

Emily McGowan

Partner

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Emily McGowan is well regarded for her work as counsel for organizations and individuals in a variety of complex enforcement and litigation matters. She defends individual and corporate clients in False Claims Act investigations, antitrust matters, and related business and health care litigation. Emily has assisted managed care organizations, pharmacy benefit managers, and generic drug manufacturers in high-stakes government enforcement actions. Emily is ranked Band 2 and was recognized in the 2021 edition of *Chambers USA: America's Leading Lawyers for Business* as an "Associate to Watch" in North Carolina in Litigation: White Collar Crime & Government Investigations. She is also recognized in the inaugural "Ones to Watch" list by *The Best Lawyers in America*® for commercial litigation. Emily is the president of the Federal Bar Association for the Western District of North Carolina.

Before joining Alston & Bird, Emily served as a law clerk to the Hon. Allyson K. Duncan on the U.S. Court of Appeals for the Fourth Circuit. She also worked for a prominent law firm in Washington, D.C. While in law school, Emily served as the president of the Women of Stanford Law. She obtained her B.A. in English with highest honors from the University of North Carolina at Chapel Hill.

Representative Experience

- Representing a major pharmacy benefit manager in ongoing multidistrict litigation.
- Representing a health care company in ongoing False Claims Act investigations related to Medicare Advantage issues.
- Representing a health care company in ongoing litigation related to the application of the federal No Surprises Act.
- Representing a health care company in ongoing False Claims Act litigation.
- Represented a large health care system in DOJ False Claims Act investigations related to Medicare coding issues.
- Represented a major generic drug manufacturer in a DOJ antitrust investigation.
- Defended a chief financial officer in an ongoing securities fraud investigation.
- Defended an executive in a criminal price-fixing and bid-rigging investigation.
- Defended an accountant accused of securities fraud in a federal criminal trial.
- Represented 77 former state attorneys general as amici curiae supporting former Virginia Governor Bob McDonnell's case before the U.S. Supreme Court challenging his convictions for public corruption. The Supreme Court vacated McDonnell's convictions and cited the brief from the attorneys general in its opinion.
- Represented a generic drug manufacturer in a Fourth Circuit appeal seeking review of a final agency action.

- Represented a generic drug manufacturer in its response to FDA Form 483 observations.
- Represented a large insurance company in federal class action litigation over a physician practice coding dispute, convincing plaintiff's counsel to drop all claims.
- Represented a natural gas joint action agency in federal litigation over hedge prices.
- Represented a former bank employee in a DOJ obstruction of justice investigation.

Publications & Presentations

Publications

- "Diversity & Inclusion," in *Successful Partnering Between Inside and Outside Counsel*, Thomson Reuters and Association of Corporate Counsel, April 2020.
- "The Yates Memo and the DOJ's Focus on Individuals," *Pratt's Government Contracting Law Report*, Vol. 1, No. 9, December 2015.

Education

- Stanford University (J.D., 2012)
- The University of North Carolina at Chapel Hill (B.A., 2008)

Admitted to Practice

- North Carolina

Related Services

Antitrust | White Collar, Government & Internal Investigations | Litigation | State Attorneys General Practice Team | FDA Enforcement & Litigation | FDA Compliance & Enforcement | Appellate | False Claims Act