



James K. Kearney

Profile

Mr. Kearney represents clients in matters involving international and government contracting, regulatory compliance, internal investigations, and enforcement proceedings. His practice focuses on helping clients assess and manage the unique regulatory risks involved in contracting with government entities, and with managing cross-border transactions and global supply chains. He is a member of the Firm's Government Contracts Group, Global Practice Group, and Supply Chain Initiative. Mr. Kearney represents regulated entities in all sectors, including financial, pharmaceutical, life sciences, chemicals, defense, electronics, technology, manufacturing, services and university/research. Relevant experience includes representing clients with respect to:

Practice Areas

Public Contract Law /
Government Contracts Litigation /
Homeland Security /
International Trade &
Customs /
Global Supply Chains /
Export Controls /
Economic Sanctions /
Antiboycott /
FCPA /
CFIUS/Foreign Ownership &
Control/
Corporate Investigations /
Internal Compliance Programs /
Freedom of Information Act

Contact Information

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- U. S. export and trade sanctions laws, including restrictions on the transfer of software, technical data, and hardware arising under the International Traffic in Arms Regulations, the Export Administration Regulations, and the Foreign Assets Controls Regulations.
- Federal and state government contract bids and proposals; contract drafting, negotiation and interpretation; teaming agreements, joint ventures, and subcontracts; novation requirements for mergers and acquisitions; and, rights in technical data, trade secrets and other intellectual property under government contracting.
- Government contract disputes, such as bid protests, termination disputes, subcontractor disputes, and inspector general and grand jury investigations of false claims allegations.
- Development of internal compliance programs, policies and procedures, and conducting internal investigations, compliance audits, and training.
- Compliance with the U.S. Foreign Corrupt Practices Act, and related enforcement proceedings.
- Transactions subject to Exon-Florio and review of foreign ownership, control and influence by the Committee on Foreign Investment in the United States (CFIUS).
- Compliance with classified industrial security clearance program requirements, including foreign ownership and control issues.
- Trade remedy proceedings before the International Trade Commission, the U.S. Trade Representative, U.S. Departments of Commerce and State, U.S. Customs and Border Patrol, the U.S. Court of International Trade, and the U.S. Court of Appeals for the Federal Circuit.

- Administrative and judicial proceedings regarding Freedom of Information Act requests and “reverse FOIA” administrative and judicial proceedings.
- Regulatory compliance issues affecting cross-border supply chains.

Admitted to Practice

Admitted to the bar, 1976, Virginia; 1976, District of Columbia. Admitted to practice before the U.S. Supreme Court; U.S. Court of Appeals, D.C. and Federal Circuit; U.S. Court of Federal Claims; U.S. Court of International Trade; U.S. District Court, District of Columbia; Virginia Supreme Court; D.C. Court of Appeals.

Selected Professional Activities

Vice Chair, ABA Section of Public Contract Law, International Procurement Committee; Arbitrator for the Arbitration Institute of the Stockholm Chamber of Commerce, 2001; Adjunct Professor of Law, International Dispute Resolution, George Mason University Law School, 1994-2000.

Education

J.D., University of Virginia, 1976; B.A., University of Pittsburgh, 1973.

Prior Legal Experience

Partner, 1985-2004, Associate, 1976-1984, Reed Smith, Washington, DC.

Presentations/Publications

- *In-house Counsel in the Cross-Hairs – How to Avoid Pitfalls Presented by New and Changing Federal Laws and Regulations*, Northern Virginia Technology Counsel General Counsel Committee (April 2011).
- *A Rule Change a Day: Inside Counsel’s Guide to Government Contracting Under the New Administration*, Research Triangle Area Chapter of the Association of Corporate Counsel of America (2010).
- *Managing the Growth of Your Company in Today’s Regulatory and Economic Environment*, CEO Forum (2010).
- *InfoPAK: Complying with United States Export and Sanctions Laws and Regulations*, Association of Corporate Counsel of America (2009).
- *A Rule Change a Day: Inside Counsel’s Guide to Government Contracting Under the New Administration*, Washington Metropolitan Area Corporate Counsel Association (2009).
- *Is Your Company Unknowingly an Exporter?*, Association of Corporate Counsel of America (2008).

- *The National Defense Authorization Act's Green Procurement Policy: The "Greening" of the Defense Supply Chain*, ABA Aerospace & Defense Industries Committee, Paper No. 02/2008.
- *Your Role in the Life of Government Funding Agreements*, Womble Carlyle Seminar Series (2007 - 2008).
- *International Business Compliance Issues*, Northern Virginia Technology Council (2007).
- *Preparing Your Company for Federal Spin In: The Practitioner's Perspective*, Virginia Center for Innovation Technology (2005).
- *International Public Procurement—Legal and Practical Insights for Investors*, ABA Section of International Law (2004).
- *Export Control Regulations and Foreign Nationals in University Research*, National Association of College & University Attorneys (2004).
- *Do You Need Export Licenses for Your Employees?*, Information Technology Association of America (2004).
- *Do Due Diligence for Acquisitions: Don't Buy an Enforcement Action*, The Export Practitioner (September 2003).
- *Procurement Law & Compliance: The Rules of the Road*, U.S. Department of Energy, Small Business Conference (2002).
- *Where the Bodies Lie Buried: Updating Your Compliance Program after Enron*, National Contract Management Association (2002).
- *Benchmark Compliance Practices to Ensure Conformity with Updated Trade Regulations*, World Research Group (2002).
- *International Contracting Law*, International Development Law Institute, Rome, Italy (2001).