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## JOHN V. BERRY

### FOUNDING PARTNER

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Mr. Berry is the founding partner and represents federal employees, government contractors, employers, state employees, federal intelligence agency employees, law enforcement officers, firefighters, private sector employees, in various employment, labor and national security law matters.

Mr. Berry's primary practice areas include security clearance defense, disciplinary action defense, administrative investigation representation, and representation in equal employment opportunity (EEO) claims. For federal employees and government contractors, Mr. Berry represents them nationwide in security clearance appeals and federal disciplinary actions. Mr. Berry frequently defends federal employees in proposed removals, proposed suspensions, and performance matters before their respective agencies; represents federal employees in appeals before the Merit Systems Protection Board (MSPB); represents individuals in Equal Employment Opportunity (EEO) complaint matters before respective federal agencies and the Equal Employment Opportunity Commission (EEOC); and represents federal employees and government contractors in security clearance matters before the Department of Defense Central Adjudication Facility (DoDCAF) and the Defense Office of Hearings and Appeals (DOHA). In addition, Mr. Berry represents security clearance holders before all federal agencies (DoS, DoD, DoE) and those federal agencies within the Intelligence Community (NRO, NGA, CIA, DIA, NSA).

Mr. Berry has represented hundreds of individuals in administrative investigations conducted by agency investigators, inspectors general (IG), internal affairs unit investigators and before the Office of Professional Responsibility (OPR) of various federal agencies. Mr. Berry also represents private sector, state, county, and municipal employees in the Commonwealth of Virginia, Maryland, and the District of Columbia in various types of investigations, county and state grievance procedures, disciplinary actions, whistleblower issues, and equal employment opportunity (EEO) matters.

Mr. Berry previously served as the General Counsel to the United States Park Police and United States Capitol Police Federal Labor Unions representing law enforcement officers in disciplinary, wage and security clearance matters. Mr. Berry has also served as counsel for local businesses involving issues related to wage and hour matters, Human Resources Policy development, and

employment legal defense. He is a security clearance lawyer and member of the [Security Clearance Lawyers Association](#).



Mr. Berry has been interviewed on radio and television networks, like CNN, and written and commented on articles for news organizations such as the Washington Post and others. He has taught continuing education courses for lawyers in his practice areas. He has written several published legal articles on various topics regarding employment and labor law as well as security clearance law. He authors four of the firm's informative legal blogs involving MSPB appeals, security clearance matters, federal employee employment issues, and Virginia employment law. These legal blogs are located at [www.mspb-lawblog.com](http://www.mspb-lawblog.com), [www.securityclearanceblog.com](http://www.securityclearanceblog.com), [www.employmentlawvirginia.com](http://www.employmentlawvirginia.com), [www.federalemployeelawblog.com](http://www.federalemployeelawblog.com), and [www.securityclearancelawyer.com](http://www.securityclearancelawyer.com).

In addition, he previously served as the Editor-in-Chief of the District of Columbia Bar Labor and Employment Law Newsletter and served as a guest speaker for Continuing Legal Education (CLE) seminars on administrative, employment and labor law issues. Mr. Berry frequently provides legal guidance and training to Human Resources personnel of companies, nonprofit entities, and labor unions.

In 2009, Mr. Berry was elected by his peers to the D.C. Bar Labor and Employment Law Section's Steering Committee. The Committee works to advance the professional development and competence of its members by offering educational programs and publications in the substantive law fields of labor and employment law, as well as areas of practice and procedure. Since 2014, Mr. Berry has served as co-author of the firm's legal articles on [RestonNow](#), and [ArlingtonNow](#). In 2019, 2020 and 2021, Mr. Berry co-taught the District of Columbia Bar continuing legal education course on security clearance representation for other lawyers seeking to learn how to effectively represent clients in security clearance cases. In May 2021, Mr. Berry is presenting a class for the Virginia Continuing Legal Education program on the security clearance process.

Mr. Berry was named a Top Lawyer, as voted by his peers, in both Northern Virginia Magazine (2019, 2020) and Arlington Magazine (2019). Mr. Berry's Twitter account can be found [here](#).

## Legal Articles

Virginia Prohibits Sexual Orientation Discrimination



Representing Federal Employees in Misconduct Investigations  
How do Employees Prove a Hostile Work Environment?  
Keys to Suitability Appeals for Federal Employees and Applicants  
The Whole-Person Concept in Security Clearance Cases  
Filing Sexual Harassment Complaints in Virginia  
Final Wages Owed to Virginia Employees Must Be Paid  
Fairfax County Office of Human Rights Complaints  
Responding to the Statement of Reasons in a Security Clearance Matter  
Wrongful Termination in Virginia  
Employee Access to Personnel Files in Virginia  
Security Clearance: The Duty to Self-Report  
Are You Representing Yourself At The MSPB?  
Changes to Employment Sexual Orientation Laws and Enforcement  
Disclosing Criminal Violations in the Security Clearance Process  
The Importance of Discovery During an MSPB Appeal  
Filing Complaints at the Office of Special Counsel  
Psychological Conditions and Security Clearances  
What to Expect During an MSPB Hearing  
Responding to Proposed Disciplinary Actions  
Requesting Reconsideration After a Security Clearance is Denied  
Due Process Issues in MSPB Cases for Federal Employees  
The MSPB Pre-Hearing Process  
8 Tips for the Security Clearance Process  
Appealing a Final Federal Agency Decision: MSPB vs. Arbitration  
8 Tips When Facing Virginia Employment Law Problems  
Meeting With Security Clearance Investigators  
Taking Depositions of Relevant Witnesses at the MSPB  
Virginia's Grievance Process for State Employees  
A Summary of the Security Clearance Appeals Process  
Seeking Information Regarding Security Clearance Incident Reports  
A Federal Employee's Guide to Burden of Proof Issues at the MSPB  
Polygraph Examinations for Federal Employees and Contractors  
The Importance of Properly Completing Security Clearance Forms  
Indefinite Suspension for Federal Employees  
The Completion and Submission of an MSPB Appeal  
Performance Improvement Plans for Federal Employees  
The Douglas Factor Defense for Federal Employees

## Education

### Graduate School

George Washington University School of Law, LL.M., Litigation and Dispute Resolution, 2000

### Law School

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University of Detroit School of Law, J.D., 1997  
Executive Editor of the *Law Review*

### **Undergraduate School**

University of Michigan, B.A., 1993

### **Bar Admissions**

District of Columbia  
Virginia  
Maryland  
New York  
Michigan

### **Court Admissions**

U.S. Court of Appeals for the Federal Circuit  
U.S. Court of Appeals for the District of Columbia Circuit  
U.S. District Court, District of Columbia

### **Federal Agency Practice**

Security Clearance Cases before all Federal Agencies  
Department of Defense Consolidated Adjudications Facility (DoD CAF)  
Defense Office of Hearings and Appeals (DOHA)  
Merit Systems Protection Board  
All Federal Agencies for Disciplinary, Adverse and Performance Actions  
Defense Office of Hearings and Appeals  
Intelligence Community (IC) Security Clearance Appeals  
Office of Special Counsel  
Equal Employment Opportunity Commission  
Office of Inspector General

### **Memberships & Affiliations**

Security Clearance Lawyers Association  
D.C. Bar Labor and Employment Law Section  
Metropolitan Washington Employment Lawyers Association

### **Seminars & Lectures**

How to Represent Clients Effectively in Security Clearance Cases, CLE Instructor, District of Columbia Bar (2021)  
How to Represent Clients Effectively in Security Clearance Cases, CLE Instructor, District of Columbia Bar (2020)  
How to Represent Clients Effectively in Security Clearance Cases, CLE Instructor, District of Columbia Bar (2019)



How to Represent Federal Law Enforcement Officers in OIG Investigations and Federal Disciplinary Actions (2019)  
The Intersection of Security Clearances and Family Law, CLE Instructor, Fairfax Bar Association (Dec. 2017)  
Council on Education & Management, Employment Laws and How They Impact Human Resources Management