

January 18, 2023

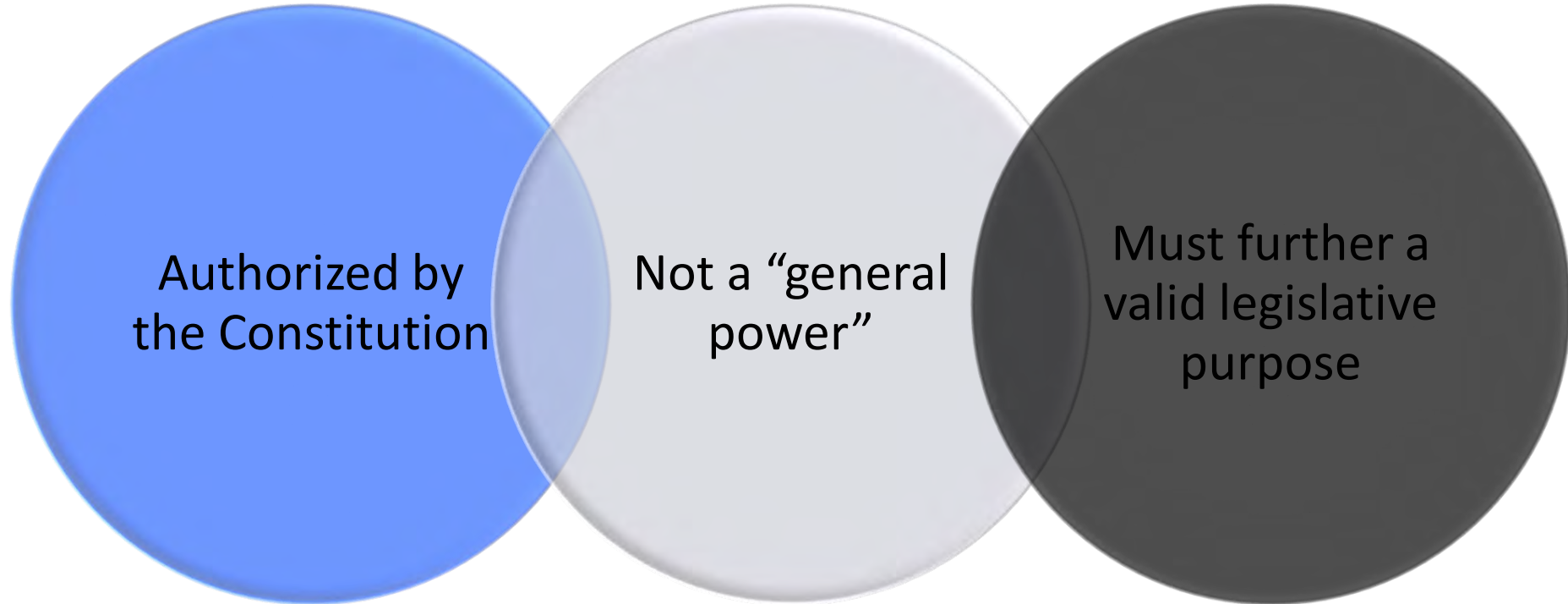
New Authorities/New Priorities: Congressional Investigations in the 118th Congress

GIBSON DUNN

MCLE Certificate Information

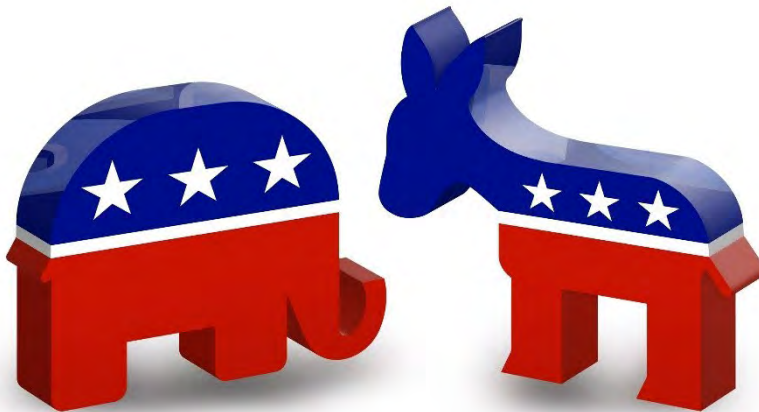
- Approved for 1.0 hours General PP credit.
- CLE credit form must be submitted by **Wednesday, January 25th**.
- Form Link: https://gibsondunn.qualtrics.com/jfe/form/SV_8cE2FfBfX8FZjNA
- Please direct all questions regarding MCLE to CLE@gibsondunn.com.

Congressional Investigations Powers



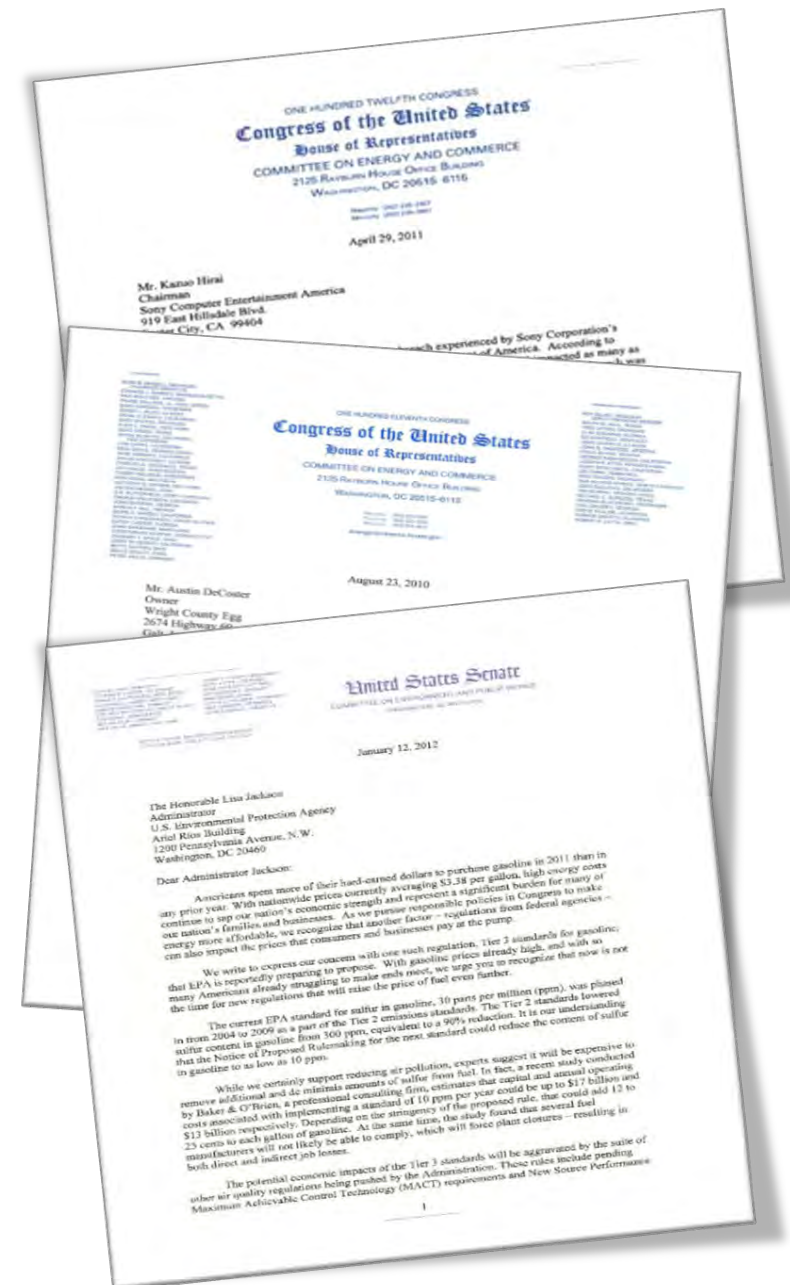
Purposes of Congressional Investigations

- Expose actual criminal or civil wrongdoing
- Hold a company, government agency, or other entity responsible for its actions
- Advance a policy preference
- Advance legislation
- Bolster a Member's or party's political agenda or position
- Influence Executive Branch agencies, including regulatory agencies



Congressional Investigatory Tools

- Requests for information
- Interviews and depositions
- Hearings
- Subpoenas
 - Generally no pre-enforcement review
- Referral to Executive Branch for criminal prosecution
 - Congress may refer, but Executive Branch may proceed regardless of Congress's views.
 - Prosecute false statements to Congress, obstruction, destruction of evidence, etc.



Subpoena Power

- Document requests usually begin with a letter and are followed by a subpoena, if necessary.
- Every standing committee has the authority to issue subpoenas. This is authorized under both House and Senate rules, but the specific procedures vary by committee.
- House rules give more authority to committee chairs.
- Subpoenas can be friendly.
- Recipient can't move to quash a subpoena.

Served on me at 11 PM
10 Oct. 1960, outside of the Congressional Hotel,
Washington D.C.

UNITED STATES OF AMERICA
Congress of the United States

To: Dr. Linus Pauling
Congressional Hotel
Washington, D. C.

Returning:

Pursuant to lawful authority, YOU ARE HEREBY COMMANDED to appear before the Internal Security Subcommittee on the Judiciary of the Senate of the United States, on Tuesday, October 11, 1960, at 10:30 o'clock a.m., at their committee room 2232 New Senate Office Bldg., Washington, D. C., then and there to testify what you may know relative to the subject matters under consideration by said committee.

You are hereby commanded to bring with you all signatures or purported signatures to the petition presented by you to the Secretary General of the United Nations on January 15, 1958, together with all letters of transmittal by which, or in connection with which, such signatures were transported to you or received by you. Pursuant to Senate Resolution 365 approved by the 81st Congress—2d, as amended and extended and Senate Res. 242 agreed to Feb. 9, 1960, with respect to Communist participation in, or support of, propaganda campaign against nuclear testing, and other Communist or Communist-front activity with respect to which you may have knowledge.

Perfor fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To JOSEPH C. DUKE, Sergeant at Arms of the Senate of the United States and/or F. W. Schroeder, William Hollenau, Internal Security Subcommittee, of the United States Senate.

Given under my hand, by order of the committee, this 10th day of October, in the year of our Lord one thousand nine hundred and sixty

THOMAS J. DODD
Vice-Chairman, Committee on the Judiciary and Internal Security Subcommittee.

Congressional Contempt/Civil Enforcement

- There are three means through which Congress can enforce its subpoenas:

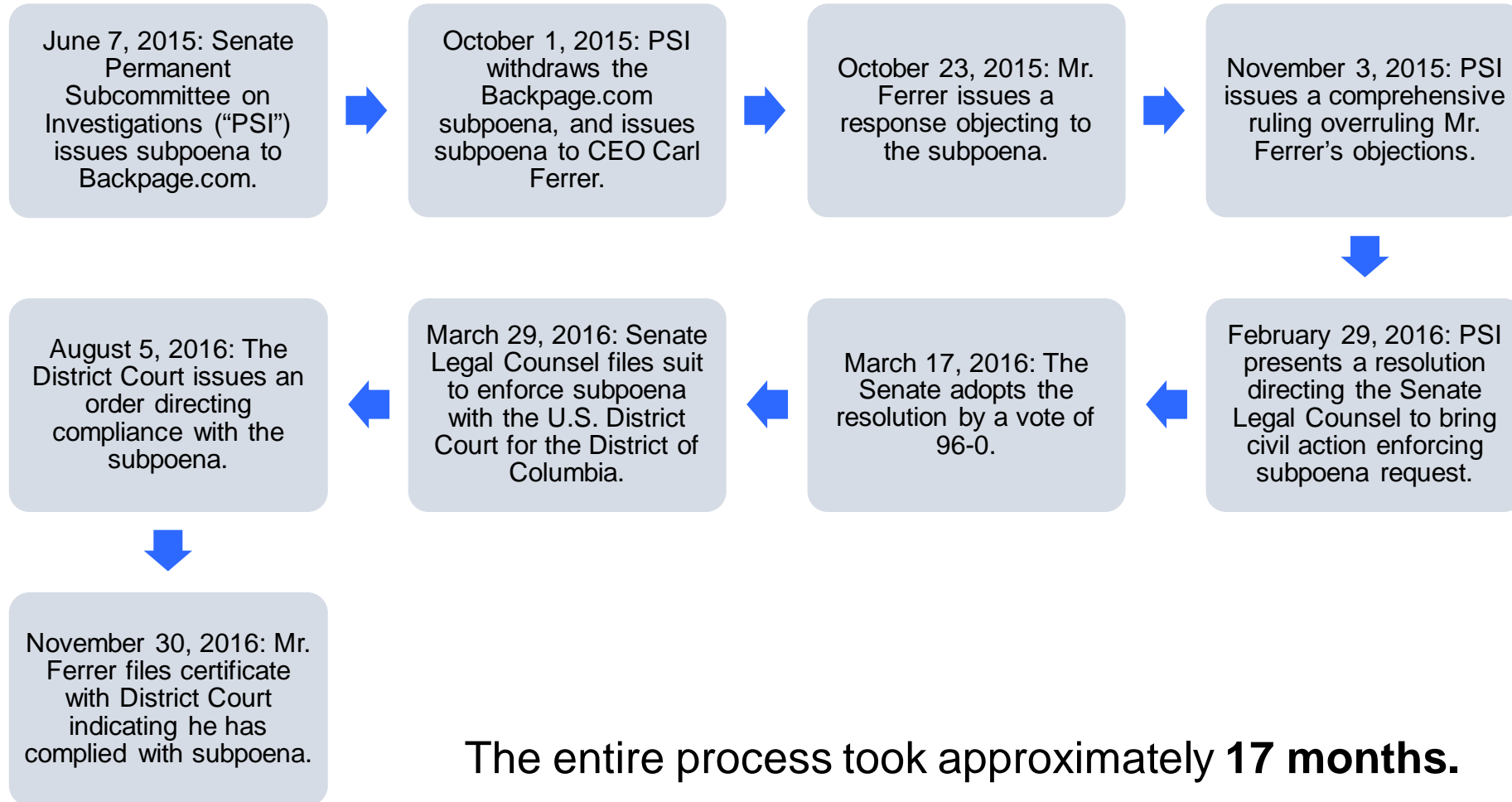
**Inherent
Contempt**
(both House and
Senate)

**Criminal
contempt**
(both House and
Senate)

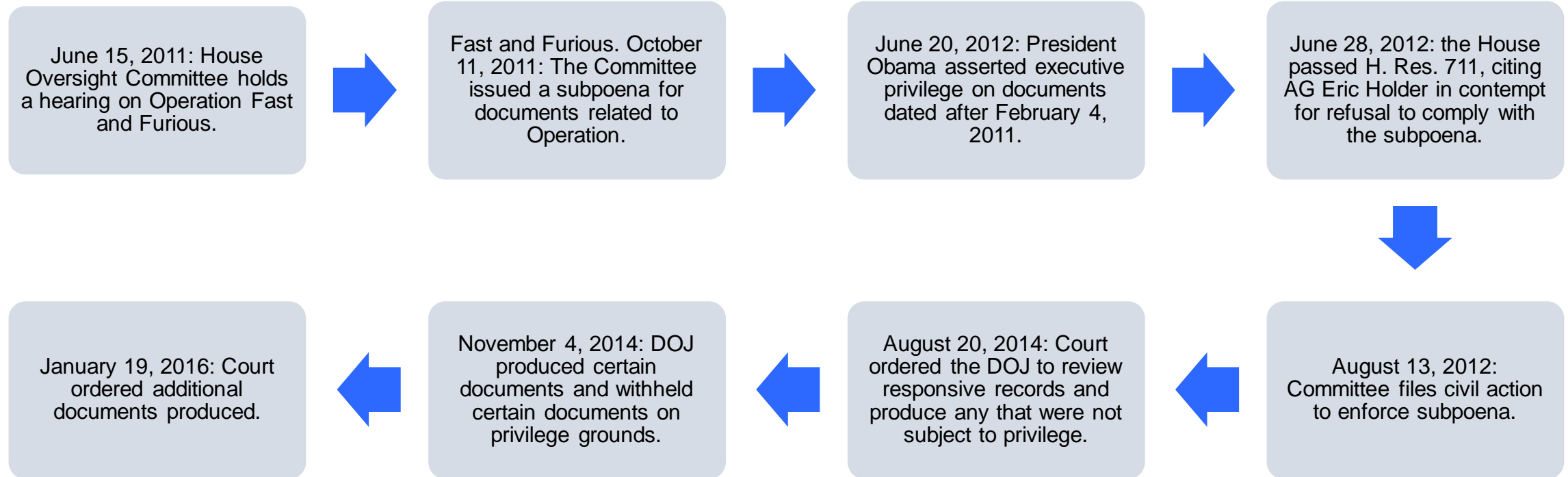
**Civil
Enforcement**
(Senate, and if
authorized,
House)



Backpage.com Subpoena Timeline



Fast and Furious Subpoena Timeline

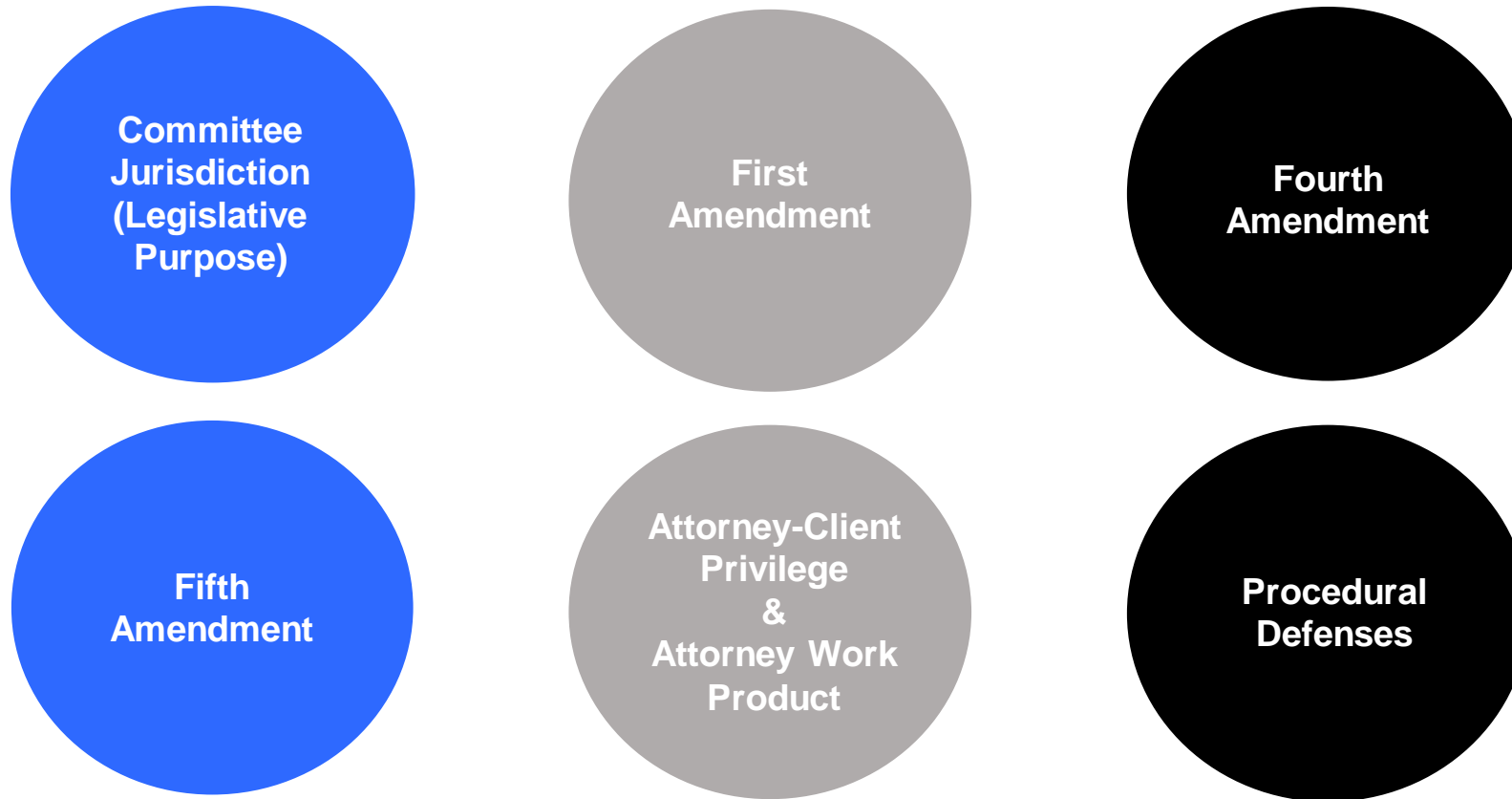


The entire process took approximately **4 ½ years.**

More Recent Timelines

Case	Suit Filed	Initial Production Order	Actual Production
<i>Trump v. Mazars</i>	April 2019	May 2019 (1 month)	Sept. 2022 (41 months)
<i>Judiciary v. McGahn</i>	August 2019	Nov. 2019 (3 months)	June 2021 (21 months)
<i>Ways & Means v. Treasury</i>	July 2019	Dec. 2021 (28 months)	Nov. 2022 (39 months)
<i>Trump v. Thompson</i>	Oct. 2021	Nov. 2021 (1 month)	Jan. 2022 (3 months)
<i>Ward v. Thompson</i>	February 2022	Sept. 2022 (7 months)	Nov. 2022 (9 months)

Congressional Investigations Defenses – Private Parties



First Amendment Challenges

- The First Amendment protects petitioning, lobbying, association, and speech on matters of public concern
- Courts have recognized a qualified privilege: where the party opposing production can show a chilling effect from disclosure to the public or to parties with opposing political advocacy efforts, the proponent of discovery must satisfy “exacting scrutiny”: show a substantial relation between the disclosure requirement and a sufficiently important governmental interest
- Some courts have denied disclosure, *see, e.g., Perry v. Schwarzenegger*
- Other challenges:
 - *RNC v. Pelosi*
 - *Backpage*
 - *Ward v. Thompson*

Constitutional Defenses

- **Fourth Amendment.** Reasonableness varies depending upon the “nature, purposes, and scope of the inquiry.”
 - Overly broad demands for documents that lack congruence and proportionality to the scope of the investigation may violate protection against search and seizure, but some cases challenge this argument.
- **Fifth Amendment.** Individuals can invoke right against self-incrimination. Corporations cannot.
 - Generally applies only to testimony, although in certain circumstances the privilege applies to the act of producing documents (when the documents amount to “Testimonial Communications”).
 - Congress can compel testimony by granting transactional immunity or use and derivative use immunity.
 - Choose your words carefully, so as not to waive the privilege.
 - In 2013, Lois Lerner invoked the privilege before the House Committee on Oversight and Reform, but also stated that she had done nothing wrong.
 - Chairman Darrell Issa claimed her statement waived the privilege, and Congress referred the matter to the U.S. Attorney for the District of Columbia for criminal contempt charges when Lerner refused to testify.

Trump v. Mazars: Legislative Purpose

- **Standard for showing valid “legislative purpose”**: The Court announced what it called a “balanced approach” to govern future interbranch disputes, one that it viewed as protecting Congress’s ability to investigate the President while also mitigating the risk of improper congressional inquiry.
- The Court held that a congressional subpoena must address a “valid legislative purpose” and must be “related to, and in furtherance of, a legitimate task of the Congress.”
- Motivating this newly heightened standard appears to **be dissatisfaction with the existing legislative-purpose analysis, which the Court described as “limitless,”** thus permitting Congress to “exert an imperious control” over the President.
- Congress must now, in effect, show its work and adequately describe the nexus between the records sought and the legislation the committee is considering.
- Thus, courts are to engage in a **more rigorous examination** of a committee’s legislative purpose than the analyses lower courts have traditionally used.

Trump v. Mazars: Separation of Powers

- The Court set forth **four factors** to account for the separation of powers concerns raised by interbranch disputes in this context:
- **First**, whether “other sources” could reasonably provide Congress the information it needs;
- **Second**, subpoenas may be “no broader than reasonably necessary” to support Congress’s legislative objective;
- **Third**, Congress must explain why the President’s information will advance its consideration of the possible legislation, and courts should be attentive to the nature of the evidence offered to establish that a subpoena advances a valid legislative purpose;
- **Fourth**, courts “should be careful to assess the burdens imposed on the President by a subpoena.”

Attorney-Client Communication Privilege & Attorney Work Product

- *Mazars* and Common Law Privileges/Protections
 - Congress has traditionally taken the position that it is not bound to recognize common law privileges and may determine, on a case-by-case basis, whether to accept a witness's request to invoke such privileges against a congressional subpoena, but this position has not been tested in litigation.
- In *Mazars*, the Court stated that recipients of congressional subpoenas retain **both** “common law and constitutional privileges with respect to certain materials, such as attorney-client communications and governmental communications protected by executive privilege.”
- While the Court's treatment of common law privileges in *Mazars* is arguably dicta, both the **Executive Branch and private litigants can be expected to take the position** that Congress is obligated to observe common law privileges **in the same way that courts and grand juries must observe them**
 - The D.C. Circuit has repeated this dictum in *Trump v. Thompson*, 20 F.4th 10 (D.C. Cir. 2021), cert. denied, 142 S. Ct. 1350 (2022).

Procedural Defenses

- Standing Issues

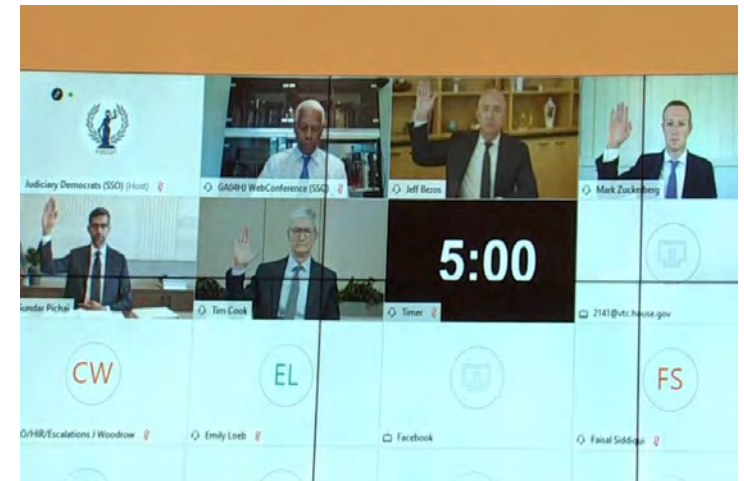
- In *Judiciary v. McGahn*, the U.S. Court of Appeals for the District of Columbia Circuit, sitting en banc, found that the House Judiciary Committee had standing to seek enforcement in federal court of its subpoena to former White House Counsel Don McGahn.
- The court held that McGahn's failure to comply with the committee's subpoena deprived the committee of information to which it was legally entitled, and that doing so created a concrete injury, thus satisfying the first prong of the test for standing.

- Cause of Action Issues

- House can sue: *Miers*, *Fast and Furious*, *McGahn*(D.D.C)
- House can't sue: *McGahn* (D.C. Cir.) (*vacated*)

Impact of COVID-19 Protocols on Investigations Power

- **Investigations**
 - Remain primarily document-oriented
 - Fewer depositions and transcribed interviews
- **Hearings**
 - Will switch back to live in House
 - Virtual are more difficult to engage in questioning



Lay of the Land in the 118th Congress (Senate)

Homeland Security & Gov. Affairs



Rand Paul
(R-KY)

Gary Peters
(D-MI)

Health, Education, Labor & Pensions



Bill Cassidy
(R-LA)

Bernie Sanders
(I-VT)

Armed Services



Roger Wicker
(R-MS)

Jack Reed
(D-RI)

Commerce, Science & Transportation



Ted Cruz
(R-TX)

Maria Cantwell
(D-WA)

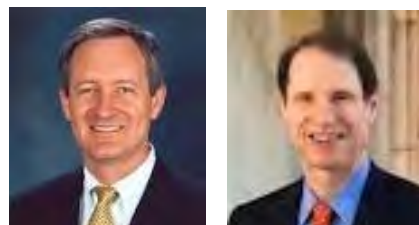
Judiciary



Charles Grassley
(R-IA)

Dick Durbin
(D-IL)

Finance



Mike Crapo
(R-ID)

Ron Wyden
(D-OR)

Banking, Housing & Urban Affairs



Tim Scott
(R-SC)

Sherrod Brown
(D-OH)

Aging



Mike Braun
(R-IN)

Bob Casey
(D-PA)

Agriculture



John Boozman
(R-AR)

Debbie Stabenow
(D-MI)

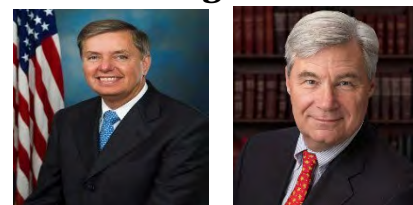
Appropriations



Susan Collins
(R-ME)

Patty Murray
(D-WA)

Budget



Lindsey Graham
(R-SC)

Sheldon Whitehouse
(D-RI)

Foreign Affairs



James Risch
(R-ID)

Bob Menendez
(D-NJ)

Lay of the Land in the 118th Congress (House)

Education & Labor



Bobby Scott
(D-VA) Virginia Foxx
(R-NC)

Transportation

Eleanor
Holmes
Norton (D-
DC), Rick
Larsen (D-
WA)



Sam Graves
(R-MO)

Appropriations



Rosa DeLauro
(D-CT) Kay Granger
(R-TX)

Energy & Commerce



Frank Pallone
(D-NJ) Cathy
McMorris
Rodgers
(R-WA)

Financial Services



Maxine Waters
(D-CA) Patrick McHenry
(R-NC)

Oversight & Accountability



Jamie Raskin
(D-MD) James Comer
(R-KY)

Homeland Security



Bennie
Thompson
(D-MS) Mark Green
(R-Tenn.)

Judiciary



Jerrold
Nadler
(D-NY) Jim Jordan
(R-OH)

Ways & Means



Richard Neal
(D-MA) Jason Smith
(R-MO)

Science, Space & Technology



Eddie Bernice
Johnson
(D-TX) Frank Lucas
(R-OK)

Lessons Learned from the January 6th Select Committee

- **Good**
 - Early use of subpoenas to set tone
 - Consistent use of videotaped interviews and depositions
 - Pursuit of enforcement actions
 - Media-friendly hearings
- **Bad**
 - Procedural irregularities
 - Too many “lines in the water”
 - Witnesses’ ability to run out the clock
 - Lots of repetition

Potential Committee Inquiries & Investigations

- **House Select Subcommittee on the Coronavirus Crisis**
 - Pandemic Response
 - Biden Administration's pandemic response
 - Origins of COVID-19
 - Democratic governors' policies related to nursing homes
 - Use of CARES Act Funds
 - Whether CARES Act funds are used as Congress intended
 - Wasteful PPP fraud and the Biden administration's failure to prosecute fraud and prioritize repayment of the loans

Potential Committee Inquiries & Investigations

- **House Speaker McCarthy's Investigatory Priorities**

- Open Borders and Immigration
- Big Tech and Free Speech
- China
- Security
- COVID-19 Origins
- Hunter Biden
- Afghanistan Withdrawal
- Washington Spending
- Politicization of the DOJ/FBI
- Education and Woke Ideology
- Energy Production and American Industry
- IRS Politicization and Abuse
- Separation of Powers

Potential Committee Inquiries & Investigations

- **House Select Committee on Strategic Competition between the United States and the Chinese Communist Party**
 - Onshoring
 - Data privacy
 - COVID virus
 - Supply chain risks and vulnerabilities
 - Intellectual property theft
 - Chinese police “service stations”
 - Boosting US competition with China in the tech space
 - China’s influence in American universities
 - China’s purchase of agricultural land in the US
 - China’s control of critical minerals
 - Theft of US technology
 - China’s relationship with Taiwan
 - Deceptive trade practices
 - Malign influence, coercion, and lobbying efforts at the state, local and federal level to advance their agenda
 - Spread of CCP propaganda and its covert threat inside the U.S.
 - TikTok’s threat to national security



Rep. Mike Gallagher (R-WI) will chair the Select Committee on China.

Potential Committee Inquiries & Investigations

- **House Committee on Oversight & Accountability**
 - Hunter Biden and President Biden
 - Corporate policies related to ESG
 - “Woke capitalism”
 - Prescription drug pricing and pharmacy benefit managers
 - Federal contracts under the Biden Administration
 - Big Tech
 - University tuition rates
 - Chinese involvement in American research and business
 - Election integrity
 - COVID fraud
 - Wasteful PPP fraud and the Biden administration’s failure to prosecute fraud and prioritize repayment of the loans

GOP to probe ‘cancer’ of climate-friendly investing after midterms

Republican lawmakers plan to conduct oversight of Wall Street’s efforts to promote sustainability, calling them ‘woke capitalism’

Potential Committee Inquiries & Investigations

- **House Financial Services Committee**
 - Investments in China
 - Financial firm business practices related to diversity, equity and inclusion (DEI) and ESG
 - Agency actions related to ESG
 - E.g. SEC's proposed climate-related disclosure rule for public companies
 - FTX and cryptocurrency industry more generally
 - PayPal's debanking efforts
- **House Armed Services Committee**
 - Use of military resources to publicly criticize American citizens
- **House Committee on Appropriations**
 - Audit of defense spending and foreign aid; including but not limited to Ukraine aid
- **House Committee on Rules**
 - Election Integrity

Potential Committee Inquiries & Investigations

- **House Judiciary Committee**

- Big Tech and allegations of politicization
- Various issues related to President Biden and son Hunter Biden
- “Anti-parent directives” involving the Biden administration’s supposed “targeting of concerned parents” at school board meetings
- Appointment of special counsel
- DOJ civil rights priorities
- FTC’s antitrust investigations and alleged use of unpaid consultants
- Content moderation policies at social media companies
 - [Section 230 of the Communications Decency Act](#)
- Immigration enforcement
- Impeachment of DHS Secretary Mayorkas
- FBI’s use of geo-fencing in data collection
- **Select Subcommittee on the Weaponization of the Federal Government**
 - [Expansive jurisdiction, with an eye towards the politicization of the DOJ](#)
 - [Mandate includes reporting on executive branch investigative authority, information collection and use, improper/illegal/unconstitutional action against citizens, and issues related to the violation of the civil liberties of citizens of the United States](#)
 - [Chair of the full Judiciary Committee may issue subpoenas for the Select Subcommittee](#)
 - [Authorized to receive information available to the Permanent Select Committee on Intelligence](#)



House Republicans vow to investigate Biden and his family’s business dealings

Potential Committee Inquiries & Investigations

- **House Energy & Commerce Committee**

- Drug pricing policies/controls
- Greentech industry, federal funding by the Dept. of Energy
- Big Tech and China's role in the technology sector
- Internet privacy and data breaches
- Hospital billing transparency
- Innovation among drug makers
- Role of fentanyl in the opioid crisis
- NEPA infrastructure permitting delays
- Environmental NGOs' collusion with Russia and China
- Electric vehicle component grants



- **House Transportation & Infrastructure Committee**

- Department of Transportation's implementation of Infrastructure Investment and Jobs Act
- NEPA infrastructure permitting delays
- Federal Highway Administration's "fix-it first" guidance
 - FHWA issued memo to state agencies suggesting states prioritize maintenance of infrastructure projects rather than proceed with new projects

Potential Committee Inquiries & Investigations

- **House Education & Workforce Committee**

- Workplace safety regulations
- Labor Department rules regarding overtime and independent contractors
- EEOC access to employers' pay data
- Student loan forgiveness
 - Cost of public service loan forgiveness programs
 - Legal authority of White House and Education Department to forgive student loans
- Federal government's involvement in promoting Critical Race Theory and other woke educational doctrines.

- **House Homeland Security Committee**

- Immigration enforcement and impact of drug trafficking on communities across the country
 - DHS Secretary Alejandro Mayorkas's oversight of border policies
 - Disinformation Governance Board
- TikTok negotiations with CFIUS and data mining by CCP

- **House Foreign Affairs Committee**

- U.S. withdrawal from Afghanistan
- U.S. competition with China, including monitoring high-tech exports
- Hunter Biden's business dealings with a Chinese energy firm in 2017
- Influence peddling and selling access to hostile foreign powers

Potential Committee Inquiries & Investigations

- **House Ways & Means Committee**

- Oversight of IRS spending (\$80 billion funding increase from Inflation Reduction Act)
- Tax return leaks to ProPublica
- Destruction of 30 million paper information tax returns in 2021
- Handing over of private tax information without prosecution

House Republicans are threatening to investigate the Treasury Department, if they win back the majority, over the mid-October timing of 9 million letters the Internal Revenue Service sent out reminding Americans of their eligibility for certain tax credits.

- **House Agriculture Committee**

- FTX and other Crypto-related issues

Potential Committee Inquiries & Investigations

- **Senate Judiciary Committee**
 - Mail-in voting
 - Bureau of Prisons oversight
 - Big Tech
 - Competition issues/merger reviews
- **Senate Homeland Security & Governmental Affairs Committee**
 - Domestic terrorism
 - Opioid crisis
 - Cybersecurity
 - Securing the supply chain
 - COVID-19 oversight and pandemic response
 - Treatment of immigrants
- **Senate Finance Committee**
 - Taxation of pharmaceutical companies
 - Tax preparers
 - Insurers, including Medicare Advantage organizations
 - Drug pricing
 - COVID-19 response

Potential Committee Inquiries & Investigations

- **Senate Committee on Banking, Housing & Urban Affairs**
 - Outbound investments
 - Rental pricing algorithms
 - Data breaches and oversight of financial regulators
 - Digital currencies
 - Zelle
- **Senate Committee on Aging**
 - Medicare Advantage consumer protection
 - Data collection and transparency in police interactions with people with disabilities (DIALED Act)
- **Senate Committee on Agriculture**
 - FTX
 - Digital Commodities Consumer Protection Act (DCCPA)



Potential Committee Inquiries & Investigations

- **Senate Health, Education, Labor & Pensions (HELP) Committee**
 - Prescription drug costs
 - Worker protections
- **Senate Committee on Commerce, Science, and Transportation**
 - Data privacy
- **Senate Committee on Foreign Affairs**
 - China
 - Confronting Russian malign influence
 - Improving global health security
 - TikTok's threat to national security

Top Mistakes

- **Facts:** failure to identify and verify
- **Corporate message:** unclear or undetailed
- **Internal communications:** understanding the risks and settling on a strategy
- **Context:** failure to adapt to type of investigation
- **Care and concern:** inadequate attention
- **Legal:** preserving privilege and assessing collateral consequences
- **Knowing the rules:** vary by committee
- **Big picture:** anticipating what might come next





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EDUCATION

Harvard Law School

Juris Doctor

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Band 1 for Congressional Investigations

- Chambers

Top Lobbyist

- The Hill

Client Service All-Star List

- BTI Consulting

Michael Bopp is a partner in Gibson Dunn's Washington, D.C. office. He is a Co-Chair of the Public Policy Practice Group and Chair of the Congressional Investigations Subgroup. He advises clients on public policy and regulatory consulting in a variety of fields, managing and responding to major crises involving multiple government agencies and branches. Mr. Bopp has extensive knowledge of both legislative and regulatory processes, as well as of the powers and authorities of Congressional committees.

During more than a decade on Capitol Hill, Mr. Bopp led or played a key role in major investigations in both the Senate and House of Representatives, including four special investigations. In these capacities, he developed the strategy and set the agenda, and managed the discovery efforts for numerous investigations and orchestrated more than 100 committee hearings. Since joining Gibson Dunn in 2008, Mr. Bopp has defended clients in dozens of Congressional and other investigations and has prepared numerous CEOs and other top executives for committee hearings, depositions, and interviews. He also brings his more than two decades of investigations experience to bear on internal investigations on important matters for a variety of clients.

Representative engagements include:

- Counsel for pharmaceutical manufacturer in House Oversight and Government Reform investigation of drug pricing and efforts to extend patents;
- Counsel for health insurance company, multiple government contractors, and a nonprofit entity in House and Senate investigations relating to the Affordable Care Act;
- Counsel for Big 4 accounting firm in an investigation by the Senate Permanent Subcommittee on Investigations into alleged offshore tax evasion. This investigation culminated in a hearing at which our client successfully defended its actions resulting in no follow-up by the Subcommittee and avoiding negative press coverage and reputational damage;
- Counsel for private equity firm in Senate Aging Committee investigation of drug pricing;
- Counsel for automaker in connection with potential congressional and executive branch investigations relating to emissions controls.

Mr. Bopp currently chairs the ABA's Committee on Legislative Process and Congressional Investigations. His contacts are extensive and strong in both Republican and Democratic circles. Mr. Bopp received his law degree *cum laude* from Harvard Law School where he was Articles Editor on the *Journal of Law and Public Policy*. He graduated *magna cum laude*, with honors, in public policy from Brown University.



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EDUCATION

[Yale Law School](#)

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[Supreme Court, Anthony Kennedy](#)

[U.S. Court of Appeals for the Ninth Circuit](#)

RECOGNIZED

[Appellate Practice 2023](#)

- Best Lawyers

Thomas G. Hungar is a partner in the Washington, D.C., office of Gibson, Dunn & Crutcher LLP. His practice focuses on appellate litigation, and he assists clients with congressional investigations and complex trial court litigation matters as well. He has presented oral argument before the Supreme Court of the United States in 26 cases, including some of the Court's most important patent, antitrust, securities, and environmental law decisions, and he has also appeared before numerous lower federal and state courts.

Mr. Hungar served as General Counsel to the U.S. House of Representatives from July 2016 until January 2019, when he rejoined the firm. As General Counsel, he provided legal advice and litigation representation on a non-partisan basis to the House and its leadership, members, officers, and staff, and he worked closely with numerous House committees in connection with their oversight and investigative activities. Previously, he served as a Deputy Solicitor General of the United States. In that position, he supervised business-related appellate litigation for the federal government, with particular emphasis on patent, antitrust, securities, and environmental appellate cases, and he also oversaw appellate litigation in banking, bankruptcy, tax, government contracts, communications, copyright, labor, trademark, and international trade matters. In private practice, Mr. Hungar's appellate experience has encompassed those areas as well as class actions, constitutional law, employment law, product liability, administrative procedure, insurance coverage and bad faith, and general commercial litigation. He has handled scores of business-related appeals in the Supreme Court and lower appellate courts, and has briefed and argued many high-profile matters.

Mr. Hungar is a Fellow of the American Academy of Appellate Lawyers and is a frequent lecturer in his areas of expertise. While at the Department of Justice, he served as Appellate Counsel to the Intellectual Property Task Force Executive Staff, and he was awarded the John Marshall Award for Outstanding Legal Achievement, the Department's highest award presented to attorneys for contributions and excellence in legal performance, in recognition of his handling of patent-law matters before the Supreme Court.

Mr. Hungar served as an Assistant to the Solicitor General of the United States from 1992-1994. In that position he presented oral argument before the Court and handled numerous other appellate matters for the government. He also served as a law clerk to Justice Anthony M. Kennedy of the Supreme Court and to Circuit Judge Alex Kozinski of the United States Court of Appeals for the Ninth Circuit. He received his law degree from Yale Law School in 1987, where he was a Senior Editor of the *Yale Law & Policy Review*. He received his bachelor of science degree *magna cum laude* in mathematics/computer science and economics from Willamette University in 1984.



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EDUCATION

[University of Virginia School of Law](#)
Juris Doctor

[Stanford University](#)
Bachelor of Arts

CLERKSHIPS

[U.S. Court of Appeals for the Fifth Circuit](#)

[U.S. District Court for the District of Maryland](#)

RECOGNIZED

[500 Leading Lawyers in America](#)
- Law dragon

[Top Lobbyist](#)
- The Hill

[Top 100 List](#)
- National Black Lawyers

Roscoe Jones, Jr., is a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher. He co-chairs the Firm's Public Policy Group and serves as a core member of the Congressional Investigations practice group. His practice focuses on advising clients on various public policy matters and helping clients navigate congressional, executive branch, and internal investigations.

Prior to joining Gibson Dunn, Mr. Jones served for almost a decade in high-level roles on Capitol Hill, most recently as Chief of Staff to Representative Abigail Spanberger, as Legislative Director to Senator Dianne Feinstein, as Senior Counsel to Senator Cory Booker, and as Counsel, and later Senior Counsel, on the Senate Judiciary Committee for then-Chairman Patrick Leahy.

Mr. Jones served in several roles at the U.S. Department of Justice. He was an Assistant United States Attorney in the Criminal Division of the Western District of Washington (Seattle), Special Assistant U.S. Attorney in the District of Columbia, and an attorney in the Appellate Section of the Civil Rights Division of the Justice Department. He served as Special Counsel to then-Assistant Attorney General Tom Perez, where he helped oversee the Civil Rights Division's legislative initiatives and directed the Division's response to congressional investigations.

Mr. Jones graduated with high honors from Stanford University and the University of Virginia School of Law, where he was Editor-in-Chief of the *Virginia Journal of Social Policy & Law* and co-founder of the Law School's Center for Race and Law. He clerked for Judge Carl E. Stewart on the U.S. Court of Appeals for the Fifth Circuit and Judge Alexander Williams, Jr., on the U.S. District Court for the District of Maryland. Early in his career, he served as the Francis D. Murnaghan, Jr., Appellate Advocacy Fellow at the Public Justice Center. He has been published in the *Harvard Law & Policy Review*.

As an adjunct professor, Mr. Jones teaches a policy-oriented seminar at the University of Chicago Law School and previously taught at the Yale Law School, Harvard Kennedy School of Government, University of Michigan Law School, Georgetown University Law Center, George Washington University Law School, University of Washington Law School, and the Daniel J. Evans School of Public Policy & Governance.

He is admitted to the Bars of Maryland and District of Columbia.



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EDUCATION

Duke University School of Law
Juris Doctor

Princeton University
Bachelor of Arts

CLERKSHIPS

**U.S. Court of Appeals for the District of
Columbia Circuit**

Amanda H. Neely is of counsel in the Washington, D.C. office of Gibson, Dunn & Crutcher and is a member of the Public Policy and Congressional Investigations practice groups. Ms. Neely served as Director of Governmental Affairs for the Senate Homeland Security and Governmental Affairs and General Counsel to Senator Rob Portman. Under Senator Portman's chairmanship, she also served as Deputy Chief Counsel for the Permanent Subcommittee on Investigations. In those roles, she managed Senator Portman's regulatory reform agenda and led oversight of federal government agencies and investigations into private entities. She previously served in several other Capitol Hill offices including as Oversight Counsel for the House of Representatives Committee on Ways and Means.

At Gibson Dunn, Ms. Neely has represented clients undergoing investigations by several congressional committees, including the Senate Health, Education, Labor, and Pensions Committee, the Senate Homeland Security and Governmental Affairs Permanent Subcommittee on Investigations, the House Committee on Oversight and Reform, the House Energy and Commerce Committee, and both the Senate and House Judiciary Committees. She has helped witnesses prepare to testify before the Senate Banking, Housing, and Urban Affairs Committee, the Senate and House Agriculture Committees, and the House Financial Services Committee. She also has assisted clients appearing before independent commissions such as the Financial Crisis Inquiry Commission and the Commission on Wartime Contracting, as well as assisted clients engaging with regulatory agencies such as the Consumer Financial Protection Bureau, Commodity Futures Trading Commission, and Securities and Exchange Commission in their rulemaking processes. Ms. Neely was actively involved with the Firm's Financial Markets Crisis Group's efforts to monitor market developments and governmental actions throughout the 2008 financial crisis and its aftermath and advised clients how best to respond to the changing regulatory landscape.

Ms. Neely clerked for the Honorable David B. Sentelle, then-Chief Judge of the United States Court of Appeals for the District of Columbia Circuit. She earned her law degree cum laude from Duke University School of Law, where she served as the Articles Editor for both the Alaska Law Review and the Duke Journal of Constitutional Law & Public Policy. She was a member of the Duke Law Moot Court Board and served on the executive board of the Duke Law Federalist Society.

In 2003, Ms. Neely graduated cum laude from Princeton University, where she majored in English and earned a certificate in Medieval Studies. She then served for two years on United States Senator Elizabeth Dole's staff as a legislative correspondent, focusing on banking, housing, budget, and tax issues. Ms. Neely is admitted to practice law in the District of Columbia and before the United States Courts of Appeals for the District of Columbia Circuit and the Eleventh Circuit.



EDUCATION

Loyola University Chicago School of Law
Juris Doctor

University of Notre Dame
Bachelor of Arts

Daniel P. Smith

Of Counsel/ Washington., D.C.

Danny Smith is of counsel in the Washington, D.C. office of Gibson, Dunn & Crutcher and a member of the Public Policy practice group.

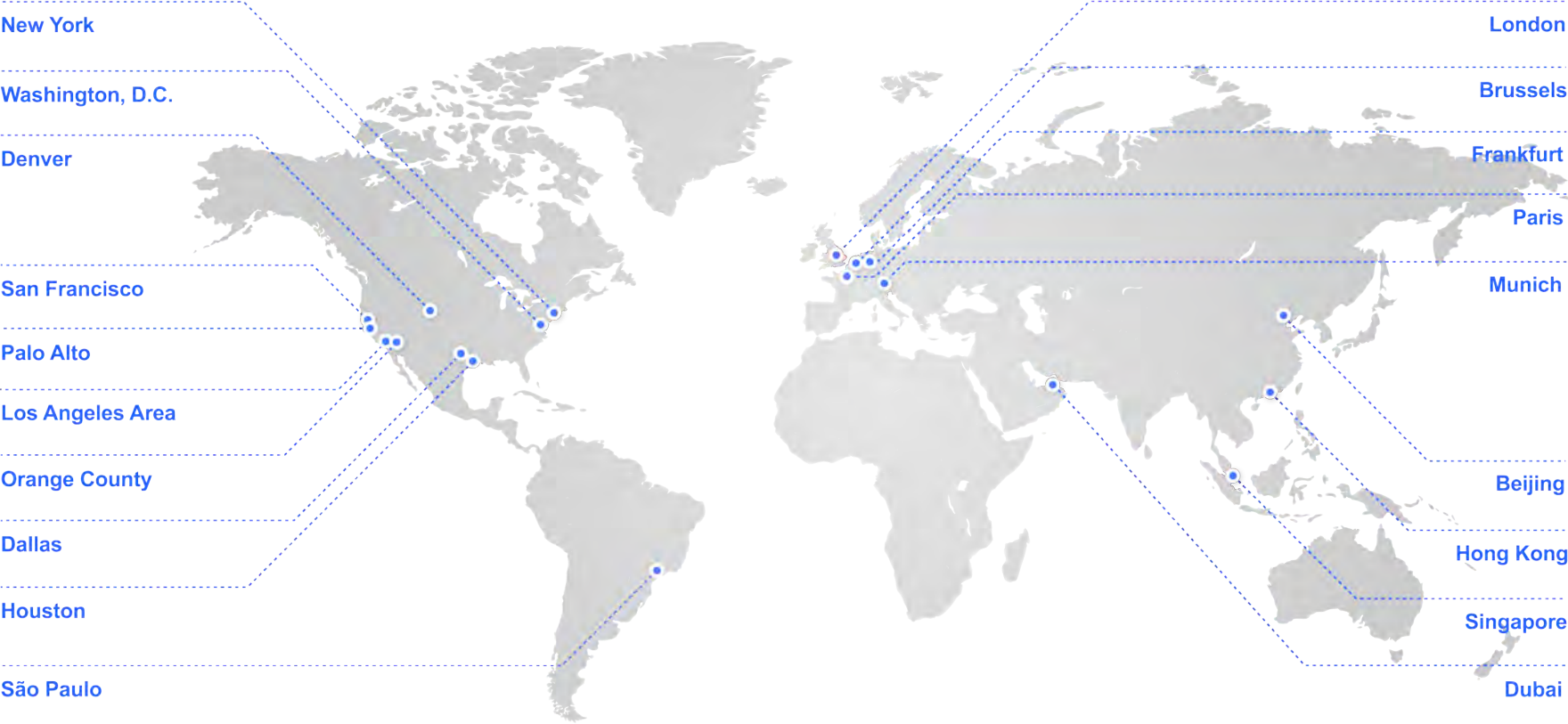
Danny's practice focuses on advancing clients' interests before the U.S. Congress and the Executive Branch. He provides a range of services to clients, including political advice, intelligence gathering, policy expertise, communications guidance, and legislative analysis and drafting.

Prior to joining the firm, Danny started his career on Capitol Hill with then-Majority Leader Harry Reid. He then worked for U.S. Senator Cory A. Booker for nearly a decade, starting as a Legislative Correspondent and was subsequently promoted to Deputy Counsel, Counsel, and Chief Counsel. As Senator Booker's Chief Counsel on the U.S. Senate Committee on the Judiciary, Subcommittee on Criminal Justice and Counterterrorism, Danny managed and directed Senator Booker's work before the Committee and provided strategic and political advice to the Senator on a range of policy issues, including antitrust, civil rights, criminal justice, homeland security, intellectual property, national security, nominations to the Executive and Judicial Branches, privacy, and technology. During his tenure, Danny successfully oversaw or contributed to the passage of the Fair Chance to Compete for Jobs Act, the Emmett Till Antilynching Act, and the landmark First Step Act. Danny frequently worked and coordinated with Senate Democratic Leadership on Senate Judiciary Committee matters due to Senator Booker's position on Majority Leader Chuck Schumer's Leadership team.

Danny received his law degree from Loyola University Chicago School of Law where he was a member of the school's flagship journal, the *Loyola University Chicago Law Journal*. He also graduated from the University of Notre Dame with a Bachelor of Arts in Political Science and Philosophy.

**Admitted only in Illinois; practicing under the supervision of members of the District of Columbia Bar under D.C. App. R. 49*

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A low-angle, upward-looking shot of a cable-stayed bridge. The bridge's dark steel structure, including the main girders and numerous stay cables, dominates the frame, creating a strong sense of height and scale. The cables fan out from a central point at the top towards the bottom corners. The background is a bright blue sky with scattered white clouds. The overall composition is dynamic and emphasizes architectural lines.

GIBSON DUNN