JENNER & BLOCK

National Security and Crisis

Organizations operating around the world rely on Jenner & Block's National Security and Crisis practice to guide them through the complex and ever-evolving landscape of national security-related threats, laws, and policy. From high-profile, precedent-setting litigation involving state-sponsored terrorism or cyberattacks, state secrets, and political suppression, to sanctions, export controls, foreign investment reviews and national security agreements overseen by the Committee on Foreign Investment in the United States (CFIUS), and more, our lawyers bring a global perspective and unmatched experience.

Our team includes high-ranking lawyers and officials within the White House, National Security Council, the Central Intelligence Agency, and the US Departments of Justice, State, and the Treasury. Our unique experience within the government, national security apparatus, and the Intelligence Community allows us to adeptly steer clients through legal and policy challenges as they tackle complex national security-related litigation, compliance challenges, or engage with government entities.

Leading Litigators in Consequential National Security Matters

We regularly represent victims of terrorism, political suppression, and state-sponsored hacking, working to win justice and significant monetary compensation for our clients. Our high impact litigation team has held nation states and significant global political and financial institutions to account, including in multi-billion-dollar proceedings on behalf of 9/11 families against Iran and the Taliban. Our prior government experience and our deep relationships within the National Security Council, Department of State, Department of Commerce, Department of the Treasury, Department of Defense, National Security Agency, Central Intelligence Agency, and Office of the Director of National Intelligence, among others, also gives us a unique ability to advise and defend individuals and corporations facing criminal investigations where national security issues are at play.

A Collaborative Approach to investigations

We help organizations and individuals navigate internal, congressional, civil, and criminal investigations involving sensitive national security issues and classified information. Together with our nationally recognized Investigations, Compliance, and Defense, and Data Privacy and Cybersecurity practices, we help manage risk in the wake of a cyber attack, and when classified or export-controlled information, intellectual property, or other sensitive corporate or national security information has been leaked by an insider, diverted to sanctioned parties, or stolen by malign actors. We also investigate and advise companies and individuals on counterintelligence matters, export and sanctions enforcement, the Foreign Corrupt Practices Act (FCPA), the Foreign Agents Registration Act (FARA), and extradition and INTERPOL notices, among other things.

Transactions Due Diligence to Reduce Compliance Risks

We also advise clients and conduct due diligence to reduce compliance risk in corporate transactions, including on economic sanctions, export controls, and foreign investment in the United States and the United Kingdom. We collaborate closely with other practice groups across the firm when a cross-disciplinary approach is needed to meet our clients' goals.

National Security Crisis Management Counsel

When a crisis arises, we are here to help. We help clients navigate the intersecting challenges arising from nation-state cyber attacks, media scrutiny, and national security investigations brought by Congressional Committees, Offices of Inspector General, the Department of the Treasury, the State Department, the Commerce Department, the Department of Justice, and the UK government under the National Security and Investment Act, as well as myriad media organizations.

Navigating Sanctions and Export Controls

We work with global businesses to promote and enhance sanctions and export control compliance. We proactively monitor significant developments affecting clients' global operations to help reduce risk. Should compliance concerns arise, we are there at every step to investigate potential violations and guide clients through voluntary self-disclosures, engage with authorities regarding sanctions or export controls, and conduct compliance reviews and risk assessments to put our clients on a better path forward. In addition to our US expertise, Rob Dalling, our sanctions and export control partner in the London office, provides counselling on these issues to the extent that United Kingdom and European Union issues are implicated.

Experience

- Representation of the 9/11 families in multi-billion-dollar judgment enforcement proceedings against Iran and the Taliban.
- Government-appointed Monitor of global tier-one financial institution implicating US sanctions violations and other national security considerations.
- Representation of the sole US citizen killed in the downing of Malaysian Airlines Flight 17 in proceedings against banks and money service businesses that provided financial services to separatist groups responsible for the attack.
- Representation of members of the US armed services who served in Afghanistan in litigation against Standard Chartered Bank.

- Advising sophisticated clients on compliance with relevant sanctions and export control regulations, including the Export Administration Regulations (EAR) and International Traffic in Arms Regulations (ITAR), and conducting compliance reviews and risk assessments.

- Navigating license requirements for the US Department of the Treasury's Office of Foreign Assets Control (OFAC), the US Department of Commerce's Bureau of Industry and Security, the US Department of State's Directorate of Defense Trade Controls, the UK Office of Financial Sanctions Implementation (OFSI), the UK Export Control Organization, the EU Foreign Affairs Council, and others.

- Guiding clients on specialized legal and factual issues that accompany national security-related cyber threats, including how to work effectively and judiciously with relevant government agencies like the FBI and DOJ National Security Division.

- Counseling clients on navigating the CFIUS process in high-stake matters likely to attract significant political attention, including advising clients on CFIUS jurisdiction over a transaction, counseling clients on transaction structure in light of CFIUS considerations, and preparing and submitting filings to CFIUS.

- Representation of individuals, corporations, and agencies in connection with various investigations led by the National Security Division, the Office of Special Counsel Jack Smith, the Office of Special Counsel Robert Hur, the Office of Special Counsel Robert Muller, the Office of Special Counsel John Durham and/or various United States Attorney's Offices, including the Southern District of New York, the Eastern District of New York, the Eastern District of Virginia, the District of Columbia, into the mishandling or intentional disclosure of classified information, counterintelligence concerns, foreign intelligence threats, espionage, potential violations of the Foreign Agents Registration Act (FARA) and Title 18, U.S.C., § 951 (951), interference in the United States elections, alleged misconduct involving executive branch personnel, and various other civil, criminal and regulatory violations related to national security.

- Representation of an agency and individuals in connection with numerous sensitive or classified Congressional investigations involving alleged misconduct by executive branch personnel, impeachment, foreign government interference in the United States elections, security clearance violations, and various other national security concerns, pursued by the Senate Select Committee on Intelligence, the House Permanent Select Committee on Intelligence, the Senate Judiciary Committee, the House Judiciary Committee, the House Foreign Affairs Committee, the Senate Committee on Foreign Relations, and the House Select Committee on the Chinese Communist Party, among others.

- Regularly counsel individuals and corporations on how to work effectively—and judiciously—with relevant government agencies, including the FBI, the USIC, DOJ's National Security Division, Criminal Antitrust Division, and Money Laundering and Asset Recovery Section, Treasury

Department's Office of Foreign Assets Control, and Commerce Department's Bureau of Industry and Security.

- Regularly counsel individuals and corporations conducting business within the United States Intelligence Community on ethical concerns, legal issues, and business strategy specific to the United States foreign intelligence functions.
- Representation of an individual in connection with counter-intelligence investigation conducted by the Federal Bureau of Investigation.
- Representation of an individual in connection with counterintelligence, FARA, and 951 investigation conducted by the Federal Bureau of Investigation and the United States Attorney's Office of the Southern District of New York.
- Representation of a Fortune 100 company subpoenaed in connection with wide-ranging money-laundering, corruption, FARA and 951 investigations led by United States Attorney's Office for the Eastern District of New York.
- Representation of an individual and corporation in connection with money-laundering and FARA investigation led by the United States Attorney's Office for the Eastern District of New York, and DOJ's Money Laundering and Asset Recovery Section.

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Related Capabilities

Aerospace and Defense

Anti-Corruption and FCPA

Congressional Investigations

Consumer Brands

Corporate

Data Privacy and Cybersecurity

ESG: Environmental, Social, and Governance

Election Law and Redistricting

Energy

Fintech and Crypto Assets

Food and Beverage

Government Contractor Litigation and Compliance

Government Controversies and Public Policy Litigation

Human Rights and Global Strategy

International Arbitration

Investigations, Compliance, and Defense

Life Sciences

Markets and Trading

Monitorship Practice

Technology