



NELSON MULLINS

Washington, D.C.

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Nelson Mullins in Washington, D.C.



Located on Constitution Avenue just across from the Capitol, our Washington office is staffed by individuals with years of experience at the forefront of legislative, business, judicial, regulatory, and diplomatic developments.

Understanding how government works and how it affects our clients is a key service that the Washington office provides. Nelson Mullins represents national and global clients with needs and interests that are affected by the Administration, Congress, regulatory agencies, and international organizations. Our Washington office corporate attorneys have transactional experience in banking and securities regulation, including investment company and broker/dealer issues, healthcare, and energy. Our litigation attorneys represent clients in

matters of federal agency law, telecommunications, insurance, and white collar crime.

Representing clients around the country and the world, the firm and its Washington office contribute to our status as a full-service law firm.



*Scan to learn more
about the culture of our
Washington, D.C. office.*

Our Washington, D.C. Practices

Commercial Real Estate & Affordable Housing



Our real estate attorneys represent clients in transactions involving the buying, selling, and development of mixed-use, commercial, and residential (market rate and affordable) projects across the United States as well as in U.S.-controlled territories. We have extensive experience negotiating development agreements, construction agreements, construction management agreements, property management agreements, cost-sharing agreements, reciprocal easement agreements, and declaration of covenants, conditions, and restrictions. The team also works on matters related to condominium regimes and associations, including negotiation and settlement of warranty claims filed against developers. Our attorneys' areas of experience include state and local government regulation and approvals; lending and tax

exempt bonds; underwriter, trustee, and issuer representation; new market tax credits, opportunity zones, and EB-5; all aspects of affordable housing; tax refunds, land use, and tax credit condominiums; real estate acquisition and disposition; and litigation.

In the affordable housing practice, our attorneys represent local and regional developers, lenders, and bond issuers. The team has experience structuring single-family and both traditional and innovative multifamily housing revenue bond transactions, including those credit-enhanced under HUD's Risk-Share Program and by Fannie Mae and Freddie Mac, as well as unrated, unenhanced direct placement bonds and tax-exempt loans. Our attorneys have strong relationships with syndicators, lenders, and governmental agencies which help to meet client needs.



Communications, Entertainment & Media



The Nelson Mullins Communications, Media & Technology Practice Group helps clients ranging from global brands to start-ups in navigating an evolving array of communications, internet and consumer protection laws, and regulations affecting companies that provide as well as those that use communications or incorporate communications into their products and services.

We represent clients before the Federal Communications Commission (FCC), Congress, and state regulatory agencies from coast to coast in work that includes public policy advocacy, federal Universal Service and related federal and state broadband connectivity programs, enforcement and investigations/audit defense, licensing, transactions and related national

security approvals, equipment authorization, and dispute resolution. We provide additional counseling services to our clients on a host of matters including market entry, regulatory classification, business plan and product development, compliance, foreign ownership transaction approvals and risk mitigation agreements, privacy, mobile marketing, and regulatory due diligence.

We represent clients in litigation and appellate cases in both federal and state courts. We also handle a range of corporate transactional matters, including negotiating and preparing purchase, distribution and license agreements, conducting due diligence, and obtaining state and federal (FCC, U.S. Government and Committee on Foreign Investment in the U.S. (CFIUS)) regulatory approvals of communications and media transactions.

Our team includes five partners, two counsel, senior and junior associates, and others who collectively have decades of experience before the FCC and state public utility regulators in handling market entry, enforcement, investigations and transactions, resolving compliance issues and business disputes, and advocating for clients in rulemaking, and other regulatory proceedings.

Our clients include one of the largest communications providers in Europe, the Caribbean, and Latin America, large and small international entities providing services in the U.S., mobile and fixed internet service providers, cable and wireless network operators, equipment manufacturers, broadcasters, tower owners, industry associations, equipment and vehicle manufacturers, and a range of other companies involved in delivering products that leverage connectivity and data as part of the Internet of Things and the enablement of connected life.



Corporate



Our Corporate Team has extensive experience counseling a variety of companies, investment banks, funds, and individuals regarding corporate governance, strategic planning, securities offerings, mergers and acquisitions, and regulatory compliance.

Bankruptcy

Nelson Mullins' bankruptcy, creditors' rights, and financial restructuring attorneys combine trial skills, pragmatic business insight, assertiveness, and decades of diversified experience to help clients obtain results. We represent clients in negotiations and courtrooms in bankruptcy and other insolvency matters around the country, including distressed company representation,

bank and secured creditor representation, acquisition of financially distressed assets, bankruptcy trustee, receivership, examiner practice, creditors' committee representation, bankruptcy appeals, franchise system representation, indenture trustee representation, landlord and property owner representation, and preference and other claw-back litigation.

Business Development Companies & Specialty Finance

Our Corporate Team provides a one-stop service for business development companies (BDCs), from formation and strategic growth to offerings, portfolio transactions, and governance and compliance. We have represented both traded and non-traded BDCs, internally and externally managed BDCs, downstream and upstream affiliated funds, SBICs, investment advisers, and underwriters and dealer managers active in the BDC space. We also ensure client compliance with regulatory schemes, including under the Securities Act of 1933, the Securities Exchange Act of 1934, Investment Company Act of 1940, Investment Advisers Act of 1940, IRS treatment of regulated investment companies (RICs), NYSE and Nasdaq rules, FINRA, NASAA, and industry standards.

Capital Markets & Securities

Our Securities Team has extensive experience representing issuers, underwriters, selling shareholders, and venture capital and private equity firms on a wide spectrum of offerings, including initial public offerings and follow-on public offerings, at-the-market offerings, bought deals, shelf takedowns, private offerings of public equity, confidentially marketed public offerings and other wall-crossed offerings, Rule 144A equity offerings, and private placements under Regulation D and Section 4(a)(2). We advise clients in a variety of industries and companies, including BDCs and specialty finance, FinTech, healthcare, diversified industrials, and others in the government contracting and technology sectors. We view securities offerings as a collaborative process, and we help guide our clients through all phases of capital raises — from corporate formation through preparation of offering and marketing materials, initial public offerings, and regulatory filings through public reporting.



Energy

Our attorneys have represented clients on energy transactions, federal energy regulatory matters, and energy policy throughout the United States. Our team includes a former U.S. Ambassador to Canada, former in-house counsel to the nation's largest Regional Transmission Organization, and prior in-house counsel for a publicly traded energy efficiency company. The firm's energy practice group is at the cutting edge of the nation's changing power sector, from advocating for new market opportunities on behalf of independent power producers and the nation's largest renewable energy trade associations to assisting in complex transactions involving some of the country's largest microgrids.

Additionally, our Latin America and the Caribbean Team advises clients in connection with a wide variety of corporate, transactional, and financial matters, including investments and projects in the energy and infrastructure sectors. The team consists of fluent or native-speaking Spanish/Portuguese lawyers with more than a century of combined experience working with clients in the region to achieve their business goals and commercial or financing objectives. Our expertise includes cross-border transactions, multilateral transactions, and working with federal government agencies involved in energy and infrastructure projects.

The firm is experienced in counseling clients across a spectrum of matters, including federal, state, and local tax structures and incentives, energy transactional matters, permitting and environmental compliance, state utilities commission, energy regulatory matters, commercial disputes involving project development, and emerging market opportunities, such as energy storage.

Financial Services

Over the past 10 years, Nelson Mullins has served 325+ financial institution clients. Our team is experienced in the formation, acquisition, and divestiture of bank holding companies, state and national banks, branches of banks, and savings and loan associations. We're also among the leading national practices involving troubled bank recapitalizations and Section 363 transactions, and have significant real estate capital markets and REIT experience. Consistently ranked among the top counsel in completed securities offerings on the East Coast, our Securities Team has extensive experience representing issuers, underwriters, selling shareholders, and venture capital firms on a wide spectrum of offerings. This includes public and private securities issuances across industries, from FinTech to healthcare to specialty finance.

Healthcare

The Nelson Mullins Healthcare Team provides legal representation attuned to the sensitive nature and intensity of oversight involved in healthcare transactions, claims, and regulatory matters. We work closely with clients to navigate the complex issues and regulatory parameters associated with various types of transactions, including joint ventures, mergers and acquisitions, voluntary self-disclosures, and financing. We guide clients on patient care and operational issues, healthcare reimbursement, and telemedicine. Our litigators have represented clients in courtrooms across the U.S. and our team includes attorneys experienced with defense and investigation matters before the U.S. Department of Justice, Office of the Inspector General, Centers for Medicare & Medicaid Services, Food and Drug Administration, Federal Trade Commission's healthcare division, and state healthcare regulatory agencies.



Customs, International Trade & Sanctions



Whether clients are seeking to import goods into the United States, export military defense articles, defense services, or “dual-use” military and commercial goods and services, engage in international transactions with foreign enterprises, foreign nationals and entities, maintain global import and export regulatory trade compliance programs, or comply with licensing and compliance agencies, bureaus, and departments of the U.S., our team guides them every step of the way. Our customs and international trade services help clients achieve global compliance and establish internal controls to minimize costs in connection with goods being imported and exported from the U.S. We conduct in-house training to support company adherence to compliance regulations and programs, and export markets through careful review of regulatory regimes including export controls and trade sanctions under BIS (EAR), DDTC (ITAR), and OFAC rules. We adopt an informed approach to global sourcing so that products subject to Anti-Dumping & Countervailing Duties orders with large duties may be avoided through alternative sourcing. The team has broad experience and diverse perspectives to help clients manage complex issues for their global business activities. Our clients include Fortune 50 companies, privately held businesses, businesses with global operations, importers, freight forwarders, retailers, trade associations, and heavily regulated companies in the manufacturing and service industrial sectors.

FCPA Investigations, Compliance & Advisory



Our Foreign Corrupt Practices Act specialists can assist you in handling any FCPA problem. We have significant experience representing companies and individuals before the U.S. Department of Justice (DOJ) and the SEC in FCPA investigations. In addition, we can assist your company in responding to any potential FCPA matter, devise an internal investigation, and, if applicable, self-disclose the matter to the DOJ and SEC. We also can assist your company in devising a robust anti-corruption and anti-bribery (ABC) risk assessment, instituting ABC compliance policies and procedures, and strengthening internal ABC controls. In addition, we provide clients with ABC and FCPA risk and mitigation counseling in connection with international business transactions, and have extensive experience in conducting transactional ABC M&A due diligence.

One of our partners is a former senior FCPA prosecutor and Deputy Chief of the Fraud Section of the DOJ's Criminal Division, and his experience at both DOJ and in private practice includes significant experience investigating complex cross-border FCPA cases, assessing corporate compliance program enhancements required under deferred prosecution agreements, conducting internal investigations in China, the Middle East and elsewhere, conducting in-country compliance reviews in Brazil and the Middle East, and representing witnesses in FCPA-related civil arbitrations and court proceedings.



Government Relations



The Government Relations Team combines legal, political, and international diplomatic experience, advocacy, and business acumen to develop strategies that deliver measurable results. We bring clients an understanding of the legislative, administrative, regulatory, and political processes in the nation's capital, as well as in states, counties, and cities. Our team of more than 30 government and public affairs professionals includes former members of Congress, a Cabinet official and governor, two U.S. ambassadors, professional Capitol Hill and statehouse staff, national and state political party leaders, and agency appointees. Our bipartisan relationships at the national, state, and local levels of government and non-government entities complement our business, political, and legal experience to provide strategic political intelligence; identify emerging areas of political, legislative, and regulatory risk and opportunity; and develop effective strategies for achieving client goals.

The experience of the Government Relations Team is wide ranging — appropriations, automotive, commerce, communications, defense, economic development, education, energy, financial services, foreign relations, health, infrastructure, tax, trade, and transportation are issue areas we cover. We counsel our clients on challenges and opportunities that exist, or may arise, with regard to federal legislation, regulation, funding, programs, grants, and project development, as well as organize advocacy events and presentations to advance client interests. Our clients include local and state governments, sovereign nations, higher education institutions and associations, health organizations, nonprofits, foundations, and defense contractors. In addition to the professionals in the Washington D.C. office, the team includes government relations attorneys and other professionals in Florida, Georgia, Maryland, Massachusetts, North Carolina, Pennsylvania, South Carolina, and Virginia.

Defense Sector

When clients seek to manage evolving and complex Department of Defense (DoD) regulations, a changing defense marketplace affecting vendors of all sizes, or any significant political change in Washington, D.C. and across the U.S., our team can help. We provide responsive, experienced, and realistic advice for our clients to make informed decisions. We maintain close working relationships within the DoD, State Guard and Reserve agencies, major defense contractors, military facilities, members of Congress, as well as universities and organizations supporting the defense sector. The Nelson Mullins Defense Sector Team may help clients manage the challenges faced in today's environment by providing counseling on acquisition of DoD contractors, self-classification of export licensing for defense articles/defense services and commodities under ITAR/EAR provisions in aviation, encryption, and telecommunications industries, and on voluntary self-disclosures under Deferred Prosecution Agreements.



Education

Education stands at the crossroads of pedagogy and politics. Our interdisciplinary team helps our clients reach their goals and think ahead. We provide boots-on-the-ground, holistic representation for large and small public school districts, colleges and universities, and education service providers to serve your policy and legal needs. Nelson Mullins education professionals serve as thought leaders and partner with industry stakeholders to influence education policies and implement best practices. We work with local, state, and federal regulatory agencies, administrative tribunals, federal courts, members of Congress and staff to achieve optimal results for our clients. Our team members are attorneys and other professionals who are deeply committed to helping clients achieve excellent outcomes that benefit students. The team includes a former U.S. Secretary of Education and Governor, as well as teachers, professors, and trustees of higher education institutions, most of whom also have extensive Capitol Hill and executive branch service. Our clients have an overarching mission — educating America's students, young and old. Our experience and deep commitment to this mission give us the perspective and ability to serve our clients effectively.

Infrastructure

Nelson Mullins has significant experience in promoting matters related to infrastructure. Our team of professionals, including former members of Congress, supports a range of clients in the fields of transportation, water resources, and broadband. We represent municipalities, businesses and industry clients before federal agencies and Congressional authorizing and appropriating committees, always seeking to promote policy and funding decisions that maximize the client's interests. Through grants and earmarks, we have helped clients get hundreds of millions of dollars in infrastructure money for highways, bridges, waterlines, sewage treatment plants, and broadband among other projects.

International Relations & Sovereign Government Advocacy

Sovereign governments need representation on a wide array of international legal matters. Nelson Mullins creates custom, comprehensive approaches tailored to the specific needs of sovereigns in federal government strategy, media and public relations, and legal services. In-depth experience gives the Nelson Mullins sovereign practice a practical and effective edge. We have served as trusted counsel and political advisors to clients on five continents on matters that include securing increased bilateral aid and negotiating trade preferences, identifying infrastructure and investment opportunities, and addressing country reviews in congressionally mandated annual reports from the U.S. Department of State.

Our international government relations and sovereign government advocacy services have helped clients advance economic development by advising foreign sovereigns how best to structure laws to attract Foreign Direct Investment, and then identifying opportunities within our network of private businesses and major investment institutions. We anticipate and act proactively on emerging risk through continual tracking and monitoring of executive, judicial, legislative, and regulatory activities. Our team crafts and secures international agreements, including free-trade agreements and resolutions to territorial disputes by supporting political negotiations and identifying third-party allies.

Nelson Mullins develops and nurtures relationships with key non-government organizations and third parties, creating a narrative that strengthens the sovereign's reputation and positions on issues. The needs of sovereign governments are diverse and require personalization and flexibility as new challenges and opportunities arise. Nelson Mullins anticipates and understands the specific needs of clients, having served foreign actors from sovereign national governments to opposition candidates and national interest groups.



Korea



Our Korea practice represents Korea-based businesses seeking to operate in the United States. The team, consisting of fluent Korean-speaking lawyers with more than 60 years of combined experience working with or for Korean companies, collaborates with clients to achieve their business goals and growth objectives. Our lawyers are practiced hands with Korean business culture and customs and understand the culture's communication and negotiation styles, relationship-building focus, and the decision-making process. We help client efforts to secure state and local incentives, safeguard technology transfer, obtain immigration visas for non-U.S. personnel, and set up employment policies and procedures and employee benefits plans. We break apart the maze of federal, state, and local regulations, clarify clients' legal obligations, and advise Korean companies of pertinent U.S. industry regulations. Additionally, for Korean businesses without in-house counsel, we offer general counsel services. We also regularly advise our Korean corporate and government clients on U.S. federal and state government relations issues.

Litigation



Our lawyers are problem solvers and problem preventers who assist clients in making careful, timely, and informed decisions. We achieve business goals through sound litigation solutions. Our client-focused approach includes understanding the client's business and business litigation objectives, evaluating litigation costs versus benefits when compared to alternatives, assembling the right team to litigate matters, with a preference for lean staffing, and developing and aggressively executing on an agreed strategy.

When clients need help responding to insurance settlement offers within policy limits and recognizing the legal implications of such offers, recognizing and protecting against "bad faith set-up" situations, understanding the legal and business issues involved in processing claims so as to avoid bad faith allegations, and aggressively defending bad faith and extra contractual liability claims, our litigation team is ready to assist.

Our litigators in D.C. include experienced product liability and class action defense practitioners. We have decades of experience defending product liability cases, including in the automotive and medical device industries, both nationally and regionally. Our class action experience includes defense of product-related class actions across the country involving automotive and consumer products, including California CLRA and UCL claims, other consumer protection and false advertising statutory claims, as well as common law claims for fraud, breach of warranty and misrepresentation. We also have experience defending TCPA and financial services class actions. Our litigators have led multidistrict litigations, served as national and regional counsel, and work closely with other Nelson Mullins attorneys around the country defending high-profile product-related class actions for our clients.

Nelson Mullins' bankruptcy attorneys have decades of experience, substantial resources, well-earned respect from the courts and opposing counsel, and bring an assertive approach to bankruptcy matters. We regularly appear in bankruptcy courts, as well as other state and federal courts and, aligned with your goals, are settlement savvy while being trial ready. Our bankruptcy practitioners include certified attorneys and attorneys who serve as bankruptcy trustees. We remain focused on what is important in a case and strive to be efficient and effective.



White Collar Defense & Government Investigations



We can guide you step by step in responding to a regulatory civil investigative demand, grand jury subpoena, or informal regulatory inquiry; provide formal, on-the-record testimony to a regulatory agency or self-regulatory organization; investigate alleged internal wrongdoing; and defend against an indictment at the federal or state level. The Nelson Mullins White Collar practice leverages experience across disciplines to help clients navigate an ever-changing regulatory environment by listening and responding to client needs beyond a particular engagement. Our clients range across public and private companies and business sectors, including Fortune 500 companies, federal and state

regulated companies, local, regional, and national financial institutions, as well as for-profit and not-for-profit healthcare institutions and vendors. Some areas in which the group does a significant amount of work, not just in Washington, D.C., but around the country are: securities fraud, Foreign Corrupt Practices Act cases, healthcare fraud, and receivership work.

Offering multidisciplinary representation to clients, the attorneys work closely with our government advocacy and public policy, business litigation, FDA/life sciences regulatory, and other practice groups. One attorney's government career experience includes serving as deputy independent counsel, the number two position in the Whitewater/Lewinsky Investigation, he also served as Chief of the Financial Institution Fraud Unit and Healthcare Fraud Coordinator in the U.S. Attorney's Office for the Western District of Texas.

EducationCounsel



A mission-based team within Nelson Mullins, EducationCounsel combines significant experience in policy, strategy, law, and advocacy to drive improvements in U.S. education systems. We develop and advance evidence-based ideas at the local, state, and national levels to strengthen education systems. With a major focus on issues of equity, we promote opportunities in order to close achievement gaps and significantly improve education outcomes for all children from early childhood through postsecondary education.

EducationCounsel's deep institutional knowledge and partnerships with major stakeholders and policymakers at all levels help bring together the threads of policy, program design, and implementation for our clients, many of whom are leading nonprofits, foundations, state education agencies, school districts, and higher education institutions. We work with clients from the conception of their goals through building consensus and creating implementation plans to actualize those goals, providing ongoing counsel to address the complexities that exist at all levels.

We have a track record of forging the partnerships needed to bring about meaningful and systemic change. Throughout EducationCounsel's history, clients have relied upon our deep knowledge and experience to develop lasting solutions to complex problems at the federal, state, and institutional levels that can make real change for all students and help them achieve their goals.



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