



Scott B. McBride

Partner

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Scott has what white collar defendants need most: a deep understanding of how the system works. An Assistant U.S. Attorney for over a decade, he combines that knowledge with formidable courtroom skill to provide clients with a defense that is equal parts judicious and tenacious.

Scott focuses his practice on matters of government, securities, financial, and health care fraud; Foreign Corrupt Practices Act violations; and civil business litigation, leveraging the experience gained from more than 10 years in the U.S. Attorney's Office in Newark, New Jersey. He investigated and prosecuted a broad range of white collar criminal offenses there, serving as Deputy Chief of the Economic Crimes Unit and as a member of the Health Care & Government Fraud Unit. He also prosecuted numerous cases involving cybercrime, identity theft, and intellectual property-related offenses, as well as tax evasion and public corruption.

Scott also has significant civil litigation experience in both the private and public sectors.

Prior to joining the U.S. Attorney's Office, Scott completed federal clerkships under the Honorable Jose L. Linares and the Honorable Ronald J. Hedges, both of the United States District Court for the District of New Jersey.

EXPERIENCE

- > Represented manufacturing company in investigation by Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the Bergen County Prosecutor's Office in relation to nine-alarm fire at New Jersey factory.
- > Represented a multinational pharmaceutical and life sciences company in an internal investigation concerning internal marketing and promotions policies.
- > Represented a multinational medical device company in connection with False Claims Act allegations concerning Medicare billing. Negotiated a favorable settlement with the Department of Justice and the Office of the Inspector General without any admission of liability.
- > Represented a large national charitable organization in connection with a potential dispute with the State of New Jersey over millions of dollars in Medicaid funding. Obtained a complete Medicaid waiver with no adverse consequences for the organization.
- > Represented a marketing executive at a medical device company in connection with a Department of Justice investigation into allegations of widespread and unlawful kickbacks and off-label marketing. Successfully negotiated and obtained a rare non-prosecution agreement from the Department of Justice.
- > Defended otolaryngologist medical practice against investigative findings by Horizon NJ Health of improper and inaccurate billing, negotiating a settlement with 40-percent reduction in HNJB's overpayment demand and no referral to state Medicaid Fraud Control Unit (MFCU).
- > Represented a health care professional accused of inappropriate conduct with an employee. Conducted an internal investigation and interfaced with investigators and prosecutors. The enforcement agency ultimately terminated the investigation without charges within a matter of weeks.
- > Represented pharmaceutical company marketing director in civil dispute in Superior Court of New Jersey, Hunterdon County. Client was sued by her former accountant and attorney in relation to a fees dispute. Successfully moved to dismiss complaint, obtaining a dismissal with prejudice.
- > Obtained dismissal in Criminal Court of the City of New York, New York County, of Class A Misdemeanor assault charges.
- > Provided pro bono representation of a former child soldier from Sierra Leone whose naturalization application was denied. Obtained a reversal of the U.S. Citizenship and Immigration Services denial and citizenship for the client.
- > Provided pro bono representation of a Nigerian Christian asylum applicant denied admission to the United States. Successfully won an asylum appeal before the Board of Immigration Appeals.

HONORS & AWARDS

- > **NJBIZ: Health Care Power 50 (2020)**
- > **Chambers USA: America's Leading Lawyers for Business: (2018-2020)**
Recognized for work in White Collar Crime & Government Investigations

NEWS & INSIGHTS

Publications

- > February 25, 2020
"A Survey of Health Care Anti-Kickback Law at the State Level," *Lowenstein Sandler LLP*
Scott B. McBride, , Anthony J. Cocuzza, Rachel Moseson, Jarrett R. Schindler
- > December 4, 2019
"Recent Decision Underscores a Hurdle in Opioid Prosecutions, as Criminal Investigations Continue," *White Collar Criminal Defense Client Alert*
Scott B. McBride, Rasmeet K. Chahil
- > November 5, 2018
"Department of Justice Announces New Corporate Monitor Guidance," *White Collar Criminal Defense Client Alert*
Scott B. McBride,
- > May 24, 2017
"Salman V. United States and its Impact on Insider-Trading Enforcement," *The Review of Securities & Commodities Regulation*
Scott B. McBride
- > February 21, 2017
"Medical Device Enforcement Is Getting More Serious – Particularly in Northeast," *MassDevice Today*
Scott B. McBride

In the Media

- > March 23, 2019
Scott B. McBride is quoted in the *Los Angeles Times* discussing the recent college admissions scandal and the crimes associated with it. McBride notes that schools have a property interest in choosing which applicants to admit and reject, although this idea could be lost on a jury should the case go to trial.
- > June 11-12, 2018
The *New York Law Journal* (including **this abbreviated coverage**), *Law360*, and *ABL Advisor* highlight **Ryan M. Wilson's** return to Lowenstein, now as partner in the **Capital Markets Litigation** and **White Collar Criminal Defense** practices, following his tenure as an Assistant U.S. Attorney on President Obama's Residential Mortgage-Backed Securities (RMBS) Task Force in the U.S. Attorney's Office for the Eastern District of New York. *Law360* quotes Wilson on his government experience and mentions **Zachary D. Rosenbaum** (Chair, Capital Markets Litigation) as a draw in coming back to the firm. All three articles quote Wilson on his reasons for returning to Lowenstein, and they note that Wilson is the latest in a series of former prosecutors and trial lawyers to join or return to the firm. Each article mentions one or more of the following former government lawyers who have come to Lowenstein in the past few years: **Christopher Porrino** (Chair, **Litigation Department**), **Kathleen A. McGee**, **Elie Honig**, **Scott B. McBride**, and **Matthew Boxer**. (*subscription required to access the New York Law Journal and Law360*)
- > January 3, 2018
In **Bloomberg BNA's Health Care Fraud Report**, **Scott B. McBride** comments on expected trends in health care fraud cases in 2018.
- > October 9, 2017
Scott B. McBride comments in the *Report on Medicare Compliance* on evidence of kickback arrangements in recent health care fraud cases.
- > September 7, 2017
In *Bloomberg BNA*, **Scott B. McBride** comments on the implications of the Supreme Court's materiality standard for False Claims Act lawsuits.
- > March 13, 2017
In the *New Jersey Law Journal*, **Scott McBride** discusses the qualifications of an ideal candidate to be selected as U.S. attorney.
- > February 13, 2017
In *Report on Medicare Compliance*, **Scott McBride** comments on the Department of Justice's fraud case against the former Tenet Healthcare CEO.

SPEAKING ENGAGEMENTS

- > Panelist, **Three Competing Perspectives on Federal Health Care Enforcement Trends: Federal Prosecutor, In-House Counsel, Outside Counsel**, Health Care Enforcement Compliance Conference, Webinar, November 17, 2020
- > Presenter, **Health Care Fraud Sentencing, Penalties, Damages & Other Considerations**, Health Care Compliance Certification Program, Seton Hall Law (Newark, NJ), November 2020
- > Panelist, **Being the Focus of a Government Investigation**, Health Care Compliance Certification Program, Seton Hall Law (Newark, NJ), November 2020

- > Panelist, **U.S. Healthcare Compliance Certificate Program**, Seton Hall University School of Law, October 21, 2020
- > Speaker, **U.S. Healthcare Compliance Certification Program**, Seton Hall Law School, Newark, NJ, October 17, 2019
- > Panelist, **U.S. Healthcare Compliance Certificate Program**, Seton Hall Law, Newark, NJ, June 10-13, 2019
- > Panelist, **Three Competing Perspectives on Federal Health Care Enforcement Trends: Federal Prosecutor, In-House Counsel, Outside Counsel**, Health Care Enforcement Compliance Conference, Washington, D.C., November 4, 2018
- > Speaker, **Health Care Fraud Sentencing, Penalties, Damages & Other Considerations, Health Care Compliance Certification Program**, Seton Hall Law, Newark, NJ, October 8-11, 2018
- > Panelist, **Being the Focus of a Government Investigation; Health Care Fraud Sentencing, Penalties, Damages & Other Considerations**, Seton Hall University School of Law, Newark, NJ, June 14, 2018
- > Speaker, **Health Care Fraud Sentencing, Penalties, Damages & Other Considerations, Health Care Compliance Certification Program**, Seton Hall Law, Newark, NJ, June 11-14, 2018
- > Speaker, **Three Competing Perspectives on Federal Health Care Enforcement Trends: Federal Prosecutor, In-House Counsel, Outside Counsel, Health Care Enforcement Compliance Conference**, Washington, D.C., October 29-November 1, 2017
- > Speaker, **Health Care Fraud Sentencing, Penalties, Damages & Other Considerations, Health Care Compliance Certification Program, Seton Hall Law**, Newark, NJ, October 12, 2017
- > Speaker, **Being the Focus of a Government Investigation**, Health Care Compliance Certification Program, Seton Hall Law, Newark, NJ, June 2017
- > Speaker, **Health Care Fraud Sentencing, Penalties, Damages & Other Considerations**, Health Care Compliance Certification Program, Seton Hall Law, June 2017
- > Speaker, **New Administration & Impact on Regulations and Enforcement**, AdvaMed's Device & Diagnostics Compliance Group Meeting Hosted by Olympus Corporation of the Americas, Center Valley, PA, April 2017
- > Speaker, **How to Effectively Deal with SEC Investigations and Enforcement Actions in 2017**, Webinar, February 2, 2017
- > Speaker, **The False Claims Act – Recent Developments, Best Practices, and Pursuing Insurance to Manage the Risk**, Lowenstein Sandler LLP, New York, NY, November 2, 2016

EDUCATION

- > Georgetown University Law Center (J.D. 2002)
- > Georgetown University, School of Business (B.S. 1997), Finance and Government

ADMISSIONS

- > New York
- > New Jersey
- > District of Columbia