Fisher Broyles

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Practice Areas: Compliance Counseling; Cyber-Risk; Privacy & Data Security; Government; Intellectual Property; International; Litigation – Civil Pretrial and Trial Services; Regulatory Law & Government Contracts; Technology
Bar Admissions: District of Columbia; Virginia; Federal, DC,1st, 2nd, 4th, 5th and 9th Circuits; US Court of Federal Claims; US District Court, DC; US District Court, ED Va
Education: American University, Washington College of Law, J.D.; Kalamazoo College, BA.
Experience: Mintz Levin; Shaw Pittman

Government Contracts

Jonathan has 30 years of experience in assisting domestic and foreign companies, universities and non-profit organizations with transactions and litigation involving federal grants and contracts for research, development and acquisition information systems, software and services, communications equipment and services, life sciences products, defense hardware and materials, health care services, support services, humanitarian and development assistance, infrastructure project development, and outsourcing.

He provides his clients with a full range of government contracts representation, including

- Bid protests and claims
- Buy America compliance strategy and requirements
- Contract negotiation and award
- Cost accounting standards
- Data and supply chain security
- False Claims Act compliance and defense
- FCPA compliance and defense

- FOIA and “reverse FOIA” litigation
- Foreign ownership, control, and influence
- Foreign military sales and financing
- GSA Schedule contracting
- IP Protection and Data Rights
- ITAR and other export controls
- Organizational conflicts of interest
- Procurement integrity
- SBIR grants, CRADAs and cooperative agreements
- Security clearances
- Service Contract Act compliance
- Small business preferences and OFCCP audits
- Subcontracting and teaming
- Technology transfer and manufacturing waivers

He helps companies from start-ups to major defense contractors in all aspects of government procurement law, including requirements development, proposal development and pricing, contract bidding and negotiation, offer evaluation, intellectual property protection and technology transfer, subcontracting, contract financing, affirmative action and small business set-asides. Jonathan has been named a “Super Lawyer” by his peers in Government Contracts law.

Export Control and Foreign Ownership

Jonathan helps U.S. companies selling to foreign commercial and government customers with compliance with the regulatory requirements that accompany such sales. This includes compliance with and licensing under the ITAR and EAR export controls, OFAC sanctions and licensing, foreign licensing of government-funded R&D, and compliance involving foreign acquisition and control of U.S. entities performing sensitive and classified work, including FOCI mitigation. He also works with M&A counsel to secure the approval of the foreign acquisition of U.S. businesses by the Committee on Foreign Investment in the United States (CFIUS).

Data Security

Jonathan has extensive experience in privacy and data security, with a focus on data privacy and security law and regulation governing federal agencies and federal contractors. He conducts risk assessments to determine data privacy risks to assess privacy practices, and assists with drafting and implementation of privacy policies, information security policies, and data security breach response and remediation. He is certified by the International Association of Privacy Professionals as an information privacy professional, with a specialization in government data (IAPP/G).

Litigation

When his clients require litigation to vindicate their rights, Jonathan litigates government contract protests and claims before administrative tribunals and the federal courts. He also litigates FOIA, reverse FOIA and complex software, communications, and information systems contract cases in state and federal trial and appellate courts.

Presentations & Teaching Experience

- Speaker, State and Local Regulation of UAV Operations, Devens Robotica 2015, Devens, MA (2015)
- Speaker, Tech Transfer Agreements: Negotiating with the Government & Academics, Association of Corporate Counsel, San Diego, CA (2015)
- Panelist, Responding to Insider Data Theft & Disclosure, Webinar (2015)
- Moderator, HACKED! What to Do When It Happens to You, Washington, DC (2015)
- Panelist, IoT Privacy and Security Implications: What New Regimes and Policies Will be Needed for the Emerging Connected World, CyberMaryland 2014 Conference, Baltimore, MD (2014)
- Speaker, Cybersecurity Oversight in the Boardroom, Directors Forum, Corporate Directors Group, Washington, DC (2014)
- Panelist, Best practices for assessing, preparing for, and responding to data breach incidents, Data Privacy and Security Roundtable, San Francisco, CA (2014)
- Speaker, Government Contracts, Veteran-Owned Business Series, San Diego, CA (2014)

- Panelist, NIST Framework: How to Best Mitigate Cyber Risk for Your Organization, Boston, MA (2014)
- Speaker, Funding Your Company with an SBIR Education Technology Grant, Learn, Launch, Boston, MA (2014)
- Speaker, Corrupt or Compliant? Protecting Your Company and Executives from FCPA Liability in 2013, Association of Corporate Counsel San Diego Chapter, San Diego, CA (2013)
- Speaker, Keynote, Making an Intelligent Deal With In-Q-Tel: Risks and Rewards of Taking CIA-Backed Investment, CommNexus, San Diego, CA (2013)
- Speaker, Opening Remarks, In-Q-Tel Looking for Innovative Technologies from Emerging Companies, CommNexus, San Diego, CA (2013)
- Moderator, Government Contractor M&A In Era of Budget Uncertainty, CommNexus, San Diego, CA (2012)
- Speaker, Speaker, Legislative Update: Protecting the National Supply Chain, Fund Your Growth; Turn Commercial Applications into National Security Solutions, CONNECT, San Diego, CA (2012)
- Speaker, Building Your Business in the Defense Sector, San Diego Advanced Defense Technology Cluster Workshop, CONNECT, San Diego, CA (2011)
- Structuring Investment in SBIR Funded Companies: New Opportunities for Venture Capital, Webinar (2012)

Publications

- *Applying for a Waiver from U.S. Manufacturing Requirements for Federally Funded Intellectual Property*, BNA's Life Sciences Law & Industry Report (08.21.2015)
- *How to Respond to Government Contract Delays and Changes*, Law360 (02.20.2013)