



## Robert P. Silvers

Partner, Litigation Department

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**Robert Silvers** is a partner in the Washington, D.C. office. He is vice-chair of the firm's Privacy and Cybersecurity practice, co-chair of the Artificial Intelligence (AI) practice, and a member of the Investigations and White Collar Defense practice. Mr. Silvers formerly served in senior roles at the U.S. Department of Homeland Security (DHS) during the Obama administration, most recently as Assistant Secretary for Cyber Policy. Mr. Silvers represents companies in global internal investigations and enforcement proceedings, cybersecurity and data privacy, government security review of foreign investments, AI governance and risk mitigation, and civil litigation at the intersection of law and technology.

As the most senior official for cybersecurity policy at DHS, Mr. Silvers was responsible for the federal government's engagement on cyber defense with the private sector, its response during significant cyber incidents, and its pursuit of law enforcement cyber investigations. Mr. Silvers also drove administration policy on technology risk issues ranging from government access to encrypted data to security challenges involving intelligent and autonomous systems. In his prior role as DHS Deputy Chief of Staff, Mr. Silvers oversaw all law enforcement activities, litigation, regulatory processes, Committee on Foreign Investment in the United States (CFIUS) proceedings, policy, and operations across the third largest cabinet department, with over 230,000 personnel, a \$40 billion budget, and 22 subordinate agencies.

Mr. Silvers is a nationally recognized expert on technology risk, data protection, government enforcement, and investigations and litigation arising from those issues. He is regularly quoted in *The New York Times*, *The Wall Street Journal*, *Financial Times*, CNBC, Bloomberg and other media outlets.

Mr. Silvers is a senior adjunct fellow at the NYU School of Law's Center on Law and Security and an adjunct professor in cybersecurity at NYU School of Law and NYU Tandon School of Engineering. He serves on the Security Advisory Board of the Secure Community Network, the Jewish Federation's operational arm charged with providing security assistance to Jewish community

### Washington, D.C.

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### Practice Areas

Life Sciences and Healthcare  
Artificial Intelligence  
Global Trade Controls  
Privacy and Cybersecurity  
Investigations and White Collar Defense  
National Security Regulation and Investigations

### Admissions

District of Columbia Bar  
California Bar  
New York Bar

### Education

New York University School of Law, J.D. 2006  
University of Pennsylvania, B.A. 2002

## Robert P. Silvers (Continued)

organizations across the United States. Mr. Silvers has an active pro bono practice and is a member of the Council on Foreign Relations.

### Recent Representations

#### Cybersecurity and Data Privacy

Mr. Silvers represents companies in their most critical data security and privacy challenge and has been recognized by the *National Law Journal* as a “Cybersecurity Trailblazer,” regularly counseling companies through data breach response and accompanying regulatory and litigation defense.

- Successfully quarterbacked cyber incident and crisis response for dozens of multinational companies, including incidents involving nation-state attackers and the compromise of over 100 million sensitive consumer records.
- Advised one of the world’s largest technology companies in developing the data protection framework for its autonomous vehicle business.
- Led crisis management and legal response for major software company following compromise of its source code by a criminal hacking syndicate.
- Advised numerous clients, across industries, on assessing and maturing their information security and privacy programs through development of policies, processes, and training.
- Represented multiple financial services, healthcare, technology, and insurance companies in their compliance activities under data protection regulations, including GDPR, the California Consumer Privacy Act, Gramm-Leach-Bliley, the New York Department of Financial Services Cybersecurity Rule, HIPAA, and China’s Cybersecurity Law.
- Represented a leading cryptocurrency company following the cyber heist of over \$50 million in tokens, leading to recoupment of nearly all stolen funds and negotiation of highly favorable financial settlement with IT services vendor found responsible for security lapse.
- Successfully negotiated with Apple to obtain restoration of a publicly listed software company’s developer account on the Apple App Store after being suspended for alleged privacy violations.

#### Investigations and Enforcement

Mr. Silvers draws on his extensive law enforcement background to advise companies in government and internal investigations, representing multinational companies in matters involving enforcement of the Foreign Corrupt Practices Act, criminal antitrust laws, data protection regulations, securities laws, the False Claims Act, and state and federal fraud statutes.

## **Robert P. Silvers** (Continued)

- Represented a leading natural resources company in a global anti-corruption investigation and led engagement with the U.S. Department of Justice (DOJ) and U.S. Securities Exchange Commission, resulting in no adverse action against the client.
- Led investigation and defense for a global airline in criminal and civil antitrust proceedings, negotiating a highly favorable plea agreement with DOJ and civil settlements with class plaintiffs.
- Quarterbacked multiple internal investigations for global financial services, technology, real estate and insurance companies following data breaches and related regulatory inquiries from EU, federal and state enforcement authorities.
- Advised a former cabinet secretary in connection with testimony before congressional committees investigating Russian interference in the 2016 U.S. presidential election.

### **Committee on Foreign Investment in the United States (CFIUS)**

As a former senior member of CFIUS, Mr. Silvers is uniquely positioned to advise clients as they evaluate CFIUS risk and approaches to potential deals, and then shepherd them through the review process to ensure successful outcomes. During his government service and in private practice, Mr. Silvers has played a substantial role in many of the most high-profile and challenging CFIUS reviews over the last decade.

- Obtained CFIUS clearance of the \$1.5 billion acquisition of a medical device company by a consortium that included Chinese investors. Mr. Silvers negotiated with the U.S. government certain assurances that persuaded CFIUS to declare that all national security concerns had been resolved. A leading M&A industry publication noted that the CFIUS provisions. Mr. Silvers negotiated into the purchase agreement were the start of “a trend one can associate with the most well thought out and well-structured deals.”
- Successfully represented a U.S. defense contractor in obtaining CFIUS of the sale of their critical infrastructure security services business to a non-U.S. acquirer.
- Won CFIUS approval, based on the filing of a non-binding term sheet, of the sale of a prominent U.S. logistics and cargo firm to a non-U.S. acquirer.
- Obtained CFIUS approval of the sale of a telecommunications provider to a non-U.S. private equity-backed consortium.

### **Artificial Intelligence (AI)**

Mr. Silvers is co-chair of the AI practice at Paul Hastings and is a noted authority on AI governance, ethics, and risk mitigation. He is frequently invited to speak on the legal risks and mitigation strategies that must be accounted for by companies developing and deploying AI technology.

## Robert P. Silvers (Continued)

- Developed a data management framework for the autonomous vehicle business of one of the world's largest technology companies, including by advising on data privacy and security, securing contractual arrangements and protections with key commercial partners, and developing AI ethics and safety guidance for the business.
- Advised an AI technology company on security and compliance issues for its business, including under U.S. export controls and data protection regulations.
- Represented a major global technology company in an internal investigation related to export controls compliance and AI-related technologies.
- Appointed to chair the Cybersecurity Committee at the annual Global Governance of AI Summit in Dubai, UAE.

### U.S. Government Experience

Mr. Silvers brings extensive experience at the most senior levels of government to bear for his clients.

As Assistant Secretary for Cyber Policy at DHS, Mr. Silvers led all cybersecurity policy decisions at the agency charged with ensuring the cybersecurity of critical infrastructure and the private sector in the United States. He routinely navigated crisis response in coordination with victim companies across a range of critical industries, including financial services, energy, healthcare, aviation, and technology. He also regularly participated in White House Situation Room meetings to determine the U.S. government's response to some of the most high-profile security events in recent years.

As DHS Deputy Chief of Staff, Mr. Silvers managed the day-to-day policy and operations of the Secret Service, Customs and Border Protection, Transportation Security Administration, Citizenship and Immigration Services, Federal Emergency Management Agency, Coast Guard, and Immigration and Customs Enforcement. In this capacity, Mr. Silvers had direct oversight over the Department's law enforcement and counterterrorism programs; its security review of foreign investment under the CFIUS process; and an array of immigration, border, economic crime, travel facilitation, aviation security, and cybersecurity priorities.

While at DHS, Mr. Silvers led crisis management for some of the most challenging security events the U.S. government has faced, including foreign and domestic terrorist attacks, cyber attacks against critical infrastructure companies, the surge of unaccompanied children crossing the U.S. southern border in 2014, and the Ebola crisis.

- Led the Obama administration's initiative to develop best security practices for

## Robert P. Silvers (Continued)

Internet of Things devices.

- Directly oversaw law enforcement personnel investigating and preparing for federal prosecution cases involving economic crime, cyber crime, intellectual property theft, and counter-proliferation activity.
- Spearhead initiatives to automate and enhance cyber threat information sharing between the U.S. government and the private sector.
- Developed the U.S. government's framework for cyber incident response, including how government and companies work together to mitigate and recover from serious attacks.
- Negotiated critical cybersecurity priorities with the governments of China, India, Israel, Japan, South Korea, EU countries, and others.
- Collaborated with and lending cyber expertise to U.S. government regulatory agencies, including the Treasury Department, Federal Communications Commission, Federal Aviation Administration, Food and Drug Administration, National Highway Traffic Safety Administration, and others.
- Oversaw DHS' review of transactions under review by CFIUS and Team Telecom.
- Managed DHS' work with airlines, airports, and aircraft manufacturers on counterterrorism, cybersecurity, and the facilitation of lawful travel and trade.
- Together with the White House, congressional offices, and stakeholder groups, stood up the Deferred Action for Childhood Arrivals (DACA) program, which granted to "Dreamers" deportation relief and an opportunity to work and thrive in the United States.
- Directly managed all high-profile communications and legislative affairs for DHS across its range of security and immigration missions.

### Speaking Engagements and Publications

- Counseling a Corporation After a Data Security Incident; Panel Moderator; Incident Response Forum West; Beverly Hills, California (February 6, 2019).
- AI & Cybersecurity: Building Rules and Norms for Industry; Session Chair, Global Governance of Artificial Intelligence Roundtable; World Government Summit 2018; Dubai, UAE (February 10, 2019).
- Artificial Intelligence in a Democratic Society; Speaker; The Center on Civil Justice at NYU Law and The Future Society; New York, NY (November 30, 2018).
- Cybersecurity and Artificial Intelligence Risk Mitigation; Remarks; U.S.-Japan Internet Economy Dialogue; Washington, DC (July 23, 2018).
- Artificial Intelligence and the Law; Panelist; U.S.-China AI Tech Summit; Half Moon Bay, California (June 29, 2018).
- How Artificial Intelligence is Changing the Legal Practice; Panelist;

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- Northwestern Law Alumni Tech Panel; Washington, D.C. (May 16, 2018).
- Crisis Management Preparedness: Proactive and Reactive Compliance for Cybersecurity; Keynote presenter; CBI Annual Pharmaceutical Compliance Congress; Washington, D.C. (April 24, 2018).
- A Conversation on Cyber Incident Response and Crisis Management; Panelist; IAPP KnowledgeNet; Washington, D.C. (March 12, 2018).
- Evolution of Online Payment Systems; Panel Moderator; International Bar Association: International Financial Law Conference HK; Hong Kong (March 9, 2018).
- Keeping up with Cybercrime: State Actors, Private Hackers, and the State of Private and National Cybersecurity; Panelist; ABA Institute on White Collar Crime; San Diego, California (February 28, 2018).
- Emerging Trends from Nation-State Hackers; Panel Moderator; International Privacy + Security Forum; Washington, D.C. (February 27, 2018).
- Global Governance of Artificial Intelligence Roundtable; Chairman, Cybersecurity Committee; World Government Summit 2018; Dubai, UAE (February 10, 2018).
- Cybersecurity: Threat Landscape and the Impact on Courts, Corporations, and Individuals; Panelist; National Center for State Courts Justice Roundtable; Washington, DC (November 16, 2017).
- The Role of Law in Protecting and Embedding Value; Panelist; Financial Times/Paul Hastings Summit on the Rule and Role of Law; New York, NY (November 15, 2017).
- Cyber Threats, Active Defense, and the Business and Legal Impacts; Keynote Presenter; American Chamber of Commerce in Shanghai; Shanghai, China (October 20, 2017).
- Cyber Threats, Active Defense and the Cross-Border Business Impacts; Keynote Presenter; British Chamber of Commerce in Hong Kong; Hong Kong (October 17, 2017).
- The Cybersecurity Balance: Sharper Threats, Building Defense, and Owning the Problem; American Chamber of Commerce in Japan; Tokyo, Japan (October 13, 2017).
- Communicating and Remediating the Incident; Panelist; Privacy + Security Forum 2017; Washington, D.C. (October 5, 2017).
- Growing with Confidence: The True Cost of Cyber Crime; National Association of Corporate Directors Global Board Summit; National Harbor, Maryland (October 2, 2017).
- "SEC announces creation of new 'Cyber Unit'," Daily Journal, with Nicolas Morgan, Thomas Zaccaro & Adam Reich (September 2017).
- Corporate Directors and the Internet of Things: The Next Frontier in

## Robert P. Silvers (Continued)

- Cybersecurity; Featured presenter; National Association of Corporate Directors Technology Symposium; Half Moon Bay, California (July 11, 2017).
- Challenges in Cyberspace: The New Frontier; Panelist; AIPAC Policy Conference; Washington, D.C. (March 26, 2017).
- The New President's Cyber Agenda; Keynote remarks; World Affairs Forum of Stamford, Connecticut (March 1, 2017).
- Coordinating Cybersecurity Regulatory Oversight: A Critical Need; Roundtable participant; NYU Center on Law and Security; New York, New York (March 1, 2017).
- Nation Under Attack: Live Cyber Exercise; Cyber war game public demonstration; RSA Conference; San Francisco, California (February 15, 2017).
- Securing the Internet of Things Industry — Government Workshop; Lead convener; Consumer Electronics Show; Las Vegas, Nevada (January 7, 2017).
- Aviation and Cybersecurity: A New Priority for a Security-Minded Industry; Keynote remarks; Aviation ISAC Fall Summit; Crystal City, Virginia (December 16, 2017).
- Update on Executive Branch Efforts on Internet of Things Security; Presentation to the Public Session of the President's National Security Telecommunications Advisory Committee; Washington, D.C. (December 7, 2016).
- Cybersecurity in the Airport Environment; Remarks; American Association of Airport Executives 16th Annual Aviation Security Summit; Arlington, Virginia (December 6, 2016).
- Cybersecurity for Broadcast Media: Threats and Solutions; Keynote remarks; The North American Broadcasters Association's Cybersecurity Symposium; New York, New York (December 2, 2016).
- Internet of Things Security as Homeland Security: Announcing DHS's Strategic Principles for Securing the IoT; Keynote remarks; The Coalition for Cyber Law & Policy's "Cybersecurity under the Next President" Forum; San Francisco, California (November 15, 2016).
- Information Sharing in a Connected and Complex World; Panel Moderator; SINET Showcase DC; Washington, D.C. (November 3, 2016).
- Steptoe Cyberlaw Podcast; Featured Guest (October 25, 2016).
- DHS's Partnerships for Cybersecurity; Keynote Remarks; National Cybersecurity Awareness Month Keystone Event; Los Angeles, California (October 19, 2016).
- Our Growing National Dependency on the Internet of Things; Keynote Remarks; Atlantic Council's Brent Scowcroft Center on International Security; Washington, D.C. (October 14, 2016).

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- State of Cybersecurity; Panelist; ITI Cybersecurity Awareness Event; Washington, D.C. (October 13, 2016).
- Non-state Actors; Panelist; CyFy: The India Conference on Cyber Security and Internet Governance; Delhi, India (September 29, 2016).
- Strategic Principles for Securing the Internet of Things; Featured remarks; Christian Science Monitor's Security of Things 2016 Forum; Cambridge, Massachusetts (September 22, 2016).
- Discussion on Cybersecurity Policy; Featured Facilitated Conversation at Harvard Kennedy School of Government's Belfer Center; Cambridge, Massachusetts (September 22, 2016).
- Hackers and Attackers: The Growing Complexity of Cybersecurity; Panelist; Jewish Federation of North America International Lion of Judah Conference; Washington, D.C. (September 13, 2016).
- Managing Cyber Risk; Panelist; AFCEA-INSA Intelligence and National Security Summit; Washington, D.C. (September 7, 2016).
- Guiding Principles for Securing the Internet of Things; Remarks at National Institute of Standards and Technology's Conference on Exploring the Dimensions of Trustworthiness: Challenges and Opportunities; Gaithersburg, Maryland (August 30, 2016).
- Developing Cyber Security Policy at the DHS to Enhance Monitoring and Defensive Capabilities of U.S. Networks; Remarks at Defense Strategies Institute's Cybersecurity for National Defense Symposium; Alexandria, Virginia (August 10, 2016).
- DHS is Building the World's Clearinghouse for Cyber Threat Indicators. Do You Want In?; SINET Thinks Forward keynote talk; SINET Innovation Summit; New York, New York (July 14, 2016).
- DHS's Role in Cybersecurity; Keynote Remarks; U.S. Chamber of Commerce Cybersecurity Conference; Chicago, Illinois (July 12, 2016).
- Data Breaches: Preparing our Networks; Panel Moderator; Department of Homeland Security Cyber Law Training Conference, Washington, D.C. (June 7, 2016).
- Cyber Threats, Real World Consequences: The U.S. Department of Homeland Security's Vision for Cybersecurity; Keynote Remarks; International Cybersecurity Conference; Temple University — Japan Campus, Tokyo, Japan (May 25, 2016).
- Advanced Cyber Defense; Panel Member; DCOI U.S.A.— Israel Cyber Security Summit; Washington, D.C. (May 18, 2016).
- The Federal View of Cybersecurity; Guest Seminar; Stanford University, Center for International Security and Cooperation; Palo Alto, California (May 12, 2016).
- Responsibility & Regulation in the Intelligence Age; New York University Law



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School, Center for Cybersecurity Roundtable (May 3, 2016).

### Education

- New York University School of Law, J.D.
- University of Pennsylvania, B.A., International Relations

### Affiliations:

- Admitted to practice: District of Columbia, California, New York

### Professional Activities:

- Clerkships: Honorable Kim McLane Wardlaw, U.S. Court of Appeals, Ninth Circuit
- Senior adjunct fellow, NYU Center on Law and Security, NYU School of Law
- Adjunct professor, M.S. in Cybersecurity Risk and Strategy program, NYU School of Law and NYU Tandon School of Engineering
- Member, Security Advisory Board, Secure Community Network
- Member, Council on Foreign Relations
- Founding member, Councilors Program, Atlantic Council

## News

### March 25, 2019

Paul Hastings Launches Artificial Intelligence Practice Group with a Broad Team of Legal Experts

### March 11, 2019

CDH Investments Clears CFIUS Review for \$1.4 Billion Acquisition of Sirtex

### June 14, 2018

CDH Investments to Acquire Sirtex for US\$1.4 Billion

### June 11, 2018

CJ Logistics to Acquire Majority Ownership of DCS Logistics

### April 19, 2017

Senior Cybersecurity Official from U.S. Department of Homeland Security Joins Paul Hastings to Help Clients Navigate Cyber, Investigations, and National Security Risks

## Insights

## **Robert P. Silvers** (Continued)

**June 03, 2019**

Steps You Can Take Now To Reduce The Risk Of Litigation Under The New California Consumer Privacy Act

**May 17, 2019**

A One-Two Punch: The U.S. Government Hits China's Technology Sector

**March 26, 2019**

Containing Risk and Seizing Opportunity: The In-house Lawyer's Guide to Artificial Intelligence

**February 06, 2019**

Rosenbach v. Six Flags Entertainment Corporation: The Illinois Supreme Court Clarifies BIPA's "Aggrieved" Pleading Requirement

**October 16, 2018**

CFIUS's New Pilot Program Signals an Expansive Approach to Its Jurisdiction Under FIRRMA

**August 13, 2018**

The "Transformative" CFIUS Bill: Not So Fast.

**July 11, 2018**

California Consumer Privacy Act of 2018 Set to Dramatically Change Privacy Landscape Across the Country

**March 30, 2018**

CLOUD Act Implements Crucial Statutory Changes Affecting Law Enforcement Access to Data

**March 14, 2018**

The SEC Releases New Cybersecurity Disclosure Guidance

**February 28, 2018**

Recap: Oral Arguments in United States v. Microsoft Corp.

**January 12, 2018**

Key Takeaways from the FTC's Latest Privacy Enforcement

**January 12, 2018**

Key Takeaways from the FTC's Latest Privacy Enforcement

## **Robert P. Silvers** (Continued)

**September 18, 2017**

In-House Counsel Guide to Ransomware Prevention, Preparedness, and Response

**July 17, 2017**

The SEC's Relentless Focus on Cybersecurity: After WannaCry, Head of Enforcement Says Cybersecurity Is the Greatest Threat to the Industry

**May 24, 2017**

Effects of President Trump's Executive Order Requiring Review of Federal Cybersecurity Policies on the Electric Power Industry

**May 19, 2017**

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**May 19, 2017**

Protecting Your Networks, and Your Brand: How to Avoid and Respond to Ransomware Attacks

**April 19, 2017**

China's New Cybersecurity Regime

## **Rankings & Awards**

**November 23, 2017**

Recognized by National Law Journal as a Cybersecurity Trailblazer

**September 01, 2017**

Recognized by the National Law Journal as a Rising Star