

→ National Security

As the Department of Justice and officials across government have sounded the alarm, national security has become and will remain a paramount focus of enforcement and regulatory efforts, including in foreign investment, trade, foreign power threats, insider threats, cyber, and AI, among others.

Sheppard Mullin, guided by the leadership of immediate past DHS General Counsel and former senior Justice Department official Jonathan Meyer, has decades of experience in this burgeoning area and is exceptionally positioned to assist clients across the national security spectrum. This includes interactions with federal government (including the White House, DOJ, DOD, DHS and all other major IC agencies, such as ODNI, NRO, NSA, FBI, CIA, DOE, and DISA, among others), state governments, and congressional oversight. Many on the team also hold the highest-level security clearances, which enable us to handle sensitive national security matters, from national security investigations and prosecutions to classified bid protests.

We bring a practical, bipartisan, problem-solving approach to clients' engagements with government. We can help the client from the beginning of an exploratory inquiry, through internal investigations, disclosures to government agencies, to formal proceedings before agencies, departments and Congress, and then oversight hearings, civil litigation and criminal investigations and prosecution, if necessary. Our team combines decades of agency, Capitol Hill and private sector experience in counseling clients about the unique challenges of national security issues in an area where the law sometimes struggles to keep up with technology and threats.

Added to these capabilities is Sheppard Mullin's novel Organizational Integrity Group (OIG), which helps companies and organizations defend against threats to their organizational integrity by developing and implementing compliance programs that stick, responding to and defending against government investigations and litigation, and resolving reputational threats.

Our team includes many former prosecutors and government officials, so we know both how government operates on the inside and how to manage relationships with it from the outside.

Areas of Focus

Foreign Investment (both Outgoing and Incoming) with National Security Implications

Whether it's due diligence on transactions involving foreign assets or buyers, or navigating the regulatory thickets posed by government structures such as CFIUS, ICTS or Team Telecom, our team knows how to help clients get the successful outcomes they seek.

State-Sponsored and Other Foreign Cyber Attacks

We help companies respond to cyberattacks with national security implications, including state-sponsored attacks. We counsel our clients through interactions with law enforcement, forensic security investigations, crisis communications and public and government relations strategies. We have decades of experience inside

the U.S. government dealing with these threats, and in the private sector counseling the companies who are its victims.

National Security Investigations

Whether a potential insider breach, compromise of a cleared facility, or external commercial espionage by a state-sponsored adversary, companies are increasingly forced to respond both internally and externally to newly discovered vulnerabilities and interact with law enforcement and the Intelligence Community to cooperate with their investigations. These processes contain many landmines and pitfalls. We help our clients successfully navigate this complicated terrain, using our vast experience conducting internal investigations and responding to investigations by law enforcement and the Intelligence Community.

Artificial Intelligence

AI is already having an enormous effect on national security. Companies developing, marketing and utilizing AI technologies must know how to navigate the fast-evolving government approach to AI, and the dangers the government believes it poses, as well as the benefits that government can reap from AI in its efforts to respond to our adversaries.

Government Contracts

We are a national leader in advising clients on classified contracts, including classified bids and protests, inspector general investigations, secure supply chains, compliance with agency security regulations, and much more. Our combination of expertise in both government contracts and national security is unique in the market.

National Security Technologies

Beyond AI, there are countless technologies available to help the government in its national security efforts. The path to a successful commercial interaction with the government is technical and complex, whether it is a government contract, a SAFETY Act certification, or a grand jury subpoena or law enforcement request to use proprietary technology. We have deep experience both administering these processes on the inside and helping clients from the outside. The combination makes our advice and assistance vital to our clients' success.

National Security and Hiring Discrimination

Company hiring for national security functions does not work like other hiring. There are different rules and processes, and different penalties that can accompany inadvertent missteps. Clients turn to us to help them through this regulatory thicket.

Integrated Team

Our integrated team weaves together the many streams of national security law, which also include:

- Foreign Corrupt Practices Act (FCPA) and other anti-corruption laws
- National security-related false claims

- Personnel security matters
- International sanctions, anti-money laundering and other intersections between trade and national security
- Federal monitorships in the national security realm

Experience

- Team Leader Jon Meyer spent over 20 years in public service working on national security issues at DOJ and DHS, in the United States Senate, and at Amtrak, culminating in three years as the Senate-confirmed General Counsel of DHS, where he:
 - Spearheaded the legal response to attempted espionage by foreign powers;
 - Counseled our country's leaders on responses to domestic and international terrorism;
 - Led the team providing legal advice on CFIUS, ICTS and Team Telecom;
 - Advised DHS leadership on its responses to international crises, including the Ukraine war, the Middle East conflict, and Chinese espionage;
 - Headed investigations into the events of January 6th and the attempted assassination of a former President;
 - Led the legal team advising CISA and Department leadership on cybersecurity and AI;
 - Was read into compartmented information known to only a handful of officials across the U.S. government.
- Other prior government experience on our team includes:
 - Leading a White House security review after a small plane crashed on the White House lawn.
 - Investigating the raid on the Branch Davidian compound in Waco, Texas.
- Represented aerospace and defense contractor in insider threat investigation involving potential willful retention and/or disclosure of national defense information by a now-former employee. Advised with respect to internal and forensic investigation, disclosure, and cooperation with various U.S. law enforcement and regulatory authorities, as well as crisis communications, public relations, SEC reporting, and other related matters.
- Represented defense contractor in connection with allegations that an employee may be a national of a foreign adversary impersonating a U.S. person to obtain employment and access to systems. Conducted internal and forensic investigation and advised regarding disclosure to relevant U.S. authorities and cooperation with national security investigation.
- Represented defense and intelligence contractor in connection with repeated cyber intrusions by suspected foreign state actors. Conducted internal investigation including advice regarding forensic review and remediation and system hardening, disclosure and cooperation with U.S. law enforcement, notification requirements, and collateral matters.
- Representing large financial firm in connection with acquisition of company in nascent industry implicating national security law and risk. Advising regarding pre- and post-acquisition due diligence, investigation, and development execution of government engagement plan to garner regulatory and law enforcement support and partnership.

- Defended a leading provider of national security background investigation service for the U.S. intelligence community against multiple federal investigations, including criminal claims, civil False Claims Act allegations, multiple congressional inquiries, and an agency administrative (suspension/debarment) action.
- Responded to numerous data breaches, including the state-sponsored mega-breach of account information at a major internet company, the breach of personnel data at the U.S. Office of Personnel Management, the breach of a contractor to the U.S. Department of Homeland Security, cyber incident and business email compromise matters impacting Department of Defense contractors.
- Handled investigation into suspicious activity stemming from a Russian domain for U.S. defense contractor.
- Defended scores of Congressional investigations on national security matters and prepared witnesses for over 100 hearings, including homeland security oversight hearings, investigative hearings into security breaches, Supreme Court nomination hearings, impeachment hearings, high tech and antitrust investigations, and civil rights investigations, among others.