Government Investigations into AI Systems

November 13, 2024

MCLE CERTIFICATE INFORMATION

MCLE Certificate Information

- Approved for 1.0 hour General PP credit.
- CLE credit form must be submitted by **Wednesday, November 20**.
- Form Link: https://gibsondunn.qualtrics.com/jfe/form/SV_0pI6vIISmYZwiqi
  - Most participants should anticipate receiving their certificate of attendance in four to eight weeks following the webcast.

- **Please direct all questions regarding MCLE to CLE@gibsondunn.com.**

AGENDA

What is AI?

01

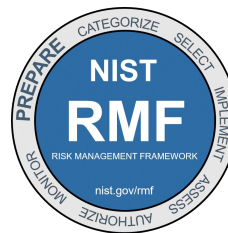# NIST AI RMF Definition of "AI System"
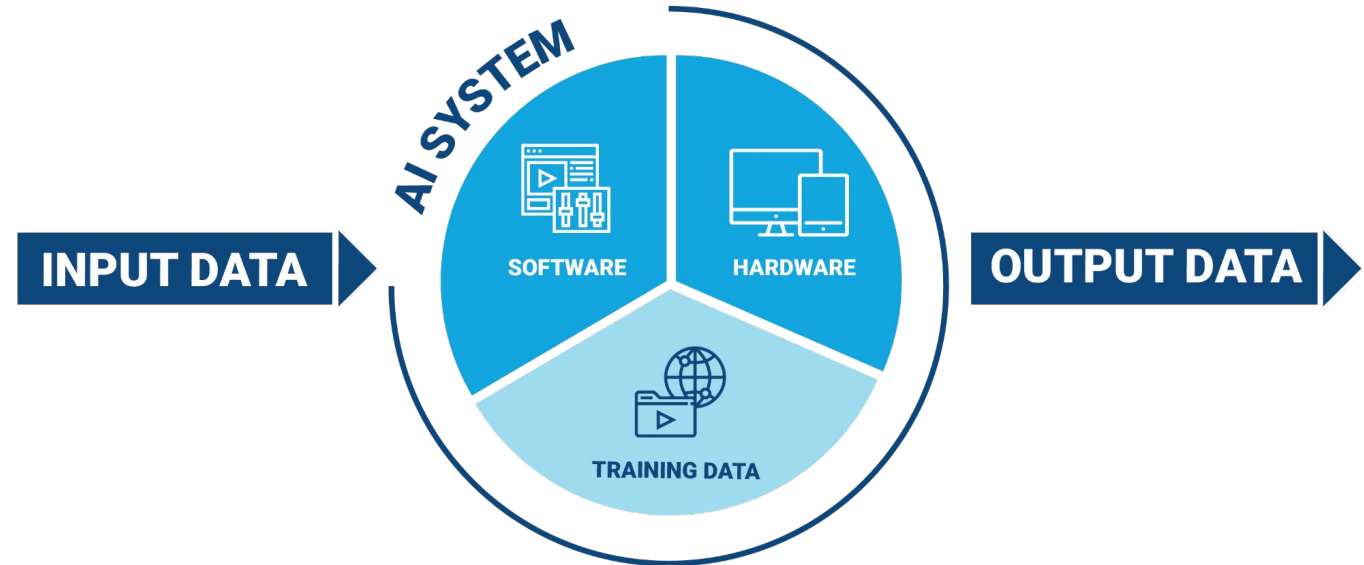
NIST
National Institute of Standards and Technology

NIST AI 100-1
(Jan. 2023)

"[A]n **engineered or machine-based system** that can, for a given set of objectives, **generate outputs** such as predictions, recommendations, or decisions **influencing real or virtual environments**. AI systems are designed to operate with **varying levels of autonomy**[.]"

How are Governments Defining AI?

AI "generally refers to **machine-based systems** that can **make predictions, recommendations, or decisions** influencing real or virtual environments. AI technologies are used to complete **tasks usually performed by humans**."

U.S. Department
of Justice, Civil Rights Division

"[AI] means an engineered or machine-based system that **varies in its level of autonomy** and that can, for explicit or implicit objectives, **infer from the input it receives how to generate outputs** that can influence physical or virtual environments."

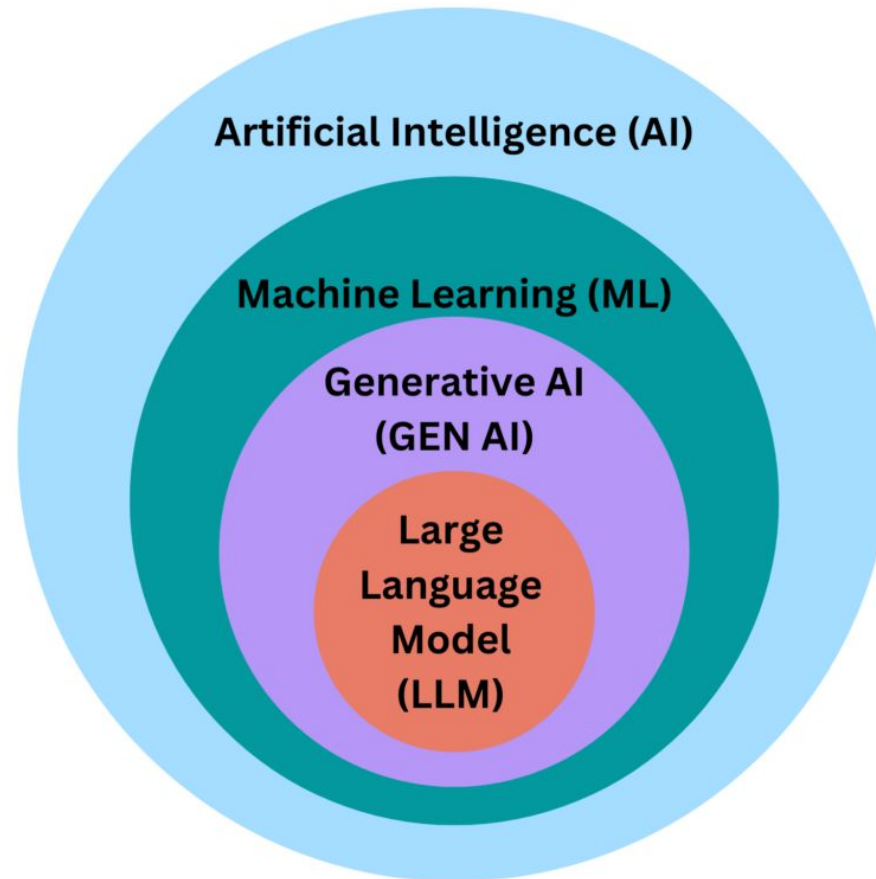California AB 2885

AI "means a machine-based system that is designed to operate with varying levels of autonomy and that **may exhibit adaptiveness after deployment**, and that, for explicit or implicit objectives, infers, from the input it receives, how to **generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments**."

EU AI Act

Breadth of "AI" from Enforcement Perspective

Artificial Intelligence (AI)

Machine Learning (ML)

Generative AI (GEN AI)

Large Language Model (LLM)

- **"AI" = umbrella term** for several types of technologies

- "AI" **does not just mean ChatGPT**

- In view of DOJ, SEC, and other regulators, "AI" encompasses much broader set of technologies and **includes more deterministic algorithms**

Current Regulatory Landscape

02

Federal Inaction on New AI Legislation

- Congress has **yet to pass federal legislation** regulating AI

- In October 2023, President Biden signed an **Executive Order** on "seizing the promise and managing the risks" of AI

OCTOBER 30, 2023

Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence

The Executive Order articulates eight guiding principles:

1. Safety and security

2. Promoting responsible innovation, competition, and collaboration

3. Supporting American workers

4. Advancement of equity and civil rights

5. Applicability of consumer protection laws

6. Protection of privacy rights and civil liberties

7. Government's risk management of AI

8. Global progress

Federal Regulators Putting Stakes Down Based on Existing Authority

"[While] the law governing AI will develop … our existing laws offer a firm foundation. … Our laws will always apply. And — our enforcement must be robust."

Lisa Monaco
U.S. Deputy Attorney General

"At the Antitrust Division, we are actively examining the AI ecosystem both through our policy work… and through our enforcement of the Sherman Act and Clayton Act."

Jonathan Kanter
Assistant U.S. Attorney General

"Investor protection requires the humans who deploy a model to put in place appropriate guardrails. Did those guardrails take into account current law and regulation, such as those pertaining to front-running, spoofing, fraud, and providing advice or recommendations?"
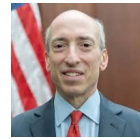
Gary Gensler
Chair of the SEC

"There is no AI exemption to the laws on the books, and the FTC will vigorously enforce the law to combat unfair or deceptive practices or unfair methods of competition."

Lina Khan
Chair of the FTC

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Federal Regulators Teaming Up

Joint Statement on Enforcement of Civil Rights, Fair Competition, Consumer Protection, and Equal Opportunity Laws in Automated Systems – DOJ, CFPB, FTC, EEOC

- "This is an **all hands on deck moment** and the Justice Department will continue to work with our government partners to investigate, challenge, and combat discrimination based on automated systems."

- "**Existing legal authorities apply** to the use of automated systems and innovative new technologies just as they apply to other practices."

- We "**pledge to vigorously use our collective authorities** to protect individuals' rights regardless of whether legal violations occur through traditional means or advanced technologies."

Federal Regulators Teaming Up

Everyone wants to join the party…

April 2024

New Joint Statement on Enforcement of Civil Rights, Fair Competition, Consumer Protection, and Equal Opportunity Laws in Automated Systems

DOJ + AI

03

DOJ's Increased Focus on AI

December 2020,
AI Strategy for DOJ,
OCIO

Set out very high-level goals, including having an "AI-ready workforce" and "promot[ing] ethical and efficient governance of AI"

February 2023,
launch of **Disruptive Technology Strike Force**

Joint venture with Dept. of Commerce to protect advanced technologies from adverse use, with DAG Monaco stating AI was "at the very top of its enforcement priority list"

February 2024,
first **DOJ Chief AI Officer** appointed

Focused on AI efforts and the Justice Department's Emerging Technology Board

February 2024,
DAG Monaco announced launch of **DOJ Justice AI Initiative**

Focused on "combat[ing] technology-enabled crime" and "how law enforcement agencies can leverage AI to fight crime" 6 (and counting) "convenings" already this year

DOJ's Focus on AI Harms

AI = "Force Multiplier" for Crime

DOJ's concerns about AI serving as a potential force multiplier for criminal conduct:

- AI "**intensifying cyberattacks**"
  - Enabling easier creation of malware
  - Undermining biometric security
- AI "making **fraud scams more believable**"
  - Hyper-personalized phishing, emotional manipulation
- AI enabling "creati[on] [of] **child sexual abuse material**"
- AI "**undermin[ing] global elections**"
  - AI being used to "suppress the right to vote — including by imitating trusted sources of information and proliferating deepfakes"
- AI **enabling price collusion** / market manipulation
- Enabling **discrimination**
  - AI models that create proxies for protected classes
- Potential **IP infringement** to create AI systems
  - Copyright / DMCA / CFAA

DOJ's Focus on Leveraging AI

- **Despite harms, DOJ also has recognized AI's benefits to law enforcement's mission:**

  - AI is "a **double-edged sword**" with perhaps "the **sharpest blade yet**," and the "potential to be an **indispensable tool** to help identify, disrupt, and deter criminals, terrorists, and hostile nation-states" (DAG Monaco, Feb. 14, 2024)

- **Potential law enforcement use cases**

  - **Data analysis** to detect potential crimes – e.g., stock trades, medical billing records, drug prescriptions, SAR analyses, GPS/geolocation records, computer forensic artifacts

  - **Document review/analysis** – potentially levels playing field in large/complex cases

  - **Undercover operations** – e.g., voice cloning

DOJ's Emphasis on Corporate Oversight of AI

Updated ECCP

In September 2024, DOJ updated Evaluation of Corporate Compliance Programs (ECCP) guidance, to require assessment of whether …

- Risk assessment processes **consider and document AI use**

- There is **sufficient human oversight** and whether AI performance is assessed based on "**baseline of human decision-making**"

- Appropriate steps taken to minimize identified AI risks through **compliance tools and controls**

- There is **continuous monitoring and testing of AI systems**

- A company can **quickly detect and subsequently correct** errors and any subsequent decisions

DOJ Proposes AI Sentencing Enhancement

Prosecutors to consider **seeking enhanced penalties** when AI is used

- DOJ has relied on **"sophisticated means" enhancement** in USSG § 2B1.1

- DOJ has asked USSC to adopt an **AI-specific enhancement**

> **"Going forward, where Department of Justice prosecutors can seek stiffer sentences for offenses made significantly more dangerous by the misuse of AI — they will."**
>
> **Lisa Monaco**
> U.S. Deputy Attorney General

DOJ Prosecuting Misuse of AI Systems

DOJ beginning to prosecute cases involving misuse of AI systems:

- ***U.S. v. Herrera*** (D. Alaska, Aug. 2024)
  - Child pornography charges
  - Defendant accused of using **generative AI to create sexually explicit images of children**

"The **misuse of cutting-edge generative AI is accelerating the proliferation of dangerous content**, including child sexual abuse material — so the **[DOJ] is accelerating its enforcement efforts**…. Criminals considering the use of AI to perpetuate their crimes should stop and think twice — because the [DOJ] is prosecuting AI-enabled criminal conduct to the fullest extent of the law and **will seek increased sentences** wherever warranted."

DOJ Prosecuting Misuse of AI Systems

DOJ beginning to prosecute cases involving misuse of AI systems:

- ***U.S. v. Smith*** (S.D.N.Y., Sept. 2024)
  - Wire fraud and money laundering charges
  - Defendant accused of **using generative AI** to **create hundreds of thousands of songs**, which were then **streamed billions of times** to fraudulently obtain royalties of ~$10 million

"Through his brazen fraud scheme, Smith stole millions in royalties that should have been paid to musicians, songwriters, and other rights holders whose songs were legitimately streamed. Today, thanks to the work of the FBI and the career prosecutors of this Office, it's time for Smith to face the music."

DOJ's Increased Focus on AI and Antitrust

- Joint Statement on Competition in Generative AI Foundation Models and AI Products

- DOJ files multiple statements of interest and amicus briefs in pricing algorithm cases

- Files civil suit against RealPage

"[W]e will use all our legal tools to ensure accountability for **technology-fueled anticompetitive conduct**."

2024 press release

What's the Concern?

In the United States Court of Appeals for the Ninth Circuit

RICHARD GIBSON, et al.,

Plaintiffs-Appellants,

v.

CENDYN GROUP, LLC, et al.,

Defendants-Appellees.

On Appeal from the United States District Court for the District of Nevada No. 2:23-cv-00140 (Hon. Miranda M. Du)

BRIEF FOR THE UNITED STATES AS AMICUS CURIAE IN SUPPORT OF PLAINTIFFS-APPELLANTS

"**When competitors use the same algorithms** to guide decisions of competitive significance, their doing so can raise antitrust concerns. Specifically, this technology has the potential to **allow competitors to coordinate more effectively** . . . Rapidly evolving **artificial intelligence (AI) tools could likewise threaten the "independen[ce]** . . . of economic control that competition assumes."

What About Bob?

"Is it ok for a guy named Bob to collect confidential price strategy information from all the participants in a market, and then tell everybody how they should price? If it isn't ok for a guy named Bob to do it, then it probably isn't ok for an algorithm to do it either."

Maureen K. Ohlhausen, Acting Chairman, U.S. Federal Trade Commission, *Should We Fear The Things That Go Beep In the Night? Some Initial Thoughts on the Intersection of Antitrust Law and Algorithmic Pricing* (May 23, 2017)

What (is it) About Bob?

Bob the Price Fixer

Bob the Aggregator

RealPage
Private Cases
Price Fixing

"Defendants' **price-fixing conspiracy is a per se unlawful restraint** of trade under Section 1 of the Sherman Act."

"(1) all members . . . **would share the proprietary data** necessary for RealPage's RMS to generate rental price recommendations; (2) all members would **delegate their rental price and supply decisions** to a common decision maker, RealPage; and (3) knowing that cooperation was essential to the successful operation of the scheme, all members would **abide by RealPage's price and supply decisions** generated by RMS."

RealPage
Private Cases
Price Fixing

DOJ Statement of Interest

"[T]he alleged scheme meets the legal criteria for **per se unlawful price fixing**. [I]t is **per se unlawful** when, as alleged here, competitors knowingly combine their sensitive, nonpublic pricing and supply information in an algorithm that they rely upon in making pricing decisions, with the knowledge and expectation that other competitors will do the same. . . **It makes no difference that the confidential pricing information was shared through an algorithm rather than through 'a guy named Bob.'"**

RealPage
Private Cases
Price Fixing

MDL Court

"[Plaintiffs] allege that as much as 10-20% of the time, RealPage's clients deviate or override those pricing recommendations. **The Court cannot find that Plaintiffs have alleged an absolute delegation of their price-setting to RealPage**. . . . [Plaintiffs] have not alleged that either RealPage or any of RMS Client Defendants can enforce acceptance of price recommendations through removing an uncooperative member from the conspiracy or applying some other form of punishment. All of these imperfections indicate that the conspiracy alleged is **not the straightforward form of horizontal price-fixing conspiracy for which courts apply the per se standard**."

DOJ
RealPage Case

"The average acceptance rate across all landlords nationally for new leases between January 2017 and June 2023 is between 40–50%."

DOJ
RealPage Case
Information Exchange

Count 1

Each landlord using AIRM and YieldStar has agreed with RealPage to **provide RealPage daily nonpublic, competitively sensitive data**. RealPage invites each landlord to share this information so that it can be pooled to generate pricing recommendations for the landlord and its competitors. Each of these landlords uses RealPage software, knowing or learning that RealPage will **use this data to train its models and provide floor plan price recommendations** and unit-level pricing not only for the landlord, but **for the landlord's competitors** (and vice versa). Landlords are therefore joining together in a way that deprives the market of fully independent centers of decision-making on pricing.

Unsafe Harbors?

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST
LITIGATION   No. 0:18-cv-01776-JRT-JFD

This Document Relates to: Honorable John R. Tunheim

All Actions

STATEMENT OF INTEREST OF THE UNITED STATES

October 2024 Statement of Interest

"Modern advances have also enabled information sharing to take a more dangerous form than in the past, as greater amounts of information are exchanged more quickly, more frequently, and with increasing granularity. **Critically, the legality of information exchange depends on whether it tends to suppress competition—and not on the format of the reported data. Whether the shared information is aggregated is thus not a safe harbor from liability**."

FTC + AI

04

FTC's Focus on AI

FTC has made **robust enforcement** a priority, with a focus on:

- Inaccuracy, bias, and discrimination
- Commercial surveillance
- Consumer deception and false advertising

"**The FTC has a long track record of adapting its enforcement of existing laws to protect Americans from evolving technological risks. AI is no different. Our legal authority to address unfair or deceptive practices squarely applies, as do other laws, including the Fair Credit Reporting Act and the Equal Credit Opportunity Act. These laws serve to protect the public—and companies should understand that they may bear legal liability if their AI tools are designed to harm or deceive Americans.**"

Lina Khan
Chair of the FTC

Recent FTC Enforcement Actions

RITE AID

- Accused Rite Aid of **deploying facial recognition technology without reasonable safeguards** from 2012 to 2020

  - Technology falsely identified customers, particularly women and people of color, as wrongdoers

- December 2023 settlement included:

  - **5-year ban** on using AI facial recognition technology

  - **Deletion** of improperly collected data

  - Appropriate **safeguards, consumer notice, and retention limits** after ban

  - Periodic **third-party security assessments**

Recent FTC Enforcement Actions

- FTC alleges:
  - False claims of **"cutting edge" AI-powered tools** that would help consumers earn thousands of dollars a month
  - Consumers invested in so-called automated packages of ecommerce stores
  - Consumers defrauded of at least $25 million
- TRO granted on September 13, 2024

Recent FTC Enforcement Actions

DoNotPay
Your AI Consumer Champion.
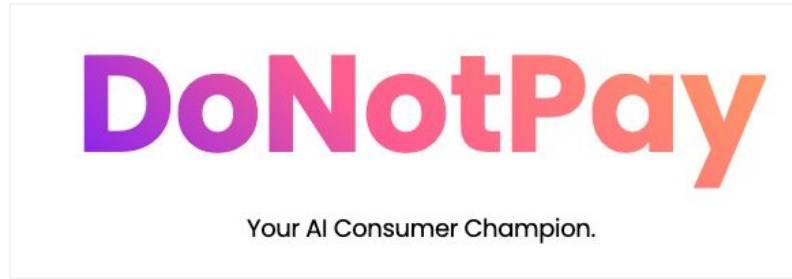
- FTC alleges:
  - False claims of online subscription service, or "**AI lawyer**," to prepare U.S. legal documents and check websites for legal violations
  - No testing to determine whether AI was equal to a human lawyer
  - State Bar of California sent cease and desist
- September 2024 settlement included:
  - $193,000 fine
  - Notice to consumers who used the services
  - Blocked from making similar claims in the future without evidence

Recent FTC Enforcement Actions

Rytr

- FTC alleges:
  - AI writing assistant generated false reviews for subscribers
  - Reviews deceived consumers making purchasing decisions
- September 2024 settlement included:
  - Bar on advertising, promoting, marketing, or selling service dedicated to generating consumer reviews

SEC + AI

05

SEC's Focus on AI

SEC has also signaled an interest in **regulating AI through the enforcement of securities laws**

SEC's Examination Priorities for **Fiscal Year 2025** identifies **automated investment tools, AI, and trading algorithms as areas of focus**

Focus:

- AI washing

- Conflicts of interest in AI-powered investing

> **"AI is the most transformative technology of our time, fully on par with the internet. It's already being used in finance, where it has the potential benefits of greater inclusion, efficiency, and user experience. But let's face it, when new technologies come along, we've also seen time and again false claims to investors by those purporting to use those new technologies."**
>
> **Gary Gensler**
> Chair of the SEC

AI Washing

Exaggerations about AI capabilities is known as **AI washing**

March 2024 settlements with Delphia Inc. and Global Predictions Inc. over allegedly false and misleading statements regarding extent of AI use

> **"We've seen time and again that when new technologies come along, they can create buzz from investors as well as false claims by those purporting to use those new technologies. Investment advisers should not mislead the public by saying they are using an AI model when they are not. Such AI washing hurts investors."**
>
> **Gary Gensler**
> Chair of the SEC

Conflicts of Interest in AI-Powered Investing

Conflicts of interest may arise in investment tools that use AI, such as robo-advisors

- AI may prioritize interests of an investment firm over investors' interests

SEC has proposed new rules to **prevent conflicts of interest.** Rules would require firms to:

- **Identify and evaluate** potential conflicts prior to use

- **Determine** if any conflicts exist that could put firm's interests over investors' interests

- **Eliminate or neutralize** effects of any such conflicts

- **Develop and implement** written policies and procedures to comply with new rules

- **Maintain books and records** related to new rules

Other Regulatory Scrutiny of AI

06

CFPB + AI

"[T]here is no 'fancy new technology' carveout to existing laws."
(Director Chopra, Nov. 2023)

In **September 2023**, CFPB issued guidance on **AI-based credit denials**

- "Creditors must be able to **specifically explain** their reasons for [credit] denial. There is **no special exemption for artificial intelligence**."

- CFPB notes, "[E]ven for adverse decisions made by complex algorithms, creditors **must provide accurate and specific reasons**."

In **June 2024**, CFPB approved a new rule requiring companies to ensure accuracy and accountability in **AI-based home appraisals**

- "The new rule…requires companies that use these algorithmic appraisal tools to put **safeguards into place** to ensure a high level of confidence in the home value estimates, **protect against the manipulation of data**, **avoid conflicts of interest**, and **comply with applicable nondiscrimination laws**."

FCC + AI

FCC issued a Declaratory Ruling on February 2, 2024, confirming that the **Telephone Consumer Protection Act** applies to "**AI technologies that resemble human voices** and/or generate call content using a prerecorded voice."

- Thus, "callers must obtain **prior express consent** from the called party before making a call that utilizes" AI-generated voices

FCC has also used the **Truth in Caller ID Act** to regulate AI-generated voice messages

- **Truth in Caller ID Act** prohibits the transmission of inaccurate caller ID information; however, a violation is not dependent on the content of the call

- In September 2024, FCC fined Steven Kramer $6M for spreading **robocalls containing an AI-generated voice** of President Joe Biden to voters during the New Hampshire primary

- Caller ID information was inaccurate and misleading

EEOC + AI

In May 2023, EEOC released a technical assistance document related to **AI in employment decisions** and its impact on Title VII of the Civil Rights Act

- Title VII prevents discrimination based on race, color, national origin, religion, and sex

- The new guidance notes that in many cases, an "employer [is] responsible under Title VII for its **use of algorithmic decision-making tools even if the tools are…administered by another entity**[.]"

- If "an employer discovers that…**algorithmic decision-making tools**" are having an adverse impact, the EEOC recommends employers reduce the impact or select a different tool to avoid a Title VII violation

Special Considerations for Cases Involving AI

07

Special Considerations for Cases Involving AI

Cases involving AI systems present unique questions and challenges

- **Preservation** – Do you need to (and can you even) preserve AI training data, models, outputs?
  - Cautionary side note re AI-transcribed calls/meetings ⚠️

- **(Lack of) Explainability** – Logic embedded in AI models to produce specific output cannot be read, understood, or explained. How, then, to explain to regulators?
  - Places greater emphasis on need for evidence of guardrails, policies, testing
  - Requires early expert engagement

- **Evidentiary Considerations** – How does one authenticate the output of models? Who can lay appropriate foundation? Are experts necessary?

- **Criminal Liability / Mens Rea** – Can AI systems have intent? Does a company acting in good faith, but with error-prone AI systems, satisfy intent element?
  - How does having a "human in the loop" affect the analysis?

Speakers

Eric D. Vandevelde

Artificial Intelligence (Co-Chair), White Collar, Privacy and Cybersecurity

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Eric Vandevelde is a litigation partner in Gibson Dunn's Los Angeles office. He is co-chair of the Artificial Intelligence practice group and a member of the firm's White Collar, Privacy & Cybersecurity, and Intellectual Property practice groups. As a former federal prosecutor who previously supervised the Cyber & IP Crimes section of the U.S. Attorney's Office in the Central District of California, Eric has significant first-chair trial experience, both while at the DOJ and in the private sector. He has a deep technical background, with a degree in computer science from Stanford and having worked as a software engineer in Silicon Valley and Latin America. He has repeatedly been ranked by *Chambers* and recognized by *Super Lawyers*, *The Best Lawyers in America®*, and the *Daily Journal*, including as one of the Top 20 Cyber/Artificial Intelligence lawyers in California. Eric was recognized as a Key Lawyer in the areas of Corporate Investigations and White-Collar Criminal Defense by *The Legal 500 US* in their 2024 edition. *Lawdragon* also named Eric to its 2024 100 Leading AI & Legal Tech Advisors list and its 2024 500 Leading Global Cyber Lawyers.

Eric has a broad practice—handling criminal and civil trials, internal investigations, enforcement matters, advisory work for boards and management, and product counseling—but nearly all of his matters lie at the intersection of technology and the law, and involve cutting edge issues in AI, cryptocurrency, data privacy, cybersecurity, biotech, fintech, gaming, and software. He has also represented clients in some of the highest profile, highest stakes cases in the country concerning government demands for personal data and technical assistance in connection with criminal and national security-related investigations. Eric has helped clients across industries, including tech, retail, healthcare, biotech, telecom, transportation, and private equity, identify and manage AI, cybersecurity, and privacy risks.

From 2007 to 2014, Eric served as an Assistant U.S. Attorney in the U.S. Attorney's Office for the Central District of California. He was Deputy Chief of the Cyber & IP Crimes unit, supervising one of the nation's largest teams of federal prosecutors dedicated to investigating and prosecuting computer hacking and intellectual property offenses. He was the lead prosecutor on numerous high-profile cyber-crime investigations, including cases involving corporate espionage, theft of trade secrets, APTs, botnets, distributed denial of service (DDoS) attacks, and other sophisticated cyberattacks by nation-state actors.

Eric's full biography is available [here](#).

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Chris Whittaker is a partner in the Orange County office of Gibson Dunn. He is a member of the firm's Litigation Department and its Antitrust & Competition, Intellectual Property, and Labor & Employment groups. Chris represents clients in a wide range of high-stakes, complex commercial cases, and he has significant experience in a broad range of subject areas, including pharmaceuticals, software development and maintenance, oil and gas, app store and handheld phone technology, semiconductors, logistics operations, health and beauty products, and direct-sales business models. Chris is experienced in all phases of litigation, including pleadings, discovery, dispositive motions, trials, and appeals. He currently serves on the national leadership team of the Federal Bar Association's Antitrust and Trade Regulation Section.

Chris has been recognized by *Best Lawyers: Ones to Watch® in America* for Appellate Practice, and Litigation - Intellectual Property (2024).

Prior to joining the firm, Chris served as a law clerk to the Honorable Ted Stewart, then-chief judge of the U.S. District Court for the District of Utah, and the Honorable J. Clifford Wallace of the U.S. Court of Appeals for the Ninth Circuit.

Chris received his law degree *magna cum laude* from Brigham Young University in 2011, where he was elected to the Order of the Coif and served as an editor for the *BYU Law Review*. In 2007, Chris earned a Bachelor of Arts degree *magna cum laude* from Brigham Young University-Hawaii.

Chris's full biography is available here.

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Brigham Young University
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Poonam Kumar is of counsel in the Los Angeles office of Gibson, Dunn & Crutcher and a member of its White Collar Defense & Investigations, Litigation, and Trial practice groups. She is a former federal prosecutor with significant trial experience and an extensive background in handling high-stakes criminal and civil matters across a broad range of practice areas.

Poonam's practice focuses on internal investigations, regulatory and criminal investigations, complex commercial litigation, and trials across a range of industries, including financial services, technology, media and entertainment, sports, telecommunications, energy, automotive, and healthcare. Recently, Poonam was named by *AmLaw Litigation Daily* as one of their "Litigators of the Week" in a jury verdict win for Nike in its endorsement contract dispute with NFL wide receiver Odell Beckham Jr. She has also been recognized by *The Daily Journal* in its annual feature for "Top Verdicts in California" for 2023, with the publication naming *Stitch Editing Ltd. v. TikTok Inc. et al.* among its Top Defense Results.

From 2014 to 2022, Poonam served as an Assistant United States Attorney in the United States Attorney's Office for the Central District of California where she investigated and prosecuted complex financial crimes, including corporate and securities fraud, embezzlement, healthcare fraud, bank fraud, import/export crimes, tax crimes, and money laundering. Poonam was a Deputy Chief of the Major Frauds section where she supervised a large team of federal fraud prosecutors. Representative matters from her time at the U.S. Attorney's Office include the investigation and prosecution of a multinational scheme to inflate revenue of a company publicly traded on a foreign exchange and to evade nearly $2 billion in import duties as well as the conviction at trial of a South Korean official for laundering bribes he received in connection with his government position. For her work with the Department of Justice, Poonam received the United States Attorney General's John Marshall Award for Outstanding Achievement and the Homeland Security Investigations' highest investigative award.

Prior to joining DOJ, Poonam practiced for six years at Gibson Dunn in Los Angeles and at Debevoise & Plimpton LLP in New York and clerked for the Honorable John Gleeson, United States District Judge, Eastern District of New York.

Poonam's full biography is available here.

GIBSON DUNN