195 N.C. App. 721, 673 S.E.2d 794 (2009). The case involved an appeal of a preliminary injunction prohibiting a competitor from opposing a certificate of need application.

Co-counsel for DuPont in *Kennedy v. Plan Administrator for DuPont Savings & Investment Plan*, 129 S. Ct. 865 (2009). The case involved the impact of a divorce decree that did not qualify as a "QDRO" under ERISA.

Represented the City of Winston-Salem and Forsyth County, N.C., in *Blinson v. State of North Carolina*, 651 S.E.2d 268 (N.C. App. 2007), *appeal dismissed & petition for discr. review denied*, 362 N.C. 355, 661 S.E.2d 240 (2008). The plaintiffs asserted constitutional and statutory challenges to economic development incentives given to Dell, Inc.

Argued on behalf of BellSouth in *Bryan v. BellSouth Communications, Inc.*, 492 F.3d 231 (4th Cir. 2007). The appeal involved the propriety of a district court injunction against further litigation of a class action in state court.

Briefed and argued on behalf of Nestlé in Michigan Citizens for *Water Conservation v. Nestlé Waters North America, Inc,*, 479 Mich. 280, 737 N.W.2d 447 (2007), and *Michigan Citizens for Water Conservation v. Nestlé Waters North America, Inc.*, 269 Mich. App. 25, 709 N.W.2d 174 (2005). The case involved a challenge under

Michigan's common law of groundwater, state environmental law, and the public trust doctrine to groundwater pumping by Nestlé Waters.

Briefed and argued on behalf of the Animal Legal Defense Fund in *Animal Legal Defense Fund v. Woodley*, 181 N.C. App. 594, 640 S.E.2d 777 (2007), *appeal dismissed & petition for discr. review denied*, 361 N.C. 690, 652 S.E.2d 254 (2007). The case involved the constitutionality of a statute granting broad standing to "any person" to sue for the removal of mistreated animals.

Briefed and argued on behalf of Nestlé Waters in *Nestlé Waters North America, Inc. v. Bollman*, 505 F.3d 498 (6th Cir. 2007). The case involved the arbitrability of a contractual dispute.

Argued on behalf of the defendants in *Shepard v. Ocwen Federal Bank*, 361 N.C. 137, 638 S.E.2d. 197 (2006). The case involved the statute of limitations for usury.

Briefed and argued on behalf of Lowe's in *General Elec. Co. v. Lowe's Home Centers, Inc.*, 279 Ga. 77, 608 S.E.2d 636 (2005). The case involved the application of the economic loss rule under Georgia tort law.

Briefed and argued on behalf of WorldCom in *Guglielmo v. WorldCom, Inc.*, 148 N.H. 309, 808 A.2d 65 (2002). The case involved unfair trade practices claims.

Education

Harvard Law School J.D. (1991) *magna cum laude*

Princeton University A.B. (1988) *summa cum laude*

Admissions

Tennessee (2023)

Texas (2014)

North Carolina (2003)

District of Columbia (1994)

Pennsylvania (inactive) (1993)

Court Admissions

U.S. Court of Appeals for the District of Columbia Circuit (1994)

U.S. Court of Appeals for the Eighth Circuit (2021)

U.S. Court of Appeals for the Eleventh Circuit (1999)

U.S. Court of Appeals for the Federal Circuit (2009)

U.S. Court of Appeals for the Fifth Circuit (2009)

U.S. Court of Appeals for the First Circuit (1998)

U.S. Court of Appeals for the Fourth Circuit (1994)

U.S. Court of Appeals for the Ninth Circuit (2007)

U.S. Court of Appeals for the Second Circuit (2014)

U.S. Court of Appeals for the Seventh Circuit (2011)

U.S. Court of Appeals for the Sixth Circuit (2000)

U.S. Court of Appeals for the Tenth Circuit (2010)

U.S. Court of Appeals for the Third Circuit (2011)

U.S. District Court for the District of Columbia (1998)

U.S. District Court for the Eastern District of North Carolina (2005)

U.S. District Court for the Eastern District of Texas (2015)

U.S. District Court for the Middle District of North Carolina (2004)

U.S. District Court for the Northern District of Texas (2015)

U.S. District Court for the Western District of Michigan (1998)

U.S. District Court for the Western District of North Carolina (2005)

U.S. District Court for the Western District of Tennessee (2022)

U.S. Supreme Court (1997)

Clerkships

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Professional & Community Activities

Permanent Member, Judicial Conference of the U.S. Court of Appeals for the Fourth Circuit

Fellow and Member of the Board of Directors, American Academy of Appellate Lawyers

Senior Fellow, Litigation Counsel of America

Federal Bar Association, Middle District of North Carolina Chapter, Past President

North Carolina Bar Association, Appellate Practice Section, Member

Texas State Bar, Appellate Section, Member

Dallas Bar Association, Appellate Law Section, Member

Harvard Law Review, Past Executive Editor

Insights

Events

US Supreme Court Update
October 14, 2026

News Releases

Kilpatrick Attorneys Once Again Earn Outstanding Recognitions in 2027 Edition of The Best Lawyers in America®

August 20, 2026

News Releases

Over 100 Kilpatrick Attorneys Named 2025 Super Lawyers and Rising Stars

November 25, 2025

News

Edible Arrangements Asks 11th Circ. To Revive Trademark Suit

August 14, 2025

News Releases

126 Kilpatrick Attorneys Named 2024 Super Lawyers and Rising Stars

November 11, 2024