

Adam J. Biegel

Partner

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Adam Biegel is co-leader of Alston & Bird’s Antitrust Team. He has substantial experience representing clients on antitrust counseling and litigation matters, including those involving government and internal investigations, mergers and joint ventures, pricing and distribution, compliance counseling and training, pre-merger reviews under the Hart-Scott-Rodino (HSR) Act, and multidistrict litigation. He regularly represents clients before the U.S. Department of Justice (DOJ) Antitrust Division, Federal Trade Commission (FTC) and state attorneys general, and in federal courts nationwide.

Adam is recognized for his antitrust experience by *Chambers USA* and selected to *The Best Lawyers in America*[®], including his recognition by *Best Lawyers*[®] as “Lawyer of the Year” for Antitrust Litigation in Washington, D.C., in 2022. He is a longtime member of the leadership of the American Bar Association Antitrust Law Section, currently serving as co-chair of its Long Range Planning Committee and previously having served on its board, and chaired its Corporate Counseling Committee and Spring Meeting conference. He also serves on the board of the Federalist Society’s antitrust practice group.

Adam served as a law clerk to the Hon. Frank M. Hull, U.S. Court of Appeals for the Eleventh Circuit. Before attending law school, he worked as a newspaper reporter in Arkansas and on the legislative staff of U.S. Senator Orrin Hatch.

Adam also serves as Loss Prevention Partner for the firm’s Washington, D.C., office.

Representative Experience

Antitrust Counseling and Investigations

- Served as lead U.S. antitrust counsel to leading corporations and trade associations in a variety of industries, including automotive, financial services, chemicals, consumer products, building products, health insurance, fiber optics, medical devices, hospitals, retail, industrial equipment, and sports.
- Advised industry coalitions and trade associations on antitrust compliance in connection with regulatory, lobbying, information sharing, and standard setting initiatives.
- Represented clients in connection with multiple mergers and joint ventures investigated by the DOJ and FTC, including those in the banking, chemical, distribution, packaging, health insurance, hospital, dialysis clinic, pharmaceutical, construction, and medical product sectors. Recent notable deals include:
- Represented the first state-owned Chinese company approved by the FTC to buy assets required to be divested as part of a challenged merger (as part of the \$11.8 billion acquisition by NXP Semiconductor of Freescale Semiconductor).
- Represented Boral Limited, a leading global building materials supplier, in obtaining unconditional HSR Act clearance for its \$2.6 billion acquisition of Headwaters Inc., and a joint venture that made it the largest brick manufacturer in North America.

- Counseled First Cash Inc. in obtaining regulatory clearance, without conditions, for its \$2.4 billion merger with Cash America Inc., which created the largest operator of retail pawn stores in the U.S.
- Represented multiple leading retailers and apparel manufacturers on antitrust compliance and state consumer protection matters.
- Regularly counsel leading U.S. and global companies on antitrust issues, including Hart-Scott-Rodino Act pre-merger requirements and filings, compliance policies and training, compliance reviews, dawn raid protocols, competitor collaborations, exemptions, group purchasing, pricing and distribution practices, interlocking directorates, and government investigations.
- Represented individuals in criminal antitrust investigations by the DOJ Antitrust Division, including an airline executive in the air cargo cartel investigation and a real estate investor in the foreclosure auction bid-rigging investigation.
- Advised one of the largest health care companies in the U.S. on antitrust and public policy issues, including legislative proposals and participation in antitrust agency hearings.

Antitrust Litigation

- Represented an international auto parts manufacturer in a multidistrict class action litigation matter alleging price-fixing activity among manufacturers of oil, air, and fuel filters.
- Served as special discovery counsel in a rare, litigated challenge by the DOJ Antitrust Division to a consummated merger.
- Represented an insulation manufacturer in a class action lawsuit alleging improper coordination of pricing activity.
- Represented leading pharmaceutical and wireless equipment manufacturers in intellectual property litigation matters involving monopolization claims.
- Filed amicus briefs in federal appeals courts on behalf of industry associations in multiple antitrust matters, including three state hospital associations in a physician privileges case, state legislators in a proceeding concerning insurance antitrust exemption and a national health care trade association in an exclusive dealing case.
- Represented academic institutions in antitrust lawsuits involving accreditation, physician privileges and medical resident stipends.
- Represented parties involved in antitrust litigation concerning sporting activities, including the allocation of event dates and membership decisions.

Publications & Presentations

Publications

- “Biden Competition Order May Influence Bank Merger Approvals,” *The Banking Law Journal*, Vol. 138, No. 9, October 2021.
- “A Changing Health Insurance Antitrust Landscape,” *Law360*, February 18, 2021.
- “Private Enforcement of the Antitrust Laws,” in *Antitrust Adviser*, 5th ed., Thomson Reuters/West, 2019.
- “Private Enforcement of the Antitrust Laws,” in *Antitrust Adviser*, 5th ed., Thomson Reuters/West, 2017
- “Update on Price Advertising Litigation,” *Chain Store Age*, November 5, 2014.

Presentations

- “Views from the Bench: Mergers,” ABA Antitrust Law Section Spring Meeting, chair and moderator, Washington, D.C., Washington, D.C., April 5-8, 2022.
- “Europe and *Schrems II*: What’s Next?” 2021 ABA Antitrust Law Spring Meeting, webinar, March 23-26, 2021.
- “Hot Topics,” ABA Antitrust Law Section Virtual Spring Meeting, chair and co-moderator, March 2021.
- “Antitrust Legislation: New Powers for State and Federal Enforcers,” ABA Antitrust Law Section Antitrust in Healthcare Virtual Conference, chair and moderator, February 10-12, 2021.
- “Big Data as an Antitrust Issue,” American Bar Association Antitrust Law Section’s 68th Virtual Spring Meeting, webinar, April 17-May 1, 2020.
- “Enforcer’s Roundtable,” ABA Antitrust Section Virtual Spring Meeting, co-moderator, March 2020.
- “Mock Data Breach: Preparing Your Crisis Response,” 67th Antitrust Law Spring Meeting, Washington, D.C., March 27-29, 2019.
- “GDPR – Pain Points and Enforcement Risks,” ABA Antitrust Law 2018 Spring Meeting, Washington, D.C., April 11-13, 2018.

Professional & Community Engagement

- Federalist Society Corporations, Securities & Antitrust Practice Group Executive Committee
- American Bar Association Antitrust Section, Long Range Planning Committee, co-chair
- American Bar Association Antitrust Section, former Council member, Corporate Counseling Committee chair, and Spring Meeting co-chair
- State Bar of Georgia, Antitrust Section, past chair
- Federalist Society, Atlanta Lawyers Chapter, former president
- Student Press Law Center, Legal Advisory Council
- Civil Air Patrol (U.S. Air Force Auxiliary)
- Emory Alumni Association, DC Legal Network, board member
- Temple Rodef Shalom, board member; Religious School Committee, co-chair

Education

- The University of Chicago (J.D., 1998)
- Emory University (B.A., 1993)

Admitted to Practice

- Georgia
- District of Columbia

Related Services

Litigation | Antitrust | Antitrust: Mergers, Compliance, and Investigations | Commercial | Technology & Telecommunications Litigation | Health Care Litigation | White Collar, Government & Internal Investigations | State Attorneys General Practice Team | German Business Team