



California's antitrust bar

The hectic antitrust bar in San Francisco leans on several factors for their seemingly endless stream of cases: An active office of the Department of Justice's antitrust division, a historic plaintiffs bar and friendly courts. **Ron Knox** explores the firms doing the best work in the Bay and elsewhere in California.

Here's a little secret for folks who don't live and work in the Bay Area: San Francisco might be the best place in the country to be an antitrust lawyer.

Sure, in Washington, DC the US Department of Justice and the Federal Trade Commission are at your doorstep, and lawyers there have access to that steady stream of government-facing work, including merger work that often keeps the doors of a practice open. And in New York and Chicago, hulking metropolises produce top-tier clients who often require good antitrust advice to navigate their industries – financial services, health care and the like.

But no place in America is quite like the Bay. In San Francisco, you have the only other DOJ antitrust division office outside of the beltway to handle both criminal and civil matters. The San Francisco field office of the antitrust division is undoubtedly the division's busiest outside of Main Justice, as it is tasked with investigating a steady stream of price-fixing matters arising from cartel hotbeds in Asia. On the civil side, the field office is now handling more HSR filings than it has in some time, in part due to the growing merger activities of companies headquartered in Silicon Valley and elsewhere in California. Only one district court played host to both civil and criminal trials brought by the antitrust division last year. Guess where.

That district court – the Northern District of California, with courtrooms spread between Oakland, San Francisco and San Jose – boasts the busiest antitrust docket in the country by miles. Every cartel case investigated by the division's San Francisco field office spawns dozens of antitrust lawsuits, from customers, wholesalers and retailers, who then band together in potential classes, or strike out on their own in opt-out lawsuits. For top-tier antitrust lawyers with big reputations for their courtroom work in the bay,

it's not difficult to win as much work as they can handle.

That work, often on behalf of clients in Japan, Taiwan and Korea, gives practitioners stationed on the West Coast a noted geographic advantage; indeed, many lawyers who operate a cartel defence practice in San Francisco log prodigious frequent flyer miles transversing the Pacific on behalf of clients. And for many, one client can open the door to case after case – hour after billable hour – because of the nature of the amnesty plus-fuelled cases led by the DOJ's San Francisco team.

And that's not to mention the city's rich history as a home – perhaps the original home – to the antitrust plaintiffs bar. While some of the big names still loom large in the San Francisco plaintiffs scene – Max Blecher and Joe Alioto among them – the city remains stocked with litigation-hungry courtroom tacticians quick to fight anti-competitive behaviour when they can. Joseph and Guido Saveri of their eponymous firm, Bruce Simon from Pearson Simon Warshaw & Penny and Eric Fastiff Lieff Cabraser Heimann & Bernstein are all at the top of their games, while Michael Hausfeld continues to build out the West Coast presence of his firm. While this survey does not delve into plaintiffs firms – we have a separate survey for that – suffice to say they are the driver for much of the work happening in the Bay.

But the best firms do more than just litigate. They have well-rounded practices that often include government-facing work as well as merger matters. While our list has remained much the same over the years, some new faces trading government for the private bar have shaken up the state's antitrust landscape.

Highly recommended

The California-based antitrust group at **Crowell & Moring** is one of the most remarkable in the state. Over the years, the practice has found its niche splitting its time between defence and plaintiffs matters, leading for major opt-out clients in some of the top antitrust litigation matters in the country. The firm calls its opt-out plaintiff work “recovery litigation”, and says it has become a source of success for the practice. “We have a plaintiff’s heart, and we know how to run plaintiffs’ cases,” says Beatrice Nguyen, a partner in the firm’s San Francisco office. Daniel Sasse leads the group from Orange County.

The firm’s book of work is thick. On the opt-out side of the practice, the firm is acting

for Motorola in the *LCD* case that is now at the Supreme Court because of FTAIA issues. Overall, the firm has eight clients who opted out of the larger *Multi-District LCD* case, including Sears, Target, Radio Shack and others. In *Cathode Ray Tubes*, the team is acting for Target and Viewsonic and preparing for trial in early March. General Motors is the Crowell client opting out of the *Polyurethane Foam* class action, and Hewlett Packard has turned to Crowell to help it sue the alleged *Optical Disk Drive* cartel members. Elsewhere, the firm acted for PeopleBrowsr in its very public unfair competition spat with Twitter, and it helped DuPont see its way out of a monopolisation lawsuit.

FIRM	HEAD(S) OF COMPETITION	SIZE	WHO’S WHO LEGAL NOMINEES	CLIENTS
HIGHLY RECOMMENDED				
Crowell & Moring	Daniel Sasse	5 partners 4 counsel 12 associates	N/A	Target, General Motors, Motorola, DuPont, Hewlett-Packard, Oracle, Sears, Cardinal Health