

Mark A. Rush

Partner

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OVERVIEW

Mark Rush is a partner with the firm and concentrates his practice on domestic and international internal investigations, corporate criminal defense, False Claims Act defense, and complex commercial litigation. Mark has defended public and private corporations, energy companies, teaching universities, financial institutions, public officials, government contractors, and healthcare systems who are subjects of federal and state grand jury investigations and investigations by various federal and state agencies. His representations includes defending and counseling corporations and individuals charged with violations of various federal and state statutes such as: BSA, Foreign Corrupt Practices Act, False Claims Act, securities laws, tax statutes, mail and wire fraud, healthcare fraud, environmental violations, and money laundering. Mark has represented clients in matters investigated by the DOJ (including AFMLS/MLARS), FBI, IRS, FinCEN, FTC, DEA, FDA, DHS, USPIS, EPA, FRB, IG offices, and corresponding foreign and state agencies. Additionally, Mark has coordinated and conducted internal and special committee investigations and due diligence projects within the United States and in numerous foreign countries.

Mark represented the Pennsylvania Speaker of the House of Representatives during the “House Select Committee Investigation of the January 6th Attack on the Capitol.” He also represented Pennsylvania House members and senators in the January 6th grand jury investigation of President Trump by Special Counsel Jack Smith. He served as special counsel to a bipartisan Pennsylvania Senate Committee on the removal of Pennsylvania Attorney General Kane. He also represented a Presidential Advisor in the Independent Counsel Investigation of President Clinton.

PROFESSIONAL BACKGROUND

From 1991-1995, Mark served as an assistant United States attorney for the Western District of Pennsylvania, where he conducted numerous grand jury investigations across a broad spectrum of federal statutes, sought the return of indictments, and prosecuted the defendants, both individuals and corporations, by jury trial or plea.

Mark has previously served as a United States Army judge advocate. He was appointed as a Japan trial court US representative by the US Ambassador to Japan.

Mark is listed in *Chambers USA*, *The Best Lawyers in America*®, and *Corporate Counsel Magazine* Top Lawyers for criminal defense-white collar. He is also a Recommended Attorney by Legal 500. He has received an AV® rating from Martindale-Hubbell, its highest rating. He is also listed in PA Super Lawyers. He is also listed as an *Acritas Star* as selected by in-house counsel.

ACHIEVEMENTS

- Recognized by *The Best Lawyers in America*® for Criminal Defense: White-Collar in Pittsburgh, Pennsylvania, 2010-2027
- Recognized by *Chambers USA* for Litigation: White-Collar Crime & Government Investigations in Pennsylvania, 2018-2026
- Recognized by *The Legal 500 United States* as a Recommended Lawyer
  - Corporate Investigations and White-Collar Criminal Defense, 2026
  - Corporate Investigations and White-Collar Criminal Defense: Advice to Individuals, 2025
  - Corporate Investigations and White-Collar Criminal Defense: Advice to Corporates, 2024

PROFESSIONAL / CIVIC ACTIVITIES

- Allegheny County Bar Association (Civil and Federal Criminal Practice Section)
- American Bar Association (Civil and Criminal Litigation Sections)
- Board Member, Western PA Chapter, National Pancreas Foundation

SPEAKING ENGAGEMENTS

- “Operation Brace Yourself: Lessons Learned from the Trenches and Best Practices to Avoid Investigations Predicated on Third-Party Malfeasance,” Medtrade Advisory Board, Atlanta, GA, 22 October 2018
- “State and Federal Grand Jury Practice in the Era of Mueller and PA Grand Jury Reform Efforts,” 2018 White Collar Practice Seminar, 15-16 November 2018
- “Privileged or Not Privileged: The Attorney-Client Doctrine Under Attack,” Washington & Jefferson College Homecoming and Reunion Weekend 2018, Washington, PA, 13 October 2018
- “What You Don't Know Can't Hurt You, Right? Resolving the Inherent Tension between the Yates Memo and the Collective Knowledge Doctrine in Environmental Criminal Enforcement Actions,” EMLF Annual Institute, Nashville, TN, 18 June 2018
- “View From a Federal Prosecutor,” 2018 Medtrade Spring Conference, Las Vegas, NV, 27-29 March 2018
- Moderator, “Mock Breach Exercise and Dealing with Law Enforcement,” Cracking the Code: Cybersecurity for Tomorrow, 10 November 2016

- “Judicial Ethics: When Ego and Entitlement Transcend the Law," The W&J Annual Legal Lecture, 10 October 2015
- “A Guide to the Development of a Cyber Data Breach Action Plan,” K&L Gates CLE Program: Cybersecurity: Minimizing Risk and Managing Consequences, Mark A. Rush and Thomas C. Ryan, Pittsburgh, PA, 9 December 2014
- “DOJ's Enforcement Trends, Investigative Strategies and Corporate Internal Investigations,” The Audit Committee Forum, Philadelphia, Pennsylvania, 29 November 2012
- Additional engagements available upon request

EDUCATION

- J.D., Duquesne University School of Law, 1987
- B.A., Washington and Jefferson College, 1984

ADMISSIONS

- Bar of District of Columbia
- Bar of Pennsylvania
- United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the Eastern District of Michigan
- United States District Court for the Western District of Pennsylvania

THOUGHT LEADERSHIP *POWERED BY HUB*

- 11 July 2024, Federal Agencies Have Placed a Heightened Priority on Whistleblowers and Speedy Cooperation
- 28 April 2023, The False Claims Act and Healthcare: 2022 Recoveries and 2023 Outlook
- 28 June 2022, What the C-Suite and Board Should Know About the New CCO Certification Requirement from DOJ
- 7 April 2022, The False Claims Act and Healthcare: 2021 Recoveries and 2022 Outlook
- 18 March 2022, Federal Court Ruling Creates Possible Harbinger for Information Shared from Internal Investigations with the Government
- 2 November 2021, DOJ Announces Major Changes to Corporate Criminal Enforcement Policies

- 22 February 2021, The False Claims Act and Health Care: 2020 Recoveries and 2021 Outlook
- 30 December 2020, Qui Tam Quarterly - COVID-19 and the Big-Data Revolution of Health Care False Claims Act Litigation
- 15 October 2020, COVID-19: New DOJ Guidance on Inability-to-Pay Claims: What Companies Affected by COVID-19 Need to Know When Seeking Reduced Civil and Criminal Penalties from DOJ
- 9 June 2020, COVID-19: K&L Gates Triage: Responding to the Unimaginable: Legal Challenges for Nursing Homes & Long-Term Care Facilities in a COVID-19 Enforcement Environment
- 9 April 2020, COVID-19: Looming False Claims Act Liability for Paycheck Protection Program Loans
- 25 March 2020, COVID-19: Government Enforcement in the Time of a Pandemic
- 27 February 2020, The False Claims Act & Health Care: 2019 Recoveries and 2020 Outlook
- March 2019, Qui Tam Quarterly - Health Care's New Wilderness: The Intersection of Telehealth & Ancillary Services
- 20 February 2019, The False Claims Act & Health Care: 2018 Recoveries and 2019 Outlook
- 26 November 2018, K&L Gates Triage: Internal & External Healthcare Investigations Part 3
- 26 November 2018, K&L Gates Triage: Internal & External Healthcare Investigations Part 2
- 25 October 2018, K&L Gates Triage: Internal & External Healthcare Investigations
- 19 July 2018, K&L Gates Triage: 2018 Healthcare Fraud Takedown
- 3 July 2018, What You Don’t Know Can’t Hurt You, Right? Resolving the Inherent Tension between the Yates Memo and the Collective Knowledge Doctrine in Environmental Criminal Enforcement Actions
- 30 April 2018, Boots on the Ground: PIL Task Force Targeting Opioid Providers in the War on Drugs
- 24 April 2018, Obstructing Bank Examinations Is a Costly Crime
- 28 March 2018, View from a Federal Prosecutor: Legal Pitfalls to Avoid
- 27 February 2018, Granston Guidance: Leaked Memorandum Encourages DOJ Attorneys to Seek Dismissal of Meritless FCA Qui Tam Suits
- 27 June 2017, The Circuits are Split: The Ambiguity of a Regulation May Not ‘Foreclose a Finding of Scienter’ in False Claims Act Cases
- 20 January 2017, Lifting the Veil on the MLAT Process: A Guide to Understanding and Responding to MLA Requests
- 29 November 2016, International AML Enforcement in 2017 Expected to Target Consumer-Due-Diligence Programs, Gaming Entities, Prepaid Cards, Digital Currencies, and High-Risk Nested Accounts
- 4 November 2016, FinCEN Looks to Financial Institutions to File SARs Regarding Cyber-Events

OTHER PUBLICATIONS

- "What the C-Suite and Board Should Know About the New CCO Certification Requirement From DOJ," *The Banking Law Journal*, October 2022
- "DOJ Announces Major Changes to Corporate Criminal Enforcement Policies," *Westlaw Today powered by Reuters,* 8 November 2021
- "Qui Tam Quarterly: COVID-19 and the Big-Data Revolution of False Claims Act Legislation," Health Law Journal- Vol. 26 No. 2, *New York Bar Association*, 25 May 2021
- "How Tax Authorities Are Responding To Cryptocurrency," *Law360*, 2 May 2018
- "The False Claims Act in 2017: The Year in Review and What to Watch in 2018," *Bloomberg Law*, 25 April 2018
- "What You Don't Know Can't Hurt You, Right? Resolving the Inherent Tension Between the Yates Memo and the Collective Knowledge Doctrine in Environmental Criminal Enforcement Actions," 39 Energy & Min. L. Inst. 255 (2018).
- "MLATs: The Bridge to Cross-Border Enforcement," *Corporate Counsel*, 6 February 2017
- "BNA Insights: Imbalance of Power: Federal Prosecutors' Nearly Unilateral Discretion to Resolve Allegations of Corporate Misconduct After D.C. Circuit Panel Overrules District Court's Rejection of Deferred Prosecution Agreement in US v. Fokker," *Securities Regulation & Law Report*, 2016
- "What Companies Can Learn from Cybersecurity Resources in Pittsburgh," *The Cybersecurity Law Report*, Volume 1, Number 16, 11 November 2015
- "US District Court Judge Rejects Deferred Prosecution Agreement with Non-US Company: Lessons for Companies Considering Similar Agreements," *Bloomberg BNA*, World Securities Law Report, Volume 21, Number 5, May 2015

NEWS & EVENTS

- 4 June 2026, K&L Gates Receives Nearly 235 Firm, Individual Rankings in 2026 *Chambers USA* Guide
- 5 June 2025, K&L Gates Receives More Than 240 Firm, Individual Rankings in 2025 *Chambers USA* Guide
- 6 June 2024, K&L Gates Receives More Than 200 Firm, Individual Rankings in 2024 *Chambers USA* Guide
- 1 June 2023, K&L Gates Receives Firm, Individual Rankings in 2023 *Chambers USA* Guide
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 1 June 2022, K&L Gates Receives Firm, Individual Rankings in 2022 *Chambers USA* Guide

- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch
- 21 May 2021, K&L Gates Policy and Regulatory Practice, Lawyers Ranked Among Leaders in 2021 Chambers USA Guide
- 24 August 2020, K&L Gates Hosts Town Hall Featuring DOJ's Fraud Initiatives as a Result of COVID-19 and How Health Care Providers Should Prepare
- 23 April 2020, K&L Gates, Lawyers Recognized in 2020 Chambers USA Guide
- 26 April 2019, Chambers USA 2019 Guide Ranks K&L Gates, Lawyers Among Leaders

OTHER MEDIA MENTIONS

- On-air interview, “The Godfather of Fentanyl,” Fox Nation, aired 4 September 2024 (4 episodes)
- Quoted, “Pa. Lab Owner Gets Prison For Medicare Kickback Scheme,” *Law360*, 15 August 2023

AREAS OF FOCUS

- White Collar Defense and Investigations
- Anti-Bribery and Anti-Corruption
- Anti-Money Laundering (AML)
- Commercial Disputes
- Environment and Energy
- Federal, State, and Local False Claims Act
- Healthcare and FDA
- Healthcare Fraud and Abuse (US)
- Internal Investigations
- Securities Enforcement / Financial Regulatory Enforcement

INDUSTRIES

- Energy
- Healthcare
- Life Sciences
- Oil and Gas

REPRESENTATIVE EXPERIENCE

- Represented a nuclear energy company in an investigation alleging violation of the environmental laws including the Resource Conservation and Recovery Act (RCRA). The investigation commenced with the two-day execution of a search warrant along with a Grand Jury Subpoena. Following an internal investigation, a presentation was made to the US Attorney's Office. The US Attorney declined to prosecute the matter.
- Represented a publicly traded energy company in two, multiyear, Pennsylvania statewide grand jury investigations by the PA Office of Attorney General alleging violation of environmental statutes. An internal investigation was conducted, and presentations were made to the Attorney General's office. The matter was resolved by the entry of 23 misdemeanor nolo contendere corporate pleas. No individuals were charged
- Represented a publicly traded midstream company in the Marcellus and Utica Shale plays in a two-year investigation of alleged violations of the Clean Air Act. The investigation commenced with the execution of a dawn raid pursuant to a search warrant. The grand jury subpoenaed numerous records both hard copy and ESI. Employees were interviewed. A parallel civil investigation was undertaken along with an OSHA inspection. Following an internal investigation which involved the retention of experts, presentations were made to the government. Although a draft indictment was presented to the company, the US Attorney ultimately declined to prosecute the matter
- Special counsel to the Chair of the Pennsylvania House Select Committee on Restoring Law and Order. Conducted an investigation into law enforcement and prosecutions in the City of Philadelphia through the issuance of subpoenas, interviews, and testimony related to allegations that the District Attorney was not enforcing the law
- Represented a large university medical center in a FCA investigation and lawsuit alleging resident-attending supervision issues. The government declined to intervene. The matter was ultimately resolved through a settlement agreement
- Represented an applied scientific research and development company for the defense industry in a four-year grand jury investigation which involved corruption allegations at the highest ranks of the military and Congress. Two search warrants were executed, and vast volumes of hard copy documents and ESI were produced. Ultimately the US Attorney declined prosecution
- Represented a financial services company in a five-year-long AML international investigation conducted by the DOJ (specifically, the Asset Forfeiture and Money Laundering Section / Money Laundering and Asset Recovery Section), the Financial Crimes Enforcement Network, four US Attorney Offices, the Federal Trade Commission, and a Multistate Attorneys General Executive Committee. Federal and state allegations against the client included money laundering, consumer fraud, and compliance issues that involved over 10 foreign countries and hundreds of independent client locations and contractors. Ultimately, all federal claims were settled under a Deferred Prosecution Agreement for US$586 million, and all state claims were settled under a separate US$5 million agreement
- Represented a publicly traded specialty metal manufacturer in a federal criminal investigation alleging violations of DOT regulations related to the shipment of hazardous materials. After an internal investigation and presentation to the environmental crime section at DOJ, the government declined prosecution

- Represented a publicly traded telecommunications company involving government contracts and allegations of bribery during a 2+ year federal grand jury investigation. Allegations involved the Veteran's Administration and NYPD. Issues included an internal investigation, forensic accounting, corporate accounting controls, compliance, and employee terminations. Although individuals were indicted, the SDNY declined prosecution of the company