

Washington, DC's leading firms for government antitrust

On the occasion of the 59th annual ABA Spring Meeting, **Rachel Bull** and **Ron Knox** visited Washington, DC to conduct *GCR*'s largest government antitrust survey

ON 10 March, the public relations team at Howrey LLP sent out a five-paragraph press release, delivering the news that many in the legal world had expected for weeks.

Bob Ruyak, the firm's chairman, did not mince his words. "The firm had experienced disappointing financial performance over the past two years and subsequently several partners had resigned," Ruyak said. "This resulted in the conclusion that an orderly wind-down of the firm's activities over time was the only practical alternative." And with those two sentences, the largest antitrust group in the world was no more.

Howrey's demise meant sweeping changes throughout the global antitrust bar – none more significant than those in Washington, DC. The loss of Howrey meant the gain of top-flight talent and clients for other local practices. In some cases those practices had antitrust presences in markets outside the state but had the room – and lack of conflicts – to take on big teams from the former powerhouse.

Those haven't been the only changes since *GCR* last surveyed the DC antitrust landscape. Leading antitrust groups have taken on new talent as former enforcers moved into private practice; firms with major presences in Europe have pushed into the district's upper echelon; and a renewed taste for blockbuster deals in a healing economy has given the best teams a constant flow of work.



Elite

The antitrust team at **Arnold & Porter LLP** remains a highly respected and prominent player on the Washington, DC bar, with five of its partners in the 2011 *Who's Who of Competition Lawyers and Economists*. Partner Deborah Feinstein was voted "Lawyer of the Year" by her peers in the 2011 GCR Awards.

It may also have something to do with the firm's presence on the most high-profile deals of the past 12 months. These include *AT&T/T-Mobile*, *Comcast/NBC*, *Intel/Mcafee* and *Air Products & Chemicals/Airgas*. The firm has around 15 civil litigations on its books: including in the cathode ray tubes, municipal derivatives and cement industries. It is also active in a range of non-cartel government investigations, including for Visa in the DoJ's interchange case and for agricultural company Monsanto. Former FTC competition bureau director William Baer remains head of the practice, which is one of the largest in this survey with 30 partners, 10 consultants and 43 associates.

Arguably, no antitrust team in Washington, DC, has impressed as much as the team from **Cleary Gottlieb Steen & Hamilton LLP** over the past two years. Always at or near the top of the table, Cleary's competition says the practice rivals any in the district. "You always see Cleary and they're always good," a lawyer at a rival firm says.

The seven-partner DC practice handles a full range of antitrust issues, from courtroom work to mergers and investigations before the federal US agencies. The team also works seamlessly with the firm's other top-tier competition practices in Europe and elsewhere. "It's about as integrated as you can possibly get, on both a personal and professional level," says partner Michael Lazerwitz.

The DC team features four *International Who's Who of Competition* nominees, all of whom work on the most high profile deals in the country. Among them, the team acts for T-Mobile in its proposed merger with AT&T, as well as Google in its myriad antitrust matters.

The team at **Hogan Lovells** seem on fine and unified form post-merger. Partner Janet L McDavid, who heads the practice, says one of the firm's strengths is coordinating global deals very quickly – such as on Unilver's decision to buy Alberto Culver.

The Washington, DC group gained another partner recently after Logan Breed was promoted last month. And Robert Robertson joined the Washington, DC office from the FTC in September. McDavid, Lynda Marshall and Joseph Krauss are all entrants in the *Who's Who*.

The team is present on a host of high-profile deals, including for ITA Software in its takeover by Google, which the DoJ cleared earlier this month with remedies. It also advised Admob on its acquisition by Google, and represented Verizon on its bid for cloud computing company Terremark.

The team represented LabCorp in its successful defence of FTC litigation challenging its purchase of Westcliff Medical Laboratories, and is also advising on LabCorp's purchase of Genzyme's genetics testing business. Hogan Lovells is also advising Home City Ice in the class action multi-district litigation that has been consolidated in the Eastern District of Michigan.

The roster of lawyers at the Washington, DC antitrust practice of **Jones Day** is among the most well-regarded and decorated in the bar. Partners Kathryn M Fenton, J Bruce McDonald, Phillip A Proger and Joe Sims are all *Who's Who* nominees, and the team recently added

former FTC bureau of competition director David Wales, whom they consider a future star. Partner John Majoras, who splits his time between Washington, DC and the firm's office in Cincinnati, says that the team has "ongoing plans to grow."

Majoras says that the firm bills a good portion of its hours by attracting the antitrust components of deals being handled by other firms' corporate divisions. Regardless of where the Jones Day team's work comes from, its docket is extensive and impressive. Over the past year, the team has been involved in some of the largest and longest-running antitrust class actions and litigations in the country, including cases that were either appealed to, or heard by, the Supreme Court.

Meanwhile, the team at **Latham & Watkins LLP** has done nothing but impress over the past year or so. While the firm's DC antitrust practice is relatively lean at the top – seven partners and three counsel take the lead – it has punched above its weight and led

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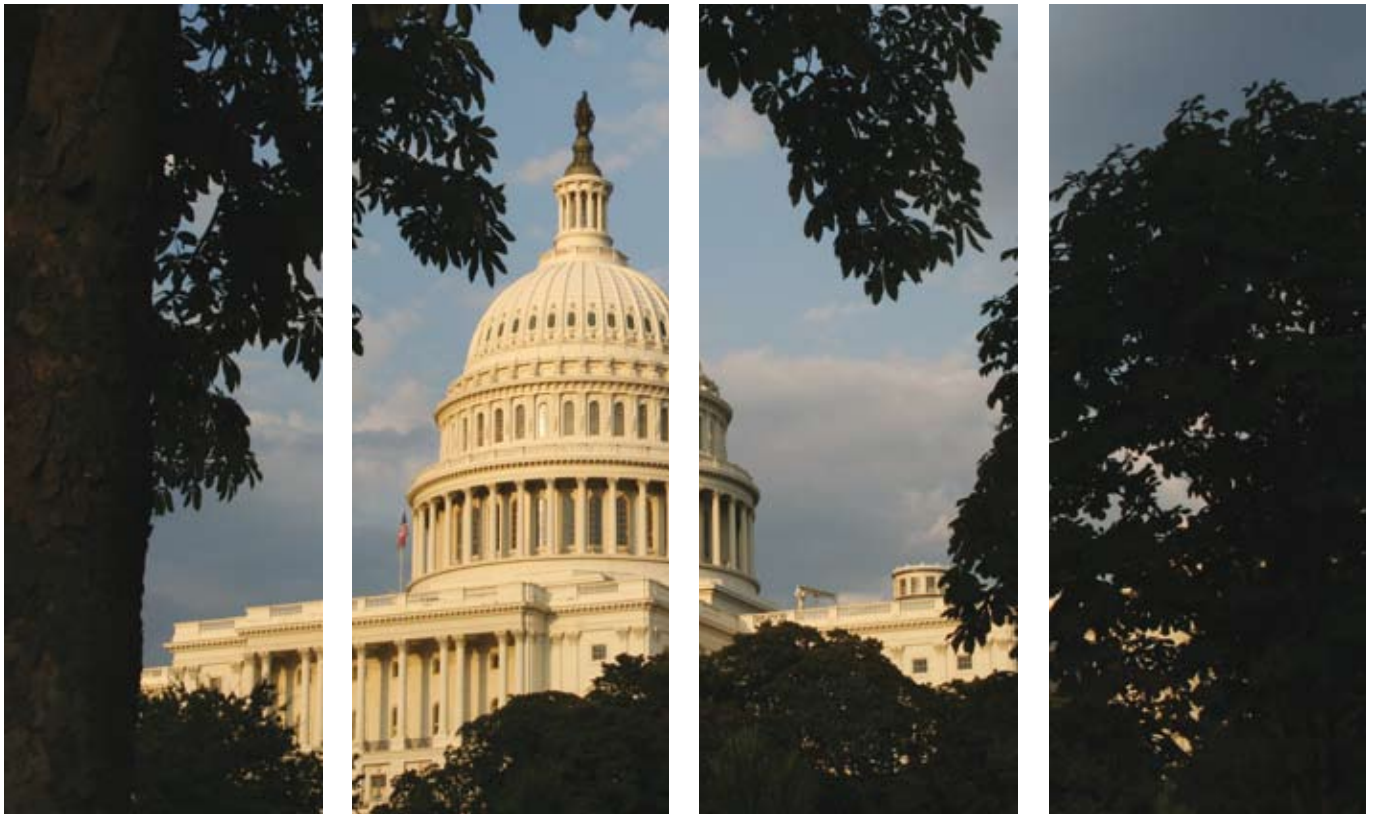
the way or partnered with its antitrust shops in New York and San Francisco to handle top-tier matters. *Who's Who* nominees Margaret M Zwisler, Michael G Egge and senior litigator Abbott "Tad" B Lipsky Jr feature prominently.

Over the past year, the team has been involved in two of the five US multi-district antitrust class actions, multiple complex merger filings and several cartel cases. But no case was more representative of the team's year than its defence of pharmaceutical company Lundbeck in the FTC's challenge of its completed purchase of a smaller rival. The court last year found that the FTC failed to define a market and dismissed the case after a full trial on the merits – one of the few agency merger challenges to progress to that point.

Head of the antitrust practice at **O'Melveny & Myers LLP**, Richard Parker, says merger work has made a significant comeback at the firm. Parker is advising Western Digital in its US\$4.3 billion bid to acquire Hitachi's hard disk drive business and is counsel to Quest Diagnostics in several laboratory acquisitions. San Francisco-based partner Thomas Brown is leading the work for eBay on its purchase of GSI Commerce. The firm is also active on several multi-district litigations, including for Samsung in two separate proceedings and in the fertiliser, air cargo and oil filter markets.

Parker seems unaffected by the recent loss of former FTC chairman Timothy Muris and three other antitrust lawyers to Kirkland & Ellis LLP. He says the team is scaling up and looking to make two lateral hires to add to the existing seven partners, seven counsel and five associates. Antitrust litigator Thomas McCoy recently rejoined the firm as a partner from Advanced Micro Devices.

According to partner Thomas Mueller, the antitrust team at **Wilmer Cutler Pickering Hale and Dorr LLP** in Washington, DC had its most successful year to date in 2010 for case successes, productivity and new clients – particularly in the technology and pharmaceutical sectors. Standout matters include the *Cisco/Tandberg* tie up that was cleared with remedies last March, and the FTC's Intel litigation, for which the firm acted as co-counsel with Gibson Dunn. The group also acts for Cephalon in what partner Eric Mahr



says is the most active pay-for-delay case in the US, and is advising Danaher on its US\$6.8 billion buyout of Beckman Coulter. On the cartel front, the practice advises clients in the air cargo, LCD, auto supplies, freight forwarding and private equity litigations.

The group has eight partners. Among them, Mueller, James Lowe and William J Kolasky all feature in the *Who's Who of Competition*.

Highly Recommended

Axinn Veltrop & Harkrider LLP partner and *Who's Who* nominee John DeQ Briggs was one of the first, and most senior, defections from Howrey when he left for Axinn in 2008. Since then, Briggs and antitrust co-head John Harkrider have built a formidable and multi-faceted DC practice that, while lean, finds itself on deals much larger firms would covet. "We can handle any transaction," Briggs says of the firm's capabilities. "There's nothing we can't do."

The firm has what it considers a unique practice, focusing much of its time on referrals from European law firms and major Wall Street firms that are conflicted out of deals. Axinn Veltrop is historically strong on mergers, as evidenced by the firm's recent work for Google on its buy of ITA Software – a deal the DoJ eventually cleared. That said, Briggs was brought in to add litigation expertise to the practice, and the firm has indeed been active in several courtroom battles over the past year.

When former assistant attorneys general and *Who's Who* nominees Thomas O Barnett and Deborah A Garza joined **Covington & Burling LLP's** Washington, DC office in 2009, it gave the firm's antitrust practice a nearly-unmatched depth of agency experience. With the addition of litigator and former Howrey antitrust co-head Alan M Wiseman earlier this year, the firm brought aboard one of the most experienced courtroom warriors in the country. That's on top of a deep, 14-partner bench that includes fellow *Who's Who* nominee Theodore Voorhees Jr. It's an impressive practice by any measure.

Barnett says casework has been steady over the past year. The firm has a profile in telecoms, pharmaceuticals and technology, and has seen a growing amount of advisory work as companies look to

either merge, or form joint ventures that could have antitrust issues. Although he's often been recused, Barnett says the firm is active on the cartel defence cases as well – and he's been out of the government long enough to begin advising on newer investigations, including those in the chemicals and auto parts industries.

Partners Randolph Smith, Robert Lipstein and Christopher Ondeck lead **Crowell & Moring LLP's** 62-strong antitrust group in Washington, DC. Lipstein says the team continues to hunt for yet more talent and that it's among the firm's "strategic imperatives" to grow the group.

Partner Arthur Lerner specialises in antitrust health care matters. He says work is intensifying since the US health care reform, which will lead to more consolidation in the sector, and he expects an increase in counselling for health insurance providers and hospitals to help them navigate the recent policy changes.

The litigation docket is heaving, as the firm continues to represent defendants and plaintiffs in the markets for foam compressors, cathode ray tubes, air cargo, liquid crystal display and auto filters, as well as handling various agriculture lawsuits.

The firm is co-counsel to AT&T with Arnold & Porter on its headline grabbing purchase of T-Mobile. It is handling the US side of DuPont's bid for Danisco, and partner Jeane Thomas is working alongside local counsel in South Africa for agriculture company Pioneer Hi-Bred – a subsidiary of DuPont – on an appeal against its blocked merger with Pannar Seed.

The antitrust team in the DC office of **Dechert LLP** has carved out an interesting niche for itself. It is, by all accounts, the primary destination for consummated mergers challenged by the US antitrust agencies. Since 2008, *Who's Who* nominee Paul T Denis and the 40-lawyer team have handled antitrust challenges of at least three consummated mergers brought by antitrust enforcers. While the firm handles a full range of antitrust work for its clients, dealing with closed mergers has become a kind of speciality, Denis says.

Much of the team's work is high-profile. But few antitrust matters during the past year have surpassed the DoJ's challenge of Dean



Foods' completed acquisition of a division of Foremost Farms – the first merger challenge of the Varney administration. The DoJ wanted the divestiture of the purchased division, saying that the deal would otherwise reduce competition for milk in schools. But last month, under the Dechert team's guidance, the case settled with Dean Foods selling off a single dairy plant – a result that preserved much of the deal's structure.

Howrey's collapse boded well for another DC antitrust shop: The team at Dewey & LeBoeuf LLP. Two months ago, just days before Howrey folded, Dewey picked up five top practitioners from the firm, including *Who's Who* nominees Roxann E Henry, MJ Moltenbrey, Mark Clifford Schecter and Marc G Schildkraut. With a top-tier cartel team in the firm's New York office, the new partners added a breadth of experience and depth to the office's merger and civil antitrust practice. The firm's overall practice now has "much more balance and much more strength," Moltenbrey says. Partner Joseph Lavelle adds extensive IP expertise as well.

With conflicts scarce, the former Howrey partners brought with them most of their former clients and matters. That has added to an already robust roster of clients in the energy and technology industries handled by Dewey partners David Turetsky and Jacqueline Grise, among others. The team wants to expand as well – including into Brussels should the opportunity present itself. "We are clearly in a growth mode," Henry says.

This year's GCR Awards recognised Gibson Dunn & Crutcher LLP for its stellar work advising on the *Intel/FTC* litigation. The 13-partner team, which includes *Who's Who* nominees Jarrett Arp, Michael L Denger and DC antitrust head Joseph Kattan PC, helped guide Intel to a settlement that included behavioural assurances, but did not require the company to pay fines or admit to any of the FTC's antitrust allegations. It was a major litigation, but just a piece of what Gibson Dunn's DC antitrust team handled last year.

The Gibson Dunn antitrust docket was one of the busiest in the country last year, and included a range of antitrust matters, from litigations to complex merger matters. Notably, the team helped guide Energizer Holdings in its acquisition of American Safety Razor in a deal that would combine the second and third-largest suppliers of wet shaving razors and blades in the US. That deal was cleared unconditionally by the FTC before the initial 30-day pre-merger waiting period expired. The team also represented Mario Cadorette, the former head of a window blind supply company, in a DoJ cartel case that the government eventually dropped, citing a lack of evidence.

Agency experience abounds at the DC antitrust practice of Hunton & Williams LLP. At least nine of the office's 20 antitrust lawyers have spent time at either the FTC or the antitrust division, including former bureau of competition deputy director, *Who's Who* nominee and practice leader D Bruce Hoffman. Partner Ray V Hartwell is also a *Who's Who* nominee.

Hoffman and his team have put that agency experience to work, handling some of the most significant and high-profile antitrust matters in the US over the past year or so. Significantly, the firm is counsel to Blue Cross Blue Shield of Michigan, defending the insurer against the antitrust division's monopoly claims in a case that could help shape what appears to be an industry-wide probe by the DoJ. On the cartel front, the firm has been locked in several major investigations, including those in the auto parts, beverage and other industries.

The antitrust team at Kirkland & Ellis LLP got a boost last month after former US Federal Trade Commission chairman Timothy Muris joined the firm as of counsel from O'Melveny & Myers LLP. With

Firm	Head of competition	Size	Clients
Elite			
Arnold & Porter LLP	William J Baer	30 eq p, 10 cons, 15sa, 28a, 8st att, 3spe	Air Products & Chemicals, Altria, AT&T, Avis Budget Group, BASF, Cisco Systems, General Electric, GlaxoSmithKline, GrafTech International, Intel Corporation, LG Electronics, Kraft Foods, Monsanto, Nucor, PepsiCo, Sanyo, Texas Pacific Group, Unilever, Visa
Cleary Gottlieb Steen & Hamilton LLP	No practice group leader	7p, 1c, 1sa, 40a	T-Mobile, Google, Alpha Natural Resources, Dollar Thrifty Automotive Group, LG Display, HSBC, DHL, Whirlpool
Hogan Lovells	Janet L McDavid	10p, 2c, 14a	American Express, Ford Motor Company, IBM, General Dynamics, Black & Decker, AEG, Carnival Corporation, Dow Jones, Air Canada, Genzyme Corporation, News Corporation, ITA Software, AdMob, Verizon, LabCorp, Martek BioSciences, Alberto Culver, UnitedHealth Group and PacifiCare, PDVSA, Illinois Tool Works, Methodist Healthcare, AvMed
Jones Day	Phillip A Proger	22p, 1oc, 1c, 23a	American Airlines, American Needle, Blue Cross Blue Shield of Michigan, Procter & Gamble, SiriusXM Radio, The Hertz Corporation, Comcast, Abbott Laboratories, Intuit, Sprint Nextel, Arctic Glacier, Texas Instruments
Latham & Watkins LLP	Margaret M Zwisler, Michael G Egge	7p, 3c, 40a	Champion Laboratories, Singapore Airlines Cargo, Guitar Center, Ocean Spray, Live Nation, Ford Motor Company, Toshiba, Ovation Pharmaceuticals, The Carlyle Group
O'Melveny & Myers LLP	Richard G Parker	6p, 7c, 5a, 1oc	Advanced Micro Devices, Agrium, Apple, Asiana Airlines, Baby Einstein, Braun, eBay, Delta Air Lines, Honeywell International, Samsung, Western Digital, Novartis
Wilmer Cutler Pickering Hale and Dorr LLP	Thomas Mueller	8p, 5c, 5sa, 5a	Cephalon, Cisco Systems, Intel, JP Morgan Chase, Chimei Innolux, Philips, Lufthansa, Sony, HSBC, International Paper, Danaher Corporation
Highly Recommended			
Axinn Veltrop & Harkrider LLP	John DeQ Briggs, John Harkrider	3p, 3a	Google, Tyson Foods, Tomkins PLC, Affinia Group, Wix Filtration Corp, Dana Holding Corporation
Covington & Burling LLP	Thomas O Barnett	18p, 7oc, 4c, 22a	Merck, Exxon Mobil, Hulu, Pixar, Expedia, Samsung, Verizon, The Walt Disney Company
Crowell & Moring LLP	William Randolph Smith, Robert Lipstein	22p, 12c, 29a	AT&T, Alcoa, AOL, CSX, Daybreak Foods, DuPont, Enterprise Holdings, Motorola, Nestlé, Pioneer Corporation, Rambus, Rio Tinto Group, UnitedHealth Group, United Technologies Corporation, Yamaha Corporation of America
Dechert LLP	Paul T Denis	15p, 25 other (practice-wide)	Dean Foods, Élan Corporation, Medela, Polypore International, Fortune Brands, Kinray, Centre Partners Management
Dewey & LeBoeuf LLP	Roxann E Henry	11p, 2c, 12a	Buckeye, Samsung, Monsanto, American Airlines
Gibson Dunn & Crutcher LLP	Joseph Kattan	13p, 16 others	Intel, International Paper, Aetna, Martinair Holland, Mario Cadorette, Energizer Holdings, The Woodbridge Group
Hunton & Williams LLP	D Bruce Hoffman	7p, 2oc, 11a	Blue Cross Blue Shield of Michigan, Chevron, Toys R Us, Florida Rock Industries, defendants in Lorazepam antitrust action
Kirkland & Ellis LLP	No practice head	27p, 16a, 2oc	The Dow Chemical, Teva, Constellation Energy Group, Danaher Corporation, NRG Energy, Cisco Systems, The Hershey Company, SC Johnson, Colgate-Palmolive, Sara Lee Corporation, Avis Budget Group, Solutia, BP, Wyndham Hotels, Raytheon, Siemens, Chiquita

Firm	Head of competition	Size	Clients
Highly Recommended (continued)			
Mayer Brown LLP	Robert E Bloch	16p, 2c, 7a	BNSF Railway Company, Cargill, Cypress Semiconductor, DSM, Love's Travel Stops & Country Stores, The Mosaic Company, NorthShore University HealthSystem, The Pepsi Bottling Group, Société Générale, Solvay, United Airlines
McDermott Will & Emery LLP	Joseph F Winterscheid	7p, 18a	Mars, L-1 Identity Solutions, Sagem, IDEX, Amgen, Resurrection Health Care, NutraSweet, Koch Industries, Hitachi, Mitsubishi Electric, Lockheed Martin, Degussa, Dairy Farmers of America
Weil Gotshal & Manges LLP	Steven A Newborn	8p, 1c, 20a	Exxon, Johnson & Johnson, Walgreens, Abbott Laboratories, Simon & Schuster/CBS, Staples, Home Depot, Hearst, Sherwin-Williams, Apache
White & Case LLP	J Mark Gidley	8p, 6c, 29a	Stolt-Nielsen, Ian Norris, Pilot Travel Centers, Novartis, Toshiba, Univar, Grupo Bimbo
Wilson Sonsini Goodrich & Rosati	Susan Creighton	5p, 1sp c, 13a	Verigy, Google, Sun Microsystems, University of Pittsburgh Medical Center, NVIDIA, Netflix, Nuance Communications, Varian Medical Systems, 3Com
Recommended			
Baker Botts LLP	Sean FX Boland, John Taladay, Rufus Oliver	13p, 2sc, 3sp c, 5sa, 9a, 8ll	Caterpillar, Qualcomm, Royal Philips Electronics, A O Smith, Smith International, Baker Hughes, Cameron, Franklin Electric, Hercules, Harley-Davidson, Merck, Whirlpool, Olin, National Oilwell Varco, Factory Mutual Insurance, Eaton, Univision Communications, South African Airways
Cadwalader Wickersham Taft LLP	Rick F Rule	4p, 3sp c, 13a	Microsoft, AB, Nestlé, US Airways, Monsanto, NYNEX, Exxon, Anheuser-Busch, First Data Corporation
Clifford Chance LLP	William Blumenthal	4p, 1c, 8a	International Power PLC, Iberia, Braskem, Pfizer, Electronic Arts, Bridgestone Corporation, Morgan Crucible, Agrium
Freshfields Bruckhaus Deringer LLP	Robert Schlossberg	4p, 1oc, 14a	United Continental Holdings, London Stock Exchange, Saint-Gobain, Daimler, Rolls-Royce, General Mills, Johnson & Johnson, PepsiCo, Siemens, HBO
K&L Gates LLP	Kenneth L Glazer	4p, 2a	TW Phillips, Novozymes, Service Corporation International
Kilpatrick Townsend & Stockton LLP	Constance K Robinson	3p, 4a	Collegiate Licensing Company, Motorola, Equifax, Zodiac Marine & Pool, IMG College, HanesBrands
King & Spalding LLP	Jeffrey Spigel	14p, 1c, 18a	National Football League, Bank of America, Mirant, Federal Home Loan Mortgage Corporation, CVS Caremark, Hospital Corporation of America, Dynegy, Sprint Nextel, MillerCoors, Kemira Chemicals, Novelis, Lafarge
Morgan Lewis & Bockius LLP	Scott Stempel	8p, 1c, 1sc, 2oc, 17a	Pfizer, Toyota Motor Corporation, Sun Capital Partners, One Equity Partners, Dr Pepper Snapple Group, Comdata Network, Perrigo Company, HSBC, Asahi Kasei Pharma, GSI Commerce, BHP Billiton, Apollo Management
Morrison & Foerster LLP	Stephen Smith, David Meyer	6p, 1oc, 12a	Fujitsu Limited, JPMorgan Chase, United Parcel Service, AirTran Airways, Seiko Epson Corporation, Hitachi, Intel, Bank of America
Paul Weiss Rifkind Wharton & Garrison LLP	Joseph J Simons, Kenneth Gallo	3p, 1c	MasterCard, American International Group, Dow Jones, Citigroup
Key: eq p = equity partner, p = partner, cons = consultant, sp c = special counsel, sc = senior counsel, oc = of counsel, c = counsel, sa = senior associate, ll = litigation lawyer, a = associate, st att = staff attorney			

him came partners Christine Wilson and Bilal Sayyed, and of counsel Ian Conner. All are sole antitrust practitioners. Partner Mark Kovner says the group was “looking to add to its capabilities”. And indeed it has. The group now has 30 partners, 17 associates and four of counsel dedicated to antitrust. Kovner and Tefft Smith feature in the *Who’s Who*. They, along with Marimichael Skubel, Karen Walker, Wilson and Muris, are the leading lawyers within the practice.

Kovner says the team is very busy, thanks in part to an upswing in merger work. Kirkland & Ellis is advising Avis in its bid for Dollar Thrifty Automotive Group, SC Johnson on several deals with Sara Lee, and manufacturing and technology company Danaher on an undisclosed transaction. He says the firm is present on nine per cent of all the Hart-Scott-Rodino filings in the US. The group is also active on many government litigation cases.

Mayer Brown LLP was another firm to scoop lawyers from the Howrey fall out – 21 in total. Four of these joined the antitrust practice, including partner Carmine R Zarlenga. The group, led by Robert E Bloch, now has 13 partners, two counsel and six associates. Bloch and partner Richard J Favretto both feature in the *Who’s Who*. The firm covers the full spectrum of antitrust work, including government investigations, private litigation, deals and compliance.

Mayer Brown represented Cypress Semiconductor in the SRAM cartel matter. Bloch says the civil case concluded in February, on the eve of trial, with the company settling on “very favourable terms”. The group has an excellent record in private civil litigations, Bloch says, thanks to the support of the firm’s appellate practice. It includes lawyers from the Solicitor General’s Office and Bloch says it is the “best in the US”. Although mergers have, until recently, been quiet, the group advised on the €8 billion *Bowater/Abitibi* deal in the newsprint market, and the €6 billion *Allied Waste/Republic Waste* tie-up. Both deals were subject to second requests and remedies.

The Washington, DC antitrust practice of **McDermott Will & Emery LLP** says that among some serious chaos in the bar, it’s been steady-as-she-goes for the seven-partner practice. Partner and *Who’s Who* nominee Raymond A Jacobsen Jr says that the firm remains strong in multiple practice areas, including antitrust. “I think the law business today is a very risky businesses,” he says. “We’re not afraid of that.”

The team says that their goal is to maintain what has been an extremely diverse practice – namely, to represent at least one major company in every industry, and deliver a full range of services so clients don’t have to look elsewhere for antitrust advice. So far, the firm has hit that goal, as it works for big companies in high-tech, food, health care and a range of other industries, with the DC team working across its offices to provide every service a client with antitrust issues might need.

Who’s Who nominee Steven A Newborn leads the way for the eight-partner DC practice at **Weil Gotshal & Manges LLP**. The firm has had some losses over the past year, with partner Lee Van Voorhis and New York-based specialist Fiona Schaeffer moving to new firms. Still, the firm remains packed with ex-agency talent – mainly via the FTC – who handle antitrust matters for a slew of multi-national companies. Plus, Newborn says, the firm continues to look to expand its antitrust capabilities in Europe.

Newborn says that over the past year, the antitrust team has been “overwhelmingly busy” with deals and behavioural matters, including at least 10 deals for marquee client Johnson & Johnson, a difficult second-request for Exxon and other non-public matters. The deal work comes mainly through the team’s own connections. Newborn says that around 90 per cent of the team’s business is organic to the practice.

THE BEST OF THE REST

Baker & McKenzie

Head David Clanton
Size Five partners, one consultant, three associates, one economist
Clients Stericycle, Ensco, Panalpina World Transport, Fresenius Medical Care, Imperial Sugar, Biogen Idec, UA Healthcare, JBS/Pilgrim’s Pride, Methanex, Dresser-Rand, Maxim Integrated Products, Camoplast

Baker & Miller PLLC

Head Donald I Baker and W Todd Miller
Size Five lawyers dedicated to antitrust
Clients Qantas, Dairy Farmers of America

Boies Schiller & Flexner LLP

Head William Isaacson and James Denvir
Size Five partners, two counsel and eight associates
Clients DuPont, Delta. Firm is also co-lead counsel in Municipal Derivatives, Polyurethane Foam and Viatmin C antitrust litigations

Davis Polk & Wardwell LLP

Head Michael Sohn
Size One counsel, three associates
Clients Comcast, CVS, Forest Laboratories, Palm, PepsiCo, SDI Health, AstraZeneca

Ropes & Gray LLP

Head Mark Popofsky
Size Three partners, eight associates
Clients Genzyme Corporation, Green Mountain Coffee Roasters, Saint Raphael Healthcare System, Pfizer, Hitachi-LG Data Storage, Polar Air, Cablevision Systems Corporation, Health Care Indemnity, Motorola, Biomet, Pittsburgh Glass Works

Steptoe & Johnson LLP

Head Kenneth Ewing
Size Six partners, four associates
Clients Japan Airlines, Maryland & Virginia Milk Producers Cooperative Association, Mitsubishi Heavy Industries, Entergy Corp, a major Asian chemical company

Sheppard Mullins Richter & Hampton LLP

Head Don Klawiter and Robert Magielnicki
Size Three partners
Clients Bristow Group, CB Fleet, CF Martin & Co, Luitpold Pharmaceuticals, Manitowoc Foodservice, Saint-Gobain Containers, Snap-on, Sony Ericsson Mobile Communications, SPX Corporation, Staar Surgical Company, ThyssenKrupp



Bruce Hoffman



Janet McDavid



Robert Lipstein



Richard Parker

J Mark Gidley, head of the antitrust practice at **White & Case LLP** in Washington, DC, is renowned at the moment among the US antitrust bar for his representation of Ian Norris. *Who's Who* nominee Gidley and fellow partner Christopher Curran are advising the former Morgan Crucible chief executive on his appeal against conspiracy charges brought by the DoJ. Gidley predicts extradition will be a growing trend in antitrust cases over the next decade.

But that's not all that's keeping the team busy. Partners George Paul and Noah Brumfield are acting as co-counsel for bread company Grupo Bimbo in its purchase of North American Fresh Bakery from Sara Lee. The deal is at the DoJ's second request stage. Paul also acted for Pilot Travel Services in its acquisition of Flying J. The deal was conditionally cleared by the FTC last November and was the first lateral case under the new merger guidelines. The team are advising on chemical producer Univar's bid for Basic Chemical Solutions, and Paul says he is seeing an uptake in retail mergers, post economic downturn. The firm also acts for Toshiba in two multi-district class action litigations.

Susan Creighton leads a five-partner group at **Wilson Sonsini Goodrich & Rosati** in Washington, DC. Creighton, Scott Sher and Renata Hesse are all *Who's Who* entrants. The practice recently added Mark Rosman, a former trial attorney and prosecutor in the DoJ's antitrust division. The group advises on criminal and civil government investigations, as well as litigation, merger and intellectual property work.

A renewed flow of deals is keeping the team very busy. It advised Google throughout the DoJ's investigation of its just-cleared purchase of ITA software, represented Verigy in its US\$1.1 billion sale to Advantest Corporation and advised 3Com on its US\$2.7 billion acquisition by Hewlett-Packard.

The practice is also representing a third party in relation to the FTC's investigation of Apple, and advising a private equity company on the DoJ's club-bidding inquiry.

Recommended

Baker Botts LLP is a new name in this year's survey thanks in no small part to the dissolution of Howrey LLP. A team of 40 lawyers and five economists, spearheaded by partner Sean FX Boland, moved to the firm from Howrey on 16 March. Co-head of the practice John Taladay says he hopes to see "more of our younger partners coming through and making names for themselves."

The firm's established corporate, IP and energy practices make it a logical fit with the ex-Howrey team. Boland is wasting no time expanding the practice group either and says the firm plans to open an office in Brussels in a matter of months. "We did it before, and will do it again," he says.

Despite the upheaval, work remains abundant. The group is advising Caterpillar on its purchase of mining equipment manufacturer Bucyrus International, which received a second request from the DoJ in January. Partners William Henry and Stephen Weissman were advising Merck on its joint venture with Sanofi before the deal was abandoned last month. The team has other civil litigation and cartel matters on its books, which Boland says will come to light in the coming months.

Charles (Rick) Rule heads the antitrust practice at **Cadwalader Wickersham & Taft LLP**. The group has four partners, 13 special counsel and 13 associates. In March, partners Peter Moll and Brian Wallach joined the firm from Howrey LLP with associates Gregory Langsdale, Jessica Thompson and Elizabeth Wright.

Rule and partner Jonathan Kanter continue to represent long-standing client Microsoft on matters before the DoJ, including as a third party in the Google Books settlement and the *Google/ITA* tie-up. A host of non-government litigation matters are also keeping the team busy: it is defending AK Steel Holding in an antitrust class action litigation, and is advising First Data Corp and Concord EPS in proceedings alleging Star ATM network's interchange fees violate antitrust law.

Moll and Wallach are defending Nestlé against price-fixing allegations on confectionary.

Since bringing aboard *Who's Who* nominee and former FTC general counsel William Blumenthal and counsel Tim Cornell in 2009, as well as antitrust litigator William Wallace last year, the Washington, DC antitrust team at **Clifford Chance LLP** has begun flexing its muscles in the market. "Now that we have assembled an integrated team handling some of the more complex competition issues facing companies today, we think it is time to put ourselves forward," the firm says. In less than two years, Blumenthal and his team have picked up an impressive docket of antitrust work in mergers, behavioural cases and class action litigation. Chief among those is the team's work for Iberia, Bridgestone, Morgan Crucible and others.

So far, 2011 has seen the Washington, DC-based antitrust team of **Freshfields Bruckhaus Deringer LLP** sew up all of the loose ends on one of the largest and most complex mergers of the past decade: United Airlines' merger with rival Continental. Led by *Who's Who* nominee Paul Yde and airline antitrust specialist Karine Faden, the deal's closure is a prime example of the team's considerable antitrust capability, especially in the airline sector, where it handles a multitude of deals and behavioural investigations for clients. But the Freshfields team is far from limited in its experience or ability. Indeed, the team has been active in the e-books, credit derivatives and automotive industries as well over the past year.

After the unfortunate passing of practice leader Jim Weiss in June last year, *Who's Who* nominee Kenneth L Glazer has kept the antitrust practice at **K&L Gates LLP** churning forward. Since joining the firm about a year-and-a-half ago, Glazer and the firm's three other antitrust partners have made their livings getting deals approved in spite of potential antitrust concerns. While Glazer has considerable experience in the health care industry, he says the firm is well equipped to handle antitrust matters in a range of industries. Recent work includes guiding deals in the energy and technology industries, as well as health care.

Another new entrant into this year's government antitrust survey is **Kilpatrick Townsend & Stockton LLP**, the product of a merger between Kilpatrick Stockton LLP and US west coast IP firm Townsend and Townsend and Crew LLP. The two officially joined forces on 1 January. Peter Boyle, antitrust partner in the Washington, DC office, says that post-merger the firm "doubled [its] antitrust capabilities in the US", but is still working to achieve full integration.

The DC team has three partners, including *Who's Who* entrant and head of the antitrust practice, Constance K Robinson, and three associates working full time on antitrust matters. They are working with the firm's west coast team on two separate patent infringement cases with antitrust elements for Motorola and for IP.com. The DC group is also advising a coal company on an acquisition of a rival and a financial services client in a three-to-two deal in the financial market.

Jeffrey Spigel heads **King & Spalding LLP's** antitrust practice, which includes 14 partners. Partner Kevin Sullivan leads the firm's global cartel defence practice within the firm's antitrust group. The team recently added John Carroll as a senior associate. Carroll was formally a lawyer in the mergers division of the FTC. Spigel says the firm's specialty is leveraging its litigation strength and relationship with antitrust enforcers to guide clients through high stakes government investigations and litigation.

The firm is representing the National Football League in antitrust class action litigation filed by current and former league players in connection with a collective bargaining dispute. It is also advising Bank of America on two separate litigations, and is counsel to Mirant Corporation in a DoJ second request investigation in its merger with RLI Energy. On the cartel front, King & Spalding is advising companies in the financial services, freight forwarding, auto parts, LCD panels, optical disk drive and compressor industries.

Following on from its successful representation of Pfizer on its US\$68 billion buyout of Wyeth, **Morgan Lewis & Bockius LLP** continues to rack up the merger work. It is acting for Pfizer again on its US\$4 billion acquisition of King Pharmaceuticals, is advising GSI Commerce on its sale to eBay, and is counsel to BHP Billiton on its purchase of Chesapeake Energy Corporation.

The group is acting in a number of multi district litigation proceedings, in the flat glass, cathode ray tube, air cargo and

"I think the law business today is a very risky business. We're not afraid of that"

RAYMOND A JACOBSEN JR

automotive lighting markets. It also continues to represent HSBC bank in antitrust litigation matters.

Practice leader Scott Stempel heads a team of 29 antitrust specialists at Morgan Lewis, including eight partners.

Stephen Smith co-leads **Morrison & Foerster LLP's** antitrust team of six partners, one of counsel and 12 associates in Washington, DC. Smith says the practice "is not constrained by geographical boundaries," and works closely with its counterparts in Brussels and elsewhere in the US.

On the cartel front, the group is counselling clients in the international freight forwarding and cathode ray tube cases, among others. The practice is also working on some big-name deals. Smith is representing Hitachi in the sale of its hard drive business to Western Digital. MoFo was also counsel to Intel on its buyout of Infineon's Wireless Solutions business, and AirTran on its merger with Southwest.

Partner Roger Fones is also advising AirTran in a cutting-edge class action lawsuit alleging AirTran and rival Delta conspired on baggage fees via signalling – where one company invites another to collude over a public forum.

As members of its litigation department, the antitrust team at **Paul Weiss Rifkind Wharton & Garrison LLP** are experienced courtroom performers who bring a litany of high-stakes litigation experience to the table. The DC team, led by *Who's Who* nominee Joseph J Simons, isn't confined to litigation matters; the three partner team – which also includes fellow *Who's Who* nominee Kenneth Gallo and coordinates often with the firm's top-tier New York office – has the experience and capability to handle a wide spectrum of antitrust work, from joint venture counselling to civil non-merger matters before the US agencies.

For the past decade, MasterCard has been a major antitrust client, with Gallo taking the lead on a host of matters for the credit card titan. The firm has been active in the financial services market generally, handling antitrust-related issues for AIG, Citigroup, Dow Jones and others.