

## Mark A. Jensen

Partner

*Special Matters and Government  
Investigations*

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Mark Jensen is Managing Partner of King & Spalding’s Washington, D.C. office. He specializes in high-profile investigations, white-collar litigation for companies and individuals, regulatory enforcement actions, internal reviews and compliance counseling. As a partner in our Special Matters and Investigations practice, Mark’s practice has been nationally acclaimed, and he has been widely recognized for the positive results he obtains for an array of clients in criminal and civil cases, including governmental investigations, prosecutions and False Claims Act civil litigation.

*Law360* has described him as “one of the most sought-after corporate defenders in the country” and the *Legal 500* as “an extremely accomplished lawyer.”

Mark defends leading companies and senior executives in litigation in federal and state courts, as well as in prosecutions and investigations by U.S. Attorneys, multiple divisions of the U.S. Department of Justice, the Securities and Exchange Commission, Food and Drug Administration, Environmental Protection Agency, National Oceanic and Atmospheric Administration, and Congress.

Mark’s litigation experience includes criminal and civil issues relating to pharmaceuticals; biotechnology and medical devices; Foreign Corrupt Practices Act matters; tax and accounting-related fraud; environmental and wildlife prosecutions; and federal contracting and procurement fraud.

In addition to his current role as Managing Partner, Mark has served in numerous other firm leadership roles. Elected by his partners to the firm’s managing Policy Committee, he also has served on the firm-wide Lateral Partner Committee and Performance Management and Compensation Committee, and previously was the Hiring Partner and Deputy Managing Partner for the D.C. office.

*Legal 500 U.S.* recommended Mark for white-collar criminal defense in multiple years, describing him as “brilliant and creative” with “an excellent track record.” *Benchmark Litigation* recognized him as a “Litigation Star” in its 2019 and previous editions. *LMG Life Sciences* named Mark a Life Sciences Star for White Collar/Government Investigations and in its 2018 and previous editions.

## Matters

Represented a variety of **life science and health care companies, as well as individual employees, officers, consultants and medical professionals**, in criminal and civil litigation by multiple U.S. Attorneys Offices, DOJ, HHS-OIG, *qui tam* Relators, state attorneys general and national Medicaid fraud control units, regarding alleged “off-label” promotion, unlawful inducements and other sales, marketing, pricing and development activities. Successfully represented a variety of clients in these investigations, including prevailing on motions to dismiss False Claims Act lawsuits in federal district court and resolving successfully the largest U.S. False Claims Act matter involving a medical device and kickback allegations.

Represented **Janssen Pharmaceuticals, Johnson & Johnson and related companies** in a 2013 global resolution of multiple DOJ investigations, including the negotiation and settlement of False Claims Act; Food, Drug & Cosmetic Act; and related allegations. The False Claims Act component of the resolution included seven *qui tam* complaints venued in the E.D.Pa., D.Mass. and N.D.Ca. Also led the related resolution of administrative claims by HHS-OIG through the company’s Corporate Integrity Agreement. In parallel state litigation, led the resolution of multi-state and individual state consumer protection claims and lawsuits, as well as state claims alleged by Medicaid Fraud Control Units and similar attorneys general and state representatives.

Represented **Coach Joe Paterno and his Estate and Family** in matters pertaining to the NCAA and Pennsylvania State University.

Represented a **Special Committee of independent directors of a major company** in criminal and civil accounting-related investigations by a U.S. Attorney’s Office and the SEC.

Represented successfully **an officer** in a Foreign Corrupt Practices Act criminal investigation; also counseled **a major company** in FCPA matters in connection with a potential acquisition.

Along with Judge Griffin Bell and King & Spalding partner Wick Sollers, led publicly disclosed **internal investigations into the FBI’s Office of Professional Responsibility (OPR)** at FBI Director Mueller’s request.

Represented **individual targets** in an EPA and DOJ RCRA and Clean Water Act grand jury investigation in Montana, resulting in a declination of all criminal charges.

Represented **a Fortune 100 company** in a DOJ criminal investigation of its environmental practices, resulting in a full declination by the U.S. Attorney’s Office in Maine.

Represented successfully over 20 **managerial and sales employees** in a federal grand jury investigation in San Francisco regarding Genentech’s marketing and promotional practices.

Counseled **bond underwriters, hedge funds and other equity interests** regarding a variety of compliance matters involving existing and potential investments.

Represented **the Audit Committee of a major publicly traded company** in a criminal investigation by DOJ and the U.S. Attorney’s Office in Philadelphia into drug pricing and accounting practices. A favorable civil resolution was obtained from DOJ after a full investigation and negotiations with multiple government agencies.

Represented in Virginia state court **a regional manager of a recycling facility** accused of health and safety violations, resulting in a full dismissal at trial.

Represented **an individual defendant** in the then-largest-ever international antitrust conspiracy trial, including authoring a prevailing appellate brief against the *New York Times* and Dow Jones

regarding a First Amendment issue before the Seventh Circuit Court of Appeals in Chicago.

Represented **a company** in a criminal investigation of alleged illegal seafood importation under the Lacey Act.

Represented **multiple companies and individuals** in criminal investigations regarding government contracting fraud and tax evasion.

Counseled **companies** in developing, reviewing or enhancing their corporate compliance programs pursuant to the U.S. Sentencing Commission Guidelines, OIG Guidelines and various industry ethics guidance, such as the PhRMA and AdvaMed Codes.

Advised **multiple clients** on forensic and electronic discovery matters, including Electronically Stored Information practices, document retention policies, restoration of backup tapes and forensic data mining.

## Credentials

### EDUCATION

J.D., Harvard University, cum laude

B.A., Indiana University, summa cum laude, Phi Beta Kappa

### ADMISSIONS

U.S. Court of Appeals for the Seventh Circuit

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Southern District of Indiana

District of Columbia

Illinois

### CLERKSHIPS

Law Clerk, Hon. Sarah Evans Barker, U.S. District Court for the Southern District of Indiana

## Recognition

White-Collar Criminal Defense

LEGAL 500 U.S.

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“Quickly Made a Name for Himself as an Extremely Accomplished Lawyer”...“An Excellent Track Record”...“Creative”

LEGAL 500 U.S.

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Litigation Star

BENCHMARK LITIGATION, 2019, 2018, 2017

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“One of Five U.S. White-Collar Lawyers to Watch”

LAW360, 2011

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“One of the Most Sought-After Corporate Defenders in the Country”

LAW360, 2011

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## Events

### CONFERENCE

*November 12, 2019*

12th Annual King & Spalding Pharmaceutical University

*November 13, 2018*

11th Annual King & Spalding Pharmaceutical University

### WEBINAR

*July 29, 2020*

Pharmaceutical and Medical Device Enforcement Developments and Trends in the New Normal of COVID-19

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## News

### IN THE NEWS

*June 30, 2020 • Source: Law360 and Richmond Times-Dispatch*

Daniel Sale, Wick Sollers and Mark Jensen counsel former Indivior CEO Shaun Thaxter's plea in an opioid case

### RECOGNITION

*October 15, 2020*

Benchmark Litigation Recognizes King & Spalding as a Leading Litigation Firm

*June 15, 2020*

King & Spalding Earns Top-Tier Rankings in Legal 500 United States 2020 Guide

[VIEW ALL ON KSLAW.COM](https://www.kslaw.com)