

# Duane Morris Welcomes Former U.S. Attorney William M. McSwain in Philadelphia

William M. McSwain has joined Duane Morris LLP as a partner in the firm's Trial Practice Group in its Philadelphia office. McSwain served as the U.S. Attorney for the Eastern District of Pennsylvania from April 2018 until he stepped down on January 22, 2021.

As U.S. Attorney, McSwain served as the chief federal law enforcement officer responsible for all federal criminal prosecutions and civil litigation involving the United States in the Eastern District of Pennsylvania, which is one of the nation's most populous districts, with nearly 6 million people residing within its nine counties. McSwain supervised a staff of approximately 300, including more than 140 Assistant U.S. Attorneys, at offices in Philadelphia and Allentown.

During McSwain's tenure, the U.S. Attorney's Office dramatically increased its productivity across the board. For example, it logged a 40 percent increase in its criminal indictments, with significant increases across all subject areas in the Criminal Division, including economic crime, government fraud, corruption, violent crime, narcotics and national security. The Civil Division opened a record number of False Claims Act investigations, which are designed to recover money on behalf of the U.S. government and taxpayers when they have been victims of fraud. The Civil Division also achieved a record number of affirmative civil enforcement resolutions, and recovered hundreds of millions of dollars from companies and individuals that were under investigation for allegedly committing fraud against the United States.

McSwain's efforts as U.S. Attorney included a specific

emphasis on white collar enforcement. For example, he spearheaded the creation of two new white collar units: a regional Health Care Fraud Strike Force, in conjunction with the Fraud Section at the U.S. Department of Justice, in order to pursue criminal penalties against those who defraud U.S. government health care programs, and an Affirmative Civil Enforcement Strike Force designed to focus on and expedite complex affirmative civil enforcement cases. McSwain strengthened and expanded his office's relationship with financial regulators, such as the SEC's Philadelphia Regional Office and the Pennsylvania Department of Banking. He also served on the White Collar Subcommittee of the Attorney General's Advisory Committee. This renewed emphasis on white collar matters helped the U.S. Attorney's Office to obtain hundreds of millions of dollars in penalties and criminal convictions for health care fraud, securities fraud, insider trading, tax fraud, Ponzi schemes, embezzlement and other forms of financial fraud.

An accomplished trial lawyer and appellate oral advocate, McSwain most recently served as lead counsel in *United States v. Safehouse*, in which he challenged Philadelphia's plan to be the first city in the country to open supervised heroin injection sites. He personally argued and won the case in the U.S. Court of Appeals for the Third Circuit, which ruled that such sites would violate the federal Controlled Substances Act. Prior to his appointment as U.S. Attorney, McSwain was a partner at Drinker Biddle & Reath LLP (now Faegre Drinker Biddle & Reath LLP), focusing on white collar criminal matters and complex business litigation. He served as an Assistant U.S. Attorney in the Criminal Division of the U.S. Attorney's Office for the Eastern District of Pennsylvania from 2003 to 2006. He began his legal career by clerking for the Honorable Marjorie O. Rendell, U.S. Circuit Judge of the U.S. Court of Appeals for the Third Circuit.

McSwain is a graduate of Harvard Law School (J.D., 2000),

where he was editor of the Harvard Law Review, and Yale University (B.A., cum laude, 1991). He is an adjunct lecturer in law at the University of Pennsylvania Law School. Prior to law school, he served as an infantry officer and scout/sniper platoon commander in the U.S. Marine Corps.