

## → Washington, DC

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In 2003, Sheppard Mullin opened a Washington, DC, office in the heart of downtown, mere blocks from the White House. The office is comprised of approximately 50 lawyers whose practice areas include government contracts and regulated industries, white collar criminal defense, commercial litigation, intellectual property, tax, corporate, labor and employment, FDA, aviation, communications, and real estate transactions. Sheppard Mullin devotes substantial resources to cultivating this growing and successful office, with a focus on implementing best practices brought by lateral attorneys and discarding dated approaches to practicing law. We seek creative, hard-working, entrepreneurial attorneys at all levels to help in this endeavor. The co-chair of our Government Contracts practice is resident in this office.

At Sheppard Mullin, the Summer Program is our primary means of recruiting junior associates. Our Program, which is designed for students who have completed two years of law school, combines cutting-edge legal work with a collegial learning environment. We recognize that our summer associates represent the future of our firm, and thus our expectations are high and our standards exacting. We seek dynamic candidates who have demonstrated an ability to excel academically, professionally and personally. Law Review, other journal membership, or moot court experience is desirable, as is prior experience in federal agencies. Our goal is to ensure that our firm remains a stimulating, congenial and rewarding place to practice law.

### Office Description

Sheppard Mullin's Washington, DC office brings together a multidisciplinary team of lawyers to help clients navigate issues of global, national, and local significance. Our DC lawyers have decades of experience in the nation's capital, including several who have served in senior positions in government and on Capitol Hill. Representing clients in complex regulatory, litigation, transactional, and intellectual property matters, our lawyers have substantial experience advocating before key federal agencies, including the DOD, DOJ, FCC, FTC, USPTO, FERC, CFIUS, and federal courts of all levels. Leveraging the resources and expertise of our entire firm, our DC office provides comprehensive services in several well-recognized practices and for multiple industries.

## Recent Highlights

- Successfully represented national cable operator at Seventh Circuit Court of Appeals and Southern District of Indiana in case affirming that Section 621 of the federal Cable Act authorizes cable operators' compatible use of easements dedicated to utility purposes. See *West v. Louisville Gas & Elec. Co. et al*, No. 4:16-cv-00145RLYTAB, 2018 WL 321686 (S.D. Ind. Jan. 8, 2018), *appeal dismissed*, 920 F.3d 499 (7th Cir. 2019), and *aff'd sub nom.* No. 19-2442, 2020 WL 995774 (7th Cir. Mar. 2, 2020).
- Represented national cable operator in obtaining unanimous victory before the Texas Supreme Court regarding uniform pole attachment rate and anti-discrimination requirements in the Texas Public Utility Regulatory Act. *Time Warner Cable Texas LLC v. CPS Energy*, No. 17-0840, --- S.W.3d ---, 2019 WL 2147257 (Tex. May 17, 2019).
- *Fast Company* names Washington, D.C. client, Truepic, to its annual ranking of the World's Top 50 Most Innovative Companies for 2019.
- Washington, D.C. client, OneWeb, successfully launched its first six satellites on February 27, 2019, a critical part of its mission to bring Internet to the remote corners of the world and connect billions without access.
- Representing Endeavor Robotics Holdings, Inc. (a leading developer of battle-tested, tactical unmanned ground vehicles and a portfolio company of Arlington Capital Partners) in connection with its sale to FLIR Systems, Inc. (NASDAQ: FLIR) for approximately \$385 million.
- Represented United Flexible, Inc. (a portfolio company of Arlington Capital Partners) in connection with its contemplated sale to UK-based Smiths Group for \$345 million.
- Represented Cubic Corporation (NYSE: CUB) in connection with its acquisition of Advanced Trafficware Solutions Inc. (a leading provider of intelligent traffic solutions for the transportation industry) for approximately \$235.7 million.
- Represented Micropact, Inc. (a leading provider of specialized, vertically oriented case management and business process management applications for government) in its sale to Tyler Technologies, Inc. (NYSE: TYL) for approximately \$185 million.

## Accolades

- *Law360* selected the Communications Team as a Telecommunications Practice Group of the Year for 2019
- *Chambers USA 2020* ranked 11 Washington, D.C. partners as Leading Lawyers
- *Legal 500 US 2020* recognized 18 Washington, D.C. attorneys
- Recognized as a Tier 1 "Best Law Firm" for Communications Law in Washington, D.C. by *U.S. News & World Report* and *Best Lawyers*
- Twelve Sheppard Mullin attorneys named 2020 Washington, D.C. *Super Lawyers*
- Eight attorneys selected as 2020 Washington, D.C. Rising Stars by *Super Lawyers*
- Eleven Washington, D.C. partners are ranked as 2021 *Best Lawyers in America*
- Four Washington, D.C. attorneys are ranked as 2021 *Best Lawyers: Ones to Watch*
- Partner Jim Gatto is recognized as a Thought Leader on Blockchain & Cryptocurrencies by *National Law Review* and named a Cryptocurrency, Blockchain and Fintech Trailblazer by *National Law Journal*

- Partners Steve Hollman and Jim Gatto recognized as 2019 IP Stars by *Managing Intellectual Property*
- Partner Fatema Merchant Awarded Sheppard Mullin's Annual Diversity & Inclusion Award

## Government Contracts and Investigations, Aerospace & Defense

- Consistently recognized by *Chambers and Partners* at the National level, our DC-based Government Contracts Group provides a full range of legal services to clients across the spectrum of industries, including aerospace and defense, communications, energy, retail and healthcare.
- We counsel clients regarding FAR and DFARS-based contracting; Other Transaction Agreements (OTAs); teaming agreements, joint ventures, and subcontracts; audit response and cost recovery, including the Cost Accounting Standards (CAS); the protection of intellectual property; organizational conflicts of interest (OCI); GSA Schedule and commercial contracting; labor and socioeconomic requirements, including the Service Contract Act (SCA); supply chain issues; and cloud computing and cybersecurity.
- Our team handles government contract and subcontract disputes, claims, and litigation; bid protests; fraud and other “white collar” investigations; False Claims Act (FCA) “whistle blower” lawsuits; and every form of administrative, civil and criminal proceedings, arising out of or related to Government contracting or subcontracting.
- Our public policy and government affairs lawyers bring decades of bipartisan government experience and advocacy to the challenges of Congressional scrutiny, politically-charged agency investigations and other legal and policy problems unique to DC.

## M&A, Finance, and Private Equity

- Our D.C. corporate practice handles complex corporate transactions across a variety of industries, including some of the most noteworthy recent transactions in the aerospace, defense and government services industry. Our attorneys also have extensive experience representing clients in the technology, business services, financial services, healthcare, industrial and manufacturing sectors.
- We represent borrowers and issuers in a wide range of financing activities, including acquisition financings, working capital facilities, receivables and equipment financings and obtaining standby and commercial letters of credit.
- Attorneys in our D.C. corporate practice represent both public and privately held companies, government contractors and leading middle market private equity funds throughout the United States and abroad in domestic and cross-border M&A, leveraged buyout and recapitalization transactions. Our clients include Arlington Capital Partners; CACI; CA, Inc.; Cubic Corporation; Gryphon Investors; Precision Medicine Group; and Riordan, Lewis & Haden.
- Our M&A practice often triggers reviews by CFIUS, and we are extremely adept in managing the often-frustrating process of obtaining CFIUS clearance. Members of our team include co-authors of *The CFIUS Book*, a leading practitioners guide to managing the CFIUS review process.

## Litigation

- Sheppard Mullin's seasoned DC-based trial and appellate lawyers represent clients in high-stakes litigation in trial and appellate courts, including at the federal and state level, before administrative tribunals, and in domestic and international arbitrations. We also represent clients in connection with proceedings involving

government agencies, such as the FCC, DOJ, FTC, ITC, DOL, and the SEC.

- Our DC litigation bench has decades of experience and handles a broad array of complex disputes for our clients across diverse industries, including communications and technology, hospitality, financial services, aerospace and defense, manufacturing, transportation, pharmaceuticals, advertising, franchising, real estate, insurance, construction, and food and beverage. We have tried cases successfully to verdict or judgement for clients facing class actions, including those arising under the TCPA and privacy and consumer protection statutes, disputes involving trade secrets, unfair competition, intellectual property, communications law and policy, defamation, manufacturing, banking and financial institutions, products liability, environmental regulation, securities, constitutional law, and trusts and estates, as well as in internal and government investigations.

## International Trade

- Our DC lawyers help clients navigate the entire spectrum of U.S. laws governing national security, international relations and cross-border trade in goods and services. We conduct investigations, compliance review, and transactional due diligence related to anti-corruption FCPA, export controls issues for DDTC and BIS, economic sanctions under OFAC regulations, anti-money laundering, foreign direct investment under CFIUS, and CBP customs laws and regulations.

## White Collar Defense

- Our white collar defense lawyers represent corporations and their directors, officers, and employees in administrative, civil, and criminal investigations and proceedings, including matters involving the DOJ, U.S. Attorney's Offices, the SEC, and a host of other state and federal law enforcement and regulatory authorities.

## International Arbitration

- We represent clients before all leading international arbitration institutions, including the ICC, ICSID, ICDR, AAA, PCA, CIETAC, LCIA, HKIAC, DIAC, SIAC, WTO as well as in *ad hoc* arbitrations under UNCITRAL Rules and all ISDS processes. We also served as counsel before the Iran-U.S. Claims Tribunal, WIPO, London Maritime Arbitration Association, Society of Maritime Arbitrators of NY, Court of Arbitration for Sport and the Independent Film & Television Alliance. We have represented clients in disputes governed by the laws of Brazil, England & Wales, Finland, France, Germany, Italy, Korea, Oman, Qatar, Russia, Saudi Arabia, Singapore, Switzerland, Turkey, U.A.E., Uganda, Yemen, and U.S. jurisdictions, as well as commercial disputes governed by the International Institute for the Unification of Private Law (UNIDROIT) and general principles of international commercial law, and investor-state disputes governed by investment treaties and principles of public international law.
- Our clients include Samsung, Total SA, EDF, ENI as well as sovereign entities. Our expertise and experience covers many industry sectors, including oil and gas, energy infrastructure, power generation, construction, aerospace, contracts with state governments, banking, financial services, telecommunications, shipping and entertainment.

## Labor & Employment

- Operating from a national platform our DC Labor and Employment team handles every aspect of employment law. Our attorneys provide day-to-day counseling on a variety of issues facing employers, such as agreement and policy drafting, exempt/non-exempt classifications, leaves of absences, wage and hour issues, accommodations, discipline and terminations. We also regularly lead proactive training to address liability risks in the workplace, and have lead sensitive internal investigations as well as the ultimate strategic response to allegations of discrimination of any kind, harassment, and employee misconduct.
- Our attorneys have extensive experience handling all types of employment matters before federal and local administrative agencies as well as all federal and local courts in DC, Maryland, and Virginia.
- In addition to our employment experience, we have a team that specializes in labor management relations who can advise on and litigate under the National Labor Relations Act (NLRA) for both union and non-union employers and provide assistance on a wide range of issues, such as collective bargaining, contract disputes, Taft-Hartley trust fund administration and related litigation, arbitrations, unfair labor practice charges, and technical labor advice related to reductions in force and mergers and acquisitions.
- Our DC attorneys also provide clients with government relations services, including interfacing with members of the House and Senate and key agencies such as the DOL, the NLRB and the EEOC.

## Real Estate Finance

- Our DC Real Estate Finance Team represents lenders in connection with balance sheet and securitized commercial mortgage loan origination programs. Our lawyers have closed hundreds of loans originated by clients for their balance sheets and for sale to whole loan investors or into the commercial mortgage backed securities markets. We are knowledgeable about the special needs and requirements of clients engaged in these transactions. In addition to senior commercial mortgages, our team also assists clients with preferred equity, mezzanine, and participation transactions.
- Our services include preparation and negotiation of mortgage loan, preferred equity and mezzanine loan documents, including loan agreements, promissory notes, intercreditor agreements, operating agreements, deeds of trust, assignment of rents and leases, guarantees, cash management agreements, DACAs and environmental indemnities. We also handle review and negotiation of legal opinions, title and survey, estoppels and SNDAs, major leases, zoning reports and other third party reports.
- We have extensive expertise in entity structuring, ratings agency requirements compliance and REMIC rules. We routinely assist clients with assigning sold loans to whole loan investors or a REMIC trustee and coordinate with the trustee's loan servicers to address post-closing matters.

## Intellectual Property and Blockchain

- Our IP practice covers patents, trademarks, copyrights, trade secrets, false advertising, unfair competition, counterfeiting and grey marketing, with a particular emphasis on interactive entertainment (games, AR, VR, fantasy sports and esports), online gambling and blockchain technology.
- We represent clients in federal and state courts, in arbitrations and in adversarial proceedings before the USPTO, the ITC, the FTC and other tribunals, as well as in industry investigations such as those before the National Advertising Division of the Council of Better Business Bureaus. Our clients range from Fortune 500 corporations to start-ups across a wide spectrum of industries.

- Our attorneys have advised on digital currencies for more than a decade and are thought leaders and pioneers in the field. We have an in-depth understanding of the technology and business aspects of this field, including the use of smart contracts to perform business transactions. We regularly advise clients on the myriad of regulatory issues involving compliance with federal and state agency guidance such as the SEC, FINRA and OCC.
- We are experienced helping clients with blockchain issues in a variety of industries including finance, health care, life sciences, energy, games, transportation and retail.

## Communications

- Named a Telecommunications Practice Group of the Year for 2019 by *Law360*
- Recognized nationally as a DC Tier 1 “Best Law Firm” for Communications Law, our Communications Team provides to wireline and wireless companies, satellite service providers, broadcasters, OTT providers, multichannel video programming distributors and equipment manufacturers.
- We regularly litigate complex disputes in the communications sector, often in cases involving issues of first impression or that carry broad precedential implications. We appear before all levels of federal and state trial and appellate courts, administrative agencies, and legislative and other regulatory and policy-making bodies.
- Our team advises clients on the regulatory aspects of corporate transactions, and our clients include private equity groups as well as strategic investors in the communications industry.
- We manage the regulatory and commercial challenges of accessing the U.S. market by foreign-licensed, telecommunications providers. And we regularly advise wireless companies, equipment manufacturers, satellite operators and other communications industry clients on licensing rulemaking, waiver, and enforcement proceedings before the FCC and state public commissions.

## Energy

- Our Energy, Infrastructure and Project Finance Team advises client in the electrical power, oil and natural gas, renewables and biofuels industries.
- Our expertise ranges from traditional, FERC regulatory issues to cross-disciplinary issues, including blockchain and bankruptcy.
- Innovative energy industry clients, large and small, including leading utilities, pipeline operators, municipalities, independent power producers, commercial banks, equity and tax investors, EPC contractors and energy technology enterprises seek our advice on their most important energy related legal matters.

## Healthcare

- Our DC Healthcare Team advises healthcare industry clients on critical regulatory and enforcement issues. We handle matters implicating federal and state investigations, including FCA investigations; fraud and abuse authorities such as the AKS, the Stark Law, and the HHS OIG’s administrative authorities; HIPAA privacy and security; MLR; RADV; DIR and PDE reporting; Medicare and Medicaid reimbursement requirements; state licensure; and CON requirements and administrative proceedings.
- Our diverse client set includes institutional, professional, and ancillary healthcare providers, ACOs, health plans, and other industry players in their interactions with both federal and state oversight and enforcement agencies including CMS, DOJ, OIGs and OPM. We advise on new and emerging payment models, including

MSSP and value-based arrangements. We also have deep experience representing health plans that are MAOs, PDP sponsors, Medicaid MCOs and FEHBP carriers.

## Antitrust and International Competition

- Our DC Antitrust and International Competition Practice complements the firm's Brussels office capabilities and the firm's historic price fixing defense work.
- We serve clients in all facets of competition law, ranging from merger clearance, defense of criminal and civil antitrust conduct violations and defense of joint conduct and monopoly civil and criminal cases before the FTC, the DOJ Antitrust Division and federal courts.
- Our antitrust group counts former agency officials, including federal prosecutors and a recent former FTC Chief Trial Counsel. Our antitrust attorneys number among a handful nationwide who have successfully prosecuted and defended multiple mergers in all levels of federal court trials and appeals.

## Sheppard Mullin in the DC Community

- Our office works together to bring about positive change in our community, donating our pro bono time animated by the principle that every firm member can and should make a difference and that we should give where we live and leverage our resources to address systemic problems. Our pro bono efforts involve work with non-profit organizations including the Whitman Walker Clinic, the World Wildlife Fund, the Washington Legal Clinic for the Homeless, the Navy-Marine Corps Relief Society, and the Washington Lawyers' Committee for Civil Rights and Urban Affairs. We assist the Strathmore Hall Foundation community music and arts center; Give An Hour, organizing volunteer professionals providing free mental health services to active duty service men and women; and Broad Futures, serving young people with learning disabilities. We also act as court-appointed monitors of the New Orleans Police Department and regularly handle immigration and asylum applications.