

Taking Action

An Interview with Brian S. Wallach, Associate, Litigation, Skadden, Arps, Slate, Meagher & Flom LLP

EDITORS' NOTE Brian Wallach represents corporations and individuals in federal and state criminal investigations and trials. He also has advised clients on Securities and Exchange Commission, civil regulatory and internal investigations, as well as complex civil litigation involving class actions and multidistrict litigation. Wallach is the co-founder of I AM ALS, a foundation that provides critical support and resources to those living with ALS, as well as their caregivers



Brian S. Wallach

and engages with policymakers to help fund research. In recognition of his work with I AM ALS, he received the Attorney of the Year: Highly Commended honor from The American Lawyer in 2023 and the Abner J. Mikva Award from the American Constitution Society's Chicago chapter which recognizes lawyers who have made extraordinary contributions to progressive legal causes. From August 2014 to May 2018, Wallach was an assistant U.S. attorney in the U.S. Attorney's Office for the Northern District of Illinois. While in the U.S. Attorney's Office, he was a member of the Violent Crimes Section with a focus on complex racketeering cases. In his four years as a federal prosecutor, he tried numerous cases and handled a wide range of high-profile investigations including the prosecution of 34 leaders of a violent street gang for violating federal racketeering statutes, as well as the prosecution of over a dozen doctors and hospital executives as part of one of the largest anti-kickback healthcare prosecutions in the Northern District of Illinois. Wallach also led the prosecution of a ring of individuals who attempted to steal millions of dollars through an elaborate bank and wire fraud scheme, two brothers connected to the

Mexican cartels who engaged in a violent shootout with law enforcement, and multiple individuals involved in trafficking of firearms and their use as part of violent crimes. He also argued two cases before the Seventh Circuit and has briefed numerous others. Wallach received a number of awards and commendations for his work at the U.S. Attorney's Office, including an Award of Excellence from the U.S. Department of Health and Human Services Office of Inspector General and Certificates of Appreciation from the Federal Bureau of Investigation, Drug Enforcement Administration and U.S. Secret Service for his contributions to law enforcement. Prior to his tenure as an assistant U.S. attorney, Wallach served as an associate at Skadden. During that time, he represented, among other clients, an individual facing parallel criminal and civil charges in the Southern District of New York, a corporation's board of directors in an internal investigation of potential wrongdoing by the company's chief executive officer, and a former senior foreign government official whose testimony was sought as part of ongoing alien tort claims litigation. In addition, he authored an amicus brief in support of a petition for writ of certiorari to the Supreme Court in *Boyd v. Allen*. From July 2011 to April 2013, Wallach served as senior vetting counsel at the White House. In this capacity, he was responsible for overseeing the vetting process for nearly all Senate-confirmed executive branch appointees and all presidential appointments as well as working on congressional oversight investigations as part of the White House Counsel's Office. Wallach earned a BA degree from Yale University and a JD from Georgetown University Law Center.

FIRM BRIEF Founded in 1948, Skadden, Arps, Slate, Meagher & Flom LLP and affiliates (skadden.com) is one of the world's most highly respected law firms. Skadden has 21 offices, approximately 1,700 attorneys and more than 50 distinct areas of practice. The firm's clients include more than 50 percent of Fortune 250 corporations, as well as financial and governmental entities, startup companies and nonprofits.

Will you discuss your career journey?

After graduating from Georgetown Law, I worked on Barack Obama's first presidential campaign where I met my wife, Sandra Abrevaya, and served as Deputy Political Director for the New Hampshire primary election and Political Director for New Hampshire in the general election. After the election, I declined a job at the White House in favor of a great offer to join Skadden's New York office. It was important to me to officially begin my career as an attorney and learn from some of the best practitioners in the field. I spent two years in the Skadden New York office, focusing on white collar criminal cases, and then transferred to Skadden's Washington, DC office where I worked on appeals and class action suits. After three years of private practice with the firm, I joined the White House counsel's office in 2011 as Vetting Counsel where I focused on vetting and investigations. I spent two years in the White House in these roles and learned a lot about public service and government. After leaving the White House in 2013, I joined Skadden's Chicago office, focusing again on white collar and commercial litigation.

In 2014, I became an Assistant United States Attorney for the Northern District of Illinois. While in the U.S. Attorney's office, I was a member of the Violent Crimes Section, with a focus on complex racketeering cases.

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Following my terminal ALS diagnosis in 2017, Skadden did something remarkable; they welcomed me back to the firm as an associate. In doing that, they provided me with an unbelievable opportunity to continue my career, as well as to build the bedrock for our accomplishments in ALS advocacy for patients and their caregivers. As my condition progresses, I remain committed to Skadden’s pro bono work which provides meaningful engagement in the fight against ALS, as well as a mental break from ALS, as I’ve had the opportunity to work on wrongful convictions and other criminal justice matters.

Did you always know that you had a passion to pursue a career in the legal profession and what has made the profession so special for you?

I was born in the DC area to two lawyers – my mother at the SEC and my father, a partner at Hale & Dorr. While I was at Yale, my dad would mail me newspaper clippings with the note: “Don’t be a lawyer.” After graduating, I worked in investment banking, consulting, and college admissions. Despite my father’s advice, I knew I wanted to be a lawyer. Lawyers have the power to change and improve the lives of others. I have been privileged to use my training to make huge impacts in the healthcare and advocacy space; not only has this impacted me, but so many others who are affected by ALS.

What led to your co-founding of I AM ALS, and how do you define its mission?

When I was diagnosed with ALS in 2017, I faced two choices: give up or take action. I chose action. I traveled across the country, speaking with researchers, doctors, patients, and nonprofit leaders to find out how I could make the greatest impact. I met incredible people doing vital work – yet time and again, I heard the same thing: their efforts weren’t reaching the public. So my wife and

I took what we learned and created the nonprofit I AM ALS (IAA). Launched in January 2019, IAA is dedicated to accelerating the search for a cure and helping patients reclaim a sense of normalcy after diagnosis.

What have been the keys to moving the needle in government funding for ALS and access to drug trials?

I’ve always believed that real change happens when we build strong coalitions and challenge them to dream bigger and move faster than we ever thought possible. Awareness is also critical. ALS diagnoses are steadily increasing, and we need to keep that reality front and center. Advocating for sustained funding – by calling your representatives or writing to Congress – may seem small, but it can create a powerful ripple effect.

How do you describe the impact of the passage of The Accelerating Access to Critical Therapies for ALS Act in the fight against ALS?

Of all my accomplishments, I’m most proud of helping pass The Accelerating Access to Critical Therapies for ALS Act (ACT for ALS) legislation. We wrote a bill that brought a sense of urgency to a system that had long lacked it – creating new pathways to accelerate research for people living with ALS and other neurodegenerative diseases. When the bill became law, hope transformed into tangible progress. I am proud to say that our efforts have helped secure over \$1 billion in federal funding and created five expanded access programs (EAPs) to advance the fight against ALS.

How valuable has it been to possess your legal acumen and advocacy skills in driving real action in finding effective treatments and a cure for ALS?

Being a lawyer gave me the tools to be fearless and was essential in helping me write the ACT for ALS. I couldn’t have accomplished what we did without my legal training. I’m also incredibly

fortunate to have a partner with a deep background in communications and a strong understanding of Capitol Hill. Together, our skills became a powerful combination for driving change.

How important has it been in your fight against ALS to have the support of a firm like Skadden which is so committed to pro bono and making a difference?

Skadden has been extraordinary, and I’m deeply grateful for their support. They’ve enabled me to continue practicing law while fully embracing and supporting my advocacy through I AM ALS, which the firm has taken on as a pro bono client. Their commitment has meant the world to me – both professionally and personally.

You have received much recognition and awards for your work in fighting ALS. Are you able to take moments to reflect on the lives you have touched and the progress that has been made through your work?

I’m incredibly proud of the progress we’ve made in the fight against ALS. When I reflect on all we’ve accomplished, I’m truly in awe. But there’s still much work ahead, and that’s what motivates me every day. I continue to dedicate 8-12 hours a day to advocating for people living with ALS and their caregivers, pushing forward in this fight with unwavering determination.

You are known to be an optimistic person. How has your ability to stay positive and to focus on opportunities helped as you face this disease?

Hope is what drives me, keeping me focused and optimistic. I’m more hopeful than ever that we’re on the brink of transforming ALS from a fatal disease into a manageable, chronic condition. The progress that my wife, Sandra, the ALS community, and I have made continues to fuel my determination to keep fighting and bring new treatments to the forefront of ALS research. ●



Rachel Cohn

“Since taking I AM ALS on as a pro bono client in 2020, I have had the opportunity to work with and get to know Brian, and to help progress his extraordinary vision to create a community to advocate and support ALS patients, caregivers and families. Together with a team at Skadden, we have helped I AM ALS navigate its formation and growth, advising on its negotiations of sponsorship, professional services and participation agreements, as well as various corporate governance, compliance and regulatory matters. Brian’s determination and skill are unmatched, and the passion he brings to his work is contagious. Working on I AM ALS has been a highlight of my career. Brian is an inspiration and true example of someone who in the face of adversity has chosen to fight not only for himself, but for every ALS patient who comes after him.”

Rachel Cohn, Skadden Partner