

JONATHAN E. RACKOFF
PARTNER, TRIAL &
APPELLATE LIT, REGULATORY
AND GOV INVESTIGATIONS



CONTACT

1191 Second Avenue
Suite 2200
Seattle, WA 98101
206.292.2622
rackoff@martenlaw.com

AREAS OF FOCUS

Agency Enforcement, Congressional Oversight, and State AG Investigations
Greentech and Sustainability Climate Transportation, Micromobility, and Electric Vehicles
Regulatory Surveillance, Planning, and Advocacy
Retail and Restricted Products PFAS & Emerging Contaminants Privacy, IoT, & Digital Industrial Tech Crisis Management and Strategic Communications

EDUCATION & CLERKSHIP

J.D., Stanford Law School –Stanford, CA (2003)
B.A., with honors, Oberlin College – Oberlin, OH (1997)

ADMISSIONS & MEMBERSHIPS

District of Columbia Bar
State Bar of California

A litigator with 16 years of private sector and government experience, including senior roles in the Obama White House, Jonathan offers an insider's perspective on how to negotiate with and influence regulatory agencies, investigate and manage compliance risks, defend high-stakes federal and state enforcement actions, and coordinate incident response and crisis communications for enterprise-threatening crises.

Jonathan Rackoff is a partner in Marten's Seattle and San Francisco offices, where he chairs the Firm's Regulatory and Government Investigations group. A trial and appellate litigator by training with broad regulatory and investigative experience, Jonathan helps clients in a range of industries navigate our evolving and increasingly global compliance and enforcement landscape.

His subject-matter background is diverse, having previously: led privacy law and policy matters at the White House; litigated antitrust, patent, and complex commercial issues with the Am Law 100, including before the U.S. Supreme Court; served as General Counsel of a successful biopharmaceutical startup; and provided strategic counsel on environmental, health, and safety risks for Fortune 50 tech companies.

Before joining Marten, Jonathan held a number of senior regulatory, compliance, and investigative positions in the Obama Administration:

- As principal regulatory and information policy counsel to the White House Office of Information and Regulatory Affairs (OIRA) — located in the Office of Management and Budget (OMB), within the Executive Office of the President (EOP) — Jonathan oversaw legal implementation of the President's rulemaking and information/IT agendas government-wide – including privacy, cybersecurity, cloud computing policy, transportation safety, and climate issues, among others.
- As White House-OMB's chief ethics and political-law compliance official, or "DAEO," Jonathan managed program integrity, employment and enforcement issues, media affairs, and related congressional oversight on behalf of 500 staff in the EOP.
- Later, as part of the senior leadership team in EPA's Office of General Counsel – recognized by The Legal 500 during his tenure as "Best In-House Team for Environment, 2014 and 2015" – Jonathan led the 15,000-person Cabinet Agency's cross-functional oversight and incident response team.

Earlier in his career, Jonathan trained as a litigator at two global law firms; clerked for Ninth Circuit Judge Proctor Hug Jr., as well as District Judge Marianna R. Pfaelzer in the Central District of California in Los Angeles; and served at the National Institutes of Health as legal faculty in bioethics.

Jonathan graduated from Stanford Law School, where he was an Articles Editor on the Stanford Law Review. He received his B.A. with honors in philosophy and biology from Oberlin College. His academic writing on health policy topics has been published in such major journals as Pediatrics, IRB: Ethics & Human Research, and the New England Journal of Medicine.

REPRESENTATIVE MATTERS

- A former Regional Administrator of U.S. EPA Region 5 in a congressional investigation and public hearings before the U.S. House Committee on Oversight and Reform regarding the Flint, Michigan water crisis
- A Fortune 500 transportation company as appellate counsel at trial, defending claims arising from a fatal railway collision and toxic chemical release
- A biopharmaceutical startup as outside general counsel
- A large e-commerce company in an internal investigation of EPA allegations of Clean Air Act noncompliance
- A software and consumer electronics manufacturer in advice regarding California's Proposition 65 and compliance management best practices
- An e-waste recycler in connection with TSCA compliance assurance monitoring by U.S. EPA
- A food and agribusiness company in defense of long-standing minerals processing enforcement by U.S. EPA and DOJ-ENRD
- 11 prospective political appointees requiring Senate confirmation through the vetting process and congressional hearings
- An international medical device company in its appeal from an adverse verdict of patent infringement under the doctrine of equivalents
- Three national trade associations as amici curiae in support of a specialty chemicals company's certiorari petition to the U.S. Supreme Court (environmental criminal issues);
- A telecommunications company in its Federal Circuit appeal from an ITC determination of no Section 337 violation by competitor's importation and sale of certain mobile telephone handsets
- A franchise of an international hotel chain on certiorari petition to the U.S. Supreme Court (standing under Title III of the ADA)
- A Fortune 500 manufacturer in antitrust litigation over claims that its market share-based wholesale incentive program violated the Robinson-Patman Act, where damages sought exceeded \$250 million.