

Biographical Information for John G. Malcolm

John G. Malcolm is the Director and Ed Gilbertson and Sherry Lindberg Gilbertson Senior Legal Fellow in The Heritage Foundation's Edwin Meese III Center for Legal and Judicial Studies, where he writes and speaks on a variety of law-related topics.

An honors graduate from Columbia College and Harvard Law School, Malcolm clerked for federal judges in the Northern District of Georgia and on the Eleventh Circuit Court of Appeals. For ten years, Malcolm worked at the Department of Justice, from 1990 to 1997, as an Assistant United States Attorney in Atlanta, Georgia and as an Associate Independent Counsel in Washington, D.C., where he investigated fraud and abuse at the Department of Housing and Urban Development, and from 2001 to 2004, as a Deputy Assistant Attorney General in the Criminal Division. Malcolm received numerous awards for his service at DOJ, including the Director's Award for Superior Performance by an Assistant United States Attorney. Between 1997 and August 2001, Malcolm was a partner at the firm of Malcolm & Schroeder, LLP, and from 2004 through 2009, Malcolm served as an Executive Vice President and Director of Worldwide Anti-Piracy Operations for the Motion Picture Association of America. Malcolm then served on the faculty of Pepperdine Law School as a Distinguished Practitioner in Residence. From 2010 to 2012, Malcolm was the General Counsel at the U.S. Commission on International Religious Freedom.

JOHN G. MALCOLM

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PROFESSIONAL EXPERIENCE

THE HERITAGE FOUNDATION, Washington, D.C.

Director, Edwin Meese III Center for Legal and Judicial Studies & the Ed Gilbertson and Sherry Lindberg Gilbertson Senior Legal Fellow (2012-present)

Research, write, and provide commentary on a variety of law-related topics including criminal law, constitutional law, national security, religious liberty, tort reform, and intellectual property.

For copies of articles and blog posts, go to <http://www.heritage.org/about/staff/m/john-malcolm>

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM, Washington, D.C.

General Counsel (2010-2012)

Provided management recommendations to Executive Director on personnel related issues and agency operations, and provided legal advice on, among other things, questions of international law, labor law, and compliance with federal regulations. Researched and made policy recommendations on, among other things, Internet censorship and its effect on religious freedom and on whether the constitutions in predominantly-Muslim countries comply with international, human rights standards.

- **Updated and revised** comparative study of the constitutions in majority-Muslim countries to see how well they comply with international human rights standards.
- **Oversight and active participation** in well-publicized, sensitive lawsuit filed by former USCIRF employee.
- **Discovered, investigated, and referred** a criminal matter involving a former employee to federal authorities, resulting in a guilty plea and substantial sentence.
- **Managed all human resources and budgetary matters**, including managing outside vendors, revamping expense approval and performance appraisal processes, negotiating a new lease, and handling a major agency restructuring and reduction in force due to budget cuts.

PEPPERDINE UNIVERSITY SCHOOL OF LAW, Los Angeles, CA

Distinguished Practitioner in Residence (2010)

MOTION PICTURE ASSOCIATION OF AMERICA (MPAA), Sherman Oaks, CA

Worldwide Anti-Piracy Operations, Executive Vice President and Director (2004-2009)

Managed and led the MPAA's Global Anti-piracy operations for the six major Hollywood Studios (Warner Bros., 20th Century Fox, Paramount, NBC Universal, Sony, and the Walt Disney Company). Personally recruited by the Jack Valenti, former Chairman and Chief Executive of the MPAA, to lead this critical division. Oversaw a total budget of \$60 million allocated to anti-piracy enforcement and defined the department's overall vision and mandate. Directed the global intellectual property (IP) enforcement program with direct and indirect oversight of hundreds of employees and external contractors.

- **Expanded the MPAA's outreach and cooperative efforts** with the Independent Film & Television Alliance, the Directors Guild of America, the Producers Guild of America, the Recording Industry Association of America, and the International Federation of Phonographic Industries to create more focused, streamlined, and standardized approach to IP protection around the world.
- **Established a world-class Anti-Piracy Intelligence Center (APIC)** to analyze anti-piracy threats, providing sound business intelligence to member companies and actionable information to support criminal investigations and civil actions throughout the United States and the rest of the world.
- **Redefined the MPAA's primary objective to counter piracy** at its source rather than focusing on physical media protection. Pursued high-profile criminal prosecutions and civil actions against organized criminal organizations around the world, including The Pirate Bay (Sweden) and the Mininova (Holland).
- **Uncovered the global connections between film piracy**, organized crime, and terrorist groups, resulting a seminal report by the RAND Corporation and in stricter IP laws enacted by several underdeveloped countries including India.
- **Built an extensive network of global media contacts** as the public voice of the MPAA in print, radio, and television. Featured in The New York Times, Wall Street Journal, Washington Post, Los Angeles Times, Variety, USA Today, Slate, 60 Minutes, MSNBC, Good Morning America, BBC, CNN, and NPR.

UNITED STATES DEPARTMENT OF JUSTICE (DOJ), Washington, D.C.

Deputy Assistant Attorney General (2001-2004)

Reported directly to the Assistant Attorney General in charge of the Criminal Division (Hon. Michael Chertoff & Hon. Christopher Wray). Primary responsibility was to supervise the Computer Crime & Intellectual Property Section (CCIPS), Child Exploitation & Obscenity Section (CEOS), Domestic Security Section (DSS), and Office of Special Investigations (OSI). Devised and implemented DOJ policy related to post-September 11 online surveillance, as well as the Department's efforts to counter computer crimes, intellectual property theft, online gambling, gang violence, human trafficking, and child exploitation.

- **Represented the DOJ as the lead liaison** to the Committee on Foreign Investments in the United States (CFIUS). Served as a consultant to CFIUS investigators reviewing classified information on proposed acquisitions of sensitive U.S. assets by foreign individuals.
- **Lead DOJ representative for several U.S. delegations to foreign countries** including Japan, El Salvador, and Uruguay to address criminal concerns including online enforcement, child exploitation, counterterrorism, and drug trafficking.

MALCOLM & SCHROEDER, LLP, Atlanta, GA

Founding Partner (1997-2001)

Established and ran a highly successful law firm specializing in sophisticated white collar criminal investigations, business fraud, whistleblower cases, and general civil litigation.

- **Obtained a multi-million dollar verdict** against an individual running an environmental testing scam.
- **Defended businesses and executives** in numerous federal and state grand jury investigations.

UNITED STATES ATTORNEY'S OFFICE, Atlanta, GA

Assistant United States Attorney (1990-1997)

Recruited to join the Fraud & Public Corruption Unit of the U.S. Attorney's Office becoming responsible for managing all criminal proceedings from inception, trial, and appeal. Conducted hundreds of grand jury investigations and supervised law enforcement agents from the FBI, DEA, Secret Service, Postal Inspection Service, ATF, IRS, Commerce Department, Customs, Immigration, resulting in hundreds of convictions. Successfully tried over a dozen jury trials and defended convictions before U.S. Courts of Appeals.

- **Recipient of numerous awards including the Director's Award for Superior Performance by an Assistant U.S. Attorney** for trial work related to United States v. Walter Leroy Moody, Jr. A landmark conviction of the man who assassinated an 11th Circuit judge and the head of the NAACP in Savannah, GA through the use of sophisticated mail bombs, the case earned the litigation team praise from President George H.W. Bush in a Rose Garden ceremony.
- **Served detail in Washington, D.C. as an Associate Independent Counsel** under Independent Counsel Larry Thompson as part of the trial team in the successful prosecution of a former Cabinet member involved in an influence-peddling scandal at the Department of Housing and Urban Development.

Additional Experience:

GEORGIA STATE LAW SCHOOL, Atlanta, GA - *Adjunct Law Professor, Psychiatry & Law*

SUTHERLAND, ASBILL & BRENNAN, LLP, Atlanta, GA - *Associate Attorney*

HON. ALBERT J. HENDERSON, Atlanta, GA - *Judicial Clerk to Senior Judge, 11th Circuit Court of Appeals*

HON. CHARLES A. MOYE, JR., Atlanta, GA - *Judicial Clerk to Chief Judge, Northern District of Georgia*

EDUCATIONAL ACHIEVEMENT

HARVARD LAW SCHOOL - Juris Doctor, *Cum Laude*, Boston, MA, 1985

COLUMBIA UNIVERSITY - Bachelor of Arts, *Magna Cum Laude*, Economics, New York, NY, 1982

Honors & Distinction: Phi Beta Kappa. Elected: President of Alpha Delta Phi Fraternity

EXECUTIVE LEADERSHIP

Boys Town Washington, D.C. (supporting children in trouble or in need) - *Board of Directors (2013 - Present)*

Enough Is Enough (focused on protecting children from online dangers) - *Board of Directors (2012-Present)*

Global Centurion (focused on eradicating human trafficking) - *Board of Directors (2010-2014)*

Los Angeles Chamber Orchestra - *Board of Directors (2009-2012)*

Chapman University Law School - *Board of Visitors (2007-2011)*

The Federalist Society for Law and Public Policy Studies – *Chairman, Criminal Law Practice Group* (2009-Present, 1996-2001)

Federal Defender Program – *Board of Directors, Georgia Chapter* (2001)

The Arthritis Foundation, Georgia Chapter - *General Counsel & Board of Directors* (1998-2001)

The Bridge, Inc. (youth crisis counseling) - *Treasurer, Secretary & Board of Directors* (1998-2001)

Odyssey Family Counseling Center (substance abuse & family counseling) – *Board of Directors* (1997-2001)

Fulton-Dekalb Hospital Authority (one of the largest health care systems in the U.S.) – *Board of Trustees* (1997-1999)

The Atlanta Opera - *Board of Directors & Executive Committee* (1996-2001)

Georgia Public Policy Foundation – *Board of Governors* (1995–2001)

Federal Bar Association, Atlanta Chapter – *President & Executive Committee Member* (1992–1997)

SELECT CONGRESSIONAL PRESENTATIONS

House Judiciary Committee (Topic: Overcriminalization) (2013)

US-China Economic and Security Review Commission (Topic: IP Theft in China) (2005)

House Government Reform Committee (Topic: International Intellectual Property Piracy) (2004)

Senate Judiciary Subcommittee on Terrorism, Technology and Homeland Security (Topic: Cyberterrorism) (2004)

Senate Judiciary Committee (Topic: Oversight of DOJ's Efforts to Protect Pornography's Victims) (2003)

House Government Reform Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census (Topic: Computer Viruses and Worms) (2003)

Senate Judiciary Committee (Topic: Peer-to-Peer Networks and Child Pornography) (2003)

House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security (Topic: Internet Gambling) (2003)

House Judiciary Subcommittee on Courts, the Internet and Intellectual Property (Topic: International Copyright Piracy: Links to Organized Crime and Terrorism) (2003)

Senate Governmental Affairs Committee (Topic: Critical Infrastructure Protection) (2002)

SELECT ARTICLES & PUBLICATIONS

Treatment Choices and Informed Consent: Current Controversies in Psychiatric Malpractice Litigation, Charles C. Thomas, Publisher, Springfield, Illinois (1988).

"Informed Consent in Psychiatry Today" in American Psychiatric Press Review of Clinical Psychiatry and the Law (Vol.3), American Psychiatric Press, Inc., Washington, D.C. (1992).

"The Consequences of Waiver" in The Right Against Self-Incrimination in Civil Litigation, American Bar Association, Chicago, Ill. (2001).

"Criminal Prosecution Needed in Movie Piracy Cases," *The Prosecutor* (National District Attorney's Association, July/August 2005) (co-authored with Lauren Nguyen).

"Encryption Technology: I Hear You Knockin', But You Can't Come In," *Criminal Law and Procedure News* (The Federalist Society, Winter 1998) (co-authored with Robert F. Schroeder).

"Health Care Fraud: What Do You Do When the Government Knocks?," *Georgia State Bar Journal* (October 1998)(co-authored with Robert F. Schroeder).

"Grady Health System: Terminally Ill or Making Progress?," *Issue Analysis* (Georgia Public Policy Foundation, Inc., June 1998).

"Crime in Georgia: Where are we and what can be done?," *Agenda '96: The Candidate's Briefing Book*, (Georgia Public Policy Foundation, Inc., 1996).

"Alternatives for Tort Reform in Georgia," *Issue Analysis* (Georgia Public Policy Foundation, Inc., April 1995).

"Criminal forfeiture: An Appropriate Solution to the Civil Forfeiture Debate," *10 Georgia State University Law Review* 241 (1994) (co-authored with Arthur W. Leach).

"The Arbitrability of Claims Arising Under Section 10(b): Should Wilko be Extended?" *50 Albany Law Review* 725 (1986) (co-authored with Eric J. Segall).