

JUNE 6, 2017

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
QUESTIONNAIRE FOR NOMINEES

RESPONSES FOR STEVEN GILL BRADBURY
NOMINEE FOR GENERAL COUNSEL, DEPARTMENT OF TRANSPORTATION

A. BIOGRAPHICAL INFORMATION AND QUALIFICATIONS

1. Name (include any former names or nicknames used):

Steven Gill ("Steve") Bradbury. Former name used: Steven Dean Bradbury, 1958-1986 (judicial name change, July 15, 1986).

2. Position to which nominated:

General Counsel, Department of Transportation.

3. Date of nomination:

June 6, 2017

4. Address (list current place of residence and office addresses):

Office:
1900 K Street, N.W.
Washington, D.C. 20006

Residence:



5. Date and place of birth:

September 12, 1958—Portland, Oregon.

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Spouse: Hilde Elisabeth Kahn. Occupation: Homemaker; registered real estate agent, affiliated with Long & Foster, McLean, VA; owner and developer of investment property (single-family home) through a limited liability company, Chesterbrook Homes LLC, of which she is the sole member.

Three children: James, age 23; Will, age 21; Susanna, age 18.

7. **List all college and graduate degrees. Provide year and school attended.**

Stanford University (Sept. 1976–June 1980), BA English, June 1980.

University of Michigan Law School (Aug. 1985–May 1988), JD *magna cum laude*, May 1988.

8. **List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.**

July 2009–Present:

Partner
Dechert LLP (law firm)
1900 K Street, N.W.
Washington, D.C. 20006

* My practice with Dechert LLP has included representing clients in administrative proceedings and government investigations and enforcement actions, including matters before the Department of Transportation and matters involving public safety and competition issues. I have also represented clients in court cases at all levels raising constitutional issues and questions involving the interpretation of federal statutes and judicial review of agency actions. In many of these matters, I have interacted extensively with officials of the federal government, including at the Department of Transportation. I have also managed complex projects and supervised teams of attorneys and support staff. Finally, during my years at Dechert, I have appeared in public, in court, and in Congress to address issues of public importance and significant legal questions. I believe these experiences are relevant and useful in approaching the duties of the position to which I have been nominated.

April 2004–January 2009:

Acting Assistant Attorney General (Feb. 2005; June 2005–Apr. 2007)
Principal Deputy Assistant Attorney General (Apr. 2004–Jan. 2009)
Office of Legal Counsel
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

* As head of the Office of Legal Counsel, I managed an office of numerous attorneys, including some of the most experienced and accomplished senior career lawyers in the executive branch. OLC is the office in the Justice Department that

exercises the Attorney General's authority to provide legal advice to the President and the heads of executive departments and agencies on complex, difficult, and novel questions of constitutional law, statutory interpretation, and treaty matters. During my tenure in OLC, I interacted directly with the Attorney General, the President, the Vice President, the White House Counsel, Cabinet officers, and the general counsels of departments and agencies to address and resolve significant legal issues, including issues on which there was a division of views within the executive branch. I also interfaced extensively with the Committees and Members of Congress and their staffs to explain the legal positions of the executive branch and to assist in crafting legislative solutions for complex problems. These experiences in OLC are relevant preparation for potential service as General Counsel of the Department of Transportation.

September 1993–April 2004:

Partner (Oct. 1994–April 2004)
Associate (Sept. 1993–Oct. 1994)
Kirkland & Ellis LLP
655 Fifteenth Street, N.W.
Washington, D.C. 20005

* As a partner at Kirkland & Ellis, I supervised teams of lawyers in several large cases of significance, including a proposed merger of major airlines, several high-profile telecom mergers, large antitrust and securities litigation matters in court, and numerous other appellate matters, constitutional cases, and administrative law matters, several of which involved court challenges to agency rulemakings. I also served on the firm's Finance Committee and the Associate Review Committee for the firm's Washington office. These matters and assignments provide relevant experience for potential service supervising the legal staff of a major department of government with responsibilities in a wide range of administrative law areas.

July 1992–July 1993:

Law Clerk to Justice Clarence Thomas
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

July 1991–July 1992:

Attorney-Adviser
Office of Legal Counsel
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

July 1990–July 1991:

Law Clerk to Judge James L. Buckley
U.S. Court of Appeals for the D.C. Circuit
333 Constitution Avenue, N.W.
Washington, D.C. 20001

September 1988–July 1990:

Associate
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20044

May 1987–July 1987:

Summer Associate
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20044

May 1986–August 1986:

Summer Associate
Miller, Nash, Wiener, Hager & Carlsen
111 SW Fifth Avenue
Portland, OR 97204

September 1983–August 1985:

Legal Assistant
Davis Polk & Wardwell
1 Chase Manhattan Plaza
New York, NY 10001
(Now located 47th Street & Park Avenue)

November 1981–September 1983:

Assistant Editor (Feb. 1983–Sept. 1983)
Editorial Assistant (Nov. 1981–Feb. 1983)
Avon Books (then a Division of the Hearst Corporation)
1790 Broadway
New York, NY 10019

August 1981–October 1981:

Waiter & Bus Boy
Off Broadway Company (restaurant)
West 69th Street & Broadway
New York, NY
(No longer in business)

April 1981–June 1981:

Waiter
Le Café Meursault (restaurant)
Palo Alto, CA
(No longer in business)

September 1980–October 1980:

Food Service (sandwich maker)
Stanford Coffee House
Tresidder Student Union
Stanford University
Stanford, CA 94305

June 1980–September 1980:

Installer of insulation blankets for water heaters in university housing
Stanford Conservation Center
Stanford University
Stanford, CA 94305

9. Attach a copy of your resume.

Please see Attachment A.

10. **List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.**

None.

11. **List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.**

Partner, Dechert LLP, 7/2009-present.

Chair (9/2015 to present) and Member (9/2012 to present), Editorial Board for Annual Review of Antitrust Law Developments, ABA Section of Antitrust Law.

Member, 5/2012 to present, Capital Markets Litigation Advisory Committee, U.S. Chamber of Commerce Litigation Center.

Chair, 5/2015 to present, International Law Working Group, John Hay Initiative.

Member, 2/2012 to present, National Security Law Working Group, Heritage Foundation.

12. **Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.**

D.C. Bar; member since 12/1988.

American Bar Association; member, 1988-1992 and 2009 to present.

ABA Section of Antitrust Law, Editorial Board for Annual Review of Antitrust Law Developments; chair, 9/2015 to present, and member, 9/2012 to present.

U.S. Chamber of Commerce Litigation Center, Capital Markets Litigation Advisory Committee; member since 5/2012.

Federalist Society; member off and on beginning in 1993 and currently; was not a member while serving in government.

Heritage Foundation, National Security Law Working Group; participating member since 2/2012.

John Hay Initiative, International Law Working Group; chair, since 5/2015.

Alexander Hamilton Society; member 2012-2014.

Supreme Court Historical Society; member 2013.

Stanford University Alumni Association; member since 1980.

Michigan Law School Alumni Association; member since 1988.

Chesterbrook Swim and Tennis Club (community pool and tennis courts in McLean, VA); member from 06/2008 until 03/2013.

River Falls Community Center Association, Inc. (community pool and tennis courts in Potomac, MD); member from 08/1996 until 09/2007.

Civic Association of River Falls; member from 08/1996 until 09/2007.

Registered member of the Republican Party.

Maryland Republican Party; was a member while living in MD (until 2007).

Virginia Republican Party; currently a member.

* To my knowledge, no organization of which I have been a member has ever had a policy of restricting membership on the basis of sex, race, color, religion, national origin, age, or handicap.

13. **Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.**

As listed above, I have held appointed office in the U.S. Department of Justice and have served as law clerk to two federal judges. I have not campaigned for public office and do not have any campaign debt.

14. **Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.**

I have made the following political contributions of \$500 or more in the last ten years:

09/26/2016	\$1,000	National Republican Senatorial Committee
02/21/2016	\$2,700	Marco Rubio for President
06/18/2015	\$2,700	JEB2016, Inc.
09/19/2012	\$2,500	Romney Victory, Inc.
05/08/2012	\$ 500	Ted Cruz for Senate
09/14/2011	\$1,500	Romney for President
07/26/2011	\$1,000	Romney for President
02/24/2010	\$1,000	National Republican Senatorial Committee

* I have held no offices with any political party or election committee. I did serve as an unpaid legal adviser to presidential candidate Mitt Romney in 2012 and as an informal legal adviser to candidate Jeb Bush in 2015-2016.

15. **List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.**

- Edmund J. Randolph Award for outstanding service to the Department of Justice, 2007.
- Secretary of Defense Medal for Outstanding Public Service, Nov. 2006.
- National Security Agency’s Intelligence Under Law Award, May 2008.
- Director of National Intelligence’s 2007 Intelligence Community Legal Award (Team of the Year, FISA Modernization).
- Criminal Division’s Award for Outstanding Law Enforcement Partnerships, Nov. 2006.
- Included in list of Washington’s top 40 lawyers under age 40, *Washingtonian* Magazine, Aug. 1998.
- J.D., *magna cum laude*, University of Michigan Law School, May 1988.

- Order of the Coif, University of Michigan Law School, 1988.
- Article Editor, *Michigan Law Review*, 1987-1988.
- Dean’s 1987-1988 Law Review Award for outstanding contribution to the *Michigan Law Review*.
- Book Awards for top grade in law school classes: Administrative Law, Civil Procedure II, and Legal Process.
- Supreme Court clerkship, Justice Thomas, October Term 1992.
- D.C. Circuit clerkship, Judge Buckley, 1990–1991.
- Student Body President, Washington High School, Portland, OR, 1976.
- Officer, Honor Society, Washington High School, Portland, OR, 1975-1976.
- National Merit Scholarship Letter of Commendation, Washington High School, Portland, OR, 1976.

16. **Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.**

Publications:

- Steven G. Bradbury, “National Security and the ‘New Yellow Press,’” published as chapter 11 in *Journalism After Snowden: The Future of the Free Press in the Surveillance State*, p.172 (Emily Bell, Taylor Owen, et al., eds., Columbia Journalism Review Books, Columbia Univ. Press 2017).
- Steven G. Bradbury, *Justice Thomas and the Second Amendment: Protecting Liberty and Promoting Equal Justice*, published online at JusticeThomas.com (Oct. 24 2016).
- Steven Gill Bradbury, “Celebrating Justice Thomas’s 25 Years of Service on the Supreme Court,” Letter of Tribute Addressed to Sen. Orrin G. Hatch, Senate Committee on the Judiciary (Sept. 16, 2016) (published in the Congressional Record).

- Steven G. Bradbury, Opinion Piece, “Clarence Thomas’s 25 years on the Supreme Court are a triumph of perseverance,” FoxNews.com (online) (June 27, 2016).
- John Hay Initiative International Law Working Group, Chaired by Steven G. Bradbury, “Update on China’s Expansion in the South China Sea” (May 6, 2016) (published online).
- John Hay Initiative International Law Working Group, Chaired by Steven G. Bradbury, “JHI Backgrounder: China’s Maritime Expansion in the South and East China Seas” (Sept. 21, 2015) (published online).
- Steven G. Bradbury, *Balancing Privacy and Security*, Harv. J. L. & Pub. Pol’y (Federalist Ed.), Vol. 2, No. 1, p.5 (Winter 2015).
- Steven G. Bradbury, Op-Ed, “Opposing view: Preserve this critical tool [NSA telephone metadata program],” USA Today, p.10A (Mar. 28, 2014).
- Steven G. Bradbury, Op-Ed, “Don’t limit the NSA’s effectiveness,” Wash. Post, p.A13 (Jan. 5, 2014).
- Michael B. Mukasey, Steven G. Bradbury, & David B. Rivkin Jr., Op-Ed, “An ill-founded ruling against the NSA,” Wash. Post, p.A27 (Dec. 20, 2013).
- Steven G. Bradbury, *Understanding the NSA Programs: Bulk Acquisition of Telephone Metadata Under Section 215 and Foreign-Targeted Collection Under Section 702*, Lawfare Research Paper Series 1, No. 3 (Aug. 30, 2013), available at <https://www.lawfareblog.com/topic/lawfare-research-paper-series>.
- Steven G. Bradbury, Op-Ed, “The use of phone data: Constraining the NSA would make Americans less safe,” Wash. Post, p.A15 (July 23, 2013).
- Steven G. Bradbury, Op-Ed, “Opposing view: ‘The system works well as it is’: FISA court judges serve the rule of law,” USA Today, p.8A (July 19, 2013).
- Thomas P. Vartanian & Steven G. Bradbury, *How to Fight Back Against Bad Agency Decisions*, American Banker BankThink (online) (Jan. 16, 2013).
- Steven G. Bradbury, *Anticipating How the US Supreme Court May Rethink Fraud-on-the-Market Standards for Securities Class Actions*, Bloomberg BNA (online) (Aug. 24, 2012).
- George G. Gordon & Steven G. Bradbury, *K-Dur: The Rejection of “Scope of the Patent” Test*, Law360 (online) (July 24, 2012).

- *FTC Recommends Improvements to Patent System*, Intellectual Prop. & Tech’y L.J. (June 2011).
- Timothy C. Blank, Steven G. Bradbury, & Christopher R. Boisvert, *The Dawn of Internet Privacy?*, Law360 (online) (Apr. 22, 2011).
- Steven G. Bradbury, Keynote Address, *The Developing Legal Framework for Defensive and Offensive Cyber Operations*, 2 Harv. Nat’l Sec. J. 629 (Mar. 2011).
- Steven G. Bradbury & John P. Elwood, Op-Ed, “Recess is canceled: President Obama should call the Senate’s bluff,” Wash. Post, p.A19 (Oct. 15, 2010).
- Steven G. Bradbury, Dechert LLP, *After further review, NFL’s “Hail Mary” pass ruled incomplete: Supreme Court holds NFL’s joint trademark licensing subject to Section 1 of the Sherman Act*, Lexology (online) (May 28, 2010).
- Steven G. Bradbury, *Gearing up for American Needle v. NFL*, Law360 (online) (Jan. 11, 2010).
- Steven G. Bradbury & Grant M. Dixon, *Court Ruling Wrongly Creates New Right to Sue Telecom Companies*, Washington Legal Foundation Legal Opinion Letter, Vol. 12, No. 22 (Aug. 30, 2002) (discussing *Law Offices of Curtis V. Trinko, LLP v. Bell Atlantic Corp.*, 294 F.3d 307 (2d Cir. 2002), a case later reversed by the Supreme Court).
- Steven Bradbury & Kelion Kasler, Kirkland & Ellis, “Verizon Communications: The Merger of Bell Atlantic and GTE,” published in Corporate Finance, *Global M&A Yearbook 2000: New Strategies in M&A* at 47 (Nov. 2000).
- Steven G. Bradbury, Paul T. Cappuccio & Patrick F. Philbin, Kirkland & Ellis, “Telecommunications,” published in International Financial Law Review, *United States: A Legal Guide* at 33 (June 1998).
- Steven G. Bradbury, Paul T. Cappuccio & Patrick F. Philbin, Kirkland & Ellis, “United States,” published in International Financial Law Review, *Telecommunications: An International Legal Guide* at 69 (Aug. 1997).
- Steven G. Bradbury, *The Unconstitutionality of Qui Tam Suits*, Federalist Society Federalism & Separation of Powers News, Vol. 1 No. 1 (Fall 1996) (discussing pending cert. petition in *Hughes Aircraft Co. v. United States ex rel. Schumer*).

– Steven G. Bradbury, *Original Intent, Revisionism, and the Meaning of the CGL [Comprehensive General Liability Insurance] Policies*, 1 Environmental Claims J. 279 (Spring 1989).

– Note, *Corporate Auctions and Directors' Fiduciary Duties: A Third-Generation Business Judgment Rule*, 87 Mich. L. Rev. 276 (1988).

– Book Note, 85 Mich. L. Rev. 941 (1987).

– *A Cattleman's Calling* (short story), published in *The Hoboken Terminal*, Vol. 1 No. 1 (Spring 1982).

* In addition to the publications listed above, I have assisted in preparing client alerts issued online by Dechert LLP regarding a wide variety of legal topics. Those client alerts are available at https://www.dechert.com/steven_bradbury/ (click on “Related Publications”). I also authored or supervised the preparation of legal opinions for the Office of Legal Counsel (“OLC”) of the U.S. Department of Justice from 2004 to 2009. Many of those opinions are posted on the OLC Web site and can be found at www.usdoj.gov/olc/opinions-main and <https://www.usdoj.gov/olc/olc-foia-electronic-reading-room>.

Speeches and Other Public Remarks:

* I have given numerous speeches, panel presentations, and other public remarks, mostly addressed to issues of national security law, cybersecurity, antitrust, securities law, and administrative law and regulation. Very few of my public remarks have been relevant to the position to which I have been nominated. The following is the most complete list I have been able to compile of my speeches and public remarks.

Panel Presentation, “How to Shut It Down: Creative Strategies that Ended Government Antitrust Investigations,” Dechert LLP’s 2017 Annual Antitrust Spring Seminar, Philadelphia, PA (Apr. 4, 2017).

Panel Presentation, “Financial Services Breakfast Briefing: Current Developments Affecting the Fund Industry—Washington Update,” Investment Company Institute Annual Legal Conference, Palm Desert, CA (Mar. 14, 2017).

Panel Presentation, “A Term in Review: An Overview of Key Supreme Court Decisions from the 2015 Term & Thoughts About the Upcoming Term,” Dechert LLP CLE Seminar, Washington, D.C. (Nov. 29, 2016).

Panel Presentations, "A Bitter Pill?: Recent Developments in Pharma"; and "Antitrust in the Next U.S. Administration," Dechert LLP's 2016 Annual Antitrust Spring Seminar, Philadelphia, PA (Apr. 13, 2016).

Panel Presentation, "What Every Lawyer Needs to Know About Recent Supreme Court Cases," Dechert LLP CLE Seminar, Washington, D.C. (Sept. 16, 2015).

Guest Appearance, Discussion and Debate on Reauthorizing the PATRIOT Act; C-SPAN Washington Journal, Washington, D.C. (May 16, 2015) (appeared with Neema Singh Guliani of ACLU).

Panel Presentation, Dechert LLP's 2015 Annual Antitrust Spring Seminar, Philadelphia, PA (Apr. 28, 2015).

Participant in Panel Debate, Legality of Section 215 Telephone Metadata Acquisition, Heritage Foundation, Washington, D.C. (Mar. 17, 2015).

Remarks, "The Legal Framework for Cybersecurity," Presented to the Legal Department of Raytheon Company, Waltham, MA (Nov. 4, 2014).

Featured Speaker (with John B. Bellinger, II), Discussing the President's Use of the 2001 AUMF to Combat ISIS, Event Organized by Alexander Hamilton Society and Federalist Society, Mayflower Hotel, Washington, D.C. (Oct. 22, 2014).

Moderator, Discussion between Two Former SEC Commissioners Regarding "Corporate Disclosure Effectiveness: Ensuring a Balanced System [of SEC Disclosure] that Informs and Protects Investors and Facilitates Capital Formation," U.S. Chamber of Commerce, Washington, D.C. (July 29, 2014).

Panel Speaker, Discussion Regarding Supreme Court's Decision in *Utility Air Regulatory Group v. EPA* Striking Down EPA Rule on Greenhouse Gas Emissions from Stationary Sources, ABA Administrative Law Section Forum, Washington, D.C. (July 24, 2014).

Panel Presentation, Dechert LLP, "So the Government Thinks Your Deal Is Anticompetitive: Restructuring Your Deal to Overcome Antitrust Hurdles," Lawline CLE Webinar, New York, NY (June 24, 2014).

Video-Recorded Remarks Discussing Supreme Court's Decision in *Halliburton* Case (Addressing Securities Law Class Action Standards), Federalist Society YouTube Video Series, Washington, D.C. (June 23, 2014).

Panel Speaker, “Executive Branch Action in a Time of Political Dysfunction,” American Constitution Society, Annual Convention, Washington, D.C. (June 20, 2014).

Panel Speaker, “Debrief on Supreme Court’s *UARG v. EPA* Opinion Regarding Greenhouse Gas Rules,” Environmental Law Institute, Associates Seminar, Washington, D.C. (June 19, 2014).

Panel Speaker, “Foreign Intelligence Surveillance in an Era of ‘Big Data’—Is There a Need to Recalibrate Boundaries?,” ABA Standing Committee on Law and National Security, Washington, D.C. (May 2, 2014).

Panel Presentation, “What Every Lawyer Needs to Know About Recent Supreme Court Cases,” Dechert LLP CLE Seminar, New York, NY (Apr. 30, 2014).

Panel Presentation, Dechert LLP’s 2014 Annual Antitrust Spring Seminar, Philadelphia, PA (Apr. 29, 2014).

Panel Speaker, Forum on Data Privacy and Balancing National Security and Civil Liberties, Clements Center for History, Strategy, & Statecraft, University of Texas Law School, Austin, TX (Apr. 3, 2014).

Panel Speaker, Panel Discussing Data Privacy and Constitutionality of National Security Surveillance Activities, Georgetown Journal of Law & Public Policy Spring Symposium, Washington, D.C. (Mar. 27, 2014).

Panel Speaker, Panel Discussing Constitutionality of Border Searches of Electronic Media by TSA Officials, National Press Club, Washington, D.C. (Mar. 20, 2014).

Featured Speaker, “National Security versus Data Privacy,” Ferrum College Annual Forum, Roanoke, VA (Mar. 19, 2014).

Panel Speaker, “Balancing Privacy and Security,” Federalist Society’s 33rd Annual National Student Symposium, Univ. of Florida Levin College of Law, Gainesville, FL (Mar. 8, 2014).

Panel Speaker, Addressing the *Halliburton* case and the Supreme Court’s Reconsideration of the *Basic v. Levinson* Presumption of Reliance in Securities Fraud Litigation, D.C. Bar Luncheon, Washington, D.C. (Mar. 5, 2014).

Panel Speaker, Addressing Individual Privacy and National Security, Chicago Bar Association Forum, Union League Club, Chicago, IL (Mar. 3, 2014).

Panel Speaker, “*Erica P. John Fund & Beyond: The Past, Present, and Future of Securities Class Actions*,” U.S. Chamber of Commerce, Washington, D.C. (Feb. 28, 2014).

Panel Speaker, “Debrief of the Supreme Court’s Oral Argument on EPA’s Greenhouse Gas Rulemakings,” D.C. Bar Association, Washington, D.C. (Feb. 25, 2014).

Panel Speaker, Constitutionality of NSA Programs, Organized by the National Security Law Committee of the Federalist Society, Held at the Offices of Jones Day, Washington, D.C. (Feb. 24, 2014).

Panel Speaker, Addressing Fallout from the NSA Revelations for Foreign Relations and the Legal Regime Governing Surveillance in the U.S. and Among Our Allies, Breakfast Panel Debate, Council on Foreign Relations, Washington, D.C. (Feb. 20, 2014).

Panel Speaker, Conference on Privacy and Security, Chicago Council on Global Affairs and Notre Dame Law School’s International Security Program, Chicago, IL (Feb. 14, 2014).

Panel Speaker, “Reforming the NSA Surveillance System: Assessing the Options,” at the State of the Net Conference, organized by the Internet Education Foundation and the National Cable and Telecommunications Association, The Newseum, Washington, D.C. (Jan. 28, 2014).

Featured Speaker, Address on the Constitutional Underpinnings of the NSA Programs, Stanford Law School Constitutional Law Center, Stanford, CA (Jan. 23, 2014).

Guest on radio program discussing FISA Court process and NSA programs, NPR Philadelphia affiliate (Jan. 21, 2014).

Audio Teleconference and Podcast, Discussing District Court Decision Enjoining NSA Metadata Program, Federalist Society Teleforum, Washington, D.C. (Dec. 19, 2013).

Webinar Presentation, “Supreme Court Takes on the Clean Air Act: *EME Homer and Utility Air Regulatory Group v. EPA*,” Bloomberg BNA Webinar (Dec. 17, 2013).

Panel Speaker, Addressing Cybersecurity and the NSA Disclosures, Federalist Society Annual Convention, Washington, D.C. (Nov. 15, 2013).

Debate, "NSA Surveillance: A Necessary Evil?," Paul H. Nitze School of Advanced International Studies (SAIS), Johns Hopkins University, Washington, D.C. (Oct. 28, 2013) (debating Prof. David Cole of Georgetown Law School; moderated by SAIS Prof. John McLaughlin, former Deputy Director of the CIA).

Participant, Debate on National Security versus Privacy Interests, St. Thomas Law School, St. Paul, MN (Oct. 3, 2013).

Panel Presentation, CLE Seminar on Antitrust Law Developments, presented to Time Warner Inc. Legal Department, New York, NY (Sept. 24, 2013).

Participant, Debate on Legality of NSA Programs, Milbank Tweed Forum, NYU Law School, New York, NY (Sept. 18, 2013) (debating Liza Goitein of the Brennan Center for Justice, among others).

Participant in nationally televised debate addressing the propriety and legality of the NSA programs disclosed by Edward Snowden, PBS News Hour, Shirlington, VA (July 31, 2013) (debating author and NSA critic Jim Bamford).

Participant in radio debate addressing the legality of the NSA programs disclosed by Edward Snowden, Minnesota Public Radio's *Daily Circuit* program (July 30, 2013) (debating Marc Rotenberg of EPIC).

Debate on constitutionality of NSA programs disclosed by Edward Snowden, Federalist Society Teleforum, Washington, D.C. (July 23, 2013) (debating Prof. Randy Barnett of Georgetown Law School).

Webinar Presentation, "*FTC v. Actavis, Inc.*: The Unsettling of Hatch-Waxman Settlements," BNA Bloomberg Webinar (July 16, 2013).

Guest on Public Radio Program *To The Point With Warren Olney* Discussing the FISA Court and NSA Programs (July 10, 2013).

Prepared Remarks and Q&A Addressing Legal Bases for NSA Programs, Delivered before the Privacy and Civil Liberties Oversight Board, Washington, D.C. (July 9, 2013).

Live Analysis, SCOTUS Decision in *FTC v. Actavis, Inc.*, Dechert LLP, Washington, D.C. (June 19, 2013).

Panel Speaker, Addressing Cost-Benefit Analysis and OMB Review of Administrative Rulemaking, Federalist Society Luncheon Event, National Press Club, Washington, D.C. (June 11, 2013).

Panel Speaker in Live Conference and Podcast, "The Pentagon, the National Security Agency, and Domestic Cybersecurity," Federalist Society International & National Security Law Practice Group, Washington, D.C. (May 3, 2013).

Panel Presentation, Dechert LLP's 2013 Annual Antitrust Spring Seminar, Philadelphia, PA (Apr. 17, 2013).

Webinar Participant, Briefing on Supreme Court case *FTC v. Actavis, Inc.* regarding intersection of patent law and antitrust, American Intellectual Property Law Association Webinar, Washington, D.C. (Apr. 2, 2013).

Panel Speaker, "The Importance of Cost-Benefit Analysis in Agency Rulemaking," U.S. Chamber of Commerce Center for Capital Markets Competitiveness, Washington, D.C. (Mar. 12, 2013).

Featured Speaker, "Agency v. Agency (and other problems of overlapping jurisdiction)," Federalist Society event, Duke Law School, Durham, NC (Jan. 31, 2013).

Debate Presentation, "Debating the USA PATRIOT Act: 10 Years Later," Appellate Judges Education Institute, 2012 Annual Summit, New Orleans, LA (Nov. 18, 2012) (debating Susan Herman, National President of the ACLU).

Webinar Participant, "The Legal Challenge to the CFTC's New Registration Regime for Mutual Funds," Mutual Fund Directors Forum Webinar, Washington, D.C. (Oct. 9, 2012).

Web Video, Addressing Federal Trade Commission's Policy Change in Seeking Restitution in Enforcement Proceedings, Washington Legal Foundation Web Video, Washington, D.C. (Aug. 30, 2012).

Debate on the Constitutionality of the Individual Mandate in the Affordable Care Act Following Oral Argument in the Supreme Court, American Constitution Society, Annual Convention, Washington, D.C. (June 16, 2012) (debating Walter Dellinger; moderated by Adam Liptak).

Mock Oral Argument on the Constitutionality of the Individual Mandate in the Affordable Care Act, Georgetown Law School Supreme Court Institute, Washington, D.C. (Feb. 1, 2012) (arguing opposite Walter Dellinger before a distinguished panel of Supreme Court practitioners sitting as mock justices).

Panel Speaker, Addressing Developments in Cybersecurity Law, Steptoe & Johnson Forum, Washington, D.C. (June 28, 2011).

Featured Speaker, Roundtable Discussion on the Developing Legal Framework for Defensive and Offensive Cybersecurity, Council on Foreign Relations, Washington, D.C. (Apr. 18, 2011).

Keynote Address, "The Developing Legal Framework for Defensive and Offensive Cyber Operations," Harvard National Security Journal Forum on Cybersecurity, Harvard Law School, Cambridge, MA (Mar. 4, 2011).

Remarks Addressing *Matrixx Initiatives* Supreme Court Case, Federalist Society Press Call, Washington, D.C. (Jan. 6, 2011).

Moderator, "*Merck & Co. v. Reynolds*," Law Seminars International TeleBriefing (May 18, 2010) (panel presentation included Richard Cordray, then Attorney General of Ohio).

Panel Presentation, Dechert LLP, Spring Antitrust CLE Seminar, Philadelphia, PA (Apr. 28, 2010).

Remarks on Receiving the Intelligence Under Law Award, NSA's Law Day, National Security Agency, Fort Meade, MD (May 1, 2008).

Remarks on the Departure of Attorney General Alberto R. Gonzales, Great Hall of the U.S. Department of Justice, Washington, D.C. (Sept. 17, 2007).

Remarks delivered to attorneys of my former law firm, Kirkland & Ellis LLP, concerning the functions of the Office of Legal Counsel and my experiences as Acting AAG, Washington, D.C. (Jan. 22, 2007).

Guest on NPR's Morning Edition radio program, Explaining the Legal Basis for the Special NSA Surveillance Program Authorized by the President, Washington, D.C. (Feb. 14, 2006).

Guest Appearance, Explaining the Legal Basis for the Special NSA Surveillance Program Authorized by the President, C-SPAN Washington Journal, Washington, D.C. (Feb. 8, 2006).

* In addition to the speaking engagements listed above, in private practice with Kirkland & Ellis LLP between 1993 and 2004, I participated in several panel discussions for industry or bar associations concerning matters or issues on which I was working; these included: a Washington Legal Foundation panel discussing an upcoming Supreme Court term; a panel discussing antitrust litigation in the securities industry at the Securities Industry Association Annual Law and Compliance Seminar; and a panel discussing airline industry mergers at the ABA's Air

and Space Law Section annual conference. I also appeared as a guest on a cable television program discussing Justice Thomas.

17. **Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.**

Hearing before the House Committee on the Judiciary, "Examining Recommendations to Reform FISA Authorities" (Feb. 4, 2014).

Hearing before the House Permanent Select Committee on Intelligence, "Legislative Proposals for Modifying NSA Programs and Amending FISA Authorities" (Oct. 29, 2013).

Hearing before the House Committee on the Judiciary, "Oversight Hearing into the Administration's Use of FISA Authorities" (July 17, 2013).

Hearing before the House Ways and Means Committee, "The Ramifications of the Supreme Court's Ruling on the Affordable Care Act" (July 10, 2012).

Hearing before the House Ways and Means Committee, "The Constitutionality of the Individual Mandate in the Affordable Care Act" (Mar. 29, 2012).

Hearing before the Senate Committee on the Judiciary, "The Due Process Guarantee Act: Banning Indefinite Detention of Americans" (Feb. 29, 2012).

Hearing before the House Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties, "Oversight of the Justice Department's Office of Legal Counsel" (Feb. 14, 2008).

Classified Hearing before the Senate Select Committee on Intelligence Concerning Legal and Policy Review of CIA Program (Apr. 12, 2007).

Hearing before the House Committee on Armed Services, "Standards of Military Commissions and Tribunals Following the Supreme Court's Decision in *Hamdan v. Rumsfeld*" (Sept. 7, 2006).

Hearing before the House Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, "Legislative Proposals to Update the Foreign Intelligence Surveillance Act" (Sept. 6, 2006).

Hearing before the Senate Committee on the Judiciary, "The Authority to Prosecute Terrorists under the War Crimes Provisions of Title 18" (Aug. 2, 2006).

Hearing before the Senate Committee on the Judiciary, "FISA for the 21st Century" (July 26, 2006).

Hearing before the House Committee on Armed Services, "Standards of Military Commissions and Tribunals Following the Supreme Court's Decision in *Hamdan v. Rumsfeld*" (July 12, 2006).

Hearing before the Senate Committee on the Judiciary, "*Hamdan v. Rumsfeld*: Establishing a Constitutional Process for Military Commissions" (July 11, 2006).

Confirmation Hearing before the Senate Committee on the Judiciary, Nominations of several nominees, including Steven G. Bradbury, to be Assistant Attorney General for the Office of Legal Counsel, Department of Justice (Oct. 6, 2005).

- 18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?**

Through my work in private practice and in the Justice Department's Office of Legal Counsel ("OLC"), I am familiar with the statutory and administrative authorities of federal departments and agencies, specifically including the Department of Transportation. Every major mission and program administered by the Department depends on accurate and reliable legal advice for policy makers on the application and limits of such authorities, and I have extensive experience supervising teams of attorneys in providing such legal advice.

- 19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?**

Proper management and accounting controls are critical to the Department's appropriate and effective administration of its statutory authorities. My responsibilities in OLC included providing legal advice to department heads and the White House on compliance with federal budget and accounting controls, including under the Anti-Deficiency Act. I have managed teams of lawyers in carrying out this legal role, and I have advised senior appointed officials at various departments and agencies in the proper supervision of their statutory mandates. In private practice, I have advised general counsels and other senior legal offices to ensure compliance with applicable laws and regulations.

20. What do you believe to be the top three challenges facing the department/ agency, and why?

I see the top three challenges facing the Department of Transportation to be (a) promoting public safety through reasonable and effective application of the legal authorities provided by Congress; (b) achieving rational rulemaking consistent with law and with the preservation of competitive markets and incentives for private investment in innovation; and (c) advancing critical transportation infrastructure improvements through cooperation with Congress in the budget process and through the efficient administration of grants and other funding programs authorized by Congress. If confirmed as General Counsel, my role will be to ensure that the Secretary and the Department have the legal advice and support needed in exercising their authorities to address these and other challenges.

B. POTENTIAL CONFLICTS OF INTEREST

- 1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.**

I currently am employed as a partner at Dechert LLP. If confirmed, I will resign from that position. Pursuant to Dechert's partnership agreement, following my withdrawal from the firm, I will receive a *pro rata* partnership share based on the value of my partnership interests for services performed in 2017 through the date of my withdrawal. The firm will calculate the value of that share based on the firm's 2016 earnings. Consistent with the partnership agreement, I will receive the partnership share no later than April 2018. Also pursuant to the partnership agreement, following my withdrawal from the firm, I will receive a lump-sum payment of my capital account, calculated as of the date of my withdrawal. This payment will be made on or before 60 days from the date of my withdrawal. Dechert may withhold a portion of my capital account as a reserve for account reconciliations and tax payments, pursuant to the partnership agreement.

I also currently participate in Dechert's defined contribution savings and pension plans, which I will continue to participate in if confirmed; the firm as plan sponsor does not contribute to these plans and will not contribute to them after my separation. I also currently hold residual interests in certain contingent-fee cases from my previous law firm, Kirkland & Ellis LLP, and I will forfeit these interests upon confirmation.

In addition, I currently hold uncompensated positions with the American Bar Association Section of Antitrust Law, the Capital Markets Litigation Advisory Committee of the U.S. Chamber of Commerce Litigation Center, the National Security Law Working Group of the Heritage Foundation, and the John Hay Initiative. If confirmed, I will resign from those positions.

I have a Thrift Savings Plan ("TSP") account from my previous government service; if confirmed, I will retain my TSP account.

- 2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.**

No.

3. **Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.**

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation ("DOT") Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved consistent with the terms of an ethics agreement I have entered into with the DOT Designated Agency Ethics Official, which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. **Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.**

In connection with the nomination process, I have consulted with the Office of Government Ethics and the DOT Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved consistent with the terms of an ethics agreement I have entered into with the DOT Designated Agency Ethics Official, which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. **Describe any activity during the past ten years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.**

I have not been engaged by a client in private practice during the past ten years to influence legislation. In 2013-2014, based on my prior experiences as a senior official in the Department of Justice and acting in my personal capacity, not for any client, I provided testimony and authored letters and other writings urging Congress not to enact certain legislative proposals concerning important national security programs. I also signed a letter on behalf of former government officials urging Congress to reduce the number of committees with responsibility for oversight of the Department of Homeland Security. I have represented clients involved in agency investigations and enforcement actions and similar matters in which I presented good faith arguments relating to the interpretation and application of relevant laws.

Earlier, during my tenure as head of the Office of Legal Counsel of the Department of Justice, I represented the President and the executive branch in working

with Congress on legislative reforms of the Foreign Intelligence Surveillance Act, the procedures for military commissions of enemy combatants, and the War Crimes Act.

6. **Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.**

In connection with the nomination process, I have consulted with the Office of Government Ethics and the DOT Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved consistent with the terms of an ethics agreement I have entered into with the DOT Designated Agency Ethics Official, which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

C. LEGAL MATTERS

1. **Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:**
- a) **Provide the name of agency, association, committee, or group;**
 - b) **Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;**
 - c) **Describe the citation, disciplinary action, complaint, or personnel action; and**
 - d) **Provide the results of the citation, disciplinary action, complaint, or personnel action.**

No.

2. **Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.**

No.

3. **Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.**

I have not been a party to civil litigation, administrative agency proceedings, or criminal proceedings, except as described in response to Question 4 below. The law firms of which I have been a partner have on occasion been parties to litigation, but none of those litigation matters has concerned activities involving me personally, and I am not personally familiar with the details of any such litigation matters. Certain legal opinions issued by the Office of Legal Counsel in 2002 and 2003 (before my time as Principal Deputy in OLC) were the subject of an investigation by the Office of Professional Responsibility ("OPR") of the Department of Justice, and in the course of that investigation, OPR also considered certain later OLC opinions that I authored. OPR did not make any finding that my opinions failed to satisfy standards of professional responsibility. The final OPR report made recommendations concerning the earlier OLC opinions, but that report was overruled and its recommendations were rejected by the senior career official of the Department of Justice (the Associate Deputy Attorney General), and the OPR report does not have continuing official force or validity.

4. **Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.**

Yes, as follows:

- a) Moving violation: Failure to yield right of way on a left turn (in connection with a traffic accident on Bradley Blvd. in Montgomery County, MD on 06/05/2002). On 10/01/2002, I pleaded guilty in Circuit Court of Montgomery County, MD, and paid a \$37 fine plus \$23 in court costs. The court reduced the points for this violation from 3 to 1.
- b) I received a citation on 10/02/1981 and paid a \$10 fine on 11/02/1981 for entering the New York City subway system without paying the fare.

5. **Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.**

No.

6. **Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.**

None.

D. RELATIONSHIP WITH THE COMMITTEE

1. **Will you ensure that your department/agency complies with deadlines for information set by congressional committees?**

Yes, to the extent reasonable and feasible.

2. **Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures?**

Yes.

3. **Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee?**

Yes, to the extent consistent with legal and customary requirements.

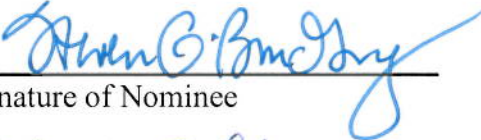
4. **Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?**

Yes.

(Nominee is to include this signed affidavit along with answers to the above questions.)

F. AFFIDAVIT

I, Steven Gill Bradbury, being duly sworn, hereby declare that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.



Signature of Nominee

District of Columbia
Subscribed and sworn before me this 6th day of June, 2017.



Notary Public



Attachment A



Steven Gill Bradbury



Work Experience

Dechert LLP, Washington, D.C., 2009-Present

Law Partner, Litigation & Regulatory Enforcement

Practice includes regulatory enforcement matters; administrative law and judicial review of agency actions; congressional investigations; all aspects of antitrust, including government enforcement, merger reviews, and private litigation; other Supreme Court cases and appellate litigation; constitutional issues; general commercial litigation; data privacy and national security law.

See separate sheets for significant representations.

U.S. Department of Justice, Washington, D.C., 2004-2009

Acting Assistant Attorney General and Principal Deputy, Office of Legal Counsel

Served as senior appointed official in charge of the Office of Legal Counsel (“OLC”). Nominated by President to be Assistant Attorney General. As head of OLC, advised the President, the Attorney General, and the heads of executive departments and agencies of the federal government on significant questions of constitutional, statutory, and administrative law and treaty interpretation; represented the Justice Department and executive branch before Congress.

Awards received during government service:

Edmund J. Randolph Award for outstanding service to the Department of Justice

Secretary of Defense Medal for Outstanding Public Service

National Security Agency’s Intelligence Under Law Award

Director of National Intelligence’s 2007 Intelligence Community Legal Award (Team of the Year, FISA Modernization)

Criminal Division’s Award for Outstanding Law Enforcement Partnerships

Kirkland & Ellis LLP, Washington, D.C., 1993-2004

Litigation Partner (1994-2004); Associate (1993-1994)

Practice included all aspects of antitrust, including government enforcement, merger reviews, and private litigation; other regulatory enforcement matters; administrative law and judicial review of agency actions; Supreme Court cases and appellate litigation; constitutional issues; and general commercial litigation.

See separate sheets for significant representations.

Honorable Clarence Thomas, Supreme Court of the United States, 1992-1993

Law Clerk

U.S. Department of Justice, Washington, D.C., 1991-1992
Attorney-Adviser, Office of Legal Counsel

Honorable James L. Buckley, U.S. Court of Appeals for the D.C. Circuit, 1990-1991
Law Clerk

Covington & Burling, Washington, D.C., 1988-1990
Associate

Gained substantial federal trial and appellate court experience. Represented Missouri and Washington State in defending suits brought by hospitals and nursing homes seeking additional Medicaid reimbursements. Represented policyholders and *amici* in suits seeking insurance coverage for environmental liabilities.

Davis Polk & Wardwell, New York, N.Y., 1983-1985
Legal Assistant

Avon Books, a Division of Hearst Corporation, New York, N.Y., 1981-1983
Assistant Editor (1982-1983); Editorial Assistant (1981-1982)

Education

University of Michigan Law School, Ann Arbor, Michigan

J.D., *magna cum laude*, May 1988. Order of the Coif.

Article Editor, *Michigan Law Review*.

Dean's 1987-1988 Law Review Award for outstanding contribution to the *Review*.

Note, *Corporate Auctions and Directors' Fiduciary Duties: A Third-Generation Business Judgment Rule*, 87 Mich. L. Rev. 276 (1988).

Book Awards: Administrative Law, Civil Procedure II, Legal Process.

Stanford University, Stanford, California

B.A., June 1980. Major in English.

Additional course work in history, politics, languages, and philosophy, including tutorial study in theory of knowledge at Lincoln College, Oxford University.

Bar and Court Memberships

District of Columbia Bar

Supreme Court of the United States

U.S. District Court for the District of Columbia

U.S. Courts of Appeals for D.C., First, Second, Fourth, Fifth, Sixth, and Seventh Circuits

Personal

Born and raised, Portland, Oregon. Spouse: Hilde E. Kahn.

Children: James (B.A., Stanford, 2016); Will (Stanford, Class of 2018);

Susanna (Thomas Jefferson High School for Science & Technology, Class of 2017)

Significant Representations

- ▶ Represent provider of cloud-based software solutions before the National Highway Traffic Safety Administration (“NHTSA”) in connection with a recall involving potential safety risks from lithium ion batteries.
- ▶ Represent Internet registry company in connection with antitrust issues raised by ICANN award of top-level domain rights.
- ▶ Represented the Independent Community Bankers of America in federal court action challenging a final rule of the National Credit Union Administration relating to commercial lending by insured credit unions (E.D.Va.).
- ▶ Represented TK Holdings Inc. (Takata Corporation) in connection with investigations of airbag inflator ruptures by NHTSA, Congress, and other entities, and in related civil litigation.
- ▶ Represent Verizon in connection with wireless data roaming rate cases before the Federal Communications Commission.
- ▶ Represent American Airlines, Inc., in Department of Transportation rulemaking proceedings on competition and consumer protection issues and in international route authorization proceedings.
- ▶ Represented major media company in connection with Department of Justice and FCC antitrust review of the proposed merger of Comcast Corporation and Time Warner Cable, Inc., and the merger of Charter Communications and Time Warner Cable.
- ▶ Represented US Airways Group in defending merger with AMR Corp. (American Airlines) against antitrust challenge by the U.S. Department of Justice and several States — *United States v. US Airways Group & AMR Corp.* (D.D.C.).
- ▶ Represented Polypore International, Inc., in appeal from FTC antitrust order requiring divestiture of assets acquired from Microporous Products LP — *Polypore International, Inc. v. FTC* (11th Cir. and U.S. Sup. Ct.).
- ▶ Represented Turing Pharmaceuticals in connection with congressional investigation of drug pricing practices.
- ▶ Represented leading claims administrator in connection with congressional hearing concerning administration of historic settlement of Indian trust fund claims.
- ▶ Represent various financial industry associations and companies, including as *amici*, in judicial challenges to agency rulemakings under the Dodd-Frank Act.
- ▶ Represent U.S. Chamber of Commerce and Investment Company Institute as *amici* in support of MetLife, Inc.’s challenge to its designation as “too big to fail” by the Financial Stability Oversight Council under the Dodd-Frank Act.
- ▶ Represent U.S. Chamber of Commerce and National Association of Manufacturers as *amici* in various appellate cases before the Supreme Court and U.S. courts of appeals.
- ▶ Represented the American Intellectual Property Law Association as *amicus* before the Supreme Court in *FTC v. Actavis, Inc.* (U.S. Sup. Ct. 2013), concerning antitrust analysis of “reverse payment” patent settlements.
- ▶ Represented 215 economists as *amici* in appellate challenge to the federal health care reform law (11th Cir. and U.S. Sup. Ct.).

- ▶ Represented Dean Foods Company in defending litigation brought by the Antitrust Division of the U.S. Department of Justice and the States of Wisconsin, Illinois, and Michigan challenging Dean Foods' acquisition of milk processing plants — *United States v. Dean Foods Co.* (E.D. Wis.).
- ▶ Represented third party before DOJ and FCC in connection with antitrust issues raised by AT&T's proposed acquisition of T-Mobile.
- ▶ Represented industry stakeholders in antitrust challenge to restrictive trademark licensing practices by NCAA colleges and their exclusive licensing agent.
- ▶ Lead counsel to Morgan Stanley in defending dozens of consolidated securities class action suits involving the allocation of shares in high-tech IPOs — *In re IPO Securities Litigation* (S.D.N.Y.) — and related litigation in various other courts.
- ▶ Lead counsel to Morgan Stanley in SEC and NASD investigations of IPO allocation practices.
- ▶ Lead counsel to Verizon Communications in successfully obtaining dismissal of antitrust class action against Bell companies relating to competition for local telephone service — *Twombly v. Bell Atlantic Corp.* (S.D.N.Y.).
- ▶ Lead counsel to Morgan Stanley in successfully obtaining dismissal of antitrust class action relating to the allocation of shares in IPOs — *In re IPO Antitrust Litigation* (S.D.N.Y.).
- ▶ Represented Bell Atlantic and DSC Communications Corp. in \$3.5 billion monopolization suit against AT&T and Lucent Technologies (E.D. Texas).
- ▶ Represented Bell Atlantic and NYNEX in challenge to AT&T's \$19 billion acquisition of McCaw Communications (E.D.N.Y.).
- ▶ Lead antitrust counsel to United Air Lines in obtaining DOJ approval of code-share agreement with US Airways.
- ▶ Lead antitrust counsel to United Air Lines in proposed acquisition of US Airways (abandoned).
- ▶ Lead antitrust and regulatory counsel to GTE Corporation in its \$56 billion merger with Bell Atlantic to create Verizon.
- ▶ Represented AOL in defending AOL-Time Warner merger before the Competition Directorate of the European Commission ("EC").
- ▶ Lead counsel to GTE before DOJ, FCC, EC, and D.D.C. in successfully challenging Internet aspects of MCI-WorldCom merger.
- ▶ Represented Bell Atlantic in antitrust defense of \$23 billion acquisition of NYNEX.
- ▶ Lead counsel to Verizon Directories Corp. in Lanham Act action against Yellow Book USA, Inc. for false advertising and sales claims (E.D.N.Y.).
- ▶ Handled jury trial and argued appeal in magazine trademark suit between Petersen Publishing Co. and Time, Inc. (S.D.N.Y. & 2d Cir.).
- ▶ Represented NFL football players in Supreme Court case addressing the non-statutory labor exemption to the antitrust laws — *Brown v. Pro Football, Inc.*, 518 U.S. 231 (1996).