



Abraham J. Rein

Principal & Vice Chair, White Collar Practice Group
Co-Chair, Data Privacy & 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 a Principal and Vice-Chair of the firm's Internal Investigations & White Collar Defense Group, Co-Chair of the firm's Data Privacy & Cybersecurity Group, and Member of the firm's Diversity & Inclusion Committee. He prides himself on approaching his clients' needs holistically, seeing beyond the limited legal issues to address the needs of the company or individual in full.

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 clients come from a broad spectrum of industries, including academia, health care, pharmaceutical, medical device, hospitality, insurance, financial services, securities, communications, defense, and transportation. His work focuses on representing individuals and businesses facing government scrutiny of all forms, ranging in scope from securities regulation to insider trading, tax, immigration, False Claims Act, and complex regulatory matters. He also assists companies with internal investigations, whether prompted by a government inquiry, a purported whistleblower, or otherwise.

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, *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). He has been named a Pennsylvania Super Lawyer in the Criminal Defense: White Collar category every year since 2019, and a Rising Star in the same category in

Practices

- Internal Investigations & White Collar Defense
- Data Privacy & Cybersecurity
- Data Privacy & Cybersecurity Complex Litigation
- Health Care
- Health Care Litigation Services
- Health Care Regulatory Services
- Information Technology
- 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. District Court for the Eastern District of Pennsylvania
- U.S. Court of Appeals, Third Circuit

2017 and 2018. *The Best Lawyers in America*® has recognized him in the same category in every edition since 2020. 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 my 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.

Mr. Rein studied at New York University School of Law, where he graduated *cum laude* and served as Articles Editor for the *Journal of Legislation and Public Policy*. After law school, Mr. Rein spent three years as a litigator for a Philadelphia-based national law firm.

Representative Cases

- 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, 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.
- 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

- 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

- 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)

Affiliations

- American Bar Association, Section of Litigation
- Pennsylvania Bar Association
- Philadelphia Bar Association
- Federal Criminal Law Committee