



## Jeffrey S. Trachtman

Partner

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Jeffrey S. Trachtman litigates complex bankruptcy, mass tort and securities fraud matters, including some of the nation's most significant and high-profile cases in recent years. Skilled and accomplished both as writer and courtroom advocate, Jeff has built a long and successful record representing clients in both trial and appellate courts. Jeff is also a nationally recognized pro bono leader. In addition to helping to build Kramer Levin's award-winning program as chair of the firm's Pro Bono Committee for more than 17 years, Jeff has represented poverty law and civil rights clients throughout his career, most notably in landmark marriage equality cases in New York and before the U.S. Supreme Court.

As one of the principal litigators on behalf of breast implant tort claimants in the Dow Corning bankruptcy, Jeff helped fashion, and obtain judicial approval for, the \$3.17 billion settlement. He continues to represent the interests of tort claimants in the Settlement Facility – Dow Corning Trust as lead counsel for the Claimants' Advisory Committee. Jeff has also helped lead litigation teams in bankruptcies and class actions involving asbestos and diet drugs, and on behalf of the creditors' committees in the massive Chrysler, General Motors and Residential Capital bankruptcies.

He also has represented creditors or creditor groups in such other well-known bankruptcy cases as Adelphia, Washington Mutual and WorldCom. Earlier in his career, Jeff helped lead a team of lawyers that obtained a \$90 million recovery – at the time, one of the largest arbitration awards – in a contract and securities fraud action arising out of a failed merger between Gulf Oil and Cities Service Corp.

Jeff has distinguished himself as an appellate advocate, winning reversal in the Seventh Circuit of a valuation decision in the United Airlines bankruptcy – more than doubling the recovery of Los Angeles International Airport bondholders – and serving as lead counsel in several Sixth Circuit appeals involving plan interpretation disputes in the Dow Corning case. He has also argued three Second Circuit appeals involving constitutional and administrative law issues affecting Social Security disability claimants and served as lead author on innumerable amicus briefs in the U.S. Supreme Court and other federal appellate courts.

Throughout his career, Jeff has committed himself to pro bono activities. He helped build Kramer Levin's widely praised program as chair of the firm's Pro Bono Committee from 1994 to 2011. During his tenure, the firm received major awards from the American Bar Association, the National Law Journal, the New York State Bar Association and the Legal Aid Society.

In his own pro bono activities, Jeff has litigated extensively in the area of Social Security disability, as well as civil rights and civil liberties, with a particular focus on LGBT rights, including serving as co-counsel with Lambda Legal in the New York State marriage equality litigation and submitting amicus briefs to the U.S. Supreme Court in the *Dale*, *Lawrence*, *Windsor*, *Perry* and *Obergefell* cases. As a result of these efforts, Kramer Levin earned the Empire State Pride Agenda's 2009 Equality@Work Award, given in recognition of the firm's "historic pro bono litigation" on behalf of the LGBT community.

Jeff has been recognized for his personal pro bono efforts, including receiving the New York University School of Law OUTLaw 2015 Alumnus of the Year Award, the City Bar Association's 2014 Arthur S. Leonard Award for distinguished service on behalf of the LGBT community, the 2013 [American Bar Association Pro Bono Publico Award](#) and the 2005 New York State Bar Association President's Pro Bono Service Award. He is co-founder and was a longtime director of Cause Effective, an organization that teaches other nonprofits how to generate human and financial resources. He currently serves on the boards of Volunteers of Legal Service and the Musical Theatre Factory.

## **Experience**

### **Bankruptcy, Securities and Mass Tort Litigation**

- Represented the Tort Claimants' Committee in the Dow Corning bankruptcy, helping to fashion a \$3 billion settlement of breast implant claims, and continuing as counsel for the Claimants' Advisory Committee for the duration of the sixteen-year settlement program.
- Represented the creditors' committee in the massive Residential Capital (ResCap) bankruptcy stemming from the collapse of the U.S. mortgage market, helping lead a litigation effort that resulted in ResCap's parent contributing \$2.1 billion to pay unsecured creditors.
- Represented the creditors' committee in the historic Chrysler bankruptcy, including personally drafting emergency papers submitted to Justice Ruth Bader Ginsburg as circuit justice that helped block a stay and permit implementation of the government-backed reorganization plan.
- Represented the FrontierVision Noteholders Committee in the Adelphia bankruptcy litigation over allocation of \$17 billion in asset sale proceeds, which eventually settled on favorable terms.
- Represented Credit Suisse First Boston as agent for bank lenders in the Owens Corning asbestos bankruptcy in fighting attempts, ultimately defeated on appeal, to vitiate the bank lenders' guarantees by substantively consolidating all of the debtors.

- Represented the largest group of objectors to the mass tort settlement reached in the nationwide diet drug (Fen-Phen) litigation, helping to secure improved treatment for many claimants.
- Represented Japanese auto parts retailer Autobacs 7 in the bankruptcy of its U.S. subsidiary, Autobacs Strauss, and subsequent litigation brought against the parent company, ultimately settling on favorable terms.
- Represented a software manufacturer in a false advertising trial against a competitor, resulting in a favorable decision as well as a published opinion on the scope of “advertising” under the Lanham Act.

## **Pro Bono Litigation**

- Served as co-lead counsel with Lambda Legal Defense and Education Fund in *Hernandez v. Robles*, which sought recognition of marriage rights for same-sex couples under the New York Constitution, as well as several cases establishing recognition under New York law for such couples’ valid out-of-state marriages.
- Represented mainstream religious organizations and hundreds of clergy as lead author of a Supreme Court amicus brief in the landmark case *Obergefell v. Hodges*, in which the Court recognizing a nationwide freedom to marry for same-sex couples. Filed similar briefs in *United States v. Windsor*, which struck down the portion of the Defense of Marriage Act (DOMA) barring federal recognition of the lawful marriages of same-sex couples, as well as in many cases across the country following *Windsor* and leading up to *Obergefell*. Continued to represent groups of religious stakeholders submitting similar briefs in *Masterpiece Cakeshop v. Colorado* and other post-*Obergefell* LGBT rights cases.
- Represented the lesbian survivor of a Sept. 11 victim in securing her fair share of the Victims’ Compensation Fund award made on behalf of her partner.
- Represented public health organizations as lead author of a Supreme Court amicus brief in *Lawrence v. Texas*, in which the Court struck down sodomy laws as violating the liberty interest in control over intimate personal relations.
- Served as co-lead counsel with the Center for Disability Advocacy Rights (CeDAR) in a class action, appealed twice to the 2nd Circuit, challenging policies affecting adjudication of children’s disability claims.
- Served as co-lead counsel with CeDAR in a 2nd Circuit case establishing important due process rights for unrepresented federal disability claimants whose mental impairments interfere with their ability to take timely appeals.

- Served as principal author of an amicus brief on behalf of social services organizations in *Jiggetts v. Grinker*, a New York State Court of Appeals case that recognized the statutory right to adequate housing allowances for low-income tenants.

## **Perspectives**

### **Publications**

- Author, 'Masterpiece Cakeshop' is a Reminder of How Far we Still Have to Go (June 11, 2018)
- Author, A Forgotten First Amendment Hero (Jan. 17, 2018)
- Author, Preserving LGBTQ Equality in The Supreme Court: No Piece of Cake (Dec. 31, 2017)
- Author, How Many Jewish New York Lesbians Did it Take to Bring Down DOMA? (Dec. 06, 2017)
- Author, Kramer Levin Partner Authors NY Chapter in Marriage Rights Book "Love Unites Us" (May 06, 2016)
- Author, Huffington Post: In Four Supreme Court Clashes Over 15 Years, a Consensus for Equality Emerges (May 01, 2015)
- Author, Huffington Post: We Can Talk About Bruce's Politics Without Ruining the Moment (April 26, 2015)
- Author, Huffington Post: As Mainstream Religion Embraces Marriage Equality, The 'Threat to Religious Liberty' Argument Crumbles (March 06, 2015)
- Author, Huffington Post: Why does the New York Times Give Equal Time to a Hate Group (Jan. 21, 2015)
- Author, Huffington Post: Supreme New Year's Resolution: Stop the Harm to Families of Denying the Freedom to Marry (Dec. 28, 2014)
- Author, Huffington Post: New Book Sets Record Straight on Who Won Marriage Equality - and More Importantly, How (Nov. 17, 2014)
- Author, Huffington Post: Winning Marriage Equality - Necessary, but Not Sufficient (Oct. 06, 2014)

### **Speaking Engagements**

- Speaker, 2015 Pride Reception: "Friends of the Court" Surveying the Obergefell Amicus Effort (June 23, 2015)
- Speaker, The Gay/Straight Alliance of the NYS Courts: Gay Pride in the Manhattan Courts: "The Road to Marriage Equality" (June 17, 2015)
- Speaker, New York City Bar Association: "Life Before the Bench: Bringing Public Interest Perspectives to the Jury" (May 28, 2015)

- Speaker, John Jay College: "Brown v. Board of Ed. and Marriage Equality" (March 31, 2014)
- Speaker, NY Fellows of the American Bar Association Program: "U.S. v. Windsor" (Jan. 29, 2014)
- Speaker, NYCLA Program: "Road to Victory: U.S. v. Windsor, Proposition 8 and Their Aftermaths" (Sept. 19, 2013)
- Speaker, NYCLA Program: "Supreme Court's Arguments in Windsor and Hollingsworth and the Future of Marriage Equality" (April 29, 2013)

## **Recognition**

- The National Law Journal's 2019 Equality Trailblazers (2019)
- City & State New York's Pride Power 100 (2019-2020)
- Gay City News' Impact Award (2019)
- Marvin Frankel Pro Bono Award (2015- 2020)
- Thomson Reuters' New York Super Lawyers (2006-2008, 2010-2020)
- New York State Bar Association's Empire State Counsel Honor (2007 – 2009, 2011, 2012, 2014 – 2017)
- New York University School of Law OUTLaw Alumnus of the Year (2015)
- City Bar Association Arthur S. Leonard Award (2014)
- American Bar Association Pro Bono Publico Award (2013)
- Legalease's Legal 500 US (2011, 2018)
- Governor Cuomo Pen Certificate (2011)
- Cause Effective, Legacy of Service Award (2009)
- New York State Bar Association President's Pro Bono Service Award (2005)
- Network for Women's Services (now Her Justice), Commitment to Justice Award (2000)

## **Credentials**

### **Education**

- J.D., cum laude, New York University School of Law, 1984
  - Note and Comment Editor, *New York University Law Review*, 1983 – 1984
  - Order of the Coif
- B.A., New York University, 1981

### **Bar Admissions**

- New York, 1985
- Massachusetts, 2009

### **Clerkships**

- Honorable Constance Baker Motley (Chief Judge), U.S.D.C., Southern District of New York, 1984-1985
- Honorable Leonard I. Garth, U.S.C.A., 3rd Circuit, 1985-1986

### **Court Admissions**

- U.S. Supreme Court
- U.S.C.A., 1st Circuit
- U.S.C.A., 2nd Circuit
- U.S.C.A., 3rd Circuit
- U.S.C.A., 4th Circuit
- U.S.C.A., 5th Circuit
- U.S.C.A., 6th Circuit
- U.S.C.A., 7th Circuit
- U.S.C.A., 8th Circuit
- U.S.C.A., 9th Circuit
- U.S.C.A., 10th Circuit
- U.S.C.A., 11th Circuit
- U.S.D.C., Eastern District of Michigan
- U.S.D.C., Southern District of New York
- U.S.D.C., Eastern District of New York

### **Professional Affiliations**

- New York City Bar Association, Member, Nominating Committee (2015 – 2016)
- New York State Bar Association
- American Bar Association
- LGBT Bar Association of New York
- American Bar Foundation, fellow

- Volunteers of Legal Service (VOLS), Board of Directors
- Musical Theatre Factory, Board of Directors
- Peter Cicchino Youth Project, Urban Justice Center – Advisory Board