

Jeffrey B. Cohen

Partner



Jeff Cohen represents a diverse range of clients, with an emphasis on ERISA litigation and employee benefits in bankruptcy. He also maintains an increasingly active docket as a dispute-resolution neutral. He has over 35 years of ERISA litigation experience involving a wide variety of issues arising under Titles I and IV of ERISA at all levels in the federal court system and in arbitration proceedings. He is also a nationally recognized expert on employee benefits issues in bankruptcy. Mr. Cohen has successfully argued over a dozen cases and filed scores of briefs in the federal courts of appeals. In addition, he has appeared as counsel in numerous ERISA cases in the Supreme Court. Mr. Cohen is a skilled negotiator and has resolved billions of dollars of benefits liabilities. He brings the same intensity to bear on his clients' behalf whether the matter involves billions of dollars or more modest amounts.

From 2005 through 2007, Mr. Cohen was Chief Counsel of the Pension Benefit Guaranty Corporation, the federal agency that insures traditional, private pension plans. In that capacity, he directed the work of 50 attorneys and served as lead counsel for the agency in major bankruptcy proceedings and ERISA litigation. Before his appointment as Chief Counsel, he served for many years as Deputy General Counsel of PBGC. Since returning to the private sector, Jeff has represented employers, an international union, plan fiduciaries (including independent fiduciaries),

a bankruptcy trustee, an official bankruptcy committee, insurance companies, private equity and hedge funds, secured creditors, and individuals. Specific matters that he has recently handled include:

- Defeating class certification and obtaining summary judgment, affirmed by the D.C. Circuit, on behalf of an international union's pension plan for staff and officers.
- Obtaining a judgment on behalf of an independent fiduciary reforming a pension plan to conform to the settlor's intent after a scrivener's error.
- Assisting an Am Law 100 law firm in representing a foreign corporation in unprecedented litigation initiated by PBGC for employer liability under ERISA.
- Representation of an international union on pension issues in connection with the Hostess Brands, Inc. bankruptcy.
- Assisting an AmLaw 100 law firm in representing a private equity group sued by PBGC for allegedly engaging in a transaction to evade pension liability.
- Representation of an international union on pension issues in connection with the successful out-of-court restructuring of a publicly held corporation.
- Representing the independent fiduciary to more than two dozen multiemployer pension plans with respect to the settlement of litigation with a Madoff feeder fund.
- Serving as counsel to the fiduciary committees of two defined benefit pension plan during the insolvency proceedings of the respective plan sponsors.
- Representing employers with respect to withdrawal liability in arbitration proceedings and in litigation and obtaining favorable settlement agreements with national multiemployer pension plans.
- Serving as the arbitrator in withdrawal liability proceedings.
- Representing a group of secured creditors in the Visteon bankruptcy in negotiations with PBGC.

During his distinguished tenure at PBGC, he was lead counsel for the agency in the bankruptcy proceedings, and related district court and appellate litigation, in such high-profile cases as United Airlines, Delta Airlines, Northwest Airlines, US Airways, Enron, Kaiser Aluminum, Wheeling Pittsburgh Steel, Pan American World Airways, Trans World Airlines, and New Valley (Western Union). He also spearheaded PBGC's defense of individual and class actions involving allegations of breach of fiduciary duty and claims for benefits.

In March 2006, *The American Lawyer* named him as a Dealmaker of the Year for 2005 for his work on behalf of PBGC in the United Airlines bankruptcy and other major bankruptcy cases, one of a very small number of government attorneys ever to be so honored. Mr. Cohen is a Fellow of the American College of Employee Benefits Counsel, and was co-chair of the American Bankruptcy Institute's Employee Benefits Committee from 2007 through 2009. Additionally, Mr. Cohen has been quoted in a variety of media outlets ranging from the *New York Times* and *Reuters* to specialty publications such as the *BNA Pension & Benefits Reporter*, *Pensions and Investments* and *Ignites*. He has also been interviewed on the *Fox Business Network*.

He has been selected for inclusion in every edition of the *Best Lawyers in America* and *DC Super Lawyers* since 2010, and in 2017 was named in *Super Lawyers* as one of the Top 100 Lawyers in Washington, DC.

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