

Kenneth A. Gross

Skadden

Partner, Washington, D.C.

Political Law



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Education

J.D., Emory University
School of Law, 1975

B.A., University of Bridgeport, 1972
(*cum laude*)

Government Service

Associate General Counsel, Federal
Election Commission (1980-1986)

Member, Federal Judicial Screening
Committee for New York (1996-2000)

Experience

Faculty Member, George Washington
University (1993-1998; 2008-2009)

Faculty Member, New York University
(2003-2006)

Bar Admissions

District of Columbia
New York

Kenneth A. Gross advises clients on matters relating to the regulation of political activity. A nationally renowned authority on campaign law compliance, gift and gratuity rules, lobby registration provisions, and securities laws regulating political activity and municipal securities transactions, Mr. Gross counsels numerous *Fortune* 500 corporations and political candidates at the state and federal level. As former associate general counsel of the Federal Election Commission (FEC), Mr. Gross headed the general counsel's Enforcement Division and supervised the legal staff charged with the review of the FEC's Audit Division.

Presently, his clients include commercial and investment banks, insurance companies, energy companies, pharmaceuticals, accounting firms, real estate firms, media companies and trade associations. He advises elected officials as well as candidates facing various federal and state races. Mr. Gross also counsels senior-level political appointees facing Senate confirmation in matters related to compliance with government ethics laws.

Mr. Gross is well-known for his experience regarding the Ethics in Government Act, the Lobbying Disclosure Act, the Honest Leadership and Open Government Act, and the U.S. House of Representatives and Senate ethics rules. He also has worked extensively with federal and state lobby registration laws, in particular compliance with the Federal Regulation of Lobbying Act and the Foreign Agents Registration Act. Additionally, he advises corporations on internal ethics guidelines and conducts internal investigations. Mr. Gross advises many corporations on their responses to shareholder proposals regarding disclosure of political and lobbying expenditures.

Beginning with the underwriting scandals on political contributions in the late 1980s and 1990s that led to MSRB Rules G-37/G-38 regulating the activities of broker-dealers, Mr. Gross has been at the forefront in advising clients on compliance with pay-to-play rules. Such rules have broadened over the years to restrict activity by investment advisers (SEC Rule 206(4)-5) and swap dealers (CFTC Rule 23.451).

Mr. Gross repeatedly has been selected for inclusion in *Chambers USA: America's Leading Lawyers for Business* and *The Best Lawyers in America*. *Washingtonian Magazine* repeatedly has recognized him as a top lawyer in the field of ethics and election law. In addition, he was recognized as a leading Washington, D.C. attorney by *Washington Post Magazine* and was named *Best Lawyers' 2017 Washington, D.C. Government Relations Practice Lawyer of the Year*. *Roll Call* named Mr. Gross among the outstanding lawyers when it last identified "Who's Who Among the Congressional Ethics Bar." He has been listed in multiple editions of *Who's Who in America*. Mr. Gross received a 2013 ILO Client Choice Award, awarded by the International Law Office in recognition of individual partners who excel across the full spectrum of client service. In addition, in 2006, Mr. Gross was the recipient of the Council on Governmental Ethics Law (COGEL) Award, the highest award given by COGEL in recognition of service to the ethics community.

Mr. Gross is widely known as a speaker on ethics in government and election law. A frequent featured guest on CNN, Fox News, NPR Radio and other media outlets, Mr. Gross was CNN's on-air election law analyst during the 2000 Florida election dispute and made daily

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appearances in covering the election. He advised NBC's television show "The West Wing" on election law issues that arose in the show's scripts.

In addition, he is the co-author of the *Ethics Handbook for Entertaining and Lobbying Public Officials*. His published articles on campaign finance have appeared in the *Stanford Law and Policy Review* and the *Yale Law & Policy Review* ("The Enforcement of Campaign Finance Rules: A System in Search of Reform"); *Federal Bar Journal*; *Corporate Political Activities* (published by Business Laws, Inc.); *Money, Elections and Democracy*; and several other publications. He also is the author of supplements to a treatise titled "Federal Regulation of Campaign Finance and Political Activity." He served as a commentator for the "Under the Influence" Experts Forum published by *The National Journal*. Mr. Gross has co-authored summaries of the STOCK Act for the Harvard Law School Forum on Corporate Governance and Financial Regulation.

Mr. Gross co-chairs the Practising Law Institute's annual seminar on "Corporate Political Activities." He is an adviser to the American Law Institute's Members Consultative Group on the Principles of Government Ethics. He chaired the Election Law Committee for the Federal Bar Association. Mr. Gross also served as an appointee of former Sen. Daniel P. Moynihan (D-NY) on the New York Judicial Screening Committee, where he participated in the recommendation of New York federal judges and U.S. attorneys.

An active participant in various nonprofit organizations, Mr. Gross is a member of the executive committee and counsel to the American Council of Young Political Leaders. Mr. Gross is a co-founder of No Labels, a nonprofit focused on developing bipartisan approaches toward solving our nation's problems. He also is a member of the United States Holocaust Memorial Museum's Lawyers Committee and a board member of the Public Affairs Council.

Mr. Gross has served on the faculty of George Washington University and also at New York University. He often lectures at Georgetown University Law Center, Fordham University School of Law and American University.

Publications

"Corporate Political Activities: Complying With Campaign Finance, Lobbying & Ethics Laws" (select chapters), *Practising Law Institute*, Published yearly since 1992

"2020 Election Year Issues: 501(c)(4) Organizations and Dark Money," *Skadden, Arps, Slate, Meagher & Flom LLP*, August 10, 2020

"Reminder: Illinois Pay-to-Play Registration Updates Due Quarterly," *Skadden, Arps, Slate, Meagher & Flom LLP*, August 3, 2020

"2020 Election Year Issues: Campaign Fundraising and Events During COVID-19," *Skadden, Arps, Slate, Meagher & Flom LLP*, June 30, 2020

"Department of Justice Announces First Known Criminal Prosecution Under the Lobbying Disclosure Act," *Skadden, Arps, Slate, Meagher & Flom LLP*, June 29, 2020

"2020 Election Year Issues: Joint Fundraising Committees," *Skadden, Arps, Slate, Meagher & Flom LLP*, May 26, 2020

"Notable Lobbying and Contribution Limit Developments in New York State and Maine," *Skadden, Arps, Slate, Meagher & Flom LLP*, May 20, 2020

"Recent State and Local Legislation Bans Foreign-Influenced Corporate Spending in U.S. Elections," *Skadden, Arps, Slate, Meagher & Flom LLP*, April 30, 2020

"GAO Releases Report on LDA Compliance; Deadline Approaching for LDA Reporting," *Skadden, Arps, Slate, Meagher & Flom LLP*, April 2, 2020

"Reminder of STOCK Act Implications When Gathering Political Intelligence," *Skadden, Arps, Slate, Meagher & Flom LLP*, March 30, 2020

"New York State Modifies Ethics Laws and Several Jurisdictions Update Reporting Requirements in Light of COVID-19," *Skadden, Arps, Slate, Meagher & Flom LLP*, March 25, 2020

"Guidance on Interacting With Government Officials Regarding COVID-19," *Skadden, Arps, Slate, Meagher & Flom LLP*, March 18, 2020

"Reminder: New Jersey Pay-to-Play Form BE Due March 30, 2020," *Skadden, Arps, Slate, Meagher & Flom LLP*, March 2, 2020

"Notable Political Law Developments in New York, Texas and Los Angeles," *Skadden, Arps, Slate, Meagher & Flom LLP*, February 24, 2020

"Political Contribution Disclosure Rules in Illinois, Maryland, New Jersey, Pennsylvania and Rhode Island," *Skadden, Arps, Slate, Meagher & Flom LLP*, February 11, 2020