

BIGLAW REVOLVING DOOR REPORT



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The Revolving Door Project and People's Parity Project jointly publish the BigLaw Revolving Door report series. This series investigates the US's largest law firms, those firms' corporate clients, and how they seek to influence executive branch policies and actions and the larger field of regulatory law.

BigLaw Revolving Door Report: Jones Day

By Zena Wolf

April 2021

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Acknowledgments

The author wishes to thank Molly Coleman, Miranda Litwak, Andrea Beaty, and Jeff Hauser.

Introduction

The Trump Administration's [embrace](#) of BigLaw meant appointees across the executive branch were working against public interest and for their corporate clients. One of the worst offenders was Jones Day, the [notorious](#) anti-worker firm recently under fire for alleged internal racial and gender [discrimination](#). Jones Day's takeover of the executive branch under Trump was unprecedented; by March 2017, at least [14 Jones Day attorneys](#) had joined the executive branch, with at least three more receiving federal judicial [nominations](#). Jones Day partners, with their myriad of corporate clients, have no place in the federal government, and we urge the Biden Administration to not just keep them away from future appointments, but ensure any holdovers are fired and removed from power.

Jones Day's History of Anti-Worker Representation & Corporate Clients

Jones Day has worked hard to gain a reputation as a BigLaw firm who will take on anyone as a client—representing Big [Tobacco](#), Big [Oil](#), and Big [Tech](#), and even the Bin Laden [family](#). Internally, the firm is rife with allegations of [racist behavior](#) and [gender discrimination](#). Employees liken Jones Day to a "[fraternity](#)" displaying an "endemic culture of sexual [inappropriateness](#)." Externally, they are one of the most notoriously anti-union BigLaw firms, at one point taking on the moniker of the "[go-to](#) for media executives facing union drives."

Jones Day's anti-worker record includes representing McDonald's in a years-long NLRB case. In 2012, "[scores of workers](#)" alleged McDonald's franchisees took retaliatory actions against employees for striking for higher wages. As lead counsel, Jones Day helped McDonald's argue that the company wasn't responsible for labor violations made by franchisees. The NLRB [agreed](#), in a ruling that further [disenfranchised](#) workers of franchise and contractor-dependent companies.

In 2018, management at Slate [hired Jones Day](#) after their staff voted to unionize. During contract negotiations, Jones Day pushed hardline stances to weaken the union, attempting to prevent a closed shop union and leading the workers to accuse Jones Day of "[imposing anti-union principles](#) in the contracts it negotiates." This was not a unique situation; according to a 2018 *Columbia Journalism Review* [article](#), Jones Day used "aggressive anti-union tactics" to

downgrade media union contracts and “carve employee benefits to the bone” all over the industry. Washington-Baltimore News Guild president Robert Struckman [explained](#) that Jones Day was a central actor in the anti-union trend in the media industry, using their clients’ contract negotiations to lower benefits at subsequent negotiations, and calling it a “destructive” pattern in the industry.

Jones Day represented the firm’s long standing client, Walmart, in a lawsuit brought by municipalities and states [accusing companies](#) of “lax controls over opioid sales.” In the case, Walmart and counsel Jones Day were accused of “pervasive obstruction” for hiding a criminal investigation for similar conduct and refusing to hand over large quantities of documents from related court cases. According to [ProPublica](#), Jones Day helped Walmart avoid those criminal charges on their opioid sales in part because of Jones Day’s strong connections in the Trump Administration.

Jones Day’s Right-Wing Connections

Most recently, Jones Day has gained notoriety as one of the few BigLaw firms left shamelessly representing Trump’s fascist attempts to undermine the 2020 election. Jones Day [represented](#) the Pennsylvania GOP in their attempt to throw out any ballots received after November 3rd, a lawsuit dismissed by a federal judge on the [grounds](#) that they used “strained legal arguments without merit and speculative accusations” that were “unsupported by evidence.” In December 2020, the *New York Times* [reported](#) that six Jones Day lawyers admitted that the number of late-arriving ballots involved in the litigation was so small that the main goal of the litigation appeared to be eroding public trust in the election results. Despite facing widespread [backlash](#) for their involvement in the suit, Jones Day continued, denouncing the media for their negative [coverage](#).

Jones Day’s connections to the Republican party started long before their well-documented [representation](#) of the Trump campaigns. One of the firm’s partners, Michael Carvin, [boasted](#) that he was “one of the lead lawyers, and argued before the Florida Supreme Court, on behalf of George W. Bush in the 2000 presidential election Florida recount controversy.” The firm also represented notorious right-wing [companies](#) Freedom Partners, Americans for Prosperity, and i360, the Koch’s “big data” [firm](#). In 2014, Jones Day lawyers helped Republican politician Bob McDonnell overturn his [corruption conviction](#) in front of the Supreme Court.

In April 2020, Jones Day represented Fox News Network in a [lawsuit](#) over their “deceptive” COVID-19 pandemic coverage. A Washington State nonprofit sought an [injunction](#) to stop Fox News from “interfering with reasonable and necessary measures to contain the virus by publishing further false and deceptive content.”

However, Jones Day’s influence in government grew exponentially under the Trump Administration using some of the worst revolving door and quid-pro-quo tactics of the Trump era. Jones Day represented Donald Trump throughout his 2016 campaign, with the firm’s Don McGahn serving as his outside [counsel](#) and appearing on stage with him following the 2016 New Hampshire primary. As of September 2020, Jones Day represented the Trump campaign in 20 [cases](#). According to *The New York Times*, these included a suit filed by anti-Trump demonstrators who alleged they were beaten up at a Kentucky political rally and a suit from a Missouri man who “claimed he was arrested after he simply laughed while at a Trump rally.”

Jones Day’s Revolving Door to the Executive Branch

An investigation by the Revolving Door Project and the People’s Parity Project found at least 60 current Jones Day partners with executive branch experience under either the Obama or Trump Administrations. These partners held positions across the federal government, including the Department of Justice, the Federal Trade Commission, and the White House. See table 1 for a complete summary of the firm’s current revolvers, and additional information can be found [here](#).

Trump Administration

Jones Day’s work for Trump has paid off; a *New York Times* analysis of federal records found that since [2015](#), Jones Day has received more than \$20 million in fees from the Trump campaigns, political groups linked to Mr. Trump, and the Republican National Committee. At least \$11.5 million [came](#) directly from the Trump campaign. It also led to an unprecedented influence on the Administration, mainly through Jones Day attorneys who used the revolving door to gain positions of power in the areas they previously practiced. By March 2017, at least [14 Jones Day attorneys](#) had joined the Trump Administration, some with explicit and implicit

conflicts of interest, all with the intention of undermining the government from within. Since Trump left office, Jones Day has brought on over 20 former Trump officials (see Table 1).

Jones Day attorney Don McGahn, Trump's 2016 outside counsel, is one of the most heinous examples of the power Jones Day yielded. Once Trump was elected, McGahn left Jones Day and [joined](#) the Administration as White House Counsel. As White House Counsel, he helped push far-right judges to the front of the line for Supreme Court nominations and actively ignored a Congressional [subpoena](#) about his knowledge of Trump's attempted obstruction of Robert Mueller's investigation into election interference, leading to an ongoing fight with the House Judiciary Committee. McGahn expanded Jones Day's reach by hiring at least [six](#) other Jones Day attorneys to work with him advising Trump on ethics, executive orders, and judicial nominations. This was not McGahn's first trip through the revolving door; prior to working at Jones Day, he was [chairman](#) of the Federal Elections Commission. After leaving the Trump Administration in 2019, McGahn immediately [rejoined](#) Jones Day.

Jones Day's Noel Francisco left the firm in 2017 to serve as Trump's Solicitor [General](#). At Jones Day, Francisco was chair of the firm's Government Regulation practice, where he [worked](#) for the tobacco company R.J. Reynolds Tobacco Company and argued [against](#) government advocacy to prohibit smoking on public-health grounds. While at the Justice Department, Francisco argued the case for Trump's [bigoted](#) Muslim travel ban. After leaving the Administration, he was [welcomed](#) back to Jones Day, and later was one of the attorneys working to [suppress votes](#) in Pennsylvania to benefit Trump.

Former Jones Day attorney Eric Dreiband, who previously [represented](#) companies accused of employment [discrimination](#) such as CVS Pharmacy and Abercrombie and Fitch, served as Assistant Attorney General for the Civil Rights Division under Trump. While in the Administration, he led the [case](#) against Yale University in a lawsuit alleging that they discriminated against white and Asian-American applicants.

Also deeply problematic is the elevation of unqualified and politically charged Jones Day attorneys to serve as federal judges under the Trump Administration. Former Jones Day partner Chad Readler, who argued in favor of Ohio's ban on same-sex [marriage](#) in 2015, was confirmed as a circuit [judge](#) in 2019. Former Jones Day attorney Gregory Katsas was confirmed as a federal appeals judge in the DC Circuit in [2017](#) after working with Don McGahn in the Trump White House to issue a series of unconstitutional executive orders and arguing [against](#) the Affordable

Care Act to the Supreme Court. In 2020, former Jones Day associate Kathryn Kimball [Mizelle](#) became one of the youngest federal judges despite the American Bar Association rating her “not [qualified](#)” due to lack of experience. Mizelle’s husband, Chad Mizelle, who worked as acting general counsel in the U.S. Department of Homeland Security, [joined](#) Jones Day after leaving the Administration as counsel in its government regulation practice in Miami and Washington, D.C.

Other examples of the revolving door between Jones Day and the Trump Administration include John Gore, who [returned](#) to the firm in 2019 after [leaving](#) it to be the assistant attorney general for civil rights in Trump’s Justice Department. Former Jones Day attorney Dana Baiocco, who *The Nation* [reported](#), “specialized in defending companies accused of selling deadly products” while at the firm, went on to run the Trump Administration’s Consumer Product Safety Commission. Jones Day partner Justin Herdman, who left the firm in 2017 to work as the U.S. attorney for the Northern District of Ohio, [rejoined](#) the firm in February 2021 to focus on white collar defense.

Table 1

Jones Day Revolvers: Trump Administration

Name	Firm Title	Federal Title	Federal Years
Bethany K. Biesenthal	Partner	Assistant U.S. Attorney, Deputy Chief, and Senior Litigation Counsel, Criminal Division, United States Attorney's Office, Northern District of Illinois	2007–18
David Morrell	Partner	Associate Counsel (2017-2018), The White House	2017–18
Amy Harman Burkart	Of Counsel	Chief, Cybercrime Unit, United States Attorney's Office, Boston, Massachusetts	2017–20
Eric Dreiband	Partner	Assistant Attorney General, Civil Rights Division, U.S. Department of Justice	2018–21
Noel Francisco	Partner-in-Charge Washington	47th Solicitor General of the United States	2017–20
John Gore	Partner	U.S. Department of Justice, Civil Rights Division, Principal Deputy Assistant Attorney General	2018–19
Dean Griffith	Of Counsel	Federal Aviation Administration, Senior Advisor to the Assistant Administrator for Government and Industry Affairs	2017
Justin Herdman	Partner	United States Attorney, Northern District of Ohio	2017–21
Robert Huie	Of Counsel	Assistant United States Attorney, Criminal Division, U.S. Attorney's Office, Southern District of California	2008–20
Lin Kahn	Partner	Attorney, Federal Trade Commission, San Francisco	2015–20
James (Jimmy) Kitchen	Partner	U.S. Department of Justice, United States Attorney's Offices for the Southern District of Texas, District of New Jersey, and Western District of Pennsylvania, Assistant U.S. Attorney	2004–18

Robert (Rob) Luther III	Of Counsel	Associate Counsel to the President, The White House	2017–18
Jordan Matthews	Of Counsel	Assistant United States Attorney, United States Attorney's Office, Northern District of Illinois	2014–21
Alexander Maugeri	Of Counsel	U.S. Department of Justice, Civil Rights Division, Chief of Staff	2020–21
Donald McGahn II	Practice Leader Government Regulation	Counsel to the President	2017–18
Chad Mizelle	Of Counsel	Acting General Counsel, Chief of Staff, and Deputy General Counsel, U.S. Department of Homeland Security; Associate Counsel to the President, White House; and Counsel to the Deputy Attorney General, Department of Justice	2017–21
David Morrell	Partner	Deputy Assistant Attorney General, Federal Programs Branch and Deputy Assistant Attorney General, Consumer Protection Branch, U.S. Department of Justice	2019–20
Eliot Pedrosa	Partner	United States Executive Director, InterAmerican Development Bank	2018–20
Brian Rabbitt	Partner	U.S. Department of Justice, Acting Assistant Attorney General and Principal Deputy Assistant Attorney General, Criminal Division and Chief of Staff and Senior Counselor to the Attorney General	2019–20
Schuyler Schouten	Partner	Deputy Legal Advisor, National Security Council	2018–19
Brett Shumate	Partner	Deputy Assistant Attorney General, Civil Division, Federal Programs Branch, U.S. Department of Justice	2017–19
Joshua (Josh) Sterling	Partner	Director, Market Participants Division, Commodity Futures Trading Commission	2019–21
Ilene Tannen	Of Counsel	Member of the Trademark Public Advisory Committee (TPAC) of the United States Patent and Trademark Office (USPTO); acted as an advisor to the Under Secretary of Commerce for Intellectual Property regarding the trademark operations of the USPTO	2016–2019

Source: [Author's analysis](#)

Obama Administration

Jones Day also boasted a revolving door into the Obama Administration, placing partners in high-up positions at the Department of Justice and across the globe, and scooping up former Obama Administration officials to join the firm. A Jones Day publication [points to](#) dozens of Jones Day lawyers with government experience, ranging from White House Counsel to the Department of Transportation. Many of these revolvers were [nominated](#) by President Obama and joined the firm in high-profile positions after their work in the executive branch. In total, over 40 high level attorneys at Jones Day served in the Obama Administration (see Table 2).

Jones Day's use of the revolving door to prevent corporations from facing accountability occurred during the Obama and Trump Administrations. In one of the most egregious examples, former U.S. Attorney Karen Hewitt, who served under George W. Bush and Barack Obama, [became](#) the lead counsel in Jones Day's suit against the Department of Justice for holding Walmart accountable for opioid sales. Hewitt, who [attended](#) conferences for U.S. Attorneys and met with Trump's Attorney General William Barr while the litigation was ongoing, leveraged her connections within the DOJ to better represent a corporation that contributed to the U.S. opioid epidemic.

Other revolvers during the Obama Administration include Jones Day partner David Carden. Carden, who previously [represented](#) Lehman Brothers during the Enron Investigation and their bankruptcy, was selected by President Obama to serve as the first U.S. Ambassador to the Association of South East Asian Nations. Carden was a [bundler](#) for the Obama campaign, and raised at least \$500,000 prior to his nomination.

Early indications show that Jones Day is hoping to reopen the revolving door to the Biden Administration. Jones Day partner Shirlethia Franklin, who [served](#) as deputy chief of staff to Attorney General Loretta Lynch under the Obama Administration, was named to the Biden Administration's transition team to review the U.S. Department of Justice, the Federal Election Commission, the U.S. Election Assistance Commission.

Jones Day revolver Andrew Luger's attempts to rejoin the federal government are deeply concerning. Luger [led](#) a project to "counter violent extremism" as a U.S. Attorney during the Obama Administration that led to bullying and Islamophobia. Activists in the Muslim community argue that giving him a role in government reinforces the overpolicing of Muslim communities, especially with regards to Minnesota's Somali American community [targeted](#) in Luger's program. While in office, Luger also [defended](#) the federal practice of "civil forfeiture," or taking away people's properties without charging them for a crime. His defense was especially heinous, as Luger had previously helped ban the policy on the state level. [News](#) that Luger is on the short list to take back his old post during the Biden Administration, despite his record of pushing discriminatory policies, is alarming and could signal the continuation of the revolving door between the executive branch and corporate law.

Table 2**Jones Day Revolvers: Obama Administration**

Name	Firm Title	Federal Title	Federal Years
Bethany K. Biesenthal	Partner	Assistant U.S. Attorney, Deputy Chief, and Senior Litigation Counsel, Criminal Division, United States Attorney's Office, Northern District of Illinois	2007–18
Jeremy Morrison	Partner	Counsel to the Director of the Bureau of Competition, Federal Trade Commission	2010–14
David Applebaum	Partner	Director, Federal Energy Regulatory Commission, Division of Investigations, Office of Enforcement	2015–16
Margaret (Peggy) Blake	Of Counsel	U.S. Securities and Exchange Commission, Senior Special Counsel	2015
Amie Colwell Breslow	Of Counsel	Attorney-Advisor, Office of Associate Chief Counsel (Corporate), Internal Revenue Service	2009–15
Amy Harman Burkart	Of Counsel	Assistant U.S. Attorney, Cybercrime Unit, United States Attorney's Office, Boston, Massachusetts	2010–20
E. Stewart Crosland	Partner	Counsel, Federal Election Commission: Office of Chairman Matthew S. Petersen and Office of Chairman Lee E. Goodman	2014–16
Ryan DiSantis	Of Counsel	Assistant U.S. Attorney: Public Corruption & Special Prosecutions Unit and Economic Crimes Unit, United States Attorney's Office, Boston, Massachusetts	2008–14
Kenneth (Ken) Field	Practice Leader Health Care & Life Sciences	Federal Trade Commission, Bureau of Competition, Attorney, Mergers IV Division	2009–12
Shirlethia Franklin	Partner	U.S. Department of Justice, Deputy Chief of Staff and Counselor to the Attorney General of the United States	2015–17
Louis Gabel	Partner	Assistant U.S. Attorney, White Collar Crime, Drug, and General Crime Units, U.S. Attorney's Office, Eastern District of Michigan	2008-2012, 2013-2015
Rasha Gerges Shields	Partner	Assistant United States Attorney, Central District of California (including Deputy Chief, Organized Crime Drug Enforcement Task Force Section)	2007–14
Dean Griffith	Of Counsel	Federal Aviation Administration, General Attorney, Regulations	2008-16
Jamila Hall	Partner	Assistant United States Attorney, Criminal Division, Economic Crimes Section, Northern District of Georgia	2007–11
Justin Herdman	Partner	Assistant United States Attorney, Northern District of Ohio	2006–13
Karen Hewitt	Partner-in-Charge, California	United States Department of Justice, United States Attorney's Offices for the Southern District of California, United States Attorney	2007-10
Adam Hollingsworth		Assistant U.S. Attorney, Northern District of Ohio	2010–17
Robert Huie	Of Counsel	Assistant United States Attorney, Criminal Division, U.S. Attorney's Office, Southern District of California	2008–20
Richard (Jay) Johnson	Partner	Assistant U.S. Attorney, Eastern District of Texas	2009–13
Lin Kahn	Partner	Attorney, Federal Trade Commission, San Francisco	2015–20

Kathy Keneally	Partner	Assistant Attorney General, Tax Division, U.S. Department of Justice	2012–14
James Kitchen (Jimmy)	Partner	U.S. Department of Justice, United States Attorney's Offices for the Southern District of Texas, District of New Jersey, and Western District of Pennsylvania, Assistant U.S. Attorney	2004–18
Sarah Levine	Partner	Deputy Assistant Attorney General, Federal Programs Branch, Civil Division, U.S. Department of Justice	2015–17
Catherine Livingston (Cathy)	Partner	Office of Chief Counsel, Internal Revenue Service, Health Care Counsel	2010–13
James Loonam	Partner	U.S. Attorney's Office, Eastern District of New York: Assistant U.S. Attorney, Criminal Division; Deputy Chief and Senior Trial Counsel, Business and Securities Fraud Section; and Deputy Chief, Violent Crimes and Terrorism Section (k/n/a the National Security and Cybercrime Section)	2005–17
Andrew (Andy) Luger	Partner	United States Attorney, District of Minnesota	2014–17
Rebecca Martin	Partner	United States Attorney's Office, Southern District of New York, Co-Chief, Civil Frauds Unit	2013–16
Jordan Matthews	Of Counsel	Assistant United States Attorney, United States Attorney's Office, Northern District of Illinois	2014–21
Shireen Matthews	Partner	Assistant U.S. Attorney, Criminal Division, U.S. Attorney's Office, Southern District of California	2008–13
Julia McEvoy	Partner	Deputy Associate Attorney General, U.S. Department of Justice	2012–15
Joan McKown	Partner	U.S. Securities and Exchange Commission (various positions, including Branch Chief and Assistant Director before being named Chief Counsel of the Division of Enforcement in 1993)	1986–2010
Benjamin (Ben) Mizer	Partner	Acting Assistant Attorney General and Principal Deputy Assistant Attorney General, Civil Division, U.S. Department of Justice	2015–17
Jeremy Morrison	Partner	Federal Trade Commission, Counsel to the Director of the Bureau of Competition and as Attorney, Mergers IV Division	2010–14
Cheryl O'Connor	Partner	Assistant United States Attorney, Central District of California	1998–2014
Cherie Owen	Of Counsel	United States Government Accountability Office, Office of General Counsel, Deputy Assistant General Counsel, Procurement Law	2015–16
Christopher Pelham (Chris)	Of Counsel	Assistant United States Attorney, Office of the United States Attorney, Criminal Division, U.S. Department of Justice, Central District of California	2007–15
Cristina Perez Soto	Partner	Assistant United States Attorney, Southern District of Florida (Miami office)	2007–11
Jeff Rabkin	Partner	Assistant United States Attorney, Brooklyn, New York and San Francisco, California	2004–11
Ronald (Ron) Sharpe	Partner	United States Attorney's Office for the District of the Virgin Islands, U.S. Attorney	2009–17
Eric Snyder	Partner	Senior Counsel, U.S. Department of State	2015–16
Ilene Tannen	Of Counsel	Member of the Trademark Public Advisory Committee (TPAC) of the United States Patent and Trademark Office (USPTO); acted as an advisor to the Under Secretary of Commerce for Intellectual Property regarding the trademark operations of the USPTO	2016–2019

Source: [Author's analysis](#)

Conclusion

Biden can keep his promise to be the “most pro-union [president](#)” by keeping Jones Day attorneys away from his Administration. Jones Day’s history of anti-labor and anti-civil rights litigation, morally abhorrent lawsuit against the 2020 election results, and ties to the Trump Administration demonstrate that the firm prioritizes growing its practice over working in the public interest. Biden’s Justice Department’s recent moves to [dismiss](#) all Senate-confirmed U.S. attorneys appointed during the Trump administration is a strong start to padlocking the revolving door between Jones Day and the federal government, and we urge them to continue getting rid of any power they may hold.