

Jacqueline F. "Lyn" Brown

Partner

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Lyn advises clients on a wide range of cybersecurity, national security, insider threat, ransomware, and privacy issues. She specializes in helping clients prepare for and respond to cyber-attacks, including multi-million-dollar ransomware attacks, business email compromises, and other forms of information security incidents or data breaches. She frequently directs privileged internal investigations, works with forensic consultants, interacts with federal law enforcement or homeland security agencies, and prepares after-action guidance. Lyn advises clients in all phases of federal rulemaking, cyber policy making, or security directive compliance. She also advises clients on compliance with compulsory legal process in criminal investigations or national security matters.

She has over 30 years of experience in federal law enforcement, the intelligence and homeland security communities, and the private sector. She has senior executive level federal government experience in cybersecurity, privacy, government surveillance, information security, risk management, compliance, and litigation. Lyn is frequently a speaker at the RSA Conference, the world's largest cybersecurity event, on cybersecurity or artificial intelligence legal and policy issues. She has also taught a compressed course in cybersecurity law and served as a guest instructor on national security and the Fourth Amendment at the University of Florida Levin College of Law.

As a former senior national security and cyber law attorney at the Federal Bureau of Investigation (FBI), Lyn served as Chief of the Cyber Law Unit (Acting) supervising the provision of legal advice in FBI cyber intrusion investigations involving ransomware attacks, incident response, and cybersecurity information sharing. She also served as

Practice Areas

Cyber and Privacy Investigations, Incidents & Enforcement
Privacy, Cyber & Data Governance
Telecom, Media & Technology
National Security
Government Contracts
Privacy and Cybersecurity Litigation and Investigations

Credentials

Education
J.D., University of Florida
M.A., The Johns Hopkins University
B.A., University of Florida

Law Journals
Member, *Journal of Law and Public Policy*
Member, *International Law Journal*

Bar and Court Memberships
District of Columbia Bar
Florida Bar
Supreme Court of the United States
U.S. District Court for the District of Columbia

counsel to the National Cyber Investigative Joint Task Force (NCIJTF) which coordinates whole-of-government campaigns to protect the U.S. and its allies from malicious cyber intrusions. She provided comprehensive legal, policy, investigative, and operational advice to the FBI's Cyber Division.

Previously, Lyn was the General Counsel to the President's Intelligence Advisory Board in the Executive Office of the President at The White House where she focused on cybersecurity, government surveillance, ethics, and insider threat issues. She was the FBI's Privacy Officer (Acting) and was responsible for ensuring compliance with information privacy and security laws and regulations in all FBI systems. As the Deputy General Counsel for the FBI's General Law Branch (Acting), she supervised provision of advice on privacy, cyber security, data protection, fiscal law, and government contracts. As Section Chief for Counterterrorism Law (Acting), she supervised the provision of legal advice in FBI counterterrorism investigations ensuring compliance with statutory standards while protecting privacy and civil liberties. As Chief Counsel to the FBI's Terrorist Screening Center, she is widely credited with creating the U.S. Government's watchlisting and national security screening guidance and she negotiated international biometrics and identity management information sharing agreements.

Earlier in her career, she served as senior counsel at the Central Intelligence Agency (CIA) after the terrorist attacks of 9/11 and helped draft the Intelligence Reform and Terrorism Prevention Act. She subsequently became the first FBI attorney detailed to help stand up the Office of the Director of National Intelligence (ODNI). She also served as the Senior Counterterrorism Legal Advisor at the National Counterterrorism Center (NCTC) focusing on cyber, data management, information security, risk management, and information sharing. Before entering public service, Lyn was in private practice specializing in international law and aviation mass disaster litigation.

Representative Matters

- Advises on complex national security, cybersecurity, and privacy issues.
- Counsels clients during ransomware attacks, business email compromises, and other forms of cyber-attacks.
- Directs privileged investigations into cyber incidents for global companies.
- Provides crisis management advice during cyber-attacks or information security incidents.
- Prepares or reviews cyber incident response plans, vulnerability assessments, cybersecurity policies, and cyber tabletop exercises.
- Advises cleared defense contractors and telecommunications providers on responses to compulsory legal process involving federal criminal investigations or national security requests.
- Counsels clients on law enforcement assistance or federal agency interactions.
- Advises clients on potential liability under the Wiretap Act, the Stored Communications Act, and other federal or state statutes.

- Counsels clients on their Team Telecom or CFIUS obligations and compliance with national security agreements.
- Represents clients in proposed rulemakings or industry briefings.
- Federal government national security and cyber legal and policy experience at the FBI, CIA, ODNI, NCTC, and the White House:
 - Advised on FBI cyber intrusion investigations, ransomware attacks, incident response, federal prosecutions, and public-private information sharing, and the use of emerging technologies.
 - Advised on the Cybersecurity Information Sharing Act of 2015, the Computer Fraud and Abuse Act, Foreign Intelligence Surveillance Act, the Electronic Communications Privacy Act, the Aviation and Transportation Security Act, and related Executive Orders.
 - Worked collaboratively with the interagency and select foreign partners on cyber effects operations and cyber incident response policies.
 - Represented the NCIJTF in the lawyer's sync in the first-ever cyber Unified Coordination Group convened pursuant to PPD-41 on U.S. cyber incident coordination in response to a massive, global cyber espionage effort by a hostile foreign intelligence service.
 - Advised the FBI's Cyber Division on complex legal and policy issues impacting FBI cybercrime investigations and federal prosecutions.
 - Advised on the FBI's participation in the Cyberspace Solarium Commission and resulting legislative initiatives.
 - Coordinated with the senior executive branch officials in the law enforcement, homeland security, or intelligence communities on complicated national security and cyber issues.
 - Managed the provision of domestic and extraterritorial legal advice in FBI national security investigations to ensure that electronic surveillance, physical searches, or other sensitive investigative techniques were in accordance with law and policy.
 - Negotiated over 90 cross border arrangements with over 50 countries in Europe, the Middle East, and Pacific Rim to share biometrics and identity information with global partners for security purposes.
 - Negotiated international arrangements for security support for Olympics in the United Kingdom, Russia, and Brazil.
 - Managed the FBI's privacy program ensuring compliance with information privacy security and regulations.
 - Advised FBI officials and international partners on the impact of the *Schrems* decisions, the EU-US Privacy Shield Framework, and the Judicial Redress Act.

- o Drafted select provisions of the Cybersecurity Information Sharing Act of 2015, the Intelligence Reform and Terrorism Prevention Act of 2004, the Homeland Security Act of 2002, and the USA PATRIOT Act of 2001.
- o Coordinated the defense of the FBI in high-profile civil litigation involving the Whistleblower Protection Act, Federal Torts Claims Act, the Privacy Act, and the Freedom of Information Act.

Professional Experience

- Federal Bureau of Investigation (FBI), U.S. Department of Justice
 - Chief of the Cyber Law Unit (Acting) (2021)
 - Lead Counsel to the NCJTF (2020-2021)
 - Assistant General Counsel, Cyber Law Unit (2017-2021)
 - Section Chief, Counterterrorism Law, National Security & Cyber Law Branch (Acting) (2016-2017)
 - Chief Counsel to the Director, Terrorist Screening Center (2007-2016)
 - Deputy General Counsel/FBI Privacy Officer (Acting) (2013-2014)
 - Special Assistant to the General Counsel (2001-2003)
 - Special Assistant to the Deputy General Counsel (1997-2001)
 - Assistant General Counsel, Civil Litigation (1995-1997)
- The White House, Executive Office of the President
 - General Counsel, President's Intelligence Advisory Board/President's Intelligence Oversight Board (2017)
- Office of the Director of National Intelligence
 - Senior Counterterrorism Legal Advisor, National Counterterrorism Center (2006)
 - Senior Attorney Advisor, Office of General Counsel (2005-2006)
- Central Intelligence Agency
 - Associate General Counsel, Intelligence Support Division (2003-2004)
 - Associate General Counsel, Community Management (2004-2005)
- Assistant General Counsel, Torts/Civil Litigation, Washington Metropolitan Area Transit Authority (WMATA) (1993-1994)
- Associate, Aviation Litigation Department, Private Law Practice (1989-1993)

Affiliations

- American Bar Association (ABA) Standing Committee on National Security
- Federal Communications Bar Association
- Intelligence and National Security Alliance