

# Snell & Wilmer

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## **Brett W. Johnson**

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### **Main Bio**

Brett Johnson represents businesses and individuals in government relations matters. His practice includes State and federal Constitutional law, government regulatory compliance, export, government contracting, political and election law, and health care matters, including professional liability defense and commercial litigation. Brett regularly represents parties and witnesses involved with governmental investigations, including election law, governmental ethics, export control, False Claims Act, Foreign Corrupt Practices Act, and government procurement compliance laws and regulations. He has experience handling internal investigations and compliance audits for clients on a wide range of matters. Brett also provides training to businesses and governmental agencies concerning compliance matters and the drafting of related corporate policies.

Brett's political and election law practice includes advising candidates, initiative committees, consultants, lobbyists, political action committees (PACs), ballot measure and independent expenditure committees, political parties, municipalities, corporations, trade associations and other tax exempt organizations, and individual donors and political contributors on matters ranging from constitutional law, referenda for the ballot, campaign finance law compliance and election law complaints. He handles election-related litigation and enforcement matters before local, state, and federal courts and agencies.

Brett advises and represents businesses in relation to negotiating and complying with government contracts. He negotiates and drafts Other Transaction Agreements, government subcontracts and compliance programs related to, among others, the Buy American Act, Small Business Subcontracting Plans and Ethics policies. Brett also represents businesses before the Court of Federal Claims, Government Accountability Office, Boards of Contract Appeals, Small Business Administration, state, county, city, and other judicial bodies in regard to government procurement bid protests, claims, equitable adjustments, small business size determinations, certifications challenges and other disputes related to complying with government acquisition laws and regulations.

Brett also advises clients in regard to litigation subpoenas, Grand Jury Subpoenas, governmental administrative subpoenas, and other government requests for information. He regularly handles Freedom of Information Act and Privacy Act requests and defends against competitors who seek proprietary information through such authorities. Prior to joining the firm, Brett was a judge advocate with the United States Navy, regularly appearing in state and federal courts throughout the nation on behalf of the Department of the Navy. Brett also was assigned as the Civil Law Attorney to the Commander, Navy Region Southwest, handling civil law matters for the Department of the Navy in California, Arizona, and Nevada.

In addition to representing large and small businesses, individuals and pro bono clients, he is the co-chair of the firm's International Industry Group and one of the editors of the firm's International Industry Group's

Global Connection newsletter. Brett also serves on the firm's Hiring Committee.

## **Representative Transactions**

- Represented multiple candidates and political parties in regard to constitutional and election challenges in state and federal courts, including a favorable ruling by the United States Supreme Court
- Advised healthcare company in a \$3 billion state bid protest
- Represented government contractor as national counsel in regard to municipal and state government contracts, bid protests, and claims
- Advised multiple executives and companies in regard to False Claims Act and Office of Inspector General investigations
- Advised emergency services company in regard to \$350 million federal government contract
- Advised pharmaceutical company regarding developing government contract mandated subcontracting plan
- Advised multiple companies regarding developing government Teaming Agreements
- Advised multiple companies in regard to government subcontracting compliance issues
- Advised multiple companies in regard to export licensing issues involving multiple federal and foreign government agencies
- Developed multiple multi-national companies' foreign transaction and export compliance programs
- Advised multiple companies in regard to voluntary self-disclosures and responding to governmental requests for information concerning export control violations, government contract compliance requirements, and cyber-security breaches
- Advised multiple companies and their senior executives in regard to complying with governmental subpoenas and trial preparation
- Advised multiple multi-national companies in developing international sales, distribution, and commercial agency agreements
- Assisted in representations regarding Command Directed, JAGMAN or Inspector General investigations
- Represented civilians and military members in Office of Special Counsel proceedings
- Represented military members before administrative and disciplinary proceedings

## **Education**

- International Import-Export Institute
  - Certified U.S. Export Compliance Officer (2008)
  - Certified ITAR Professional (2009)
- Lex Mundi Institute, Program in Cross-Border Dispute Resolution (Summer 2008)
- University of Maryland, University College (Masters, Int'l Management, 2006)
- United States Naval War College (Completed Program in Strategic Studies, 2004)
- The Hague Academy of International Law, the Peace Palace
  - The Netherlands (Summer 2003)
- University of San Diego School of Law (Masters of Law, International Law, 2001)

- Santa Clara University School of Law (J.D., 1999)
  - 1999 Honors Moot Court Board, Director
  - Phi Delta Phi Honors Fraternity, Secretary
- Santa Clara University (B.S., Political Science, Minor, English, 1996)

## Professional Memberships & Activities

- Judge, Arizona Court of Military Appeals (2015-present)
- Judge Pro Tem, Maricopa County Superior Court (2011-present)
- State Bar of Arizona
  - International Law Section, Chair (2008-2009); Executive Committee (2008-present)
  - Professionalism Committee
  - 2008 State Bar of Arizona Convention, International Law Section Seminar, Co-Chair
- Maricopa County Bar Association
- American Bar Association

## Representative Presentations & Publications

- "[House Small Business Committee Proposes Legislation to End Self-Certification for SDVOSB](#)," Co-Author, Snell & Wilmer Legal Alert (December 17, 2018)
- "[Update: Third Round of NAFTA Negotiations Concludes - Compromise Possible?](#)" Co-Author, Snell & Wilmer Legal Alert (October 6, 2017)
- "[Massive Telia Settlement Indicates International Cooperation Will Continue Under New Administration](#)," Quoted, The Anti-Corruption Report (October 4, 2017)
- "Issues Relating to the Exportation of Goods," Panelist, DMSMS Conference, Denver, CO (November 30, 2016)
- "[The New FCPA Cooperation Plan](#)," Co-Author, InsideCounsel (September 6, 2016)
- "Analysis of New Regulations," Co-Presenter, Independent Distributors of Electronics Association (IDEA) Webinar Update (December 10, 2015)
- "[Pharma Fights Foreign Corruption: Your Company and the U.S. Foreign Corrupt Practices Act](#)," Co-Author, Pharmaceutical Compliance Monitor (April 29, 2015)
- "Things to Keep on the General Counsel's Radar & Key Things the General Counsel Wants on Yours," Co-Presenter, University Risk Management and Insurance Association, Western Regional Conference (April 1, 2015)
- "[Top International Trade Compliance Lessons From 2014](#)," Co-Author, Law360 (December 15, 2014)
- "Export Controls And The Art of Voluntary Disclosures," Author, Law360 (October 21, 2014)
- "[District Court's Attorney-Client Privilege Ruling Counteracts Incentives to Perform Internal Investigations](#)," Co-Author, The Legal Pulse (March 24, 2014)
- "A Vital Link To Int'l Trade Compliance: The HR Manager," Author, Law360 (April 2, 2014)
- "[When Enough is Not Enough: Two Rulings Complicate Corporate Compliance Efforts](#)," Co-Author, Washington Legal Foundation Legal Backgrounder, Vol. 28, No. 16 (October 11, 2013)
- "[Lessons Learned from Sequestration Phase I: Preparing for Government Contract Terminations](#)," Author, Bloomberg BNA's Federal Contracts Report (March 26, 2013)

- "[US Department of Justice targets gaming: beyond Las Vegas Sands FCPA disclosure](#)," Co-Author, European Gaming Lawyer (Spring 2013)
- "[The Dos and Don'ts of a Foreign Trade Zone](#)," Author, Law 360 (August 24, 2012)
- "Export Controls Update: Understanding the Basics and Exploring Future Trends," Presenter (Jun. 13, 2012)
- "ITAR & The Supply Chain: Getting 'Stuck' in the Middle," Speaker, ERAI Executive Conference, Electronic Resellers Association International, Las Vegas, NV (May 17, 2012)
- "Foreign Corrupt Practices Act Seminar," Presenter (Apr. 11, 2012)
- "Government Contracting: Protection through Proper Documentation and Recordkeeping," Co-Author, Under Construction (Mar. 12, 2012)
- "Largest Indictment for an FCPA Case is Dismissed," Co-Author, Global Connection (Feb. 27, 2012)
- "Foreign Corrupt Practices Act Update: The Government Finds It Tough To Obtain Criminal Convictions," Co-Author, Global Connection (Feb. 2012)
- "World Trade Forum IV," Moderator (2012)
- "Update International Trade Compliance for 2012," Author, Global Connection (Jan. 2012)
- "When the Government Breaks the Rules: The Feeling of Helplessness When the Government Investigates Violations of International Trade Laws," Co-Author, Global Connection (Jan. 2012)
- "International 'Force Multipliers': Utilizing Government Programs to Maximize Returns When Entering the Global Marketplace," Author, Global Connection (Jan. 2012)
- "8(a) Joint Ventures on Federal Construction Projects: More Work, More Hurdles and Likely Less Use," Co-Author, Under Construction (Sep. 2011)
- "Never Too Late: Leveraging the Chinese Economic Opportunity," Author, Global Connection (Sep. 2011)
- "Legal Alert - 'BIS' Issues Final Rule Amending Export Control List," Co-Author, Global Connection (May 2011)
- "Developing Foreign Markets from the U.S.," Presenter, Indo-American Chamber of Commerce (Apr. 12, 2011)
- "National Export Initiative? What Does This Initiative Really Mean for Global Business Operations," Author, Global Connection (Feb. 2011)
- "Global Business Operations and Preparing for Civil Unrest (Round III)," Author, Global Connection (Feb. 2011)
- "INCOTERMS 2010 – Does My Business Have to Follow Them?" Author, Global Connection (Feb. 2011)
- "World Trade Forum III," Moderator (2011)
- "[What Corporate Counsel Should Know About Inspectors General Investigations](#)," Co-Author, Washington Legal Foundation, Vol. 25, No. 24 (June 18, 2010)
- "More Small Business Preferences in Government Contracts on The Way: President Obama's Executive Order," Author, Under Construction (May 2010)
- "To Team or Not To Team, That Is The Question," Co-Author, Under Construction (May 2010)
- "Searching Out Those Federal Government Opportunities: Be Prepared," Author, Under Construction (Feb. 2010)

- "World Trade Forum II," Moderator (2010)
- "DOJ Steps Up FCPA Enforcement," Author, Global Connection (Feb. 2010)
- "Avoid the International Sting Operation," Author, Global Connection (Feb. 2010)
- "So, You Want to Go Global: Developing International Markets from the U.S.," Presenter, U.S. Asia Expo Arizona (Sept. 17, 2009)
- "The Foreign Corrupt Practices Act: The Fine Line Between Ethical Business Practices and Prosecutable Conduct in International Business," Presenter, Global Connect Series (Aug. 18, 2009)
- "Complying with U.S. Export Control Laws in a Global Environment," Presenter, U.S. Department of Commerce (2009)
- "International Agency and Distributor Agreements: Export Controls, INCOTERMS 2000, and Drafting Considerations for the Middle East," Presenter, U.S. Department of Commerce (2009)
- "Information Security in the Age of the USA PATRIOT Act," Presenter, Arizona Technology Council (2009)
- "Controlling Global Financial Transfers: Understanding the Foreign Asset Control Regulations," Author, Global Connection (May 2009)
- "Ethics Abroad: Minding the Foreign Corrupt Practices Act," Author, Arizona Attorney (Feb. 2009)
- "U.S. Export Controls, Embargoes, & Economic Sanctions Regulations," Guest Lecturer, Thunderbird School of Global Management (2009)
- "Protected Health Information and Law Enforcement Disclosures," Presenter (2008-2009)
- "Litigation in the Healthcare Industry: Can I Limit Risk?," Presenter (2006-2008)
- "New CDC Warnings Prompt Global Businesses to Review Emergency Policies and Procedures," Author, Global Connection (Jan. 2008)
- "Understanding the Foreign Corrupt Practices Act," Presenter, State Bar of Arizona Convention (2008)
- "Panel Discussion on SBIR Funding," Moderator and Panelist, Third Annual Nanotechnology Symposium (2008)
- "Pandemic Legal Issues," Presenter (2008)
- "Compliance with United States Export Laws when Trading with Mexico," Author, Global Connection (Nov. 2008)
- "Entering Global Markets Without Violating U.S. Law," Author, Global Connection (Aug. 2007)
- "Understanding Cross-Border Cultural Issues in Dispute Resolutions," Presenter, Lex Mundi North America Conference (2007)
- "Medical Ethics: The Difficult Choices," Presenter (2007)
- "The Future Constitutional Battle If The United States Ratifies The International Criminal Court Treaty," Author, Chicago-Kent Journal of International and Comparative Law (Vol. 3, Spring 2003)

## **Professional Recognition & Awards**

- 40 Under 40, Phoenix Business Journal (2014)
- Southwest Super Lawyers<sup>®</sup>, Rising Stars Edition, Government Contracts (2013-2014), Civil Litigation Defense (2012)

## **Community Involvement**

- General Counsel, Arizona Chamber of Commerce and Industry (2015-present)
- Board Member and General Counsel, Greater Phoenix Economic Council (2017-present)
- Chairman (present) and President (2017-2019), Phoenix Committee on Foreign Relations
- Board Member, Not My Kid (2016-present)
- Member, Arizona District Export Council (2017-present)
- Scouts of America Troop 446, Scoutmaster
- Valley Leadership, Class 36

## **Other Professional Experience**

- United States District Court, Northern District of California, Judicial Extern to Hon. Jeremy Fogel
- Liccardo, Rossi, Sturges & McNeil, Law Clerk, San Jose, California

## **Military Service**

- U.S. Navy, Judge Advocate General's Corps Headquarters, Washington, D.C. (2004-2006)
- Naval Legal Service Office, Europe and Southwest Asia, Rota, Spain (2002-2004)
- Commander, Navy Region Southwest, San Diego, CA (1999-2002)

## **Bar Admissions**

- Arizona
- California
- District of Columbia

## **Court Admissions**

- Supreme Court of Arizona
- United States District Court, District of Arizona
- United States Court of Appeals, Ninth Circuit
- Supreme Court of California
- District of Columbia Court of Appeals
- Federal Court of Claims
- United States Court of Appeals, Navy and Marine Corps
- United States Court of Appeals for the Armed Forces
- United States Court of International Trade