Cooley

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Export Controls and Economic Sanctions
National Security
Technology
Foreign Direct Investment
CFIUS
Government Contracts
Spacetech and Satellite
CooleyREG

Kevin practices at the leading edge of private national security law, and he has more than two decades of experience advising clients on matters ranging from export and sanctions compliance to national security investigations related to illicit transactions to national security reviews before the Committee on Foreign Investment in the United States (CFIUS). His experience runs across foundational and emerging technologies, including software development, encryption, semiconductor manufacturing, quantum computing, lasers, artificial intelligence, autonomous vehicles, advanced battery manufacturing, biotechnology and genetic engineering. Kevin is focused on understanding his clients' products, technology and operations and helping them understand the associated regulatory requirements. He has experience representing clients before the CFIUS and working with both established and emerging organizations to identify compliance obligations related to the Export Administration Regulations (EAR), the International Traffic in Arms Regulations (ITAR), the Foreign Corrupt Practices Act (FCPA) and economic sanctions regulations maintained by the Department of State and the Department of the Treasury's Office of Foreign Assets Control (OFAC). Further, he is adept at tailoring solutions that fit each client's unique needs, constraints and business objectives.

Kevin believes that clients are best served when there is a seamless integration of subject matter experience combined with on-demand counseling. Recognizing that legal issues in this space are rarely confined to one specific regulatory regime, Kevin has brought together a talented team of lawyers who are adept in multiple areas of law and can provide actionable advice when and where the client needs it.

Cooley's focus on technology means that Kevin works closely with clients across industries and emerging technologies. Over the years, he has developed subject matter, technology and industry focus and experience. He knows his clients' industries, their technologies and how the complex set of laws and regulations governing exports, sanctions, foreign investment review and anticorruption affect their operations. Kevin's experience covers all aspects of these practice areas, including compliance counseling, training, licensing, opinion work, compliance audits, internal investigations and administrative enforcement proceedings.

Representative Export Control, Sanction and Anticorruption Matters:

Electronics

- Counsel a multinational silicon photonics-based chip design and development company on export

classification, critical technology and licensing matters, and sanctions compliance
- Advise a developer of semiconductor design tools on export jurisdiction, classification and compliance issues
- Assist a manufacturer of commercial FPGAs with export classifications of products and strategic export control considerations relating to contemplated transactions with foreign partners
- Provide export jurisdiction, classification, compliance and licensing advice with respect to a company manufacturing commercial chips for IoT applications
- Advise a foreign semiconductor fabrication facility on compliance with US export control laws, including the ITAR

Quantum Computing

- Provide general export classification, critical technology and export control compliance advice for companies developing quantum computers using superconducting, trapped ion and silicon-photonic technologies

Artificial Intelligence and Machine Learning

- Counsel a software company offering deep learning software for autonomous navigation, object recognition and obstacle avoidance applications in ground robots and drones on general export control compliance (including export classification and licensing work)
- Advise a company using artificial intelligence and visual recognition software for industrial applications on export classification and compliance matters
- Represent a developer of cybersecurity tools that leverage machine learning and artificial intelligence on issues relating to an investor sanctioned by OFAC

Robotics / Autonomous Vehicles

- Analyze export control issues and provide compliance advice for a national research center focusing on the development of robotic and autonomous technologies
- Counsel a prominent multinational company on export control issues in connection with a strategic collaboration for the development of vertical takeoff and landing technology
- Advise an emerging company on export control classification issues relating to a long-range unmanned aerial vehicle with both commercial and military applications

Battery and Energy Cell Technology

- Assist a company engaged in materials research for battery and energy cell development on export classification, critical technology and export control compliance matters
- Advise a developer of novel battery and energy cell production technology on export classifications and critical technology issues and strategic export control considerations relating to contemplated transactions with foreign partners

Sensors / Optics / Lasers

- Advise developers of LiDAR technology on export classification and compliance issues
- Counsel a company developing optical integrated circuits and devices for neural networks on export jurisdiction and classification issues

Software Development / Encryption

- Advise a US-based video conferencing technology company on export classification and export control and sanctions compliance matters, including guidance on licensing and related requirements for exports of encryption products, prohibited party list screening, dealings with parties designated on prohibited party lists and compliance with OFAC sanctions programs

- Counsel a broad spectrum of software development companies on the application of encryption controls under the EAR to their products and technology, including mobile apps, social networking products, data analytic applications and network security tools

3D Printing / Value-Add Manufacturing

- Advise a US manufacturer of graphite and composite materials and products used in automotive, semiconductor, alternative energy and battery applications on export control and sanctions compliance matters, including export classifications, regulatory changes under the EAR and export licensing matters
- Assist a 3D custom-manufacturer with the implementation of export control compliance policies and procedures, including export classification, order intake and subcontracting matters

Life Sciences

- Advise a pre-IPO US pharmaceutical company on OFAC compliance issues relating to Cuban-origin intellectual property
- Counsel a developer of gene sequencing technology on export classification and CFIUS issues

Representative CFIUS Matters:

- Represented a developer of advanced battery technology on CFIUS issues in connection with multiple rounds of foreign investment; the engagement required the submission and successful prosecution of multiple CFIUS declarations
- Advised a prominent multinational on CFIUS matters relating to investments by multiple foreign investors in the company's research and development division, including conducting a critical technology analysis of the company's autonomous vehicle technology, preparing multiple CFIUS declarations and subsequently preparing and submitting a CFIUS notice for one of the investors
- Represented a US-based manufacturer of high-speed transceivers on CFIUS matters relating to a foreign acquisition; the representation involved negotiation of CFIUS provisions in the purchase agreement, including a break-fee, and the preparation and submission of a CFIUS notice
- Advised a prominent Japanese multinational on the acquisition of a US laser manufacturer with extensive defense-related operations; CFIUS approved the acquisition following an initial review
- Advised a quantum computing company on export control and CFIUS issues in connection with a company financing round, which included successful CFIUS submissions by several foreign investors
- In addition to representing companies during CFIUS reviews and investigations, Kevin has significant experience helping companies mitigate CFIUS-related risks, including the segregation and sale of potentially problematic assets, securing critical technology, navigating issues relating to CFIUS jurisdiction and representing clients in connection with CFIUS reviews of non-notified transactions

Positions Within Cooley

- Chair of the International Trade and Government Contracts Practice Group
- Chair of the Export Control, Sanctions and Anticorruption Practice
- Co-Chair of the CFIUS Practice
- Member of Cooley's Risk Management Committee

Education

Stanford Law School JD, 1997

American University BA, magna cum laude, 1992

Admissions & Credentials

District of Columbia

Rankings & Accolades

Chambers USA: International Trade: Export Controls & Economic Sanctions – Nationwide (2020 – 2026)

The Legal 500 US: Leading Lawyer in Customs, Export Controls and Economic Sanctions (2023 – 2026)