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TOP Professional Responsibility LAWYERS • 2024



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Kevin S. Rosen is a Partner at Gibson, Dunn & Crutcher LLP, where he has focused on litigation for 32 years. He came across professional responsibility by happenstance after a senior trial lawyer asked him to work on a law firm defense case and found the issues and strategies very interesting.

He has successfully defended hundreds of high-stakes cases for prominent international, national and regional law firms across the United States, with aggregate claims exceeding \$50 billion.

Under Rosen's leadership, Gibson Dunn's law firm defense practice group has grown from two lawyers in Los Angeles to more than 60 across the country.

In one significant case, Rosen and the Gibson Dunn team won five successive partial motions for summary judgment on behalf of Perkins Coie LLP, fully disposing of all claims brought by a bankruptcy trustee in Texas state court. The trustee represented the estate of True Health, a health care company that failed after a recapitalization. The trustee brought claims for malpractice, breach of fiduciary duty, and other torts against Perkins Coie, seeking over \$200 million in damages.

Rosen and his team defeated these claims by, among other things, negating and otherwise challenging the claims based on the evidence and providing a clear road map of the provisions in the bankruptcy plan that barred the trustee from pursuing certain claims against Perkins Coie assigned by creditors of True Health.

"The cases are significant because they presented complex and challenging issues to the firm and, in many instances, to the legal profession itself, making

a successful outcome particularly rewarding," Rosen said.

In another significant case, Rosen and the Gibson Dunn team defeated in substantial part a subpoena enforcement action the SEC filed against Covington & Burling LLP in January 2023. The SEC demanded the production of documents and information related to a cyberattack on the firm's network. Gibson Dunn negotiated with the SEC for 10 months and convinced the agency to narrow the subpoena by abandoning its demand for Covington's communications with its clients. But the SEC moved in federal court in D.C. to compel production of the names of 298 clients, betting that the court would enforce the subpoena in light of the highly deferential standard courts apply to agency administrative subpoenas. In the face of this standard, under which the government nearly always wins, Gibson Dunn persuaded the district court to deny the SEC's demand to 291 out of the 298 affected clients. Ultimately, the court ordered disclosure of only seven client names.

"Many of the cases we handle have a mixed set of facts or law that can be interpreted differently," Rosen said. "The challenge is usually marshaling those facts and law into a persuasive narrative supported by the evidence, but also in a manner that can be readily understood and appreciated."