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Donald Rose, FCI Arb
Donald Rose Dispute Resolution

Professional Experience

Deputy General Counsel-Litigation and Regulatory (2006-2019) and Associate General Counsel (1993-2006) at KPMG LLP, a national accounting and professional services firm and the US member firm of KPMG International. As Deputy General Counsel-L&R, managed teams of senior litigators, CPAs, e-discovery technology professionals and outside counsel resolving portfolio of litigations, mediations, arbitrations and government investigations. Key participant in the firm's professional liability and cyber insurance programs with 14 years of service on KPMG International steering and working groups addressing multi-jurisdiction legal issues, insurance and risk prevention and management practices. As Associate General Counsel, directly managed outside counsel in resolving a broad range of federal and state litigation, arbitral proceedings, regulatory investigations and government contract compliance matters, conducted internal investigations and implemented remedial action plans addressing non-compliance with professional standards, government regulations, unauthorized access and use of data systems and theft of firm property.

Prior to joining KPMG, practiced as a litigator with the New York law firm of Chadbourne & Parke LLP, specializing in complex commercial litigation, securities class and derivative actions, RICO actions, M&A litigation and conducting internal investigations for clients in the manufacturing, insurance, defense contracting and energy fields. Represented clients in international legal proceedings in the United Arab Emirates and Bermuda.

Primary Practice Areas

Professional Liability- Accounting, Audit, Tax, Actuarial and Business Performance Consulting- banking, finance, insurance and consumer products manufacturing industries, and for federal, state and local government clients.

Breach of Contract- claims from asset or business valuations, actuarial opinions, transaction post-closing adjustments, restrictive covenants and pay-out provisions.

Tort- professional malpractice, fraud, breach of fiduciary duty, interference with contractual relations.

Securities Class, Mass and Derivative Actions

Government Contracting Compliance and Ethics- compliance with the Federal Acquisition Regulations and other federal, state and local government procurement, security and ethics laws and regulations.

Regulatory Compliance- SEC, PCAOB, IRS OPR, DOJ, FINRA, and State Boards of Accountancy.

Insurance Coverage and Claims- multi-party captive insurance programs, professional liability indemnity coverage, cyber insurance, reinsurance policies and treaties.

Multinational litigation, arbitration and regulatory investigations

Intellectual Property, Trademark Protection and Unfair Business Competition- infringement, theft trade secrets, covenants not to compete

Due Diligence and Contract Negotiation- litigation and risk due diligence in asset purchase transactions, joint venture and business alliances, negotiation of transaction-specific ADR provisions.

Electronic Discovery- established and managed in-house e-discovery group to ensure cost-effective preservation, collection and production of ESI compliant with regulatory and civil litigation standards.

Data Protection and Use- unauthorized access to or use of data and data systems; GDPR compliance.

Partnership Rights- mediation and arbitrations under partnership agreement

Discrimination and Employment claims and investigations- Title VII and EEOC investigations, ADEA, Equal Pay Act, FLSRA, whistleblower claims, Class and Collective Actions.

Dispute Resolution Experience and Training

26 years of experience as in-house litigation counsel at a national, multi-disciplinary, professional services firm resolving dozens of complex commercial, professional liability, government contracting and partnership rights/employment discrimination disputes and government investigations through direct negotiations, mediations, arbitrations, administrative and jury trials. Driving influence in the firm's adoption of ADR agreements in client and vendor contracts and, as Deputy GC-L&R, employed rigorous early risk assessment of matters and creative strategic thinking to negotiate mutually acceptable solutions. Initiated



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and managed the firm's membership in IICPR and served as a corporate representative on the IICPR Advisory Council and Arbitration Committee (2014-19).

Formal training includes completion of the Accelerated Route to Fellowship in International Arbitration conducted by jointly by the Chartered Institute of Arbitrators (CIArb) and IICPR; the Mediator Skills Training Programme of the Centre for Effective Dispute Resolution (CEDR); Basic Mediation Training approved under Part 146 by the New York Unified Court's Office of ADR Programs, and various ADR training and CLE programs offered by IICPR, American Arbitration Association, New York State Bar Association, and other providers.

For further details, please visit DonaldRoseDisputeResolution.com.

Selected Honors, Awards, Publications and/or Professional and Civic Associations

Chartered Institute of Arbitrators - Fellow, North American Branch, New York Chapter
Centre for Effective Dispute Resolution (CEDR) - Accredited Mediator, Member
IICPR - Member, Arbitration Committee, Mediation Committee, Dispute Prevention Committee
New York Bar Association – Member, Dispute Resolution Section
2020 CPR-FTI Consulting Cybersecurity in ADR Web Training – Certificate of Completion

Education

J.D. Columbia University School of Law 1982
B.A. University of Rochester 1979

Contact Information

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