

## Boies Schiller Name Partner And Antitrust Powerhouse Dies

By Tracey Read

*Law360 (March 15, 2023, 1:48 PM EDT)* -- Boies Schiller Flexner LLP is mourning the loss of its third name partner, prolific antitrust lawyer Donald Flexner, who died this week at the age of 81 after a long illness.

Flexner joined David Boies and Jonathan Schiller as a name partner of the firm in December 1999. He focused on antitrust litigation and counseling and also represented clients in government investigations and reviews before antitrust enforcement agencies. The firm announced his death on its website on Tuesday.

"Don was a great lawyer, a giant of the Antitrust Bar," Boies said in an internal announcement he provided to Law360 Pulse. "He was also a great friend and partner, a leader and builder on whom we all could, and did, rely. The only thing he loved more than the firm and his friends was his family, and he passed peacefully surrounded by [his wife] Lynne, [his daughter] Jenny, and his granddaughters."

Boies and Flexner were close friends for nearly 60 years.

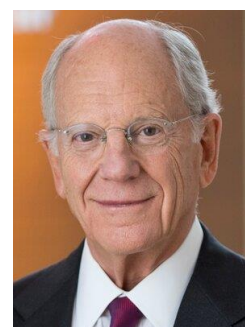
"During those years we worked (even when at separate firms) and played side by side whether in a courtroom, on a bike trip, or during a push-up contest at the Saturday night dinner of the firm meeting four years ago," Boies recalled.

Flexner was lead counsel in several high-profile antitrust cases. In 2008, he was hired by Delta Air Lines to represent it in the merger with Northwest Airlines to create what was then the largest commercial airline in the world.

His clients also included ALCOA Inc., AT&T, American Express, Chevron Corp., DuPont de Nemours & Co, Hillenbrand, Hill-Rom Holdings, Honeywell, and Southwestern Bell Telephone Company, the firm said.

Flexner was a former deputy assistant attorney general in the Antitrust Division of the U.S. Department of Justice before heading into private practice.

Before joining Boies Schiller, Flexner was a partner at Crowell & Moring LLP, where he headed the antitrust group and served on the firm's management committee.



Donald Flexner

He resigned from Crowell & Moring in 1999 to join Boies and Schiller.

"Like Jonathan, he left a leadership position at a large, successful firm to help create a firm with a new culture and business model that he believed could make a difference in the lives of its people and in the justice system," Boies said. "Over the next quarter century, Don was a central figure in the growth and success of the firm."

At the DOJ, Flexner was responsible for directing the law enforcement and competition advocacy activities of the division in regulated industries such as railroad, trucking and airlines. He also supervised antitrust litigation and regulatory interventions involving energy-related industries.

As a trial attorney for the Antitrust Division, he represented the U.S. in both civil enforcement actions and criminal prosecutions.

As a firm leader, Flexner was described by Boies as a mentor as well as a manager, leading by example as well as by explanation.

"He was demanding, but never unkind," Boies said. "He was the only highly successful lawyer I know whom everyone liked. He was both a rock for his firm, friends, and family, and a hard place for those that wished them ill. But he always fought with integrity, and with respect for the rules. Even his opponents respected him, and with few exceptions, like Donald Trump and Alan Dershowitz, he always respected those he opposed. He leaves this firm, the justice system, and the world better than he found them."

Joanna Wright, partner and member of the firm's executive committee, told Law360 Pulse in an email that she was lucky to have been mentored by Flexner.

"Working on cases with him remains a highlight of my career," Wright said. "You never wanted to miss his guidance, so when he called me once for a last-minute meeting about a case, I willingly skipped a dress fitting for my wedding, which was only six weeks away, because a meeting with him always yielded invaluable instruction in so much more than just the case at hand. He was the type of person who, when he called to check in, really checked in with you, looking past pleasantries to how you were actually doing. He leaves the profession with generations of lawyers mentored by him who will carry forward his formidable advocacy but also his unfailing civility. We are all better for having known him."

Eric Brenner, New York administrative partner and firm general counsel, called Flexner a force of nature.

"He would call first thing every morning to ensure the case team was organized," Brenner said. "And no lawyer worked harder, thought more deeply, or cared more passionately about his clients — all while being an exemplary gentleman. He was an incredible role model and mentor to me and so many other BSF lawyers."

Philip Korologos, partner and member of the executive committee, said, "Don was a rarity that all firms wish they could have as a founder: a great lawyer, a great mentor, and a great man all wrapped into one."

Wm. Randolph Smith, Crowell & Moring's former longtime antitrust group chair, told Law360 Pulse that as Flexner's successor, he appreciated how impressive it was for him to start the group from scratch and build it up successfully.

"Don was a great mentor and friend for the 20 years we worked together, and well beyond," Smith said. "He always demanded excellence in the practice of law, and in the service of our clients. I have recently heard from numerous clients how greatly they valued his extraordinary legal judgment and practical advice over the years."

Flexner earned his bachelor's degree from New York University. He was admitted to the bar in New York, the District of Columbia and the U.S. Supreme Court.

Flexner is also a former chairman of the American Bar Association's Industry Regulation Committee, Antitrust Section, according to his firm bio.

--Editing by Alyssa Miller.