



DAVID B. SCHWARTZ

Partner

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BIOGRAPHY

David B. Schwartz is a Partner in the firm's Antitrust and Competition Practice Group. As a former Lead Investigative Attorney at the U.S. Federal Trade Commission (FTC), David has significant experience in addressing the most complex antitrust and competition legal challenges.

David has made significant contributions to the field of antitrust law and litigation. He previously led high-profile FTC investigations from document discovery through investigational hearings and Commission processes— notably in the landmark case *FTC et al. v. Amazon*, where he led the FTC's investigation that resulted in filing the largest antitrust lawsuit in the FTC's history. During this time David worked daily with the FTC's top political and staff leadership.

David also has significant experience in the healthcare sector, having worked extensively on enforcement issues related to pharmaceutical pricing, e-provider consolidation, private equity

provider acquisitions and Medicare Modernization Act patent settlements. He served in the FTC's Healthcare Division of the Bureau of Competition from 2015-2022, and again in 2024. During his tenure, David led teams in important FTC wins in the *Actavis* reverse settlement payment litigation and the *Surescripts* exclusionary conduct case. David also has considerable experience with the agency's interest in private equity consolidation, both during his time as an Attorney Advisor for Commissioner Rohit Chopra and when arguing on behalf of the FTC in *FTC v. US Anesthesia Partners*.

Prior to joining the FTC, David was an associate at Quinn Emanuel. He was also a law clerk to the Honorable Sandra Segal Ikuta of the United States Court of Appeals for the Ninth Circuit.

David is widely recognized in the fields of healthcare, technology, and FTC enforcement. He has published articles in Bloomberg and Law360, has appeared on the ABA Antitrust Section's Our Curious Amalgam Podcast, and has been quoted in The New York Times, Reuters, and the Guardian.

THIRD-PARTY CONFIDENTIALITY EXPERIENCE

David has extensive experience responding to third-party subpoenas. In particular, he can advise you on:

- What level of confidentiality to choose in a protective order?
- Will you be successful in adding further layers of confidentiality?
- How can you limit the access of parties' employees to your documents?
- Will you be able to limit outside counsel's access to your documents?
- Is complete inaccessibility by parties' employees to your documents achievable?
- How to make sure you know who exactly will see your documents?
- Will you know if the government wants to use your documents outside of the current lawsuit?
- How can you obtain notice from the parties if your documents are being used publicly?
- What will happen to your documents at the end of a lawsuit?

For more information, [visit our Antitrust page](#).

ADMISSIONS

- District of Columbia, 2024
- New York, 2011

EDUCATION

- Stanford Law School, J.D., with distinction, 2009
- Middlebury College, B.A., magna cum laude, 2004

RELATED PRACTICE AREAS

- Antitrust
- Investigations
- Litigation & Dispute Resolution
- Regulation, Compliance & Advisory
- Class Actions & Mass Torts
- Appellate
- Healthcare & Life Sciences
- Marketing & Advertising

RESOURCES

SPEAKING ENGAGEMENTS

Speaker, BCLP Webinar, "[What the FTC's final rule on consumer reviews and testimonials means for your business](#)" (Nov. 2024)

Speaker, UOKiK Workshop, "Market studies, Monitoring & Digital Markets" (Warsaw, Poland, Nov. 2023)

Speaker, International Competition Network Unilateral Conduct Workshop (Mexico City, Mexico, Nov. 2019)

Moderator, American Bar Association Antitrust Section, "Two-Sided Markets in Modern Antitrust: Beyond *Ohio v. American Express*" (Feb. 2018)

RELATED INSIGHTS

Insights

Apr 16, 2025

Mark Meador's Confirmation Unlikely to Lead to Major Changes at the FTC

On Thursday, April 10, the U.S. Senate voted to confirm Mark Meador as a Commissioner of the FTC. Previously, it was expected that Meador's confirmation would lead to significant changes at the FTC, as his presence on the Commission would give Republicans a 3-2 majority. In light of President Trump's firing of the two Democratic Commissioners earlier this year, however, Mr. Meador's presence is less likely to lead to significant changes. However, as Mr. Meador will be the only Commissioner who previously worked at the FTC, in the Health Care Division, it is likely that he will bring additional experience to the Commission. Clients should expect Commissioner Mr. Meador to likely support the continued use of both price and non-price aspects to plead harm to competition, as well as an increased focus on health care. And Mr. Meador is expected to support ongoing efforts by Chairman Andrew Ferguson to gather...

Blog Post

Mar 21, 2025

Embrace Tradition, Reject Modernity? Recent FTC and DOJ Deal Challenges Show Preference for Traditional Antitrust Theories of Harm

Both the Federal Trade Commission (FTC) and Department of Justice (DOJ) Antitrust Division have now brought cases challenging deals under President Trump's administration. In many respects, the theories of harm alleged in these cases are traditional and not necessarily reflective of the "new theories" under the 2023 Merger Guidelines. Additionally, in both cases, the DOJ and FTC show a continued focus on both price and non-price aspects of competition, especially those related to innovation.

News

Feb 28, 2025

BCLP's David B. Schwartz Featured on Our Curious Amalgam Podcast to Discuss Healthcare Information Blocking

Insights

Feb 27, 2025

FTC Chair Requests Information on Big Tech "Censorship"

News

Feb 24, 2025

BCLP Lawyers Examine Diverging U.S. and EU Approaches to Sustainability Agreements in Competition Policy International

News

Feb 24, 2025

BCLP Partner and Former FTC Attorney Comments on FTC Chair Andrew Ferguson's ABA Ban

News

Feb 12, 2025

BCLP Partner Quoted in Bloomberg on FTC's Litigation Challenges

Insights

Jan 27, 2025

Will This Be on the Exam? FTC Staff Issues Two Initial Reports on Surveillance Pricing

Insights

Jan 17, 2025

Disconnecting Companies: DOJ and FTC Push for Broader Interlocking Directorate Liability