

Congressional Investigations in the 119th Congress



GIBSON DUNN

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Presenters



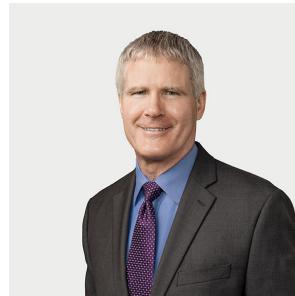
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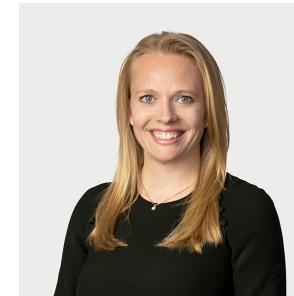
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Agenda

01 Overview of Congressional Investigations

02 Defenses to Congressional Investigations and Related Considerations

03 Developments in the Law

04 Investigations in the 119th Congress

Overview of Congressional Investigations

01

Congressional Investigations Powers

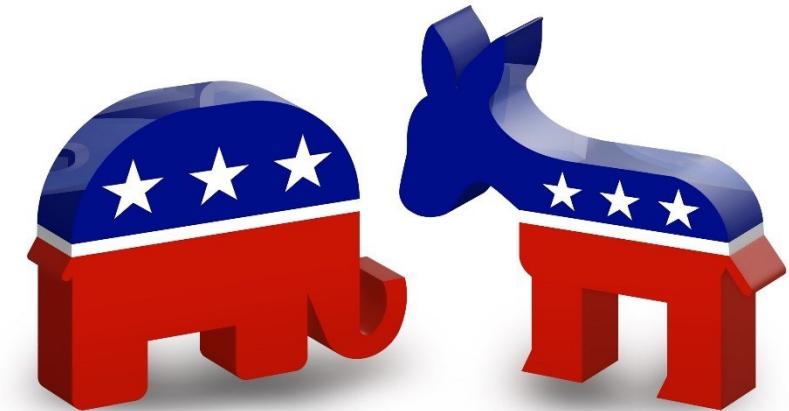
Authorized by
the Constitution

Not a
“general power”

Must further a
valid legislative
purpose

Purposes of Congressional Investigations

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



Congressional Investigatory Tools

- Requests for information
- Interviews and depositions
- Hearings
- Subpoenas
 - Generally no pre-enforcement review
- Contempt proceedings
- 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.

CHAIRMAN

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

RANKING MEMBER

Majority (2011-2012)
Minority (2011-2012)

April 29, 2011

Mr. Kazuo Hirai
Chairman
Sony Computer Entertainment America
919 East Hillsdale Blvd.
Foster City, CA 99404

Dear Mr. Hirai:

We write today regarding the recent data breach experienced by Sony Corporation's Playstation Network operated by Sony Computer Entertainment of America. According to Sony's statement, the breach occurred between April 17 and April 19, and impacted as many as 77 million account holders' personal information. A public acknowledgement of the breach was not made until April 26.

As we understand it known and an internal investigation illegally obtain information. Sony's public but such a scenario cannot information known to have information was also taken

The Subcommittee in consumer privacy, identify unauthorized access to consumer information such as this one directly involved

United States Senate
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
Washington, DC 20510-6115

January 12, 2012

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Ross Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

Americans spent more of their hard-earned dollars to purchase gasoline in 2011 than in any prior year. With nationwide prices currently averaging \$3.38 per gallon, high energy costs continue to put our nation's economic recovery at risk. We are writing to you today to urge for one of our nation's most important missions. As we pursue responsible policies in Congress to make energy more affordable, we recognize that another factor – regulations from federal agencies – can also impact the prices that consumers and businesses pay at the pump.

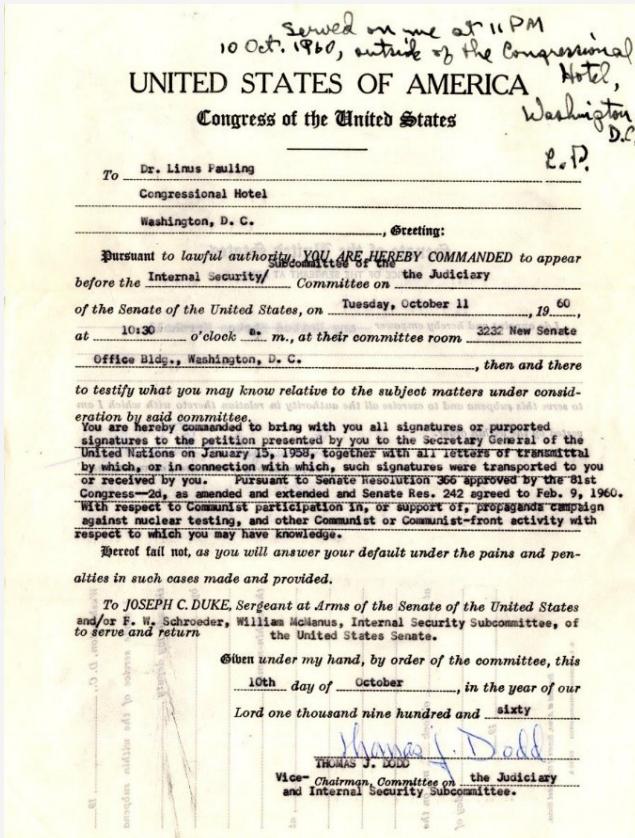
We write to express our concern with one such regulation, Tier 3 standards for gasoline, that EPA is reportedly preparing to propose. With gasoline prices already high, and with so many Americans already struggling to make ends meet, we urge you to recognize that now is not the time for new regulations that will raise the price of fuel even further.

EPA's standard for sulfur in gasoline, 15 parts per million (ppm), was phased in from 2004 to 2009 as part of the Tier 2 emissions standards. The Tier 2 standards lowered sulfur content in gasoline from 300 ppm (equivalent to a 90% reduction). It is our understanding that the Notice of Proposed Rulemaking for the new standard could reduce the content of sulfur in gasoline to as low as 10 ppm.

While the proposed regulation reducing air pollution, experts suggest it will be expensive to remove sulfur and decrease amounts of sulfur from fuel. In fact, a recent study conducted by Baker & O'Brien, a professional consulting firm, estimates that capital and annual operating costs associated with implementing a standard of 10 ppm per year could be up to \$17 billion and \$13 billion respectively. The cost of fuel will increase by 10 cents per gallon, or from \$3.28 to \$3.38 per gallon of gasoline. At the same time, the study found that several fuel manufacturers will not likely be able to comply, which will force plant closures – resulting in both direct and indirect job losses.

The potential economic impacts of the Tier 3 standards will be aggravated by the suite of other air quality regulations being pushed by the Administration. These rules include pending Maximum Achievable Control Technology (MACT) requirements and New Source Performance

Subpoena Power



- Document requests usually begin with a letter and may be 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.
 - House chairs may issue subpoenas unilaterally, with only notice to ranking members.
 - Senate rules are more restrictive; only the Senate's Permanent Subcommittee on Investigations permits the chair to issue a subpoena with only notice to the ranking member.
- Subpoenas can be friendly.
- Recipient can't quash a subpoena.

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 probably House)

Backpage.com Subpoena Timeline

October 1, 2015:
PSI withdraws the Backpage.com subpoena, and issues subpoena to CEO Carl Ferrer.

November 3, 2015:
PSI issues a comprehensive ruling overruling Mr. Ferrer's objections.

March 17, 2016:
The Senate adopts the resolution by a vote of 96-0.

August 5, 2016:
The District Court issues an order directing compliance with the subpoena.

June 7, 2015:
Senate Permanent Subcommittee on Investigations ("PSI") issues subpoena to Backpage.com.

October 23, 2015:
Mr. Ferrer issues a response objecting to the subpoena.

February 29, 2016:
PSI presents a resolution directing the Senate Legal Counsel to bring civil action enforcing subpoena request.

March 29, 2016:
Senate Legal Counsel files suit to enforce subpoena with the U.S. District Court for the District of Columbia.

November 30, 2016:
Mr. Ferrer files certificate with District Court indicating he has complied with subpoena.

The entire process took approximately **17 months**.

Recent Timelines and Examples

Case	Suit Filed	Party Initiating Suit	Nature of the Suit	Result	Initial Production Order	Actual Production
<i>Trump v. Mazars</i>	April 2019	Donald Trump	Quash subpoena to Mazars	Settlement	May 2019 (1 month)	Sept. 2022 (41 months) (never, as to Deutsche Bank/Capital One)
<i>Judiciary v. McGahn</i>	August 2019	House	Enforce subpoena	Settlement.	Nov. 2019 (3 months)	June 2021 (21 months)
<i>Ways & Means v. Treasury</i>	July 2019	House	Enforce subpoena	Subpoena upheld as valid, after appeal to D.C. Circuit (2022)	Dec. 2021 (28 months)	Nov. 2022 (39 months)
<i>Trump v. Thompson</i>	Oct. 2021	Donald Trump	Quash subpoena to National Archive	National Archive produced documents	Nov. 2021 (1 month)	Jan. 2022 (3 months)
<i>Plaintiff v. Verizon Communications</i>	Jan. 2022	Pseudonymous plaintiff related to January 6th	Quash subpoena to Verizon	Plaintiff prohibited from proceeding pseudonymously		
<i>Eastman v. Thompson</i>	Jan. 2022	John Eastman (law professor)	Quash subpoena	Subpoena upheld as valid		
<i>Ward v. Thompson</i>	February 2022	Kelli Ward (chair of the Arizona Republican Party)	Quash subpoena to T-Mobile	Subpoena upheld as valid	Sept. 2022 (7 months)	Nov. 2022 (9 months)
<i>RNC v. Pelosi</i>	March 2022	RNC	Quash subpoena to Salesforce	Mooted by committee's withdrawal of subpoena		Never
<i>Budowich v. Pelosi</i>	December 2021	Taylor Budowich (former spokesman for Donald Trump)	Seeking return of documents produced to Congress by J.P. Morgan	Speech or Debate Clause barred claims		
<i>Friess v. Thompson</i>	Feb. 2022	Katherine Friess (attorney for Donald Trump)	Quash subpoena to AT&T	Subpoena upheld as valid		
<i>Bragg v. Jordan</i>	April 2023	Alvin Bragg (DA of NYC)	Quash subpoena	Subpoena upheld as valid		HJC released deposition testimony on May 2, 2024
<i>de la Torre v. Cassidy</i>	Sept. 2024	Dr. Ralph de la Torre (Former Healthcare CEO)	Quash subpoena	Suit dismissed for lack of subject-matter jurisdiction due to Congressional Immunity; appeal filed Oct. 7, 2025	July 25, 2024	

Defenses to Congressional Investigations and Related Considerations

02

Congressional Investigations Defenses – Private Parties

Legislative Purpose

**Fourth
Amendment**

**Attorney-Client Privilege
& Attorney Work Product**

**First
Amendment**

**Fifth
Amendment**

**Committee Jurisdiction & Procedural
Defenses**

Legislative Purpose

- **Standard for showing valid “legislative purpose”:** In *Mazars*, 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 Congress.”
- Motivating this newly heightened standard appeared to be **dissatisfaction with the prior legislative purpose standard, which the Court described as “limitless.”**
- Congress must now, in effect, show its work and adequately describe the nexus between the records sought and the legislation the committee is considering.



First Amendment Challenges

- The First Amendment protects petitioning, lobbying, association, and speech on matters of public concern, and it prohibits government officials from taking retaliatory actions on account of protected speech. See *Nieves v. Bartlett*. The First Amendment applies to Congress just as much when it investigates as when it legislates. See *Barenblatt v. United States*.
- **First Amendment Retaliation:** An investigation itself is burdensome and can constitute an adverse action. Arguably, retaliatory motives could be inferred from committees' and senators' public statements on the investigation and may be evident from the letter itself.
- **Privilege Against Disclosure:** Where the party opposing production can show a chilling effect from disclosure, the proponent of discovery must satisfy "exacting scrutiny."

Examples

Freedom of association

Freedom of the press

Freedom to engage in public advocacy

Freedom to express opinion on matters of public concern

Other 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 courts have not enforced rigorously.

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.

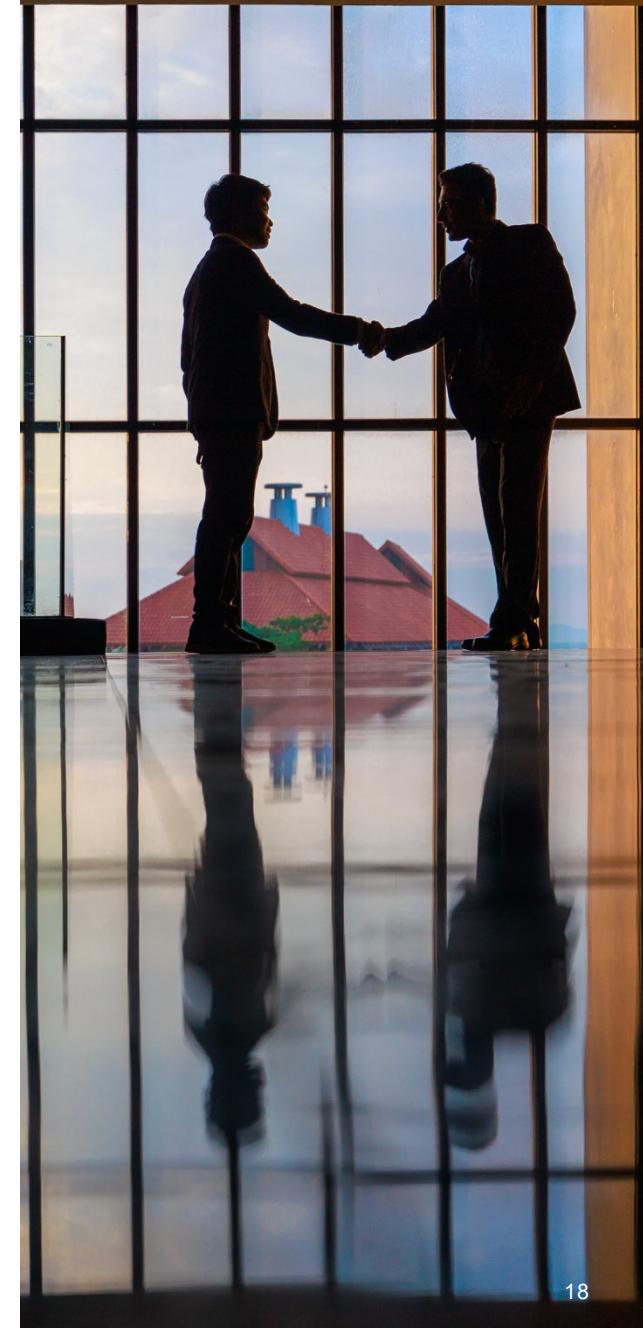
Attorney-Client Communication Privilege & Attorney Work Product

Mazars and Common Law Privileges/Protections

Congress has traditionally taken the position that it is not bound to recognize common law privileges.

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.**



Procedural Defenses & Committee Jurisdiction

- Committees are created by the Senate and House. They have no independent authority beyond their delegations.
Exxon Corp. v. FTC.
- Each committee creates its own rules based on Senate or House delegation, and the committee is then bound by those rules. These rules provide procedural protections to targets of congressional investigations.
- If a committee fails to follow its rules and violates the rights of witnesses in the process, the violation is cognizable in court. See *Yellin v. United States*.
- **Examples**
 - Quorum Requirements
 - Two Hour Rule
 - Ending Debate
- In addition, the subject matter of an inquiry must also be within the scope of jurisdiction clearly delegated to the committee by Congress.

Examples

Quorum Requirements

Two Hour Rule

Ending Debate

Developments in the Law

03

Trump v. Mazars

Mazars resulted in **notable developments** in several areas of the law.

Applicability of attorney-client privilege in congressional investigations

- 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.”

Defining the contours of legislative purpose

- The *Mazars* Court held that congressional subpoenas raising separation of powers or other constitutional concerns require “careful analysis” and “detailed and substantial” evidence of a valid legislative purpose sufficient to justify the intrusion on constitutional interests.

Limits to potentially relevant materials

- In *Mazars*, the Court stated that “Unlike in criminal proceedings. . . efforts to craft legislation involve predictive policy judgments that are not hampered in quite the same way **when every scrap of potentially relevant evidence is not available.**”

Attorney-Client Privilege

Recently, courts have permitted objections based on attorney-client privilege, though such objections must be specific.

Bragg v. Jordan (SDNY 2023):

- Held that Plaintiff challenging subpoena may **object** to questions based on attorney-client privilege, though the court did not quash subpoena on that basis.

Eastman v. Thompson (C.D. Cal. 2022)

- The court rejected Plaintiff's broad attorney-client privilege claims over an entire cache of documents requested by the government. Instead, the court permitted Plaintiff **leave to reassert privilege claims** in the context of **specific documents**.
- The court concluded that “[t]he party must assert the privilege as to each record sought to allow the court to rule with specificity.”

Legislative Purpose

Courts recently evaluating legislative purpose have followed *Mazars* while ultimately showing deference to committees.

Committee on Ways and Means, U.S. House of Representatives v. U.S. Dep't of Treasury (D.C. Cir. 2022)

- Upholding the subpoena as valid, the court found a valid legislative purpose in the requests: the Presidential Audit Program.
- The court noted that “[t]he mere fact that individual members of Congress may have political motivations as well as legislative ones is of no moment.”

Bragg v. Jordan (S.D.N.Y. 2023)

- Holding that the subpoena had a valid legislative purpose, the court accepted Defendant’s argument that subpoenas related to federal funding and possible legislative reforms to insulate current and former presidents from state prosecutions had valid legislative purposes.

Eastman v. Thompson (C.D. Cal. 2022)

- Finding a valid legislative purpose, the court held that “the issues surrounding the 2020 election and the January 6th attacks [are] clearly ‘subjects on which legislation could be had,’ [and that] there are numerous legislative measures that could relate to [Plaintiff’s] communications.”

“Every Scrap of Evidence”

Mazars held that “[u]nlike in criminal proceedings. . . efforts to craft legislation involve predictive policy judgments that are not hampered in quite the same way **when every scrap of potentially relevant evidence is not available.**”

- The D.C. Circuit decision after remand in *Mazars* relied in part on this language in substantially narrowing the House Oversight Committee subpoena at issue.
- Courts have yet to address the extent to which this language applies outside the context of subpoenas implicating separation of powers or other constitutional concerns.
- But the *Mazars* Court’s rationale logically extends to subpoenas to private parties as well.

Mazars and its Progeny

Key Takeaways

Overall, *Mazars* and its application in subsequent cases suggest that recipients of congressional investigations now have firmer grounds on which to raise objections when producing information in response to requests and/or subpoenas

- **Attorney-client privilege applies** to recipients of congressional subpoenas
- If constitutional concerns are present, the support for legislative purpose may **need to be more detailed than in prior cases**, although the bar is still fairly low to establish legislative purpose
- Congress is not a grand jury, not entitled **to every “scrap of potentially relevant evidence.”**
- Investigative targets may **sue** to prevent the enforcement of a subpoena to third parties.
- **Constitutional concerns** can be at play in cases involving litigation against private parties, if those parties have had interactions with government entities (e.g., separation of powers concerns, sovereign immunity, executive privilege)

Investigations in the 119th Congress

04

Lay of the Land in the 119th 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)

Finance



Mike Crapo
(R-ID) Ron Wyden
(D-OR)

Commerce, Science & Transportation



Ted Cruz
(R-TX) Maria Cantwell
(D-WA)

Judiciary



Charles Grassley
(R-IA) Richard Durbin
(D-IL)

Budget



Lindsey Graham
(R-SC) Jeff Merkley
(D-OR)

Appropriations



Susan Collins
(R-ME) Patty Murray
(D-WA)

Banking, Housing & Urban Affairs



Tim Scott
(R-SC) Elizabeth
Warren (D-MA)

Armed Services



Roger Wicker
(R-MS) Jack Reed
(D-RI)

Foreign Relations



James Risch
(R-ID) Jeanne Shaheen
(D-NH)

Agriculture



John Boozman
(R-AR) Amy Klobuchar
(D-MN)

Energy & Natural Resources



Mike Lee
(R-UT) Martin Heinrich
(D-NM)

Environment & Public Works



Shelley Moore
Capito (R-WV) Sheldon White-
house (D-RI)

Veterans' Affairs



Jerry Moran
(R-KS) Richard
Blumenthal
(D-CT)

Rules & Administration



Mitch
McConnell
(R-KY) Alex Padilla
(D-CA)

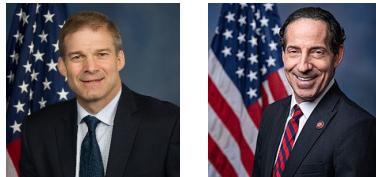
Lay of the Land in the 119th Congress (House)

Oversight & Government Reform



James Comer
(R-KY) Robert Garcia
(D-CA)

Judiciary



Jim Jordan (R-OH) Jamie Raskin
(D-MD)

Energy & Commerce



Brett Guthrie
(R-KY) Frank Pallone
(D-NJ)

Financial Services



French Hill
(R-AR) Maxine Waters
(D-CA)

Select Committee on the CCP



John Moolenaar
(R-MI) Raja
Krishnamoorthi
(D-IL)

Ways & Means



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

Appropriations



Tom Cole
(R-OK) Rosa DeLauro
(D-CT)

Transportation



Sam Graves
(R-MO) Rick Larsen
(D-WA)

Education & the Workforce



Tim Walberg
(R-MI) Bobby Scott
(D-VA)

Science, Space & Tech



Brian Babin
(R-TX) Zoe Lofgren
(D-CA)

Homeland Security



Andrew
Garbarino
(R-NY) Bennie
Thompson
(D-MS)

Foreign Affairs



Brian Mast
(R-FL) Gregory Meeks
(D-NY)

Rules



Virginia Foxx
(R-NC) Jim McGovern
(D-MA)

Armed Services



Mike Rogers
(R-AL) Adam Smith
(D-WA)

Veterans' Affairs



Mike Bost
(R-IL) Mark Takano
(D-CA)

119th Congress: Investigative Priorities

The 119th Congress saw a broad variety of investigations in both the House and Senate.

Investigations varied in size, scope, and subject matter, though consistent themes emerged across chambers:

- Both chambers were especially focused on **big tech**, with investigations centered on AI, online safety, privacy, and censorship.
- Entities engaged in **Diversity, Equity, and Inclusion** efforts were frequent targets of investigations and congressional letters.
- Both chambers are increasingly focused on issues surrounding **colleges and universities**, such as foreign influence, antisemitism, and antitrust violations.
- Both chambers also continued to investigate **healthcare and pharmaceutical companies**.

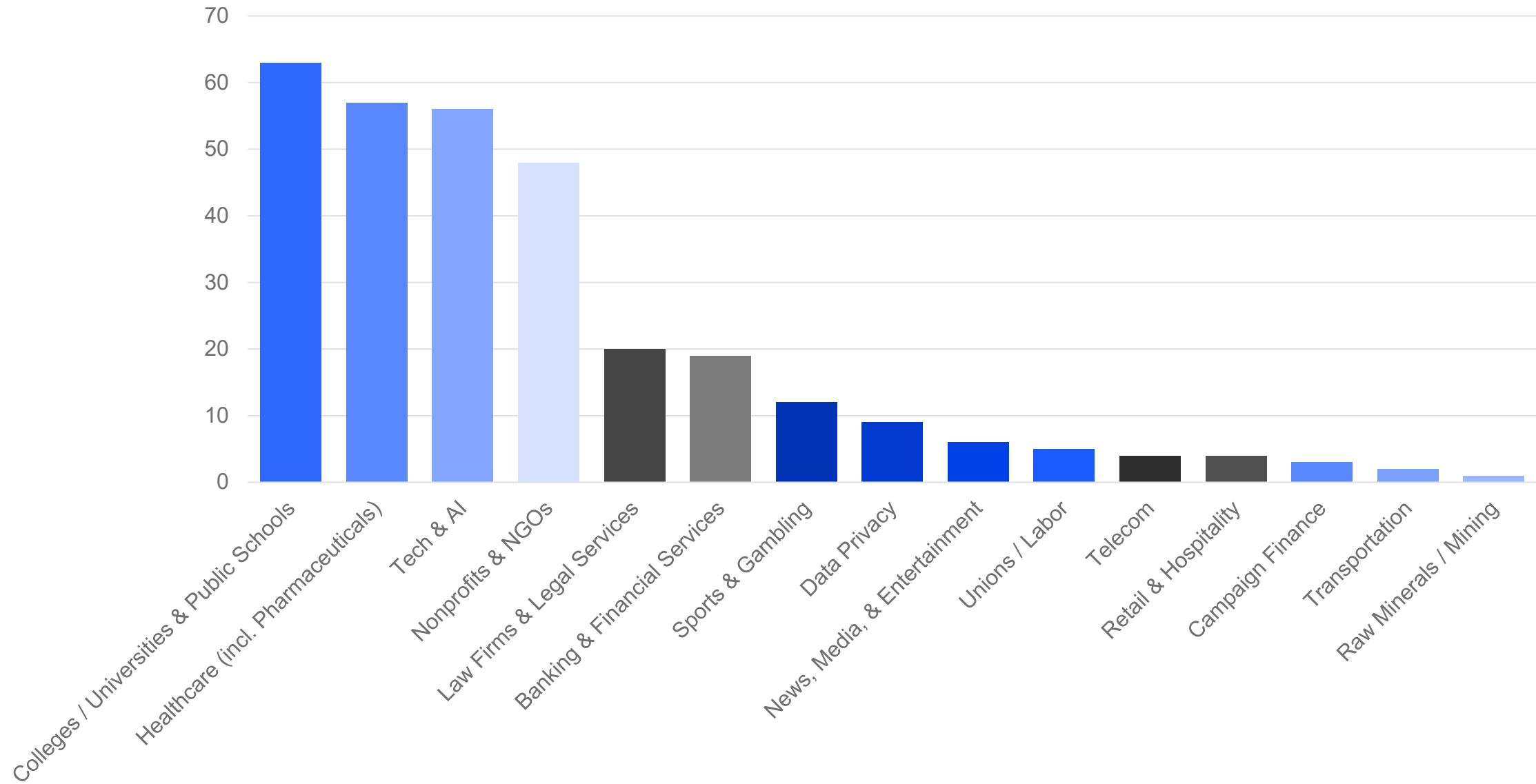
In the House, the Select Committee on the CCP and House Oversight Committee pursued several different investigative avenues related to China, including:

- Foreign Influence in Colleges and Universities;
- Manipulation of Critical Minerals Market;
- Semiconductor Industry and AI;
- Chinese Military Ties; and
- CCP-Linked Funding of Civil Groups and Nonprofits

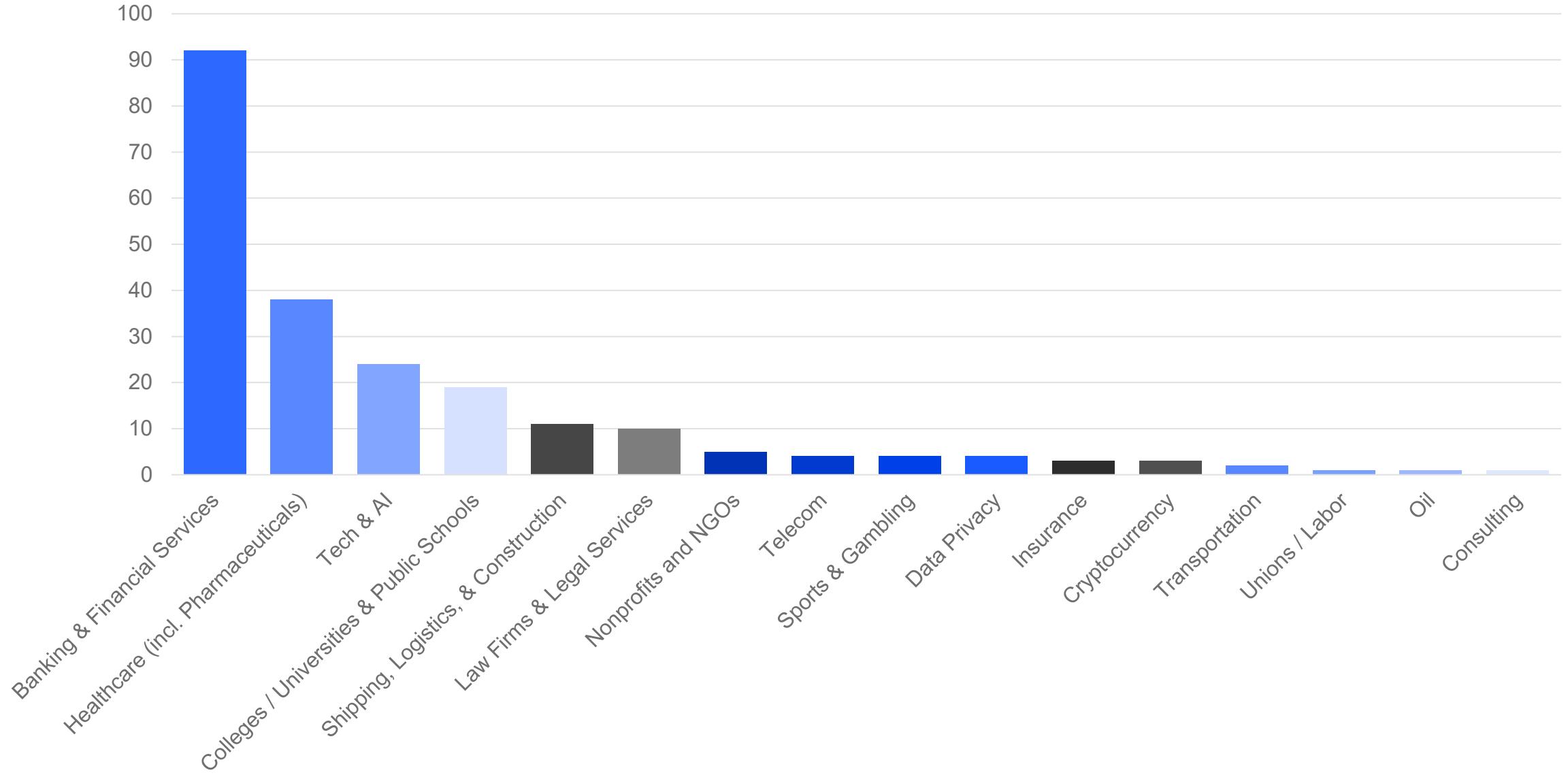
House and Senate committees were also focused on investigating **debanking, gambling, and media bias**.



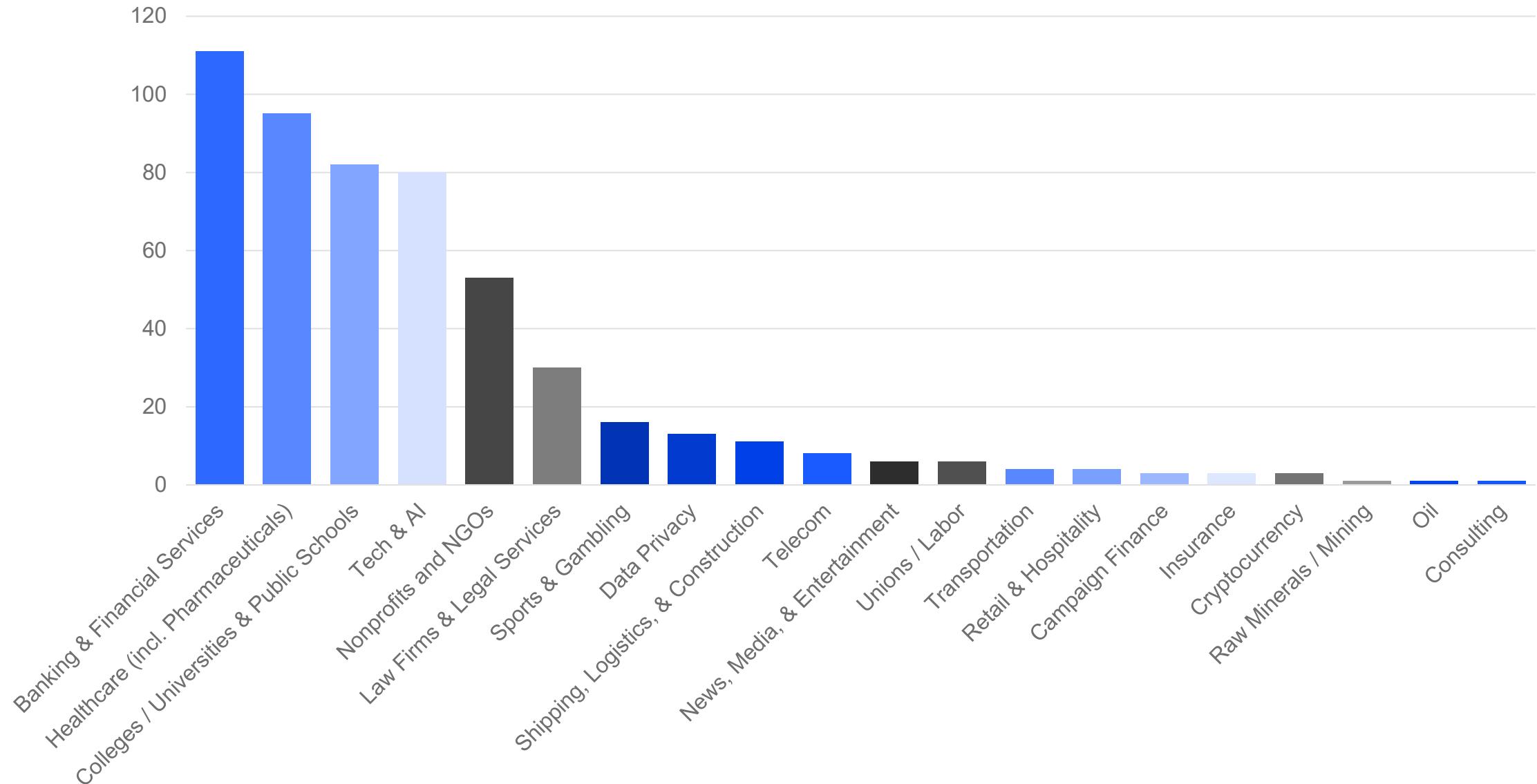
Industries Investigated in the 119th Congress (House)



Industries Investigated in the 119th Congress (Senate)



Industries Investigated in the 119th Congress (House and Senate)



119th Congress: Investigative Priorities

- China
- Big Tech
- DEI
- Government Contractors
- Privacy & Censorship
- Higher Education
- Vaccines & Related Health Issues
- AI
- Jeffrey Epstein
- Debanking
- Antitrust

CCP on Campus: Moolenaar Demands Universities End Joint Programs Tied to Chinese Tech Theft

Grothman Opens Hearing on Combatting DEI

Chairman Jordan Subpoenas Big Tech for Information on Foreign Censorship of American Speech

Oversight Committee Releases Additional Epstein Estate Documents

Grassley, Jordan, Lee And Fitzgerald Launch Bicameral Investigation Into Potential Ivy League Tuition Pricing Collusion

Questions?

Upcoming January Programs

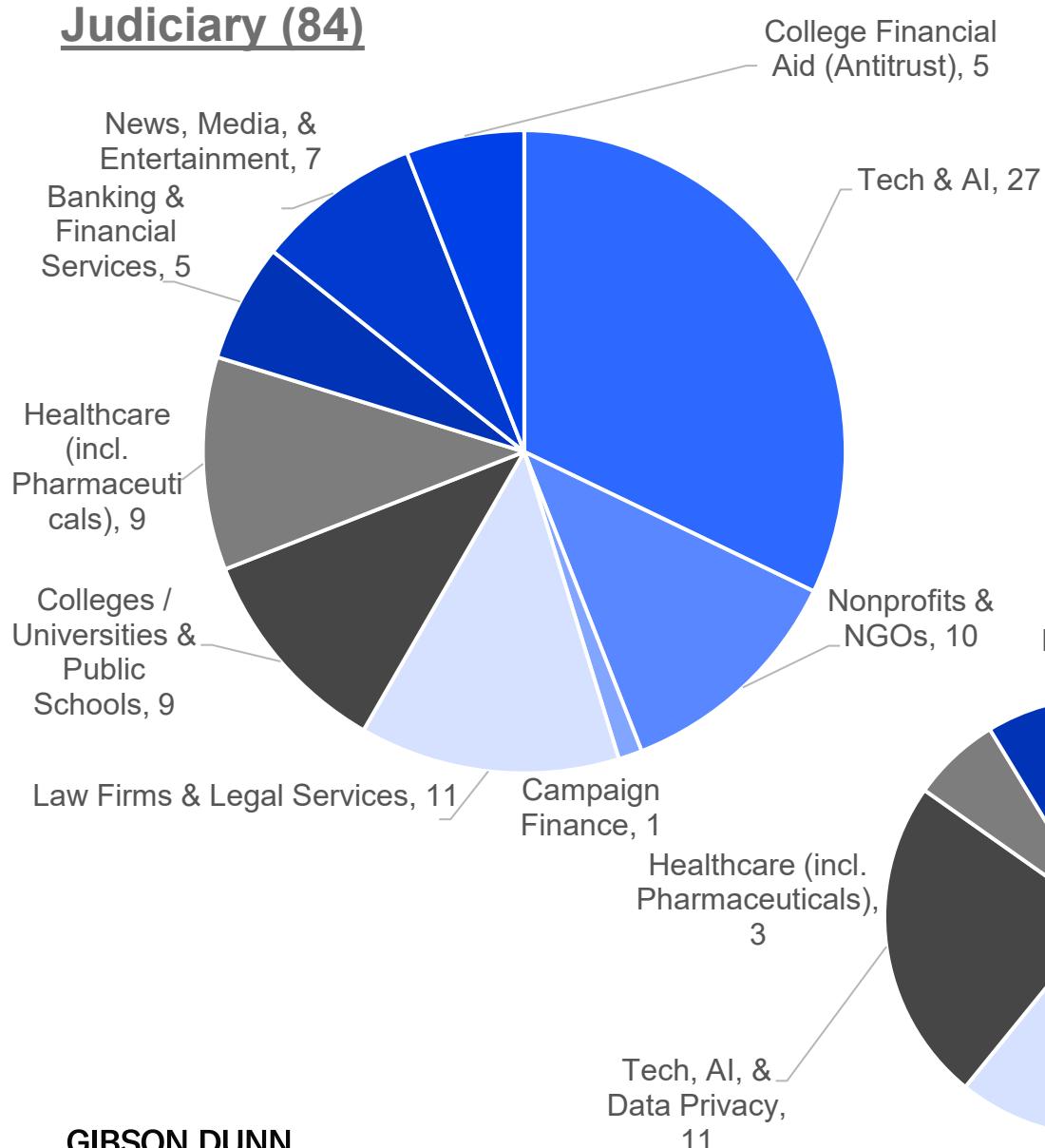
2025/2026 White Collar Webcast Series

Date and Time	Program	Registration Link
Monday, January 12, 2026 9:00 AM – 10:00 AM PT 12:00 PM – 1:00 PM ET	Consumer Protection Enforcement: DOJ, FTC, and State AGs at the Crossroads Presenters: Amanda Aycock, Ryan Bergsieker, Gustav Eyler, Diana Feinstein, Svetlana Gans, Debra Wong Yang	Event Details
Tuesday, January 13, 2026 9:00 AM – 10:00 AM PT 12:00 PM – 1:00 PM ET	SDNY Prosecution Trends Presenters: Barry Berke, Reed Brodsky, Mylan Denerstein, Jordan Estes, Karin Portlock	Event Details
Wednesday, January 14, 2026 9:00 AM – 10:00 AM PT 12:00 PM – 1:00 PM ET	World Bank Enforcement Initiatives Presenters: Michael Diamant, Pedro Soto, Oleh Vretsona	Event Details
Thursday, January 15, 2026 9:00 AM – 10:00 AM PT 12:00 PM – 1:00 PM ET	Managing Global Cross-Borders Investigations Presenters: Amy Feagles, Katharina Humphrey, Oleh Vretsona	Event Details
Wednesday, January 28, 2026 9:00 AM – 10:00 AM PT 12:00 PM – 1:00 PM ET	Commodities Enforcement and the CFTC Presenters: Amy Feagles, Jeffrey Steiner, David Burns	Event Details

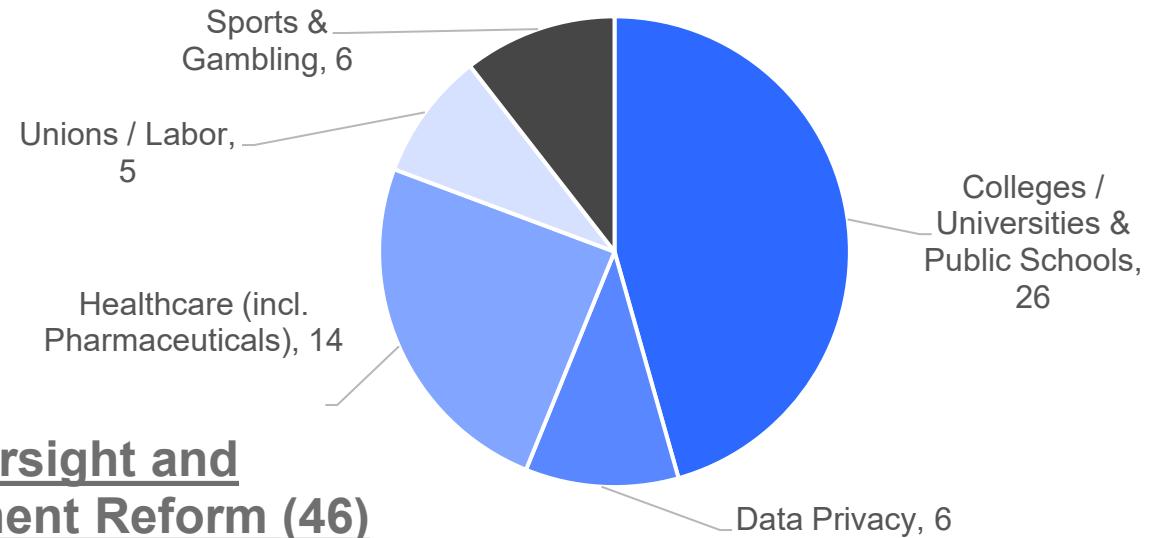
Appendix

Industries Investigated in the 119th Congress (House)

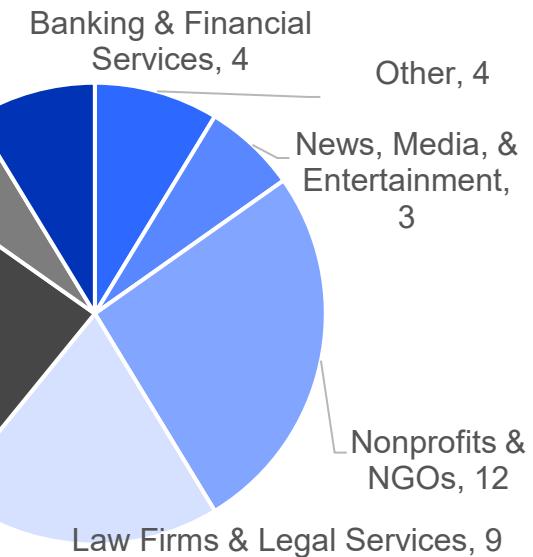
Judiciary (84)



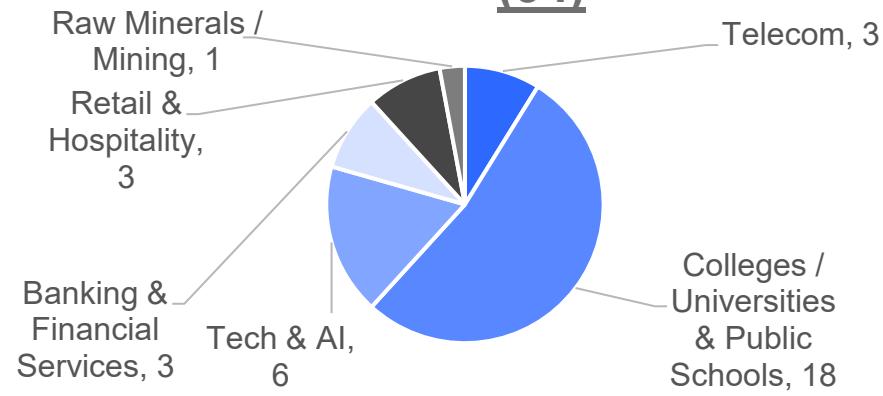
Education and Workforce (57)



Oversight and Government Reform (46)

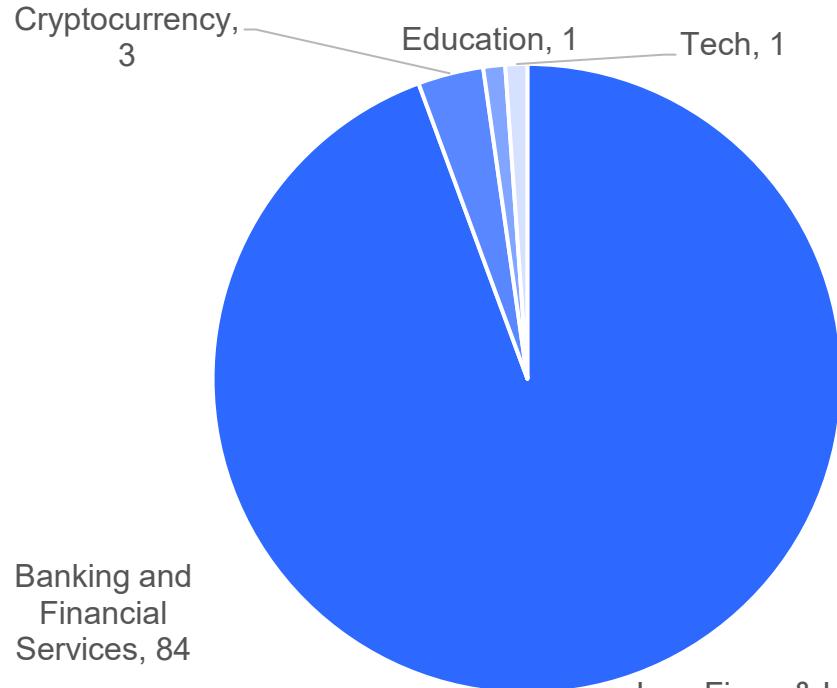


Select Committee on the CCP (34)

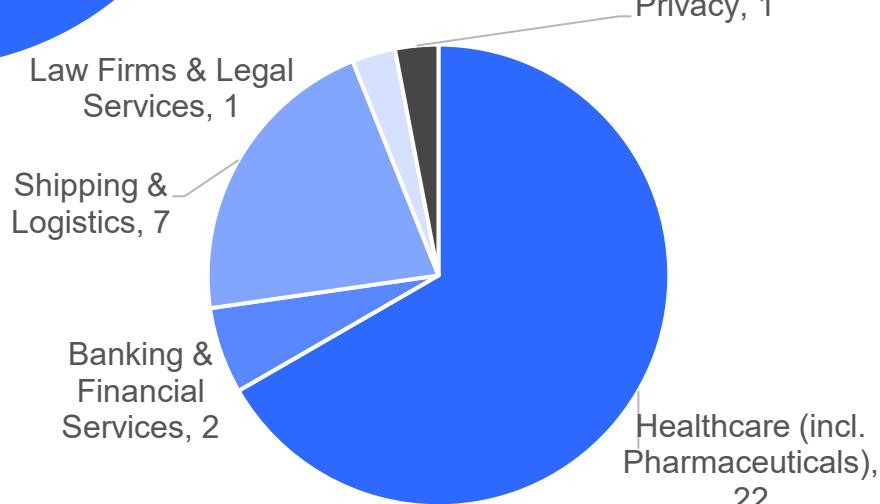


Industries Investigated in the 119th Congress (Senate)

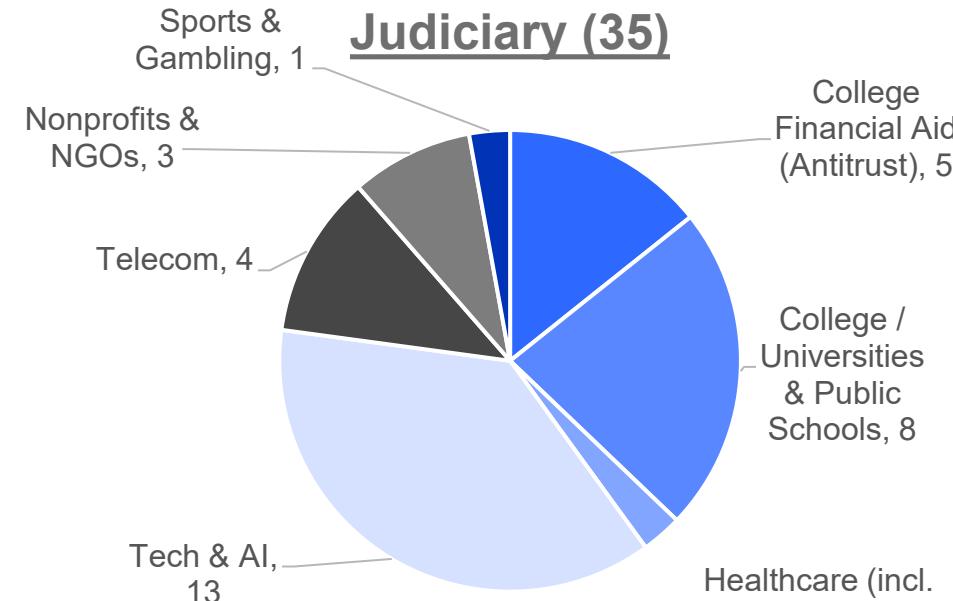
Banking, Housing, & Urban Affairs (89)



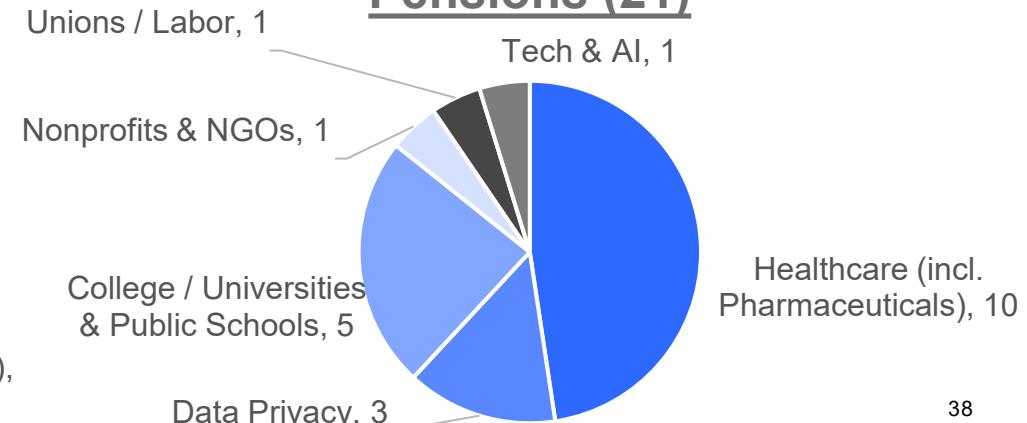
Finance (33)



Judiciary (35)



Health, Education, Labor, & Pensions (21)





EDUCATION

Harvard University
Juris Doctor

Brown University
Bachelor of Arts

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Michael Bopp is a partner in the Washington, D.C. office of Gibson Dunn & Crutcher. He brings his extensive government and private-sector experience to help clients navigate through the most difficult crises, often involving investigations as well as public policy and media challenges. He chairs the Congressional Investigations Subgroup and he is a member of the White Collar Defense and Investigations Crisis Management Practice Groups. He also co-chairs the firm's Public Policy Practice Group and is a member of its Financial Institutions Practice Group.

Michael's practice focuses on congressional investigations, internal corporate investigations, and other government investigations. He also advises clients on public policy and regulatory consulting in a variety of fields, and on managing and responding to major crises involving multiple government agencies and branches. Michael is one of only a handful of attorneys in the country listed in Band 1 for Congressional Investigations by *Chambers* – its highest rating. In addition, Michael has been recognized by *The Hill* as a top lobbyist for 2022 and 2023. *BTI Consulting* named Michael to its 2018 BTI Client Service All-Stars list, recognizing the “lawyers who truly stand out as delivering the absolute best client service” as determined by a poll of corporate counsel.

Michael has extensive experience representing clients in congressional, executive branch, and internal investigations. During more than a decade on Capitol Hill, Michael 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.

Michael has extensive knowledge of both legislative and regulatory processes, as well as of the powers and authorities of Congressional committees, and he has testified as an expert on Congressional investigations before Congress. He currently chairs the ABA's Committee on Legislative Process and Congressional Investigations. His contacts are extensive and strong in both Republican and Democratic circles.

Since joining Gibson, Dunn in 2008, Michael 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.

Michael's full biography can be viewed [here](#).



EDUCATION

Harvard University
Juris Doctor

Duke University
Bachelor of Arts

CLERKSHIPS

U.S.D.C., Southern District of New York

Barry H. Berke

Partner / New York

Barry H. Berke is renowned nationwide as a leading trial lawyer and white-collar criminal defense attorney. He is Co-Chair of the firm's Litigation Practice Group and a member of the Trials and White Collar Defense and Investigations Practice Groups. Barry represents individuals and corporations in high-stakes trials, investigations, and complex litigation. He is a fellow of the American College of Trial Lawyers. Barry is widely acclaimed for his success and creativity as a trial lawyer and strategist, his ability to connect with and persuade juries, and his skills in protecting his clients' interests.

Chambers USA has recognized Barry as a Band 1-ranked trial lawyer nationwide and a "Star Individual" in New York for white-collar crime & government investigations (one of only five lawyers). He has been praised in *Chambers USA* as "one of the foremost litigators in the U.S.," "the go-to criminal defense lawyer in the country," and "universally regarded as one of the best in the white-collar business." His peers and clients describe him as "the best lawyer of our generation" and "America's greatest trial lawyer."

Barry served as chief impeachment counsel to the U.S. House of Representatives during the Senate impeachment trial of the former President of the United States. As lead counsel, Barry was instrumental in preparing and presenting a case that garnered widespread recognition for its precise choreography and compelling presentation of factual evidence and constitutional arguments.

Previously, Barry served as special counsel to the Judiciary Committee of the U.S. House of Representatives during its first investigation and impeachment of the former President. He was instrumental in building the investigative framework, developing and drafting the articles of impeachment, and playing a prominent public-facing role during the House impeachment hearings. His opening statement and cross-examination of key witnesses received widespread acclaim, with *The Washington Post* naming him "Distinguished Person of the Week" and *Slate* describing his cross-examination of the president's former campaign manager as "a cross-examination that should be mandatory viewing for every law student in the history of time."

Barry co-authored *The Practice of Federal Criminal Law: Prosecution and Defense* and has taught courses on criminal law and professional ethics at New York University School of Law. He is also chairman of the board of directors of the Coalition for the Homeless and former chairman of the board of directors of the Federal Defenders of New York.

Barry's full biography can be viewed [here](#).



EDUCATION

Yale University
Juris Doctor

Willamette University
Bachelor of Science

CLERKSHIPS

U.S. Supreme Court, Hon. Anthony M. Kennedy

U.S. Court of Appeals, 9th Circuit

Thomas G. Hungar

Partner / Washington, D.C.

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 27 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.

Thomas 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, Thomas'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.

Thomas previously 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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Partner / Denver

Laura Jenkins Plack is a partner in the Denver office of Gibson, Dunn & Crutcher where she is a member of the White Collar Defense & Investigations and Litigation practice groups. She is a former Associate Deputy Attorney General at the U.S. Department of Justice. Laura previously practiced in the Firm's Washington, DC and Orange County offices.

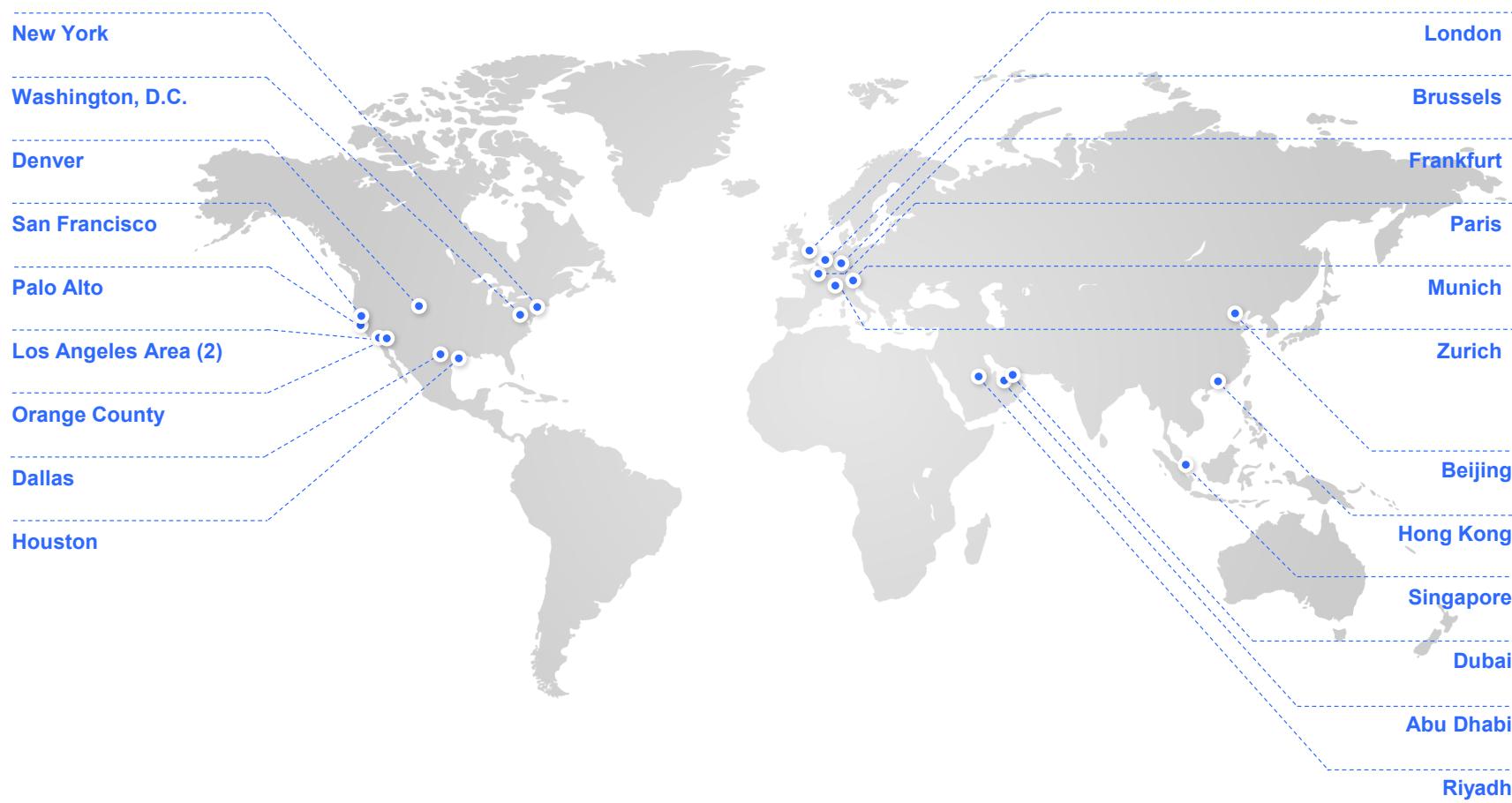
Laura represents and advises companies and executives facing internal investigations, regulatory and criminal investigations, congressional investigations, government enforcement actions, and complex litigation. Laura has experience across a range of industries including financial services, technology, digital assets, higher education, sports, defense, agriculture, and manufacturing.

Prior to joining the Denver office, Laura was appointed an Associate Deputy Attorney General at the U.S. Department of Justice. In that role, Laura advised the Deputy Attorney General on significant legal and policy matters. She regularly provided strategic oversight on behalf of Department leadership relating to some of the Department's most complex and high-profile actions. In this capacity, Laura worked closely with various components, including the Civil Division, the Criminal Division, the Executive Office for U.S. Attorneys, the Civil Rights Division, the Federal Bureau of Investigation, the Office of Legal Policy, the Office of Legislative Affairs, and the U.S. Trustees Program.

Laura received her law degree from the University of Virginia, where she served as a Senior Editor of the *Virginia Law Review*. After graduation, she clerked for the Honorable Jerry E. Smith of the U.S. Court of Appeals for the Fifth Circuit. Laura also served as a judicial extern during law school for the Honorable Diarmuid F. O'Scannlain of the U.S. Court of Appeals for the Ninth Circuit. Prior to law school, Laura worked at the White House for President George W. Bush as a Director in the Chief of Staff's Office and the Office of Strategic Initiatives. She also served in the Office of the General Counsel at the U.S. Department of Homeland Security. Laura earned her undergraduate degree *magna cum laude* from the University of Oregon Honors College, where she was inducted into Phi Beta Kappa and was a member of the University of Oregon cheerleading team. Laura is admitted to practice law in Colorado and California.

Laura's full biography can be viewed [here](#).

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