

Kenneth J. Brown

Partner

Kenneth J. Brown, a partner at Williams & Connolly since 2010, focuses on high-stakes commercial trials and other litigation matters. He also serves as Co-Chair of the firm's Insurance Disputes practice group. Ken has successfully represented clients before federal and state courts across the United States, as well as a variety of arbitrators, federal and state regulators, and administrative boards.

Ken's practice spans a range of substantive areas, including commercial and financial services litigation, class actions and class arbitrations, insurance disputes, consumer protection and unfair trade practices cases, trade secrets, misappropriation of ideas, and First Amendment litigation. His pro-bono work includes various civil, criminal, and administrative matters in the Washington, D.C. area.

Born in Port Jefferson, New York, Ken grew up just north of New York City in Wesley Hills, New York. He received his B.A., *summa cum laude*, from Washington University in St. Louis in 1998, and his J.D., *cum laude*, from the University of Pennsylvania Law School, where he was an Articles Editor on the *University of Pennsylvania Law Review*. Ken completed two clerkships after graduation; the first for Judge William H. Yohn, Jr. of the U.S. District Court for the Eastern District of Pennsylvania; the second for Judge Stanley Marcus of the U.S. Court of Appeals for the Eleventh Circuit. In the fall of 2012, Ken served as an adjunct professor of law at the George Mason University School of Law. From 2014 to 2018, Ken served a member of the Board of Directors of Gifts for the Homeless, Inc., a non-profit organization serving the homeless of Washington, D.C.

Representative Experience

Though all cases vary and none is predictive, Ken's experience includes:

- Representation of the defendant financial services companies in a two-week bench trial in the Southern District of New York on a \$600 million claim arising out of a failed alternative asset securitization. The Court issued a complete defense verdict.
- Lead trial counsel for a major telecommunications company in a multi-week commercial arbitration with two FCC spectrum licensees. The arbitrators ruled in favor of our client on all key issues.
- Defended a large e-discovery provider and its chief executive officer, against claims for misappropriation of trade secrets and tortious



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Education

University of Pennsylvania Law School, J.D., cum laude, 2001: Articles Editor, University of Pennsylvania Law Review; Keedy Cup Moot Court Competition, Winning Team
Washington University in St. Louis, B.A., summa cum laude, 1998: Arnold J. Lien Prize; Pi Sigma Alpha

Practice Focus

Arbitration
Civil Litigation and Trial Practice
Class Action
Commercial Litigation
Directors and Officers Liability
Financial Services and Banking
Insurance Disputes
State Attorneys General Investigations
Supreme Court and Appellate Litigation

Admissions

Virginia
District of Columbia
Supreme Court

interference in connection with the hiring of four sales representatives. After a three-day evidentiary hearing, the court held that the preliminary injunction request “fails as to the facts and the law” and subsequently dismissed the claims against the firm’s clients with prejudice.

- Representation of the defendant financial services companies and several of their individual officers in a two-month bench trial in the Southern District of New York on a \$2 billion claim under RICO and various common law theories. The case was settled, post-trial, on mutually agreeable terms.
- Represented a national bank in a CFPB investigation. The investigation concluded with no enforcement action.
- Representation of a major telecommunications company in the first major tax case brought by the New York Attorney General under the New York False Claims Act. The case was settled on mutually agreeable terms.
- Representation of a major telecommunications company in shareholder derivative actions in the Southern District of New York, District of Kansas, and Kansas state court. All Courts granted dismissal with prejudice.
- Representation of a major telecommunications company in a SEC investigation. The investigation terminated with no enforcement action.
- Represented co-founder and former CEO of a major technology company in a series of commercial and securities matters. All actions were dismissed with prejudice.
- Representation of a private company in a misappropriation of ideas case brought in the Southern District of New York and the Second Circuit. The Court granted dismissal, which was affirmed on appeal.
- Representation of an automobile dealership group in a nationwide class arbitration alleging unfair trade practices. The Court issued a rare decision vacating an arbitrator’s class certification award.
- Representation of an automotive company in a consumer class action in the Western District of North Carolina. The Court granted dismissal.
- Representation of a private company in a consumer class action in Florida. The Court granted summary judgment on the principal claim.
- Representation of a land developer in two-week AAA arbitration in

United States Court of Appeals for the
Second, Third, Fourth, Ninth and
District of Columbia Circuits
United States District Courts for the
Eastern District and Western
District of Virginia, and District of
Columbia

Washington, D.C. The arbitrators issued an award issued in favor of the developer.

- Representation of the Washington Post in a First Amendment right of access motion in the D.C. sniper case. The motion was granted.

Resources

Publications

- *Assessing the Legitimacy of Governmental Regulation of Modern Speech Aimed at Social Reform: The Importance of Hindsight and Causation*, 2002
- *Establishing a Buffer Zone: The Proper Balance Between the First Amendment Religion Clauses in the Context of Neutral Zoning Regulations*, 2002

Presentations

- *Taking and Defending Depositions*, May 2015
- *Comparison Between English and U.S. Law on Privilege*, June 2014
- *Fundamentals of Taking and Defending Depositions 2014: Ethical Dilemmas Arising with Depositions*, March 2014