

Mark W. McPherson

Principal



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Practice Areas

Government Enforcement & Compliance

Education

Boston University School of Law
 JD (2017) *cum laude*

The University of Oklahoma
 MA (2014)

Oklahoma State University
 MBA (2012)

The University of Pittsburgh
 BA (2006)

Admissions

Massachusetts

Mark McPherson represents individuals, corporations, hospitals, and academic and research institutions in government and internal investigations involving healthcare fraud, securities fraud, the False Claims Act, and other civil and criminal matters.

Mark also helps clients manage NIH, HHS, and/or DOJ investigations and enforcement inquiries concerning federal grant funding to U.S. academic and research institutions. This includes leading internal reviews in which allegations of research misconduct, conflicts of interest, undue foreign influence, or federal grants mismanagement have been raised, and helping to resolve material findings with appropriate government agencies.

Mark recently served as a Special Assistant District Attorney with the Suffolk County District Attorney's Office, where he gained significant criminal trial and motion practice experience. Prior to joining Choate, Mark served as a pilot in the United States Air Force.

Representative Engagements

- Defense of international pharmaceutical and medical device companies in federal investigations, state investigations, and civil False Claims Act litigation involving sales, marketing, and pricing practices.
- Defense of individual executives in federal and state investigations targeting international pharmaceutical companies.
- Coordinate responses to law enforcement and internal investigations related to research misconduct, conflict of interest, and conflict of commitment for academic and research institutions.
- Assist academic and research institutions in addressing "foreign components," foreign conflict of interest concerns, and suspected undisclosed foreign ties raised by NIH and other agencies regarding federally funded research.
- Develop risk management strategies for university and teaching hospitals' conflict of interest processes and programs related to foreign influence.
- Represented academic medical center in False Claims Act investigation into alleged research misconduct.
- Represented university in investigation and related civil, criminal, and administrative proceedings concerning researcher's undisclosed ties to foreign institutions.
- Represented academic medical center in connection with attempted theft of biological specimens from research laboratory.
- Represented global software company in response to federal and state government investigations and government legal process.

- Conducted internal investigations on behalf of international pharmaceutical company concerning clinical trial practices.
- Conducted independent investigation in response to university Title IX complaint.
- Assisted hospital system in assessing and refunding overpayments associated with a series of identified physician billing and coding errors.

Publications and Presentations

- “Maybe Forgotten But Not Gone – From the China Initiative, to the National Security Presidential Memorandum (NSPM) 33, CHIPS, and Beyond: Understanding and Responding to the U.S. Government’s Shifting but Continued Focus on Safeguarding Research,” speaker, webinar with Huron Consulting Group, May 2023
- “Health Care Fraud Law: A 50 State Survey – Massachusetts Summary of Fraud and Abuse Statutes and Regulations” chapter co-author, *American Health Law Association*, 2022
- “Managing Seemingly Unlimited Questions With Limited Resources: Optimizing Research Security and Foreign Influence Compliance Efforts,” speaker, webinar with Huron Consulting Group, June 2021
- “College and University Law Manual: Research Compliance” chapter co-author, *MCLE New England*, 2021

Professional and Community Involvement

- Board Member, Raising A Reader – Massachusetts
- Choate’s legal clinic for the homeless program through the Lawyers Clearinghouse
- Member of the Boston Bar Association

Recognition

- *The Legal 500* (2023-2024)