

## Mark T. Calloway

### Senior Counsel

+1 704 444 1089

mark.calloway@alston.com

Charlotte | Vantage South End, 1120 South Tryon Street, Suite 300 | Charlotte, NC 28203-6818



A former U.S. attorney and Department of Justice official, Mark Calloway draws on his experience with the DOJ to effectively represent companies, individual executives, and state and local agencies in their most important and sensitive government investigations and litigation. Hospital systems, medical practices, drug and device manufacturers, and health insurers depend on Mark to navigate them through federal criminal investigations and civil False Claims Act litigation. He represents manufacturers and executives in federal criminal antitrust investigations. Fact-driven, Mark regularly conducts confidential and sensitive internal investigations.

Before joining Alston & Bird, Mark served as the U.S. attorney for the Western District of North Carolina (1994 – 2001). During his tenure with the DOJ, Mark also served as director of the Executive Office for United States Attorneys, which has responsibility for support and oversight of all 93 U.S. Attorneys' Offices, and played a key role in management and policy implementation for the DOJ. He also served as chair of the Attorney General's Advisory Committee of U.S. Attorneys.

In 2001, Attorney General Janet Reno awarded Mark the Edmund J. Randolph Award for outstanding service to the DOJ. Mark is listed in *Chambers USA: America's Leading Lawyers for Business*, *The Best Lawyers in America*® since 2005, and *North Carolina Super Lawyers* since 2006. His peers in the legal community have selected Mark as one of North Carolina's "Legal Elite."

### **Representative Experience**

- Lead counsel for a major energy company during a year-long federal grand jury investigation into the propriety of certain accounting treatments in its filings with state regulatory commissions. Obtained a letter from the Department of Justice clearing the company of any criminal wrongdoing.
- Co-counsel for an accountant charged with 35 federal felonies. After a five-week trial, the jury found the accountant not guilty of all charges.
- Represented a former assistant sales manager for a major polyester staple fiber manufacturer in a federal criminal antitrust trial. After a week-long trial, the federal jury acquitted the client of any wrongdoing.
- Convinced relator's counsel to voluntarily dismiss a qui tam action brought against a major health insurer.
- Effectively negotiated a non-prosecution agreement with the DOJ Consumer Protection Branch on behalf of a medical device manufacturer.
- Represented a manufacturer in a nationwide federal antitrust criminal investigation.
- Obtained declination from the DOJ Tax Division on behalf of a licensed professional.
- Obtained declination from the DOJ and SEC on behalf of a licensed professional in an insider trading investigation.
- Represented a state agency in a federal criminal investigation. Obtained declination from the DOJ.

- Represented a state agency in a federal criminal public corruption investigation. Obtained declination from the DOJ.

## ***Publications & Presentations***

### ***Publications***

- “The Yates Memo and the DOJ’s Focus on Individuals,” *Pratt’s Government Contracting Law Report*, Vol. 1, No. 9, December 2015.
- “Feds Are Ramping Up Prosecution Efforts,” *Charlotte Business Journal*, October 23, 2015.

## ***Professional & Community Engagement***

- WDNC Chapter of the Federal Bar Association, past president
- Federal Public Defender of WDNC, past board chair
- North Carolina Bar Association, Criminal Justice Section, past chair
- North Carolina State Bar, Ethics Committee, advisor

## ***Education***

- Campbell University (J.D., 1983)
- North Carolina State University (B.S., 1980)

## ***Admitted to Practice***

- North Carolina

## ***Related Services***

Litigation | White Collar, Government & Internal Investigations | Antitrust | Government Contracts | Health Care | Corporate & Business Transactions | Education | State Attorneys General Practice Team | FDA/Food, Drug & Device | FDA Enforcement & Litigation | FDA Compliance & Enforcement | False Claims Act