

Susan Warshaw Ebner Talks DOJ Cybersecurity Crackdown in *Law360*

In the News

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Partner [Susan Warshaw Ebner](#) was recently quoted in a *Law360* article that details how the [U.S. Department of Justice \(DOJ\)'s recent crackdown on cybersecurity for federal contractors](#) demonstrates their interest in cracking down on government contractors that do not comply with federal cybersecurity requirements, and foreshadows the likelihood of the DOJ providing increased support to whistleblowers. The DOJ will use the authority under the federal False Claims Act to pursue both individuals and organizations that fail to timely monitor and report cyber breaches and other incidents.

According to the article, the enforcement program will likely lead to many new cases from whistleblowers, including those who may have considered doing so in the past but were put off by the amount of work required.

"It's more likely now that the Justice Department will do [whistleblowers'] work of investigating and developing a case, as opposed to in the past, [where] they had to do all the work themselves," said Ebner. "So now it's an easy [decision] — let me raise the allegation, and then Justice will do the work to prove whether or not I was right."

The article went on to explain that it is not entirely clear which allegations of flawed cybersecurity the DOJ will choose to pursue. Ebner noted that "there is no such thing as complete cybersecurity," and that it is unclear whether the DOJ will always treat contractors facing cyberattacks or breaches as having inadequate security, regardless of their proactive measures.

Ebner represents businesses and nonprofits on a broad spectrum of government contract and compliance matters, including bid protests, cyber security and supply chain risk, compliance program development and training, audits, investigations, claims, and dispute resolution. She counsels clients on federal research and development-related matters, including small business innovation research, other transactions,

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technology investment agreements, cooperative agreements and grants. She is also a lead blogger for Stinson's [Government Contracting Matters blog](#). In addition, Ebner is the Immediate Past Chair of the American Bar Association Public Contract Law Section and Co-Chair of the National Defense Industrial Association Cyber Division Cyber Legal Policy Committee.

CONTACT

Susan Warshaw Ebner

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