



## Abraham J. Rein

Chair, White Collar Defense and Investigations Practice Group  
Chair, Data Privacy and Cybersecurity Practice

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**Focuses on the intersection of technology and the law, advising clients on legal aspects of data security, social media compliance, electronic discovery, and the application of certain constitutional rights in a digital era.**

### Bio

Abraham J. Rein is Chair of the firm's White Collar Defense and Investigations Group and Chair of the firm's Data Privacy and Cybersecurity Group, and Member of the firm's Diversity and Inclusion Committee. Over his multi-decade career, he has successfully defended corporate and individual clients facing a broad spectrum of federal and state white-collar concerns including False Claims Act matters, matters revolving around research misconduct, theft of trade secrets, Controlled Substances Act violations, health care fraud, mail fraud, and wire fraud, among many others. Recently, he has defended several of the nation's most well-respected scientists and academics in matters involving allegations of ties to foreign governments and misuse of U.S. information.

Mr. Rein's clients come from a variety of industries, including academia, health care, pharmaceutical, medical device, hospitality, insurance, financial services, securities, communications, defense, and transportation. They include individuals, companies, boards, financial institutions, asset managers, and senior executives, whom he represents on the full spectrum of regulatory, enforcement, and litigation matters. Recent matters successfully involved the False Claims Act, research and trade secret misconduct, securities regulation, and insider trading.

Importantly for his clients, Mr. Rein is the Chair of the Federal Criminal Law Committee for the Eastern District of Pennsylvania, which includes many of the area's top white collar and other criminal defense lawyers. As such, he is well-versed in the quickly evolving enforcement landscape and the government's current priority focus. Consequently, he is the go-to lawyer for clients needing a steady advocate who is "in the enforcement know," with decades of expertise achieving positive resolutions for his clients' high-stakes matters.

### White Collar Defense and Investigations

Mr. Rein defends clients facing government scrutiny of all forms, ranging in scope from securities regulation to insider trading, False Claims Act, health care fraud, research or other academic misconduct, and complex regulatory matters. He also assists companies with internal investigations, whether prompted by a government inquiry, a purported whistleblower, or otherwise.

### Practices

- White Collar Defense and Investigations
- Data Privacy and Cybersecurity
- Data Privacy and Cybersecurity Complex Litigation
- Health Care
- Health Care Litigation Services
- Health Care Regulatory Services
- Hospitality and Retail
- Class Action Defense
- Commercial Litigation

### Industries

- Health Care
- Energy and Utilities
- Hospitality
- Banking and Financial Services

### Education

- J.D., *Cum Laude*, New York University School of Law, 2007
- B.A. in Sociology, Bard College, 1996

### Bar Memberships

- Pennsylvania

### Court Admissions

- U.S. Supreme Court
- Supreme Court of Pennsylvania
- U.S. Court of Appeals, Third Circuit
- U.S. District Court for the Eastern District of Pennsylvania

Mr. Rein's recent successes include convincing the Federal government, 29 state and local governments, and a whistleblower to drop a False Claims Act complaint accusing a nonprofit of violating the Medicaid rules; obtaining a short probationary sentence for an individual charged with impersonating patients in communications with insurance companies; and guiding a Fortune 10 pharmaceutical distributor through complex Pennsylvania-centric litigation over its distribution of opioids.

### **Representation of Academics and Researchers**

In the academic setting, Mr. Rein has particular expertise representing professors and other academics and researchers accused of misconduct surrounding use of proprietary information, including theft of trade secrets, research misconduct, and funding-related misconduct.

Among other things, he has helped multiple professors, under criminal and civil investigation over allegations of concealing ties to foreign governments, convince federal law enforcement to decline criminal prosecution and forgo civil action. He has also represented academics faced with allegations of participating in or turning a blind eye to research misconduct on federally funded projects, helping them avoid adverse action.

### **Data Privacy and Cybersecurity**

Mr. Rein defends companies who are facing high-stakes litigation over cybersecurity or privacy missteps. He also counsels clients on how to ensure compliance with their cybersecurity and data privacy obligations, including walking them through the steps following a breach.

Mr. Rein's recent successes include securing a complete, pre-discovery dismissal of the complaint in a putative class action alleging the theft of an untold number of credit card numbers, and the helping a healthcare client, under difficult circumstances and time pressure, through maintaining its HealthIT certification in the face of a threatened lifetime ban.

Prior to his career in law, Mr. Rein co-founded and served as a managing partner of a small web development firm, and he knows what means to have practical needs that narrow legal advice cannot unscramble on its own. For that reason, whether representing an individual facing an emotionally fraught investigation, or a company navigating a complex of compliance challenges under a government microscope, he strives to give counsel that not only addresses the immediate legal issues, but also accounts for the client's broader needs.

Mr. Rein's work often focuses on the intersections between technology and the law, including advising clients on legal aspects of data security, social media compliance, electronic discovery, the application of certain constitutional rights in a digital era, and related topics.

He was part of the team that won the groundbreaking Facebook speech case that held that intent is a key element of any violation of 18 U.S.C. 875(a) (the federal threats statute), *United States v. Elonis*, in the Supreme Court of the United States, for which he received the **Alan Jay Josel Advocacy Award** from the Pennsylvania Association of Criminal Defense Lawyers (PACDL).

*The Best Lawyers in America*® has recognized him in the category of White Collar Criminal Defense in every edition since 2020. He has also been named to the *Pennsylvania Super Lawyer* list in the Criminal Defense: White Collar category every year from 2019 - 2025, and a Rising Star in the same category in 2017 and 2018. For information about these selections and an overview of common third-party publications, rankings, and list methodologies, [\*\*click here\*\*](#).

Mr. Rein dedicates a portion of his practice to helping the underserved. He has provided pro bono representation to Guantanamo Bay detainees (for which he was recognized, along with a group of Philadelphia attorneys, with

the Federal Bar Association Criminal Law Committee's Clifford Scott Green Bill of Rights Award), homeless litigants, and prisoners pursuing civil rights claims.

A *cum laude* graduate from New York University School of Law, Mr. Rein served as Articles Editor for its *Journal of Legislation and Public Policy*. After law school, Mr. Rein spent three years as a litigator at a national law firm based in Philadelphia.

## Representative Cases

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- Academic under criminal investigation, and suspended from employment, over allegations of concealing ties to foreign institution from U.S. government and U.S. employer. **Result:** Criminal declination, no civil action, full reinstatement of employment.
- Nonprofit facing government investigation and qui tam lawsuit over allegations that it had violated the Federal False Claims Act and laws of 29 states and municipalities by allegedly helping clients to evade the Medicaid rules. **Result:** Federal and 29 state and local governments declined to intervene, *qui tam* relator voluntarily dismissed complaint.
- Individual charged with insurance fraud and conspiracy to commit insurance fraud, over accusations of impersonating patients in communications with insurance companies tied to wide-ranging fraud by drug-rehabilitation program. **Result:** Six months' probation.
- Defended cashless payment provider in data breach class action involving sensitive information of an unknown number of individuals. **Result:** Case dismissed prior to discovery.
- Advised startup regarding compliance with contractual and regulatory cybersecurity obligations, under tight deadline and unique circumstances. **Result:** Compliant.
- Assistance with data breach response. **Result:** Compliant.
- Owner/executive of major construction company charged with tax and immigration-related crimes. **Result:** Probation.
- Hedge fund manager facing two separate Securities and Exchange Commission (SEC) investigations for insider trading. **Result:** No enforcement action.
- Hospital under criminal and civil investigation for False Claims Act violations. **Result:** Criminal declination, civil settlement.
- Multi-national pharmaceutical manufacturer under criminal and civil investigation for kickback and off-label marketing violations. **Result:** Global settlement in amount several multiples below that of comparable "pharma" cases.
- Conducted internal investigation for major financial institution regarding potential insider trading violations.
- Conducted internal investigation for not-for-profit organization regarding potential executive malfeasance.

## Publications

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- Co-Author, "Construction Companies' Wage-and-Hour Noncompliance Viewed as 'Wage Theft,'" *The Legal Intelligencer* (August 20, 2021)
- Co-Author, "Employers Must Be Mindful of Pay Practices," *Treasury & Risk* (May 4, 2021)

- Co-Author, "Employers Must Be Mindful of Pay Practices, As Criminal Charges for Underpayment of Workers Becomes Increasingly Common," *Business Crimes Bulletin* (May 2021)
- Subject Matter Expert Practitioner, "Pennsylvania Domestic Privacy Profile," *Bloomberg Law's Privacy & Data Security* (January 2018)
- Author, "Cloud Control: Data Security Hazards and How to Avoid Them," *The Legal Intelligencer's* 2017 Cybersecurity Supplement (June 6, 2017)
- Author, "The *Lambis* Case and the Future of 'Stingray' Evidence," *Law360* (August 19, 2016)
- Co-Author, "FCC Keeps Blocking Hospitality Wi-Fi Blocking," *Law360* (January 19, 2016)
- Co-Author, "SEC ALJs: An Enforcement Fast-Track is Hitting the Constitutional Skids," *White Collar Crime Prof Blog* (August 13, 2015)
- Co-Author, "What If the SEC's Administrative Law Judges Have Been Unconstitutionally Appointed?," *The Temple 10-Q* (July 15, 2015)
- Co-Author, "Best Practices for Mobile Device Data Security," *The Legal Intelligencer, Cybersecurity Supplement* (June 23, 2015)
- Co-Author, "The Appointment of SEC Administrative Law Judges: Constitutional Questions and Consequences for Enforcement Actions," *Bloomberg BNA's Securities Regulation & Law Report* (June 19, 2015)
- Co-Author, "Recent Developments in *FTC vs. Wyndham* Underscore Importance of Cybersecurity Vigilance in the Hospitality Industry," *Law360* (April 9, 2015)
- Co-Author, "Market Manipulation: Staying a Step Ahead," *Public Utilities Fortnightly* (April 2015)
- Co-Author, "Recent Developments in *FTC vs. Wyndham* Underscore Importance of Cybersecurity Vigilance in the Hospitality Industry," *HospitalityLawyer's CONVERGE* (April 3, 2015)
- Featured, "How Lawyers Prepare for Supreme Court and High-Profile Case," *Philadelphia Inquirer* (February 9, 2015)
- Co-Author, "In the Wake of *Southern Union*, Do Juries Need to Determine Criminal Restitution?," *The Legal Intelligencer* (December 27, 2012)
- Co-Author, "Protocol for Discovery of Electronic Data in Criminal Cases," *The Legal Intelligencer* (August 2012)
- "The Fragile Fifth Amendment: Compelling 'Decryption,'" *Business Crimes Bulletin* (June 2012)
- Co-Author, "The 6th Amendment Flexes Its Muscles: Change May Be Coming to Corporations' Fed. Sentencing," *The Legal Intelligencer* (April 2012)
- Co-Author, "Courts Show Continued Deference to Broad Electronic Searches," *The Legal Intelligencer* (December 21, 2011)
- "The Backup Tapes Quagmire: Preservation and Production in White-Collar Matters," *Business Crimes Bulletin* (June 2011)
- "Canada, Australia, and United Kingdom Adopt U.S.-Style Electronic Discovery," *Privacy and Data Security Journal* (June 2009)
- "Zubulake Revisited: Pension Committee Decision Offers Spoliation Guidance," *DELVACCA Newsletter* (2nd Quarter 2010)

## Speaking Engagements

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- Presenter, "Public Utility Investigations," Post & Schell CLE Webinar (October 12, 2023)

- Panelist, "Having a Grand Old Time: Navigating Pennsylvania State and Federal Grand Jury Practice," Pennsylvania Association of Criminal Defense Lawyers' (PACDL) 2021 Virtual White Collar Practice Seminar (November 11, 2021)
- Co-Presenter, "Cybersecurity Risks and Best Practices in Commercial Transportation," Pennsylvania Motor Truck Association (PMTA) Webinar (February 28, 2019)
- Moderator, "Location Tracking, the CLOUD Act, and More: A Year in the Life of the Fourth Amendment," Pennsylvania Association of Criminal Defense Lawyers' (PACDL) White Collar Practice Conference, Philadelphia, PA (November 16, 2018)
- Moderator, "Data Security Issues," Penn Intellectual Property Group (PIPG) 2018 Symposium, "Open Source's Impact on Innovation," Philadelphia, PA (March 27, 2018)
- Panelist, "Stored Communications Act and Cell Site Technology: Navigating the Law in an Evolving Landscape," Federal Criminal Law Committee (FCLC) for the Eastern District of Pennsylvania's 2017 Annual Meeting, Philadelphia, PA (December 7, 2017)
- Panelist, "Gas Cybersecurity Panel," Pennsylvania Bar Institute's (PBI) Public Utility Law Conference, Harrisburg, PA (June 1, 2017)
- Co-Presenter, "Social Media & E-Discovery: Laws and Ethics," Post & Schell and iDiscovery Solutions CLE Seminar, Philadelphia, PA (May 4, 2017)
- Panelist, "Regulatory Enforcement and Regulator's Perspectives," Today's General Counsel's Data Privacy and Cybersecurity Forum, Boston, MA (April 26, 2017)
- Panelist, "Avoiding Lightning in the Cloud and Addressing New Threats," and "Regulatory Enforcement and Regulator's Perspectives," *Today's General Counsel's* Data Privacy and Cybersecurity Forum, San Francisco, CA (April 6-7, 2017)
- Speaker, "Outsourcing Big Data to the Cloud," *Today's General Counsel's* "The Exchange Data Privacy and Cybersecurity Forum," Washington, D.C. (November 16, 2016)
- Panelist, "Evolving E-Discovery: The Expanding Universe of ESI & The Risk of Spoliation," *The Legal Intelligencer's* Litigation Summit 2016, Philadelphia (September 21, 2016)
- Guest Lecturer, Drexel University, Undergraduate Honors Seminar: Social Media and the Law (February 24, 2016)
- Guest Lecturer, Drexel University Thomas R. Kline School of Law, Practical Media Law, segment on "Special Problems of Anonymous Online Speech" (October 7, 2015)
- Featured on *WHYY's "Radio Times"*, "The *Elonis* ruling: Social media, language and the Supreme Court," (June 3, 2015)
- Speaker, "Keep Calm and Carry On: Corporate Management in the Social Media Age," Association of Corporate Counsel (ACC) of Central Pennsylvania CLE Seminar, Hershey, PA (May 14, 2015)
- Panelist, "Hip-Hop and the Law," Drexel University Thomas R. Kline School of Law's Diversity Awareness Week (March 2, 2015)
- Speaker, "1st Amendment Meets Facebook at the Supreme Court: *US v. Elonis*," Federal Bar Association (FBA), Criminal Law Committee presentation (February 26, 2015)
- Panelist, "E-Discovery in Criminal Cases: New DOJ-Defender Protocol, Old Problems?," (June 14, 2012) (with Federal District Judge Hon. Mitchell Goldberg and First Assistant U.S. Attorney Louis D. Lappen)

- Panelist, "Investigations & Discovery in the Digital Age: Preservation, Production, Privilege and Beyond," Pennsylvania Association of Criminal Defense Lawyers (PACDL) (November 11, 2011) (with Federal District Judge Hon. Lee Rosenthal and Federal Magistrate Judge Hon. John Facciola)

## **Memberships**

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- Chair, Federal Criminal Law Committee for the Eastern District of Pennsylvania
- Pennsylvania Bar Association, Large Law Firm Committee
- Philadelphia Bar Association