



## New York's competition bar

It is the second-largest antitrust bar in the US, but New York City never takes the back seat. **Pallavi Guniganti** talks mergers, investigations and litigation with the city's best

New York isn't just about the art of the deal. But there is no denying that corporate tie-ups drive much of the work at the city's top law firms, including their antitrust practices.

Merger work particularly rewards the wisdom of experience: where a new lawyer might be gung-ho to force through whatever her clients desire, or be scared off by a second request, the gurus of the competition bar tend to acknowledge that some mergers have little chance of happening, yet also feel confident that they can persuade enforcers to let procompetitive deals through.

At the same time, firms cannot rely on any one attorney to be there forever. Even New Yorkers want to slow down someday.

Wachtell Lipton Rosen & Katz partner Ilene Gotts says, "As in prior years, some people retire, and the next generation of leaders emerge in the bar—this shift is happening in both New York and DC with notable leaders such as Joe Sims in DC retiring."

The antitrust head of one New York office, speaking off the record, acknowledges a generation gap and says the firm is trying to identify a potential lateral in his or her 50s. He says there are many lawyers in their 60s and 70s, now starting to retire, and in their 40s, but not many at that target age. It is not a matter of urgency, though: "Talented young partners are coming along" and in the absence of a more senior lateral "then those people will develop even faster. I think we'll be fine."

The solution for some is to look toward Washington, DC. Firms with antitrust lawyers in both cities often insist on the seamless inter-office

integration of their practices and question the rationale for having separate surveys for each.

For example, at Simpson Thacher & Bartlett, Matt Reilly in DC appears to be the clear successor as chair of the antitrust practice to Kevin Arquit in New York. Reilly says the New York office "will always have an important presence" for the antitrust group, but acknowledges that there will be a transition.

Saul Morgenstern, who may be the most personally popular competition attorney in New York, says that sooner or later he will have to replace himself as head of Kaye Scholer's practice. He sees an embarrassment of riches to do so, however, with a cohort of younger partners such as Laura Shores in Washington, DC.

Observers say some practices such as Wachtell's will easily maintain leadership in New York through a bench big enough to provide new antitrust heads who are the equals of their predecessors.

And some chairs started young, such as John Harkrider at Axinn Veltrop & Harkrider, who took over leading the practice from Steve Axinn several years ago. Harkrider helped to found the firm when he was 30 and has yet to hit 50. His view of the New York competition scene is that "people are clustered around my age, or are 20 years older and retiring."

While he once worried about the generational shift, Harkrider says representing Google in 2010 made him realise the edge lawyers who had grown up with technology had: "It's never been a disadvantage to us to be young."

**Highly recommended**

The antitrust practice in **Wilson Sonsini Goodrich & Rosati's** New York office is small but highly-esteemed: of the four partners, three are *Who's Who Legal: Competition* nominees. Among them is Jonathan Jacobson, who argued on behalf of Hebei and North China Pharmaceutical in the Vitamin C appeal that the US must respect China's statement that it had forced the companies to agree prices. He is still awaiting the Second Circuit's decision more than a year after that hearing, but in the meantime he has been well-occupied with other matters.

Jacobson beat tying claims against entertainment promoter LiveNation, at both the trial and appellate

levels, and helped the DC-based Wilson Sonsini team that lobbied against Comcast/Time Warner Cable for Netflix, the video streaming service that feared the cable companies' combined leverage in the internet service market. "That had not been a recognised approach until we took on the matter," Jacobson says. He led another such team in keeping the Ninth Circuit from reviving collusion claims against Netflix. Next up is trying to get a complaint back into court: Jacobson expects to argue in June for Mylan's "product hopping" lawsuit against Warner Chilcott regarding the drug Doryx, which was tossed on summary judgment but has drawn amicus support from the FTC and antitrust sage Herbert Hovenkamp.

FIRM	HEAD(S) OF COMPETITION	SIZE	WHO'S WHO LEGAL NOMINEES	CLIENTS
<b>HIGHLY RECOMMENDED</b>				
Wilson Sonsini Goodrich & Rosati	Jonathan Jacobson	4 partners 2 counsel 6 associates	Charles E Biggio Jonathan Jacobson Chul Pak	Google, Live Nation, Netflix, Transitions Optical, Plantronics, Coca-Cola, Twitter, Spotify, Pandora, Mylan, InterDigital, Arista Networks, Hitachi Chemical