

## Jeffrey A. Rosen, P.C.



**Partner**  
**Washington, D.C.**  
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**Practice Areas**

- Litigation
- Energy
- Regulatory
- Class Action, Mass Tort & Toxic Tort Litigation
- Antitrust & Competition

**Admissions**

- 1982, District of Columbia

**Education**

- Harvard Law School, J.D., 1982 *magna cum laude*
- Northwestern University, B.A., Economics, 1979 with Highest Distinction

Departmental Honors in Economics

President of Student Government

**Professional Profile**

During his more than 25 years at Kirkland, Jeff Rosen has handled a wide variety of complex legal problems for major companies and organizations. In 2009, Jeff rejoined the Firm as a senior partner in the Washington, D.C. office, following more than five years of public service. In recent years, Jeff's practice has focused on both regulatory and litigation matters. During his previous 21 years at Kirkland from 1982 to 2003, Jeff's practice principally involved complex business litigation matters involving antitrust, securities, contracts, RICO, business torts, government enforcement actions and product liability, including class actions. He has handled litigation before federal and state courts in more than 20 states, including jury trials, bench evidentiary hearings, arbitrations and appellate arguments. He also served on Kirkland's Firmwide Management Committee and as Co-Head of the Washington, D.C. office.

From 2003 to 2006, Jeff served as the General Counsel of the U.S. Department of Transportation, after having been unanimously confirmed by the U.S. Senate. As that Department's Chief Legal Officer, he had final authority within the DOT to resolve all legal questions arising within or referred to the Department. As General Counsel, he oversaw the activities of more than 400 lawyers in the Transportation Department and its operating administrations. Jeff also had responsibility for DOT's regulatory program, enforcement and litigation activities, legal issues relating to international activities involving transportation, legislative proposals, and he acted as counsel to Secretary Norman Mineta. At DOT, Jeff testified on behalf of the Administration before various committees of Congress on ten occasions. He served on DOT's Credit Council, which was responsible for four federal loan programs. In addition, he served as the Government's representative on the Amtrak Board of Directors, which was responsible for overseeing the company's management, personnel, operations, and finances.

From 2006 to 2009, Jeff served as General Counsel and Senior Policy Advisor for the White House Office of Management and Budget, which made him the Administration's lead lawyer for regulatory and fiscal issues, as well as for executive orders. Jeff's legal responsibilities included giving analysis and advice to the OMB Director and the President with regard to federal laws related to a wide array of government agencies and programs, as well as administrative law, Constitutional law, ethics laws, federal credit and insurance laws, litigation against the United States, and federal budget and appropriations laws. He also handled responses to Congressional oversight and investigations.

**Representative Matters**

During his years of practice at Kirkland, Jeff has represented leading companies in a range of industries, including transportation, energy, technology and software, communications, chemicals, hotels, shopping malls,

and financial services, among others. Some illustrative clients for whom he has handled significant matters during his years as a partner include Raytheon, Yamaha, PG&E Generating, AOL, General Motors, Hyundai, Qwest, Marriott, CF Industries, and the U.S. Chamber of Commerce.

### **Memberships & Affiliations**

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Chair of the ABA Section of Administrative Law and Regulatory Practice (2015-2016); previously Member of the Governing Council (2008-2012), and co-chair of the Section's Committee on Rulemaking (2009-2014)

Member of the Administrative Conference of the United States (2013-present)

Member of the U.S. Chamber of Commerce Government Operations, Oversight & Consumer Affairs Committee (2012-present)

Member of the Advisory Board of the National Federation of Independent Business Small Business Legal Center (2011-present)

Member of National Journal's Panel of Transportation Experts and contributor to the online experts blog (2009-2012)

Counsel to the RNC Platform Committee (2012)

Member of the Board of Visitors, Northwestern University's College of Arts & Sciences (1998-2003, 2009-present)

Adjunct Professor of Law, Georgetown University Law Center, Washington, D.C. (1996-2003)

### **Other Distinctions**

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Nominated by President Obama to serve on the Board of Governors of the U.S. Postal Service (awaiting U.S. Senate confirmation)

Nominated by President Bush to be a Federal District Judge; Received highest rating from American Bar Association's Standing Committee on the Judiciary (2008)

Member of the American Law Institute (1996-present)

Recognized as a "Washington, D.C. Super Lawyer" (2012, 2013, 2014, 2015 and 2016) by *Super Lawyers* magazine for Business Litigation/Administrative Law/Transportation

Recognized in Washington, D.C. "Top Lawyers" (2012, 2013, 2014 and 2015) by ALM Media for Business Litigation

Recognized in *Corporate Responsibility Magazine's* "Legal Who's Who" (2014) for Environmental Litigation

Recognized in *The Legal 500 U.S.* (2012) for Trade Secrets Litigation

Listed in *Who's Who in American Law* and *Who's Who in America*; top-rated 'AV' Preeminent in Martindale-Hubbell for more than 15 years

## Publications

- "Putting Regulators on a Budget," 27 National Affairs 42 (Spring 2016)
- "The Regulatory Budget Revisited," 66 Admin.L.Rev. 835 (Fall 2014).
- "Fishing for a Reason to Regulate," The Hill online (April 10, 2013)
- "President Needs to Get Serious About Spending Cuts," The Hill (December 20, 2012)
- "2008 Obama Would Like Ryan Budget," Des Moines Register p.13A (August 30, 2012)
- "The 2012 Budget Surplus That Disappeared," National Review Online (December 14, 2011)
- "Rein on Federal Regulations Will Only Benefit Economy," Cincinnati Enquirer (November 9, 2011)
- "Who Checks the Fact Checker?" National Review Online (September 16, 2011)
- "Costly Federal Regulations Escape Congressional Approval," Atlanta Journal Constitution (September 1, 2010)
- "Major Rules Deserve a Vote," Baltimore Sun Op-Ed, p.13 (August 10, 2010)
- "Government Incentives For Businesses," 19 Business Law Today 51-55 (May/June 2010)
- "A Chance for a Second Look: Judicial Review of Rulemaking Petition Denials," 35 Admin. & Regulatory Law News 7-9 (Fall 2009)
- "Obama vs. the Regulators," The Washington Post Op-Ed (August 6, 2009)
- "Watch for Hidden Taxes," Boston Globe Op-Ed (June 12, 2009)
- "Obama Regulations are Taxing Consumers," Washington Business Journal (June 12, 2009)
- "Court Acceptance of 'In-Kind' Settlements in Consumer Class Actions," 9 Class Actions & Derivative Suits 20 (Summer 1999)

## Seminars

Some of Jeffs recent seminar appearances include:

Speaker on "Repairing Regulation" at University of Virginia Journal of Law & Politics program "Reining In the Administrative State" (October 21, 2016)

Program Co-Chair and Speaker at Joint ABA, SBCA, and GW Regulatory Studies program on "Benefit-Cost Analysis and the Courts" (October 11, 2016)

Speaker at ABA Section of Administrative Law teleforum on "New Life for the

Congressional Review Act?" (May 26, 2016)

Speaker at Kirby Center for Constitutional Studies and Citizenship Program on "Leashing Leviathan: The Case for a Congressional Regulatory Budget" (May 25, 2016)

Speaker at Federalist Society's Annual Executive Branch Review Program's Plenary Panel on "Congressional Regulatory Reform Proposals" (May 17, 2016)

Speaker/moderator on "Current Debates on Regulatory Reform" at joint ABA and Hoover Institution program "The Second Hoover Commission's 60th Anniversary: Lessons for Regulatory Reform" (March 16, 2016)

Moderator for "The Role of OIRA in the Regulatory Process: A Discussion with OIRA Administrator Howard Shelanski" at ABA's 12th Annual Administrative Law Institute (March 15, 2016)

Speaker at U.S. Chamber of Commerce's Joint Fall Committee Meeting on "Regulation: Who Decides?" (December 9, 2015)

Speaker/moderator at ABA's Fall Administrative Law Conference on "The Regulatory Budget Revisited" (October 30, 2015)

Speaker at George Mason University program "Regulatory Boot Camp for Policy Advisors" on "Reform – The Path Forward" (April 1, 2015)

Speaker at the University of Pennsylvania Program on Regulation workshop on "Agenda-Setting and the Regulatory State" (November 7, 2014)

Speaker at the Washington Legal Foundation Media Briefing Series, U.S. Supreme Court: Reviewing The October 2013 Term (June 25, 2014)

Program Chairman, 10th Annual ABA Administrative Law Institute (April 3-4, 2014)

Speaker at hearing of House Judiciary Committee's Subcommittee on Regulatory Reform, Commercial and Antitrust Law on "The Regulatory Accountability Act of 2013" (July 9, 2013)

Speaker at U.S. Chamber of Commerce's Center for Capital Markets Competitiveness on "The Role of Cost-Benefit Analysis in Regulatory Rulemakings" (March 12, 2013)

Speaker/moderator at ABA Administrative Law Section program on "Proposals and Prospects for Regulatory Reform" (October 3, 2012)

Speaker at ABA's 8th annual Administrative Law Institute on "Current Proposals for Regulatory Reform" (May 10, 2012)

Speaker at House Energy and Commerce Committee's "Roundtable on Improving the Economy Through Better Federal Science" (March 22, 2012)

Speaker at ABA's Fall Administrative Law Conference on "Administrative Law: Time to REIN it in, CURB it, or Reform It?" (November 17, 2011)

Speaker/moderator at ABA's annual Rulemaking Institute on "Regulatory Reform - Current Legislative Proposals and Obama Administration Initiatives"

(May 3, 2011)

Speaker at U.S. Chamber of Commerce program on "Restoring Balance to the Regulatory Process" (March 22, 2011)

Speaker at Homeland Security Law Institute on "Transportation and Supply Chain Security" (March 2, 2011)

Speaker at hearing of House Judiciary Committee Subcommittee on Courts, Commercial and Administrative Law on "The APA at 65" (February 28, 2011)

Speaker at Conference of Chief Justices Mid-Year Meeting on "When Is Federal Preemption Appropriate?" (January 25, 2011)

Speaker at American Enterprise Institute for Public Policy Research's program on "Who Is Accountable for Federal Regulations?" (December 2, 2010)

Speaker at ABA's Annual Meeting program on "Are Chevron, Vermont Yankee, and State Farm in Need of New Thinking" (August 6, 2010)

Speaker at ABA's annual Rulemaking Institute on "Formal and Hybrid Rulemaking: Time for a Revival" (June 1, 2010)

Speaker at U.S. Department of Transportation's "One DOT Legal Day" on "Former General Counsels' Lessons Learned" (May 11, 2010)

Speaker at NYU Law School Symposium on "Changes to the Regulatory State: President Obama's Approach to Regulation" (March 12, 2010)

Speaker at ABA's Fall Administrative Law Conference on "Scrutinizing Regulatory Policy Reversals" (October 22, 2009)

Speaker/moderator at ABA Rulemaking Committee program on "Reflections on Rulemaking" (October 8, 2009)

Speaker at meeting of ABA Task Force on Federal Preemption of State Tort Laws (October 1, 2009)

Speaker at AAAE webinar on EPA's Proposed Airport De-Icing Rule (September 2, 2009)

Speaker at Heritage Foundation Program on "Hurting or Helping Consumers? Destroying Federal Preemption One Industry at a Time" (August 5, 2009)

Speaker at ABA Administrative Law Section's Regulatory Practice Institute, "New Directions In Agency Rulemaking" (June 10, 2009)

Speaker at Kirkland & Ellis Conference "Managing the Enforcement Response to the Financial Crisis", addressing "Pulling the tarp off the TARP: Navigating the Perils of the Bailout" (April 2, 2009)

Speaker at President's Council on Integrity and Efficiency on "Earmarks and Executive Order 13457" (March 12, 2008)

Speaker at Homeland Security Law Institute on "Regulatory Developments for 2008" (January 17, 2008)

Speaker at AEI-Brookings Joint Center for Regulatory Analysis Program on

"The Role of Competition Analysis in Regulatory Decisions" (May 15, 2007)

**Illustrative Media Quotes and Coverage**

Cheryl Bolen, "Rosen Revitalizing ABA Section With More Debate, Programs," Bloomberg BNA (July 6, 2016)

Cheryl Bolen, "Resolutions to Disapprove Rules on the Rise," Bloomberg BNA (May 27, 2016)

Hugh Kaplan, "Justices Halt DOJ's Broad Application Of Criminal Provision of Sarbanes-Oxley Act" Bloomberg BNA (February 25, 2015)

Sara Murray, "Romney Taps Bush Hands to Shape Economic Policies," The Wall Street Journal (February 24, 2012)

Kathryn Wolfe, "Mitt Romney taps Bushies for transportation advice," Politico (Oct. 10, 2012)

Cheryl Bolen, "Romney Proposals to Cut Back Regulations," BNA Daily Report (August 31, 2012)

Mark Drajem and Catherine Dodge, "Obama Wrote Fewer Rules Than Bush, But Cost More," Bloomberg News (Oct. 26, 2011)

Catherine Dunn, "Cutting Red Tape to Reduce Regulatory Costs of Government Rules," Corporate Counsel/Law.com (August 24, 2011)

David Ingram, "GOP Starts Race for Top Attorneys," The National Law Journal, p. 1 (July 25, 2011)

Susan Crabtree, "Airline Lawsuit Threatens Delays for FAA," The Hill, January 24, 2011

Tony Mauro, "Inadmissible," Legal Times, p. 16 (November 29, 2010)

Carrie Levine, "For Chamber, Legal, Lobbying Fights Multiply," The National Law Journal, p.6 (August 9, 2010)

Sue Reisinger, "Reunited We Stand," Corporate Counsel, p.17 (August 2010)

David Ingram, "Homecoming," The National Law Journal, p. 13 (June 7, 2010)

Ralph Lindeman, "Government Operations," Daily Report for Executives - BNA (May 3, 2010)

Melanie Trottnan and Josh Mitchell, "New Transit-Funding Rules Make Streetcars More Desirable," The Wall Street Journal (January 15, 2010)

Jim McTague, "Congress Goes Head-Hunting," Barron's (July 20, 2009)

Robert Pear, "Bush Directive Increases Sway on Regulation," New York Times, p.1 (January 30, 2007)

Cindy Skrzycki, "Bush Order Limits Agencies' Guidance," Washington Post p.D1 (January 30, 2007)

Amir Efrati, "U.S. Policy on Attorney Fees Sparks Debate at State Level," Wall Street Journal p.A12 (May 17, 2007)

Cindy Skrzycki, "Agencies' Rules Quietly Enable Tort Reform," Washington

Post, p.D1 (September 27, 2005)

Daniel Machalaba, "Senator Questions Firing of Amtrak President," Wall Street Journal (November 15, 2005)

Alexandra Marks, "Brake Trouble Fuels Larger Debate Over Amtrak," Christian Science Monitor (April 22, 2005)

"Big Suits—AOL v Microsoft," in The American Lawyer, p.42 (April 2002)

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### Courts

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In addition to the D.C. Bar (1982) and the U.S. Supreme Court (1986), Jeff is a member of the bars of six federal appeals courts and three district courts. He has appeared pro hac vice in numerous state and federal courts throughout the country.