



David W. Ogden

PARTNER

Chair, Government and Regulatory Litigation Practice Group

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A nationally recognized litigator and counselor with more than thirty years' experience, David Ogden focuses his practice on complex disputes with serious financial implications. He served as the Deputy Attorney General of the United States from 2009 to 2010 and as Assistant Attorney General for the Civil Division, United States Department of Justice, from 1999 to 2001. Mr. Ogden is chair of the firm's Government and Regulatory Litigation Group.

Principal areas of practice include:

- civil litigation and government enforcement actions under regulatory regimes such as the False Claims Act, fair lending and other anti-discrimination laws, the antitrust or competition laws, securities laws, fraud, consumer protection, financial services, and environmental laws;
- matters raising issues of public and private international law, such as transnational litigation in US courts, transnational regulation and enforcement, investor-state disputes, enforcement of foreign judgments, injunctions against foreign litigation, and controversies outside the United States;
- administrative law and other litigation involving defects in government regulations or other official actions;
- litigation to restrain the enforcement of federal or state statutes, including first amendment, federal preemption, Commerce Clause, equal protection, due process, and expropriation issues;
- development and advocacy of policy reforms relating to litigation and enforcement issues; and
- Supreme Court and appellate litigation.

Mr. Ogden has consistently received the highest band ranking by *Chambers USA*, which in its 2020 publication describes him as "exceptional" and "one of the best lawyers in DC."

Chambers USA adds that "[h]e is adept at handling a variety of matters, including major employment and contractual disputes." An interviewee reports that "[h]e is one of the most

careful, thoughtful, creative and strategic thinkers out there." *Best Lawyers in America*, in its 2017 edition, rated him first among all regulatory enforcement litigators in Washington DC, naming him its "Lawyer of the Year" in that category. Additionally, *U.S. News - Best Lawyers* reported in its "Best Law Firms" rankings that Mr. Ogden "is both a great litigator and a great counselor. He understands that litigation is a tool and not an end in itself. He is highly strategic, great at seeing around corners, and a pleasure to work with to boot." Mr. Ogden is named an Acritas Star Lawyer following independent surveys of general counsel and other legal executives who commented that "he is a brilliant lawyer who sees strategic issues very clearly and has always tried to keep an eye on practicalities in litigation and complex matters." He is also recommended in the 2017–2019 editions of *The Legal 500 United States* with clients reporting that David is an "extraordinary strategist and impactful advocate."

His clients have included leading companies in the pharmaceutical, petrochemical, technology, retail, insurance, defense, financial, manufacturing, airline, automotive, rail, media, entertainment, and government services industries, as well as major trade and professional associations, nonprofit foundations, and individuals.

Government Experience

Mr. Ogden served as the Deputy Attorney General of the United States from 2009 to 2010. In that position, he was the second ranking official of the United States Department of Justice and its chief operating officer, supervising the Justice Department's 110,000 employees, almost \$30 billion budget, and all of its components and operations. Among the components reporting to Mr. Ogden were the Federal Bureau of Investigation and other law enforcement agencies, the 93 United States Attorneys Offices, and all of the Justice Department's national litigating divisions including the Criminal Division, National Security Division, Civil Division, Civil Rights Division, Antitrust Division, Environment and Natural Resources Division, and Tax Division. He led major Justice Department and Executive Branch initiatives addressing healthcare fraud, financial and mortgage fraud, international organized crime, Mexican drug cartels, immigration, international tax enforcement, the government's compliance with criminal and civil discovery, and law enforcement in Indian Country. He worked regularly with the leaders of foreign justice and interior ministries on international disputes and national security and law enforcement matters.

Earlier, Mr. Ogden served as the Assistant Attorney General for the Civil Division (1999–2001), where he directed the Justice Department's largest litigating unit representing federal agencies and officials in major civil litigation, including the government's largest regulatory, constitutional, international, national security, administrative, government contract, commercial, fraud and false claims, tort, immigration, and consumer matters. He also served as Chief of Staff and Counselor to former Attorney General Janet Reno (1997–1999), Associate Deputy Attorney General (1995–1997), and Deputy General Counsel and Legal Counsel at the United States Department of Defense (1994–1995).

Professional Activities

- Public Member, Administrative Conference of the United States, 2010–2016
- Senior Fellow, Administrative Conference of the United States, 2016–present
- Board Member, District of Columbia Bar Foundation, 2015–present
- Member, Janet Reno Endowment National Advisory Committee, McCourt School of Public Policy, Georgetown University, 2016–present

Solutions

Administrative Law

Bank Regulation and
Enforcement

Commercial Litigation

Environmental Litigation and
Enforcement Defense

Government Contracts

International Litigation

Media and Entertainment

Trials

Anti-Discrimination

Artificial Intelligence

Consumer Financial Services

False Claims Act

Healthcare

Life Sciences

Monitorships

Appellate and Supreme Court
Litigation

Class Actions

Crisis Management and
Strategic Response

Government and Regulatory
Litigation

International Arbitration

Litigation

National Security

Experience

INTERNATIONAL DISPUTES

- Obtaining for a US petrochemical company judicial declarations that foreign judgments totaling more than \$500 million are unenforceable in the United States
- Successfully managing for US pharmaceutical and international petrochemical companies high-stakes litigations in foreign courts raising issues of judicial corruption and investor-state protections
- Representing an American company in litigation against a foreign state under the expropriation and commercial activities exceptions to the Foreign Sovereign Immunities Act
- Representing a foreign sovereign in US litigation with another foreign sovereign concerning ownership of mineral rights
- Successfully defending foreign airlines in two separate US antitrust litigations seeking more than \$50 billion in damages, and managing related litigation worldwide
- Successfully representing an international law firm in a civil racketeering suit brought by a former adversary in international arbitration
- Representing corporate clients in investor-state arbitration under ICSID and UNCITRAL Rules
- Representing a former US Secretary of State in Alien Tort Statute litigation

GOVERNMENT AND PUBLIC POLICY LITIGATION AND INVESTIGATIONS

- Won a precedent-setting victory for client DaVita in one of the first-ever criminal labor market allocation cases brought by the Department of Justice
- Successfully representing an international law firm in a civil RICO action
- Representing defense, retail and entertainment industry clients in *qui tam* actions brought under the False Claims Act
- Representing insurance, pharmaceutical, technology, banking, and, government service companies in Justice Department False Claims investigations
- Representing financial institutions in CFPB investigations under fair lending, RESPA, and other regulatory regimes
- Representing manufacturing, legal services, and financial services entities in SEC investigations
- On the Deepwater Horizon matter, led BP's response to investigations by the National Oil Spill Commission, the Chemical Safety Board and the National Academy of Engineers
- Obtaining on behalf of a major national mortgage lender dismissal with prejudice of a putative nationwide discrimination class action and representing an investment bank in similar litigation
- Representing a major insurance company in fair lending investigation by a state regulatory authority

- Obtaining for a trade association summary judgment striking down on Commerce Clause and preemption grounds a state price control statute
- Obtaining for a trade association summary judgment striking down on preemption grounds a state statute that invalidated arbitration clauses in certain agreements
- Advising a major insurance company and other financial institutions with respect to Dodd-Frank issues, including the Financial Stability Oversight Council
- Submitting amicus briefs for a major professional and scientific association and a major industry association in the US Supreme Court and other appellate courts

Recognition



Washington DC Lawyer of the Year for Litigation - Regulatory Enforcement

Best Lawyers in America®

2017



Leading Lawyer for Litigation

Chambers USA

2013-2023



Recommended for Commercial Disputes

The Legal 500 United States

2017-2019

- Selected as a leading lawyer for his work in the litigation field in the 2013–2023 editions of *Chambers USA Guide* and is ranked in Band 1 for general commercial litigators in Washington DC.
- Selected by his peers for inclusion in the 2015–2024 editions of *Best Lawyers in America* for Commercial Litigation and Litigation - Regulatory Enforcement (SEC, Telecom, Energy), and was named the Washington DC "Lawyer of the Year" in Litigation - Regulatory Enforcement in the 2017 edition.
- Named in the 2023 edition of *Lawdragon's* Global Litigation 500, which recognizes lawyers who specialize in international arbitration, public international litigation and global controversies.

- 2015–2020, listed as an Acritas Star Lawyer, an independent survey of general counsel and other legal executives around the world to identify exemplary outside counsel.
- Recommended in the 2018 and 2019 editions of *The Legal 500 United States* in the area of commercial disputes and in the 2017 edition in the areas of energy: regulatory, commercial litigation and energy law.
- Named to The Ethisphere Institute's 2015 and 2017 lists of Attorneys Who Matter in the Private Practice and Consulting category.
- Named a "Litigation Star" by *Benchmark Litigation* (2021–2024).
- Recommended as a litigation star in Washington DC by Benchmark Litigation's *The Guide to America's Leading Litigation Firms and Attorneys* (2008, 2012–2016, 2019).
- Edward H. Levi Award for Outstanding Professionalism and Exemplary Integrity, US Department of Justice (2010).
- Named a 2007–2009 and 2013–2023 *Washington DC Super Lawyer* for business litigation.
- One of *Washington Business Journal's* "Top Washington Lawyers" in the area of corporate litigation (2006).
- *National Law Journal* Pro Bono Award (2006).
- Outstanding Legal Service Award, National Coalition to Abolish the Death Penalty (2005).
- Edmund J. Randolph Award for Outstanding Service, US Department of Justice (2001).
- Attorney General's Medallion, US Department of Justice (1999).
- Department of Defense Medal for Distinguished Public Service (1995).

Credentials

EDUCATION

JD, Harvard Law School, 1981

magna cum laude

Editor, Harvard Law Review

BA, University of Pennsylvania, 1976

summa cum laude

Phi Beta Kappa

ADMISSIONS

District of Columbia

CLERKSHIPS

The Hon. Harry A. Blackmun,
US Supreme Court, 1982 -
1983

The Hon. Abraham D. Sofaer,
US District Court for the
Southern District of New York,
1981 - 1982

GOVERNMENT EXPERIENCE

Department of Defense

Office of the Secretary of
Defense

Deputy General Counsel

Department of Defense

Office of the Secretary of
Defense

Legal Counsel

Department of Justice

Office of the Attorney General

*Chief of Staff and Counselor to
Attorney General Janet Reno*

Department of Justice

Office of the Deputy Attorney
General

Deputy Attorney General

Department of Justice

Office of the Deputy Attorney
General

*Associate Deputy Attorney
General*

Department of Justice

Civil Division

Assistant Attorney General