

Steven M. Kowal

Senior Of Counsel

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OVERVIEW

Steven Kowal concentrates in government investigations and complex criminal and civil litigation, particularly antitrust, cartel and trade regulation, enforcement proceedings initiated by the US Food and Drug Administration against pharmaceutical, medical device and food manufacturers, and healthcare, securities, and business matters. He also conducts internal investigations for major corporations.

Steven has extensive federal trial experience. He has successfully defended numerous companies and individuals in many grand jury investigations and criminal prosecutions. He also has defended and successfully resolved numerous government civil enforcement proceedings relating to antitrust, the FDA and the Federal Trade Commission, and he has defended *qui tam* whistleblower actions. Several matters have involved complex parallel criminal and civil proceedings.

Steven also has significant appellate experience. He has been responsible for criminal and civil appeals in the United States Courts of Appeals for the District of Columbia and Fourth, Seventh, Eighth and Ninth Circuits, for state appellate courts in Illinois, Michigan and Florida, and for the Illinois Supreme Court.

PROFESSIONAL BACKGROUND

Prior to private practice, Steven spent seven years as a senior trial attorney in the Antitrust Division of the US Department of Justice, where he prosecuted numerous criminal and civil antitrust cases. In that position, he received several awards for outstanding performance including the Attorney General's Special Commendation.

Steven was an Adjunct Professor at the Northwestern University School of Law from 1997 until 2004, served on the faculty of the Department of Business and Economics at Benedictine University, and is now a member of the Advisory Committee to the dean of Benedictine's graduate business school.

Steven has written more than 130 articles for publication.

ACHIEVEMENTS

- Recognized by *Chambers USA* for Antitrust in Illinois, 2017-2026

- Recognized by *The Best Lawyers in America*® for antitrust law, white collar criminal defense and FDA law.in Chicago
- Selected for inclusion in the *Euromoney Institutional Investor's Guide to the World's Leading Competition and Antitrust Lawyers* and in the *Cross-border Competition Handbook*
- *S*elected for inclusion in *The International Who's Who of Business Crime Defense Lawyers* of the International Bar Association
- Recognized by *Corporate Counsel Magazine* as one of the nation's Top Lawyers in antitrust law and white collar criminal defense
- Named to the Illinois Super Lawyers list for white collar criminal defense, antitrust law and government regulatory litigation.
- Appointed by the ABA's Section of Antitrust Law to chair a special task force to prepare comments to Congress on proposed amendments to the United States Sentencing Guidelines for Organizations
  - Comments were adopted as official policy by the American Bar Association's House of Delegates
  - Appointed to task forces to address issues related to corporate governance, international cartel enforcement, proposed changes in the amnesty program of the European Commission and legislation to increase US penalties for antitrust violations
- Received awards from the ABA for Exceptional Leadership in Preparing Policy Comments on behalf of the Section of Antitrust Law relating to proposed amendments to the Federal Sentencing Guidelines, 2004-2005

PROFESSIONAL / CIVIC ACTIVITIES

- American College of Trial Lawyers, Attorney-Client Relationships Committee 2007-2011
- American Bar Association, White Collar Crime Committee; Co-chair, Antitrust Subcommittee, 2007-2008; Section of Antitrust Law; Chair, Criminal Practice and Procedure Committee, 2001-2005; Co-chair, International Cartel Workshop, 2004
- Chicago Bar Association, Chair, Antitrust Law Committee, 1996
- Organization for Economic Cooperation and Development, Working Group on Information Exchanges in International Cartel Investigations, Business and Industry Advisory Committee
- Food and Drug Law Institute
- *FDA Enforcement Manual* (Editorial Advisory Board)

SPEAKING ENGAGEMENTS

Steven has participated in more than 80 presentations throughout the country on criminal litigation and government enforcement topics for groups such as the American Bar Association, American Conference Institute, Association of Corporate Counsel, Chicago Bar Association, Illinois State Bar Association, Food and Drug Law

Institute, Regulatory Affairs Professionals Society, Corporate Counsel Institute of the Northwestern University School of Law, Practising Law Institute, Washington Legal Foundation and the law departments of several major corporations. Also he has been a frequent commentator on criminal antitrust and international cartel topics of the *Global Competition Review*. During the last few years, these presentations have included:

- “Business Risks and Mitigation Strategies for Japanese Companies in an Era of Increased Antitrust Enforcement,” K&L Gates Event, Chiyoda-ku, Tokyo, September 2016 (co-presenter)
- “Business Risks and Mitigation Strategies in an Era of Increased Antitrust Enforcement,” K&L Gates Event, Chicago, November 2015 (co-presenter)
- “Cartel and Criminal Practice Update,” ABA Section of Antitrust Law, Cartel and Criminal Practice Committee, March 2015
- “Advanced FDA Criminal Enforcement Issues,” FDLI Annual Conference on FDA Enforcement, Litigation and Compliance, December 2014
- "Developments in Criminal Enforcement,” FDLI 11th Annual Conference on FDA Enforcement, Litigation and Compliance, December 2013
- "Developments in Criminal Enforcement," FDLI 10th Annual Conference on FDA Enforcement, Litigation and Compliance, December 2012
- "International Enforcement," FDLI 9th Annual Conference on FDA Enforcement and Litigation, December 2011
- "Off-Label Promotion and FDA Criminal Enforcement," ACI FDA Boot Camp, New York, March 2011
- “Aggressive FDA Criminal Enforcement for Medical Devices,” OCTANe Presentation, Irvine, CA., February 2011
- "Target on Pharma and Medical Devices: A New Enforcement Environment," K&L Gates Webinar, December 15, 2010
- “Health Care Reform – Enforcement Expansion,” FDLI 8th Annual Conference on Enforcement and Litigation, October 2010
- "Representing and Prosecuting the Individual in the Criminal Antitrust Process," ABA Section of Antitrust Law, Cartel and Criminal Practice Committee, 25 March 2010
- "Government Antitrust Enforcement, Now and in the Future," K&L Gates Webinar, by Douglas F. Broder, Vanessa Edwards, Kenneth L. Galzer, Friedrich L. Hausman, Steven M. Kowal, Scott Mendel, James R. Weiss, 8 December 2009
- "The Government's Prosecution of Lawyers, Compliance Officers and Others with FDA-Regulated Companies," FDLI, 7th Annual Conference on Enforcement and Litigation, October 2009
- "Antitrust Developments: Criminal Enforcement," ABA Antitrust Section, Corporate Counseling Committee, September 2009

- "Enforcement Redux: FDA's New Vigor Under New Leadership," ABA Annual Meeting, August 2009
- "Important Regulatory Developments: FDA's Reportable Food Registry and Other Reporting Obligations," K&L Gates Webinar, by Robert G. Hibbert, Steven M. Kowal. 28 July 2009
- "Yes you Can! Top 10 Ways to Leverage Internal Investigations to Reduce Costs and Mitigate Risks," Association of Corporate Counsel, June 2009
- Current & Future Regulatory Issues for the Medical Device, Drug and Food Industries: Afternoon Session focused on Enforcement and USDA/Food Issues, K&L Gates Event, by Steven M. Kowal, Anthony T. Pavel. 28 May 2009
- Corporate Vicarious Criminal Liability, Washington Legal Foundation, by Steven M. Kowal. 7 April 2009
- "Commencing the Investigation," PLI, Internal Investigations 2008: Legal, Ethical & Strategic Issues, June 2008
- "US Antitrust Law and Global Enforcement," ABA, White Collar Crime Committee, May 2008
- "Responding to Criminal Investigations," Corporate Counsel Forum, Liability Implications of the Subprime Mortgage and Credit Crisis – Tremor or Earthquake?, May 2008
- "Criminal Antitrust Enforcement," ABA, National Institute on White Collar Crime, March 2008
- "Criminal Cases and Corporate Integrity Agreements," FDLI, 6th Annual Conference on Enforcement and Litigation, February 2008
- "Preventing the Erosion of Attorney-Client and Work-Product Protections: Strategies to Preserve Privilege in Products and Related Cases," Drug and Medical Device Litigation, June 2006
- "Antitrust Due Diligence In Handling Criminal Investigations," ABA, Managing Antitrust Matters In The Modern Corporate Governance Era, May 2006
- "Responding to FDA's Enforcement Muscle," FDLI, 4th Annual Enforcement and Litigation Conference, December 2005
- "Conducting Internal Investigations," CBA, December 2005
- "Current Developments in Criminal Antitrust Enforcement," ABA, June 2005
- "Will the FDA Let You Keep Your Secrets? Erosion of Legal Privileges & Protections During an FDA Investigation," Thompson Publishing, June 2005
- "The Wolf in Sheep's Clothing: Corporate Investigations Have Become A Tool of the Government," FDLI, 48th Annual Conference, April 2005
- "The Erosion of Privileged Communications," PhRMA Annual Meeting, April 2005
- Criminal Practice and Procedure Committee Program, ABA, Section of Antitrust Law Spring Meeting, March 2005

- "International Cooperation In Antitrust Investigations," ABA/CBA, February 2005
- "Criminal Enforcement," FDLI, Conference on Fakes and Imports, May 2004
- "Criminal Developments," FDLI, 47th Annual Conference, April 2004
- Criminal Practice and Procedure Committee Program, ABA, Section of Antitrust Law Spring Meeting, April 2004
- "The Joint Defense," ABA, Section of Antitrust Law International Cartel Workshop, February 2004

OTHER INFORMATION

In 2016, the K&L Gates Chicago antitrust and competition group was recognized as the “Cartel & Trade Regulation Law Firm of the Year in Illinois” by the international review and assessment programs of both Corporate INTL Magazine and Global Law Experts.

EDUCATION

- J.D., Northwestern University Pritzker School of Law, 1974 *(cum laude)*
- B.A., Benedictine University, 1971 *(magna cum laude; class valedictorian)*

ADMISSIONS

- Bar of Illinois
- Supreme Court of the United States
- United States Court of Appeals for the Seventh Circuit
- United States District Court for the Northern District of Illinois

THOUGHT LEADERSHIP *POWERED BY HUB*

- February 2022, February 2022 Accolades

OTHER PUBLICATIONS

- Government Enforcement Policy is Beginning to Draw Critical Review, *FDLI Update*, November/December 2006
- The Government Has Added Fuel to the Qui Tam Explosion, *FDLI Update*, July/August 2006
- The Government Seeks to Erode the Ability to Defend, *FDLI Update*, May/June 2006
- Companies Trapped Between a Rock and a Hard Place, *FDLI Update*, September/October 2006

- Enforcement Against Off-label Promotion Requires a Clear Policy Pronouncement, *FDLI Update*, March/April 2006
- Disclosures to Auditors and Privilege Waivers: Another Headache, *FDLI Update*, January/February 2006
- Application of the Attorney-Client Privilege to Former Employees: Less Than You Might Think, *FDLI Update*, November/December 2005
- FDA Can Compel Disclosure Of A Lawyer's Notes, *FDLI Update*, September/October 2005
- The Government's Focus Now Includes A Company's Culture, *FDLI Update*, May/June 2005
- Court Protects Defendant's Due Process Rights In Criminal Antitrust Case, *Washington Legal Foundation Counsel's Advisory*, April 8, 2005
- Developments In FDA Criminal Enforcement, *FDLI's 48th Annual Educational Conference*, Washington, D.C., April 2005
- Fraud and Abuse Investigations: Time For Some Restraint, *FDLI Update*, March/April 2005
- Government Health Care Investigations: Be Prepared For An Ambush Interview, *Chicago Hospital News*, April 2005
- Corporate Deferred Prosecution: Showing Some Concern For The Shareholders, *FDLI Update*, January/February 2005
- Sentencing Turmoil And Corporate Compliance Programs, *FDLI Update*, November/December 2004
- Criminal Antitrust Enforcement: A Global Challenge, *Washington Legal Foundation*, 15 October 2004
- False Statements During An Internal Investigation Can Become A Federal Crime, *FDLI Update*, September/October 2004
- Attorney's Confidential Communications: The Continued Assault, *FDLI Update*, July/August 2004
- The Risk of Public Comment: FDA's Coordination with the SEC, *FDLI Update*, May/June 2004
- FDA Criminal Enforcement: Prosecution and Defense Issues, *Food and Drug Law Institute's 47th Annual Educational Conference, Washington, D.C.,* April 2004
- Pharmaceutical Executive or Mafia Kingpin? Charging Decisions Can Reflect Little Difference, *FDLI Update*, March/April 2004
- Developments in the Law Relating to Joint Defense Agreements and Waiver of Attorney-Client Privilege, *ABA Section of Antitrust Law, International Cartel Workshop, New York,* February 2004
- Charging Decisions: Will the Government Overplay its Hand, *FDLI Update*, January/February 2004

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
- 1 June 2022, K&L Gates Receives Firm, Individual Rankings in 2022 *Chambers USA* Guide
- 21 May 2021, K&L Gates Policy and Regulatory Practice, Lawyers Ranked Among Leaders in 2021 Chambers USA Guide
- 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

AREAS OF FOCUS

- White Collar Defense and Investigations
- Antitrust and Competition
- Food, Drugs, Medical Devices, and Cosmetics (FDA)
- Healthcare and FDA
- Internal Investigations