

## J. Tyler McGaughey

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**Drawing upon years of government service across multiple administrations, Tyler’s practice focuses on representing clients in a wide array of white collar criminal and civil litigation matters, federal and state regulatory proceedings, internal investigations, and congressional investigations and hearings; he also advises investment funds and companies on national security laws and regulations, with a particular focus on matters involving the Committee on Foreign Investment in the United States (CFIUS).**

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<b>Services</b>	White Collar, Regulatory Defense & Investigations, Complex Commercial Litigation, International Trade, CFIUS, Customs, Export Controls & Sanctions
<b>Sectors</b>	Financial Services & Banking, Technology, New Media & Telecommunications, Energy & Infrastructure, Health Care & Life Sciences, Government Relations
<b>Admissions</b>	Virginia, District of Columbia
<b>Clerkships</b>	USDC - Eastern District of VA for the Honorable T.S. Ellis, III
<b>Court Admissions</b>	U.S. Supreme Court, USCA - D.C. Circuit, USCA - 4th Circuit, USDC - District of Columbia, Eastern District of Virginia, Western District of Virginia
<b>Education</b>	Yale University, JD, 2009 University of Virginia, BA, 2001

Tyler joined Winston after serving as the Deputy Assistant Secretary (DAS) for Investment Security at the U.S. Department of the Treasury, where he was responsible for managing the office that reviews foreign investments in U.S. businesses for national security risks. During his tenure, Tyler supervised the completion of national security reviews and investigations for hundreds of transactions, including transactions worth billions of dollars. He also reviewed and approved mitigation agreements, supervised the publication of new regulations implementing the Foreign Investment Risk Review Modernization Act of 2018 (FIRRMA), and helped build the Treasury unit responsible for identifying “non-notified” transactions.

Prior to joining Treasury, Tyler served as an Assistant U.S. Attorney in the Eastern District of Virginia, where he prosecuted criminal cases, including MS-13 gang murders, international drug trafficking, armed robbery, and other federal criminal offenses. Tyler tried multiple cases to jury verdict in federal district court. He also drafted appellate briefs and argued before the U.S. Court of Appeals for the Fourth Circuit. During his final year at the U.S. Attorney's Office, Tyler was detailed to the White House Counsel's Office, where he served as an Associate Counsel to the President. At the White House, Tyler worked on congressional oversight matters and provided legal advice to the National Security Council.

Tyler began his legal career at another Washington, D.C. law firm, where he handled high-stakes disputes involving mass torts, legal malpractice, securities fraud, D&O liability, and other complex litigation matters. He also tried a criminal case to jury verdict in Maryland state court.

Before law school, Tyler served as an infantry officer in the Marine Corps. In 2003, he was a platoon commander in an infantry battalion that drove Assault Amphibious Vehicles from Kuwait to Baghdad and seized one of Saddam Hussein's presidential palaces. In 2004, he was the executive officer of a Marine rifle company that conducted combat operations in and around Fallujah. At the beginning of his military career, Tyler graduated first in his class (1 out of 212 officers) from The Basic School and received individual awards for earning the highest score in the categories of physical fitness and leadership.

## Honors & Awards

- Recognized in *The Legal 500 United States 2022*, Firms to Watch: International Trade
- Awarded the Treasury Medal for meritorious service as the Deputy Assistant Secretary for Investment Security from 2019 to 2021
- Received an FBI Service Award for prosecuting several MS-13 gang members for murder

## Activities

- Founding Advisor, *Foreign Investment Watch* (2022-2023)

## Credentials

Tyler received his J.D. from Yale Law School, where he served as a Projects Editor for the Yale Law Journal. He received his B.A., with distinction, from the University of Virginia, where he was elected to *Phi Beta Kappa*.

## Publications & Speaking Engagements

### Speaking Engagements

- Role Player, Interagency Table Top Exercise (TTX), The Bush School of Government and Public Service at Texas A&M University, May 19, 2022
- Guest Speaker, "Lesson 4: Economic and Financial Instruments of Power," National Defense University, January 25, 2022
- Co-panelist, "International Trade: 2021 Year End Review and Predictions for 2022," Winston & Strawn Webinar, January 20, 2022
- Co-panelist, "Mitigating Risks in U.S. Transactions: CFIUS and Merger Review Tips for Japanese Companies," Winston & Strawn Webinar, June 28, 2021

- Speaker, "CFIUS Considerations for the Video Games Industry," Winston & Strawn's "The Play Book" Podcast, June 15, 2021
- Co-panelist, "Design for Success: How to Relate Risk Assessment to CFIUS Transaction Structure, Negotiation, and Mitigation," Ankura, May 6, 2021
- Co-panelist, "China Landscape: Staying Compliant with Rapidly Changing Export Controls and Sanctions Regulations," American Conference Institute, April 27, 2021

## Media Mentions

- Featured Interviewee, "Everything You Wanted to Know About NSAs But Were Afraid to Ask," *Foreign Investment Watch* "Ten Minutes On" Video Interview Series, August 31, 2022
- Featured in: "Most CFIUS non-notified inquiries related to deals only three years old," *Foreign Investment Watch*, August 14, 2022
- Featured in: "The DoD has its own non-notified team prowling for transactions," *Foreign Investment Watch*, May 5, 2022
- Featured in: "Sumo/Tencent: Deal announcement language, cooperation agreement suggest potential CFIUS hurdles will be addressed, UK M&A lawyer says," DealReporter, October 14, 2021
- Featured in: "Wise Road/Magnachip: Extreme Mitigation Is the Only Hope to Keep Chip Deal Alive, Experts Say," *The Capitol Forum*, September 22, 2021
- Featured in: "US security reviews now extend to Chinese acquisitions never filed with government," *South China Morning Post*, September 7, 2021
- Featured in: "Firms Vie For CFIUS Attys As 'Black Box' Panel Extends Reach," *Law360 Pulse*, July 23, 2021
- Featured In: "Treasury team is scouring for non-notified transactions. Here's how," *Foreign Investment Watch*, June 27, 2021
- Featured In: "Ex-CFIUS official: Pitfalls to avoid when filing with the Committee," *Foreign Investment Watch*, April 4, 2021