



PHILIP D. BARTZ

Partner

Washington

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BIOGRAPHY

Phil is a partner in the firm's Antitrust and Competition Group and focuses on antitrust litigation, including the defense of antitrust class actions, complex commercial litigation, defense of federal and state investigations, and antitrust advice. During the course of his career, he has counseled Fortune 500 clients regarding antitrust litigation matters related to merger and acquisitions, distribution channel issues and antitrust compliance. He has also represented clients in matters involving the federal antitrust enforcement agencies.

Prior to joining BCLP, Phil was the head of the antitrust group of an international law firm headquartered in Washington, D.C. He has held senior level positions in the Civil Division of the U.S. Department of Justice, serving as the Deputy Assistant Attorney General for the Federal Programs

Branch of the Division, which litigates on behalf of approximately 100 federal agencies. Before entering public service, he was the managing partner of the Washington, D.C. office of a large transaction and litigation firm. In addition, Phil clerked for The Honorable Caleb M. Wright, U.S. District Court, District of Delaware.

PROFESSIONAL AFFILIATIONS

- American Bar Association

COMMITTEE CONTENT

- Recruiting Committee

Prior to joining BCLP, Phil was the head of the antitrust group of an international law firm headquartered in Washington, D.C. He has held senior level positions in the Civil Division of the U.S. Department of Justice, serving as the Deputy Assistant Attorney General for the Federal Programs Branch of the Division, which litigates on behalf of approximately 100 federal agencies. Before entering public service, he was the managing partner of the Washington, D.C. office of a large transaction and litigation firm. In addition, Phil clerked for The Honorable Caleb M. Wright, U.S. District Court, District of Delaware.

ADMISSIONS

- District of Columbia, 1984
- United States Supreme Court

United States Courts of Appeals for the Fourth, Fifth, Eighth, Ninth, Tenth, and District of Columbia Circuits

United States District Courts for the District of Columbia and District of Maryland

EDUCATION

Georgetown University Law Center, J.D., *magna cum laude*, 1982

Clark University, B.A., *magna cum laude*, 1978

RELATED PRACTICE AREAS

- Antitrust
- Class Actions
- Regulation, Compliance & Advisory
- Higher Education Team
- Campus Free Expression
- Sports & Event Financing
- Business & Commercial Disputes
- Financial Services
- Class Actions & Mass Torts
- Investigations
- Antitrust Class Actions
- Sports & Entertainment Contract, Endorsement & Celebrity Representation Practice
- Anti-Doping Practice
- Sports & Event Venue Real Estate Infrastructure and Operation
- Naming Rights & Sponsorship Practice
- Sports & Entertainment M&A Practice
- Sports & Entertainment Litigation Practice
- Collegiate Sports Practice
- Sports & Entertainment Specialty Counseling Practice
- Entertainment Industry Practice
- Employment Class & Collective Actions
- Consumer Fraud
- Insurance (Class Actions)
- Pharmaceutical & Medical Devices (Class Actions)
- Shareholder Securities and Mergers & Acquisitions
- Food, Ag & Nutrition (Class Actions)
- Tax & Private Client
- Litigation & Dispute Resolution
- Sports (Class Actions)
- Data Privacy, Telecommunications & Collections
- Toxic Tort
- Olympic & National Governing Body Practice
- Professional Sports Team Practice
- Sports & Entertainment

EXPERIENCE

- Since 2011, Phil has represented the National Collegiate Athletic Association ("NCAA") on a variety of matters.
- From 1999 - 2010, Phil represented Monsanto Co. in a series of class actions bringing antitrust challenges to Monsanto's sale of genetically modified soy and corn seeds. Monsanto was able to defeat certification of a class of farmers, see, e.g., *Blades v. Monsanto, Co.*, 400 F.3d 562 (8th Cir. 2005), and ultimately all the cases were resolved on an individual basis.
- Represented Old Mutual Financial Network in a case involving an Administrative Procedure Act challenge to the Security and Exchange Commission's adoption of Rule 151A, which asserted SEC jurisdiction over fixed indexed annuities. Granting Old Mutual's Petition for Rehearing in the case, on July 12, 2010 the United States Court of Appeals for the District of Columbia Circuit vacated Rule 151A. *American Equity, et al. v. SEC*, 2010 WL 2757499 (D.C. Cir. 2010). The SEC subsequently decided to abandon Rule 151A, and leave regulation of fixed indexed annuities.
- Represented Phillip Goldstein, and the hedge fund he manages, in an Administrative Procedure Act challenge a rule of the Securities and Exchange Commission that sought to exert expanded control over hedge fund advisers. In June 2006, the District of Columbia Circuit found Goldstein's challenge to be meritorious, and determined that the SEC had exceeded its authority in promulgating the new hedge fund regulations. On remand after the D.C. Circuit's decision vacating the regulations, the SEC decided to abandon the rule. For his work on this case, in March 2007, Phil was named Lawyer of the Year by the Compliance Reporter in its 5th Annual ARC Awards.

RESOURCES

PUBLICATIONS

- "NCAA Sports: No Death Penalty Under the Antitrust Laws," *Bloomberg Law Reports*, co-authored with Nicholas S. Sloey, Feb. 15, 2012
- "The Joy of College Sports: Why the NCAA's Efforts to Preserved Amateurism Are Both Lawful and in the Best Interest of College Athletics," *Legal Issues in College Athletics*, co-authored with Nicholas S. Sloey, Jan. 27, 2012
- "Challenging Federal Agency Rulemaking in Court: Don't Forget the Remedy," Washington Legal Foundation *Legal Backgrounder*, co-authored with Eric L. Marhoun of Old Mutual U.S. Life, Jan. 28, 2011

- "Troubleshooting NSA's Complaint Against Amex," Law360, co-authored with Nicholas S. Sloey, July 16, 2010
- "The War on Contingent Commissions: A Regulatory Attack on a Procompetitive Business Practice," *Metropolitan Corporate Counsel*, co-authored with Cameron Cohick, June 2005
- "Sample Jury Instructions in Civil Antitrust Cases," (1999 ed.), Contributing Author, *World Antitrust Law and Practice*, Chapters 2 and 3, (Little Brown & Co. 1995)

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