



## Clark K. Ervin

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### Practice Focus

- Government Investigations & White Collar
- International Policy Practice
- State Attorneys General
- Business Immigration
- Data Privacy & Cybersecurity

### Education

- Harvard Law School, J.D., *cum laude*, 1985
- Oxford University, M.A., Rhodes Scholar, 1982
- Harvard University, B.A., *cum laude*, 1980

### Admissions

- District of Columbia
- Texas

As a member of the Government Investigations & White Collar Practice Group, Clark K. Ervin helps clients under investigation, or facing the prospect of investigation, by federal Offices of Inspector General, to craft, coordinate and implement strategic defenses. An integral member of the firm's Homeland Security, Defense and Technology Transfer team, as well as our International Policy Practice, Clark also provides invaluable counsel to clients, both corporations and foreign sovereigns, on issues of national security and foreign policy.

Having served as Inspector General of three federal agencies during the administration of President George W. Bush, Clark brings extensive experience and notable expertise to the firm's Government Investigations & White Collar Practice. From 2003 to 2004, he served as the very first Inspector General of the Department of Homeland Security (DHS), and from 2001 to 2002, as the Inspector General of the Department of State (State) and, simultaneously, the Broadcasting Board of Governors (BBG), the global media arm of the United States government.

In addition to counseling clients facing Inspector General-led investigations, Clark's work focuses on other executive branch, congressional and internal corporate investigations, and he plays an active role in the firm's dealings with State Attorneys General, applying knowledge gained while he served the State of Texas as Assistant Secretary of State and a Deputy Attorney General during then Governor George W. Bush's administration. In this capacity, he represents clients being investigated by State Attorneys General and he also advocates clients' policy positions to State Attorneys General. Finally, drawing on his experience at State and DHS, Clark counsels clients on cybersecurity matters and immigration-related matters, including the EB-5 Program.

Clark also has considerable expertise in monitorships. In May 2016, the US Department of Education approved Zenith Education Group's (Zenith) selection of the firm, with Clark leading the team, as the Monitor with respect to certain provisions the department required Zenith to comply with as a condition of its approval of Zenith's acquisition of some formerly for-profit colleges owned by the now defunct Corinthian Colleges. In July 2016, the US Department of Justice and the City of Ferguson selected the firm, with Clark leading the team, as the Monitor with respect to the Ferguson Police Department's and the city's municipal court system's compliance with the terms of a consent decree. He also counsels companies on compliance-related matters.

In 2008, Clark served as the co-chairman of then President-elect Barack Obama's Transition Team for DHS, adding to the experience he gained while previously serving as the department's first Inspector General. From its inception in 2008 to its expiration in September 2011, Clark, an

appointee of then House Speaker Nancy Pelosi, served as one of the eight members of the independent, bipartisan congressional [Commission on Wartime Contracting in Iraq and Afghanistan](#).

Clark's government experience is complemented by his policy expertise. Since leaving DHS in 2004, Clark has been affiliated with the Aspen Institute, where founded and chairs the Homeland Security Program. In this capacity, Clark convenes policymakers and thought leaders in homeland security and counterterrorism with a view to helping shape the policy debate. His signature program at the Institute, the annual [Aspen Security Forum](#), [www.aspensecurityforum.org](http://www.aspensecurityforum.org), brings top-level present and former government officials, industry and thought leaders, and nationally noted print and broadcast journalists to Aspen each summer to discuss and debate the key issues of the day in the fields of national security. Clark also founded the [Aspen Homeland Security Group](#), a bipartisan group of former government officials and policy experts that provides informal advice and counsel to the Homeland Security Secretary and other national security-related policymakers.

Formerly an on-air analyst and contributor at CNN, Clark still appears as a guest commentator on television and radio networks, and is often cited as an expert by major national and international publications, including *The Wall Street Journal*, *Time* and *The Economist*. His opinion pieces have appeared in *The New York Times* and *The Washington Post*. Clark's book on homeland security – *Open Target: Where America is Vulnerable to Attack* – was published by the St. Martin's Press imprint, Palgrave Macmillan, in 2006.

### PROFESSIONAL AFFILIATIONS

- Member, International Association of Independent Corporate Monitors
- Member, American Association of Rhodes Scholars
- Member, Council on Foreign Relations

### AWARDS AND DISTINCTIONS

- Rhodes Scholar (Texas and St. Catherine's 1980)

### PUBLICATIONS AND SPEAKING ENGAGEMENTS

- Moderator, "Practical Considerations Before and After an Attack or Event at a Chemical Facility," Squire Patton Boggs 2016 US Roundtable for General Counsel in the Chemical and Performance Materials Industry, Washington DC, April 7-8, 2016.
- Author, "Agreement Includes New Visa and Business Registration Requirements for US Contractors in Afghanistan," Squire Patton Boggs Client Alert, January 2016.
- Speaker, "What Does the President's Executive Order on Immigration Mean for Your Company?" Squire Patton Boggs Webinar, December 2, 2014.
- Contributor, "2014 Mid-Term Congressional Elections Analysis,"

Squire Patton Boggs Publication, November 2014.

- Speaker, "Government Investigations – An Inspector General's Perspective," National 8a Conference, Orlando, Florida, February 11, 2014.
- Author, "What to Expect when an Inspector General Investigates You – Answers to Frequently Asked Questions," *The Government Contractor*, January 30, 2013.
- Guest, "Government Shutdown," Segment One and Two, Capital Thinking Radio Show, October 17, 2013.
- Witness, Hearing: "A New Perspective on Threats to the Homeland," House of Representatives Committee on Homeland Security, February 13, 2013.
- Author, "Open Target: Where America is Vulnerable to Attack," Palgrave MacMillan, May 2006.

#### REPRESENTATIVE EXPERIENCE

- Represented a closely held government contractor whose owners were accused by the Department of Defense's Inspector General, the Department of Justice (DOJ), certain members of Congress and the news media of being "delinquent" on their federal income taxes and, thus, falsely certifying that they were eligible to receive federal contracts. Ultimately, there was no finding of wrongdoing, and the company has continued to win federal contracts.
- Represented one of the owners of a small, disabled veteran-owned business that was investigated by the Small Business Administration's Inspector General and the DOJ for falsely claiming to be such a business. Ultimately, no action was taken against the client.
- Represented a government contractor accused by the Navy's Inspector General and the DOJ of failing to disclose a conflict of interest that facilitated the company's obtaining government contracts. Ultimately, no action was taken against the client.
- Represented a nonprofit organization funded in part by DOJ grants in an investigation by the department and its Inspector General as to whether the organization misused grant funds. Negotiated a favorable settlement.
- Represented, as a potential third-party witness, a consultant to school districts with regard to the federal "E-Rate" program that subsidizes the cost of certain technology purchases for districts with significant numbers of economically disadvantaged children in an investigation by the Federal Communications Commission's Inspector General as to whether those districts were obtaining subsidies to which they were not entitled. Ultimately, the consultant was not required to testify.
- Conducted an internal investigation for a major metropolitan school district as to why it obtained millions less in reimbursements under

the federal E-Rate program than was approved by the government to receive.

- Represented a major insurance company with respect to an audit by the DHS' Inspector General of various insurance companies' participation in the "Write Your Own" program.
- Represented a National Science Foundation grant recipient being investigated by that agency's Inspector General and a congressional committee for allegedly misusing grant funds. Ultimately, there was no finding of wrongdoing.
- Represented a company accused of misusing funds awarded to it by the US Trade and Development Agency.
- Representing a NASA grantee in an investigation by NASA's Inspector General of alleged misallocation of time.
- Conducted an internal investigation for a major pharmaceutical company into alleged kickbacks, conflicts of interest, and related issues.