



→ Elizabeth S. Balfour

Partner

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Elizabeth Balfour is a litigator and healthcare lawyer and works out of the firm's Del Mar Heights (Northern San Diego) office.

Areas of Practice

Franchise and Securities Litigation

Elizabeth advises her clients in relation to franchise in disputes related to breach of contract, indemnification, and transfers. Her securities litigation practice includes shareholder derivative claims, class actions, SEC enforcement actions and internal investigations. She helps clients navigate litigation regarding breaches of fiduciary duty, violations of buy-sell agreements and other claims arising out of corporate transactions. Elizabeth serves as a trusted advisor to her clients, providing guidance on risk management issues such as insurance coverage, corporate governance, and conflicts of interest.

Healthcare

Elizabeth's healthcare practice includes representing provider and payor clients in proceedings initiated by the Office of the Inspector General, the Department of Health and Human Services Office for Civil Rights and other federal and state regulatory agencies. She advises hospitals, medical groups, health systems, managed care plans, and payors in relation to HIPAA, the Stark Law, anti-fraud and abuse compliance, and mandates arising out of the Affordable Care Act. She also assists clients in the information technology, pharmacy and medical device arenas on healthcare regulatory compliance.

Information Governance

Elizabeth advises clients on designing and implementing document retention programs. She leads Information Governance initiatives for clients with an interdisciplinary team that addresses privacy and data minimization, data placement strategy, data analytics, use cases for structured and unstructured data, access controls, and paper records reduction, among other considerations.

Honors

2023 Distinguished Pro Bono Attorney of the Year, Casa Cornelia Law Center

2022 Bob Gerber Pro Bono Award, *Sheppard Mullin*

2021-2024, Recognized for Commercial Litigation, *Best Lawyers*

2017 Recognized as BTI Client Service All-Star

2016 Recipient of YWCA of San Diego's TWIN (Tribute to Women in Industry) Award

AV® Rated, Martindale-Hubbell®

2014 Rated one of the Top Lawyers in Healthcare by *San Diego Magazine*

Experience

Representative Matters

Franchise and Securities Litigation

- Represented a former officer of a publicly traded pharmaceutical company in relation to the Board of Directors Special Litigation Committee's investigation of allegations in a derivative shareholder suit in Delaware Chancery Court.
- Represented a footwear company in a derivative lawsuit brought by a shareholder alleging breach of fiduciary duty. Obtained a favorable settlement.
- Represented a national bank in an action brought by franchisees of a tax preparation service in which plaintiffs asserted unfair business practices and sought to certify a nationwide class. Obtained a complete dismissal of the action before any discovery had occurred.
- Represented a biologics company in a dispute involving indemnification for a third-party claim. Obtained a favorable resolution after litigation was initiated.
- Represented national franchisor in litigation filed by a franchise group regarding franchise agreement compliance. Obtained complete dismissal of all claims.
- Won a two-week trial on behalf of a home health and hospice franchisee.
- Represented a national weight loss franchisor in a class action lawsuit alleging unfair business practices and misrepresentation. Defeated motion for class certification and negotiated a class-wide settlement involving minimal payments to the two named plaintiffs and a coupon offer for company product to any other putative class-members.

Healthcare

- Represented a healthcare provider in a contractual dispute with its former management services company. Negotiated a resolution that facilitated the sale of the healthcare provider.
- Represented a medical group in an investigation initiated by the Department of Health and Human Services Office for Civil Rights.
- Represented a California municipal hospital in the role of outside General Counsel in relation to contracting, governance, joint ventures and strategic alliances, fraud and abuse and Stark compliance, litigation oversight, HIPAA and state privacy law, public bond financing and Brown Act compliance.
- Representing a California district hospital in relation to state and federal healthcare regulatory matters, HIPAA compliance, and OCR reporting and internal investigations.

Articles

- Revive, reinvigorate document-retention policies in light of CPRA
Daily Journal, 12.10.2021

Corporate & Securities Law Blog Posts

- "SCOTUS (Almost) Weighs in on Attorney-Client Privilege for Dual Purpose Communications: 5 Practical Tips to Protect Privilege," February 9, 2023

Eye on Privacy Blog Posts

- "Sharing PHI Without Consent: An OCR Reminder," November 6, 2017

Healthcare Law Blog Posts

- "Navigating Dual Purpose Communications After SCOTUS (Almost) Weighs in on Attorney-Client Privilege: 5 Practical Tips for Healthcare Attorneys," February 13, 2023
- "Are You Ready for 2023? Here's a Quick Checklist to Reduce Legal Risks in the New Year," January 4, 2023
- "California Issues New Health Facility Breach Reporting Requirements," August 2, 2021
- "Patient Empowerment Through Technology is Focus of ENGAGE Conference," December 7, 2018
- "Blog Series Part 7: CMS Proposed Rule on Policy and Technical Changes to the Medicare Advantage, Medicare Prescription Drug Benefit, Medicaid Fee-For-Service, and Medicaid Managed Care Programs for 2020 and 2021," November 28, 2018

Media Mentions

Trial Call with Elizabeth Balfour
The Trial Call 10, 04.05.2024

Sheppard Mullin Team Receives Litigator of the Week Honor in Falcon Healthcare Case
ALM, 01.12.2024

Sheppard Mullin Helps Afghans Put Down New Roots In Calif.
Law360, 07.07.2023

Sheppard Mullin aids Afghans resettling in the US
Daily Journal, 07.03.2023

Speaking Engagements

"Top 5 Priorities for Getting Your Privacy House in Order in 2022," Association of Corporate Counsel, April 26, 2022

"If Your Clients Don't Have a Document Retention Policy, They Will Need One Under the CPRA," San Diego County Bar Association, August 23, 2021

"Covid & Our Courts: Responses, Challenges, and Access to Justice," YCSD Alumni Perspectives, Virtual Event, December 2, 2020

"COVID-19 and Commercial Contracts – Can we get out of theirs? Can they get out of ours?" Association of Corporate Counsel, San Diego Chapter, April 9, 2020

"Plugging Into the Internet of Things: Demystifying the Regulatory Landscape," Association of Corporate Counsel, San Diego Chapter, March 19, 2019

Memberships

Board of Directors, Center for Employment Opportunities

Advisory Board Member, Genesis International Orphanage Foundation

Advisory Board Member, Girls on the Run San Diego

Served on the Judicial Evaluation Committee of the San Diego County Bar Association (2011-2012)

Vice President and Secretary, Board of Directors of the San Diego County Bar Association (2008 - 2010)

Board Member, Legal Aid Society of San Diego (2008 - 2010)

Co-Chair, Children at Risk Committee of the San Diego County Bar Association (2004 - 2006)

Fundraising Chair, Women's Resource Fair Task Force

Member, American Bar Association

Member, Federal Bar Association

Member, California Women Lawyers

Member, Lawyers Club of San Diego

Practices

Healthcare

White Collar Defense and Corporate Investigations

Litigation

Securities Litigation

Securities Enforcement

Class Action Defense

Industries

Education

Financial Services

Healthcare

Insurance

Life Sciences

Nonprofit

Retail, Fashion & Beauty

Education

J.D., Harvard University, 1999, *cum laude*

B.A., Yale University, 1996, *magna cum laude*

Clerkships

Served for one year as Law Clerk to the Honorable Marilyn L. Huff, Chief Judge of the U.S. District Court for the Southern District of California

Admissions

California

United States District Court for the Southern District of California

United States District Court for the Central District of California