



## James M. Burns

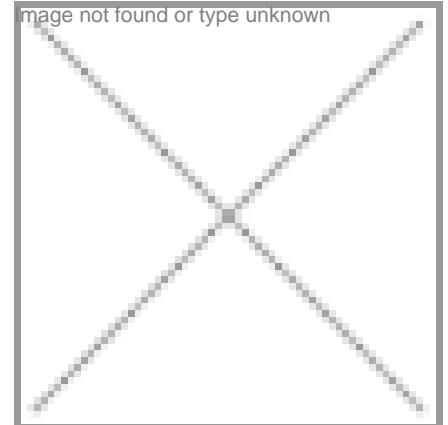
### Partner

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Jim Burns is the chair of the Williams Mullen Antitrust & Trade Regulation Practice Group. He has practiced antitrust law for over thirty years and has litigated antitrust and related claims in trial and appellate courts all across the country. He also advises clients on antitrust compliance issues and has represented clients before the DOJ Antitrust Division and the Federal Trade Commission on a wide variety of antitrust matters, including mergers and government investigations. While he has represented clients in antitrust matters in a wide variety of industries, he has extensive experience assisting clients in the health care and insurance industries with the unique antitrust challenges they often face.

Jim has litigated every major type of antitrust claim, including claims of price-fixing, monopolization, unfair competition, price discrimination, market allocations, tying arrangements, group boycotts, exclusive dealing and concerted refusals to deal. He has litigated both individual actions and class actions, and while he most frequently represents defendants in such matters, he has represented plaintiffs that have been harmed by anticompetitive conduct as well. Jim has a similarly broad range of experience in antitrust counseling matters. He has worked extensively with in-house corporate counsel on issues relating to information exchanges among competitors, joint ventures, resale price maintenance, vertical distribution, ?interlocking directorates,? tying arrangements and a host of other antitrust issues.

Jim also has an active antitrust compliance practice. He has conducted antitrust seminars, performed antitrust audits, and led antitrust discussion groups for executives and staff of many Fortune 500 companies. He has also represented clients seeking clearance for proposed merger transactions under the Hart-Scott-Rodino (HSR) Act, including both the preparation of HSR submissions and negotiating with regulators to obtain the necessary approvals for proposed transactions to be consummated.

Jim has been active in the leadership of the American Bar Association's Antitrust Section for over two decades and is an American Bar Foundation Fellow. He is a co-author of the ABA's Insurance Antitrust Handbook (first and second editions), a leading treatise on the application of the antitrust laws to the insurance industry, and was a contributing author to Antitrust Law Developments (sixth edition), the ABA Antitrust Section's multi-volume treatise on the antitrust laws.

Jim writes often on antitrust issues for the legal trade press and has published guest columns on antitrust issues in Competition Law360, Health Law360, Insurance Law360, The Business Suit (DRI) and the Hampton Roads Business Journal. He has been awarded several "Top Author/Readers' Choice" Awards by JD Supra for his columns on antitrust issues. Jim is also called upon often for his comments on antitrust issues by the national press. His views have appeared in The National Law Journal, Business Insurance, Law360, Modern Healthcare, the American Medical News, HealthCare Dive and Health Payer Specialist, among other publications. Martindale Hubbell has rated Burns an AV attorney, its highest rating, and he has repeatedly been listed as a Top Rated Lawyer by Legal Leader for the Washington, D.C. metro area.

Jim earned his J.D. from the University of California, Los Angeles School of Law. While in law school, he was a member of the UCLA National Moot Court team, after being awarded the Best Brief Award and being named a Distinguished Advocate in the UCLA Moot Court competition. He earned his A.B., cum laude, from Colgate University.

## Practice Areas

- Antitrust & Trade Regulation
- Class Action Litigation
- Commercial Contracts
- Health Care
- Hospitals/Health Systems
- Litigation
- Corporate
- Mergers & Acquisitions
- Health Care Litigation

## Experience

**THE CASES BELOW ARE ILLUSTRATIVE OF THE MATTERS HANDLED BY MR. BURNS. CASE RESULTS DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH CASE. NOT ALL CASE RESULTS ARE PROVIDED. CASE RESULTS DO NOT GUARANTEE OR PREDICT A SIMILAR RESULT IN ANY FUTURE CASE UNDERTAKEN BY THE LAWYER.**

## **Government Antitrust Investigations**

- Represented health care providers and health care systems in numerous FTC, DOJ, and state antitrust investigations.
- Represented a health insurer in a DOJ "most favored nation clause" antitrust investigation.
- Represented an auto insurer in a state antitrust investigation.

## **Merger Compliance**

- Assisted hospital client in obtaining regulatory approval for the creation of a large health care system in southeast Michigan.
- Assisted health care system in obtaining merger approvals (HSR) for several acquisitions throughout the southeastern U.S.
- Assisted property and casualty insurers, reinsurers and insurance brokers in gaining regulatory approval for mergers and/or divestitures.

## **Private Antitrust Litigation**

- Represented a large North Carolina health insurer alleged to have engaged in unlawful "monopsony" conduct; all claims were dismissed pretrial.
- Represented a large Ohio health insurer accused of orchestrating a boycott of an insurance agent; all claims were dismissed pretrial and affirmed on appeal by the Sixth Circuit.
- Represented a large health care provider unlawfully denied certification by a national certifying organization; the case was settled with the client receiving certification.

## **Antitrust Counseling**

- Advised health care clients on a host of antitrust issues, including those arising in connection with group purchasing organizations, messenger models, accountable care organizations, and physician/hospital organizations.
- Advised technology companies on antitrust issues raised by licensing restrictions, patents, and other intellectual property rights.
- Conducted antitrust compliance training for numerous Fortune 500 companies in a wide range of industries, including insurance, health care, construction, aggregates, and finance.

## **Antitrust Class Action**

- Defense of health care provider in alleged "no-poach" antitrust class action
- Defense of commercial insurer in alleged industry-wide conspiracy antitrust class action
- Defense of tax preparation company in alleged "no-poach" antitrust class action

## Education

- University of California, Los Angeles (J.D.), 1986
- Colgate University (B.A.), 1983  
*cum laude*

## Professional Affiliations

- American Bar Foundation, Life Fellow
- American Bar Association Antitrust Section, Chair, Public Education and Outreach Committee; Former Chair, Membership and Diversity Committee, Former Chair, Legislative Committee, Former Chair, Insurance Industry Committee
- *Bloomberg Law* (2018) Health Law and Business Editorial Advisory Board, Member
- DRI Commercial Litigation Committee, Former Member, CLC Steering Committee; Former Chair, Antitrust, Consumer Protection and Distribution Specialty Practice Group
- TagLaw, Former Co-Chair, Antitrust and Competition Committee
- BNA Pharmaceutical Law Reporter, Advisory Board Member, 2010-2018

## Awards

- JD Supra, Readers' Choice Awards, 2017-2019, Recognized as a "Top Author" on Antitrust & Trade Regulation
- Martindale-Hubbell, AV Preeminent Rated
- Legal Leaders, Washington, 2012-2022, Listed as a Top Rated Lawyer