Sarah E. Erickson

Of Counsel

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Denver



Sarah E. Erickson is of counsel in the Denver Office of Gibson, Dunn & Crutcher. She is a core member of the firm's Privacy, Cybersecurity, and Data Innovation; Artificial Intelligence; and Consumer Protection practice groups. Every year since 2021, Sarah has received the *Best Lawyers: Ones To Watch* recognition for her high caliber work in Commercial Litigation. *The Legal 500 USA* has also recognized Sarah as a Key Lawyer in Cyber Law (including Data Privacy).

Sarah's practice focuses on counseling clients in various industries, ranging from start-ups to publicly traded Fortune 100 companies, on strategic compliance with data privacy and consumer protection laws and on representing clients in the technology sector in high-stakes investigations and inquiries by the FTC, CFPB, Congressional committees, and other federal and state consumer protection agencies and in litigation in federal and state court. Representative matters include:

- successfully representing a leading generative AI company in an FTC investigation into downstream uses of the company's AI technology, resulting in closure of the investigation with no further action;
- representing a publicly traded lead generation company in an FTC investigation and enforcement action;
- serving as a primary contact to a publicly traded social media company for ongoing, strategic advice on implementation of a data privacy compliance program required under a Consent Order following an FTC investigation relating to the company's use of consumers' personal information;
- representing a leading online retailer and video streaming service in responding to two separate orders to file Special Reports under Section 6(b) of the FTC Act;
- representing a publicly traded fintech company in responding to various market-monitoring orders from the Consumer Financial Protection Bureau (CFPB) regarding consumer payments and buy now, pay later products;
- representing a social media company in responding to U.S. House Select Committee investigation into the January 6, 2021 Capitol Riots;
- representing a leading social media company in federal and state-level investigations related to the company's use of consumer data and related litigation;
- advising Fortune 500 health care company on strategic HIPAA compliance, including conducting risk assessments and preparing risk management plans;
- advising a leading tech company and a healthcare company on HIPAA compliance in the development of AI tools to assist providers;
- providing real-time and crisis management advice to companies during investigations of suspected and actual data breaches;

Capabilities

Privacy, Cybersecurity, and Data Innovation

Administrative Law and Regulatory Practice

Appellate and Constitutional Law

Consumer Protection

FDA and Health Care

Litigation

Tech and Innovation

White Collar Defense and Investigations

Credentials

Education

Georgetown University - 2013 Juris Doctor

Heinrich Heine University Düsseldorf - 2006 Master of Arts

University of Minnesota - 2002 Bachelor of Arts

Admissions

Colorado Bar

Clerkships

US Court of Appeals, 4th Circuit, Hon. Diana Gribbon Motz, 2013 - 2014

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- conducting HIPAA and FTC consumer protection diligence assessments for mergers & acquisitions involving health care entities and business associates;
- advising companies from a variety of sectors on compliance with the European Union's General Data Protection Regulation (GDPR), the California Consumer Privacy Act (CCPA), state breach notification laws, and federal and state consumer protection laws;
- advising companies from the financial, technology, and retail sectors on Telephone Consumer Protection Act (TCPA) and Telemarketing Sales Rule (TSR) regulatory and compliance matters;
- providing *pro bono* counseling to non-profit organizations on compliance with GDPR, state data breach notification statutes, and best practices for cybersecurity and data privacy.

Sarah has also represented clients in the health care, technology, telecommunications, and transportation industries in notice-and-comment rulemaking proceedings, regulatory appeals, and in the federal trial and appellate courts. Representative matters include:

- representing a Fortune 100 telecommunications company and national trade association in high-stakes rulemaking proceedings before the FCC;
- successfully challenging an agency ruling under the Administrative Procedures Act in the D.C. Circuit on behalf of the railroad industry, securing vacatur of the rule;
- representing beverage and advertising trade associations in obtaining a preliminary injunction from the Ninth Circuit enjoining a compelled disclosure on First Amendment grounds;
- representing state health care provider in challenging a Medicaid disallowance;
- representing a managed health care company in responding to a proposed rule to change Medicare Advantage reimbursement methodology;
- represented a health care company in responding to HHS-Office of Civil Rights' request for information on revisions to HIPAA Privacy Rule.

Sarah also maintains an active *pro bono* practice that spans a range of subject matter, including representing individual clients seeking asylum in removal proceedings to representing nonprofits on compliance with privacy laws, including HIPAA.

- In January 2025, she helped secure clemency for her client, Michael Montalvo, from President Biden. Mr. Montalvo served nearly 40 years of a mandatory life without parole sentence for a non-violent drug crime. Although two wardens recommended Michael for compassionate release, he was categorically ineligible for this relief because he his offense occurred prior to the Sentencing Guidelines regime on November 1, 1987. https://www.reuters.com/world/us/sun-sets-bidens-term-some-inmates-pin-their-hopes-clemency-2024-09-22
- In 2015, Sarah successfully represented a girl who fled Afghanistan to escape an honor killing in securing asylum in the United States. https://www.caircoalition.org/2015/06/25/pro-bono-spotlight-gibson-dunn-attorneys-reflect-on-their-clients-path-to-asylum.

Before joining the firm, Sarah served as law clerk to the Honorable Diana Motz of the United States Court of Appeals for the Fourth Circuit.

She graduated *magna cum laude* and in the top 1% of her class at Georgetown University Law Center. While at Georgetown, Sarah received the Charles A. Keigwin Award for achieving the highest GPA at the conclusion of first year courses and served as Articles Editor of *The Georgetown Law Journal*. She also published student notes on the subjects of civil rights and national security and served as a weekly contributor for SCOTUSblog.

Sarah also holds a Master of Arts in Political Science and Sociology from the University of

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Düsseldorf, Germany and a Bachelor of Arts *summa cum laude* from the University of Minnesota, Twin Cities. Prior to private practice, she worked in the field of international development. She speaks German, French, and Dutch.

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