

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

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AREAS OF FOCUS

COVID-19, Healthcare, & the Life
Sciences

Agency Enforcement, Congressional
Oversight, & State AG Investigations
Climate

Greentech & Sustainability

Government Ethics & Vetting

Transportation, Micromobility, &
Electric Vehicles

Regulatory Surveillance, Planning, &
Advocacy

Retail & Restricted Products

Privacy & Digital Industrial Technology

Crisis Management & 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 federal regulatory expert and seasoned litigator with 17 years of private sector and high-level 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 reduce compliance risks, close strategic tech deals, manage high-stakes federal and state enforcement actions, and coordinate incident response and crisis communications for enterprise-threatening crises in the national news.

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 experience in healthcare regulatory, privacy, climate and sustainability, and environmental and congressional investigative matters, Jonathan helps clients in a range of industries navigate our evolving and increasingly global enforcement, compliance, and regulatory approval landscape.

Jonathan has recently focused on COVID-19 strategic response actions and related compliance and oversight matters for global tech companies, but his diverse background spans:

- serving as General Counsel of a successful biopharmaceutical startup;
- leading congressional oversight and incident response for the U.S. Environmental Protection Agency, including defending 97 investigations and 62 hearings first-chair;
- overseeing implementation of President Obama's domestic regulatory and privacy policy agendas government-wide as counsel to the White House Office of Information and Regulatory Affairs (OIRA), spanning health reform, fuel economy standards, IP enforcement, and FDA pre-market approval and post-market reporting issues;
- served twice in the Department of Clinical Bioethics at the National Institutes of Health, both as a fellow and later as visiting faculty; and
- litigated at two global law firms – both before U.S. trial and appellate courts, including the U.S. Supreme Court, and a range of federal agencies – from medical technology patents, to FDA administrative decisions, to data privacy compliance procedures.

Earlier in his career, Jonathan 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. He graduated from Stanford Law School, where he was an Articles Editor on the Stanford Law Review and published multiple times on health policy and clinical research topics, including in the New England Journal of Medicine. Jonathan received his B.A. with honors in philosophy and biology from Oberlin College.

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.