

Joe Sims



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Joe Sims is a senior antitrust Partner. His practice is concentrated in antitrust and related areas of government regulation and includes litigation, counseling, and agency practice before state and federal courts, antitrust enforcement agencies, and various specialized agencies (e.g., FCC and DOT) where competition policy or antitrust issues arise. He has especially broad experience in dealing with mergers and acquisitions and with the full range of antitrust issues involving technology, telecommunications, and the electronic media industries. Representative clients include Abbott Laboratories, AOL, Apple, Aventis S.A., Cabot Corporation, Campbell Soup, Chevron, Dell, Ernst & Young, General Motors, Internet Corporation for Assigned Names and Numbers (ICANN), Intuit, Liberty Media, Nextel Communications, Procter & Gamble, Reynolds American, Texas Instruments, Time Warner, UPM, U.S. Steel, Viacom/CBS, Wal-Mart, and XM Radio.

Joe is a member of the American Bar Association (Antitrust Law Section, former chair of the Section 1 Committee and the Civil Practice and Procedure Committee; Administrative Law and Regulatory Practice Section; Litigation Section; and Business Law Section, former chair of the Antitrust Law Committee). He is a Fellow of the American Bar Foundation and a member of The American Law Institute.

Joe regularly writes and lectures on antitrust and related subjects. He is listed in The Best Lawyers in America, The World's Leading Lawyers, Who's Who Legal, and in most other publications recognizing leading antitrust lawyers in the world. In 2006, Joe was named a co-winner of the U.S. Antitrust Award at Chambers "Awards for Excellence" ceremony. In 2001, he was included in a listing of the world's top 10 antitrust lawyers by Global Counsel magazine and is the only antitrust lawyer ever recognized (in 2000) as a "Dealmaker of the Year" by The American Lawyer magazine. He is admitted to practice before the United States Supreme Court and a majority of the federal courts of appeal.

Admitted

Arizona and District of Columbia

Education

Arizona State University (B.S. 1967; Comment Editor, Law Journal; J.D. magna cum laude 1970)

Government Service

Deputy Assistant Attorney General, Antitrust Division, United States Department of Justice (1975-1978)

EXPERIENCE

Abbott Laboratories

[Acquisition of Knoll Pharmaceuticals](#)

Successful antitrust clearance of Abbott's purchase of Knoll Pharmaceuticals.

America Online, Inc.

[Netscape Acquisition and Strategic Alliance with Sun Microsystems](#)

Successful clearance in the U.S. and EU of America Online's acquisition of Netscape and its strategic alliance with Sun Microsystems.

[Time Warner Merger](#)

Successful antitrust clearance of America Online's merger with Time Warner, one of the largest corporate mergers ever proposed.

American Tower Corporation

[Various Tower Company Acquisitions](#)

Successful antitrust clearance of numerous tower company acquisitions by American Tower Corporation.

Aventis S.A.

[In re Vitamins Antitrust Litig., MDL Docket No. 1285 \(D.D.C.\)](#)

Representation of Aventis in connection with civil litigation filed against vitamin producers.

Caremark Rx, Inc.

[Acquisition of AdvancePCS](#)

Successful antitrust clearance of the acquisition by Caremark Rx of AdvancePCS.

CBS, Inc.

[Infinity Broadcasting Acquisition](#)

Successful antitrust clearance of CBS's acquisition of Infinity Broadcasting.

[American Radio Systems Acquisition](#)

Successful antitrust clearance of CBS's acquisition of American Radio Systems.

[Viacom Transaction](#)

Successful antitrust clearance of CBS's combination with Viacom, creating one of the largest integrated media entities in the world.

Chevron Corporation

[Texaco v. Dagher, 126 S.Ct. 1276 \(2006\)](#)

Successful representation of Texaco concerning alleged price-fixing between Texaco and Shell Oil after entering a joint venture.

[Unocal Acquisition](#)

Successful antitrust clearance of Chevron's acquisition of Unocal.

Ernst & Young International

[Combination with KPMG](#)

Obtained antitrust clearance for both Ernst & Whinney and Arthur Young in the first combination of Big Eight accounting firms.

European pharmaceutical manufacturer

[Vitamins Cartel Investigation](#)

U.S. and EU investigations of conduct among vitamin producers.

[Galileo International Inc.](#)

[Cendant Transaction](#)

Successful worldwide antitrust clearance for Galileo's acquisition by Cendant.

[General Motors Corporation](#)

[Acquisition of Hughes Electronics/DirecTV by News Corp](#)

Successful worldwide antitrust clearance for General Motors and Hughes Electronics in the sale of Hughes to News Corp.

[Hospital Corporation of America](#)

[Reazin v. Blue Cross, 635 F. Supp. 1287 \(D. Kan. 1986\), aff'd, 899 F.2d 951 \(10th Cir. 1990\)](#)

Representation of Hospital Corporation of America and Wesley Hospital in an antitrust lawsuit against BlueCross of Kansas.

[ICANN \(Internet Corporation for Assigned Names and Numbers\)](#)

[Outside General Counsel](#)

Outside general counsel to international nonprofit organization, ICANN, charged with management and coordination of the Domain Name System, which in many respects serves as the telephone book of the internet.

[VeriSign, Inc. v. Internet Corp. for Assigned Names & Numbers \(ICANN\), No. CV 03-1292, 2004 WL 2095696 \(C.D. Cal., filed Feb. 26, 2004\)](#)

Represented ICANN in antitrust litigation alleging antitrust and contract claims related to VeriSign's operation of the ".com" internet registry.

[Lee Memorial Health System](#)

[FTC v. Hosp. Bd. of Dirs. of Lee County, 38 F.3d 1184 \(11th Cir. 1994\)](#)

Successfully defended Lee Memorial Health System in a preliminary injunction action brought by the FTC challenging the acquisition of Cape Coral Medical Center.

[Nextel Communications, Inc.](#)

[Merger with Sprint](#)

Antitrust counseling with respect to \$46.5 billion merger with Sprint.

[United States v. Motorola, Inc., No. 1:94CV02331 \(TFH\), 1999 WL 1581522 \(D.D.C. 1999\)](#)

Representation of Nextel in successful modification of Motorola consent decree which allowed Nextel to acquire additional 900 MHz spectrum.

[Acquisition of Motorola 800 MHZ SMR Business](#)

Provided antitrust advice to Nextel in connection with its acquisition of 800 MHz frequencies.

[Paper and forestry products manufacturer](#)

[Cartel Investigation](#)

Various cartel investigations relating to the paper and forestry products businesses.

[Procter & Gamble Company, The](#)

[Tambrands Acquisition](#)

Successful antitrust clearance for Procter & Gamble's acquisition of Tambrands.

[Acquisition of Gillette](#)

Antitrust counsel in connection with acquisition of The Gillette Company.

[Wella Acquisition](#)

Successful antitrust clearance for Procter & Gamble's acquisition of Wella.

[Clairol Acquisition](#)

Successful antitrust clearance for Procter & Gamble's acquisition of Clairol from Bristol-Myers Squibb.

[Sale of SpinBrush business](#)

\$105 million sale of the SpinBrush toothbrush business to Church & Dwight Co., Inc.

[R.J. Reynolds Tobacco Company](#)

[*In re Cigarette Antitrust Litig.*, MDL Docket No. 1342, 2000 WL 1508296 \(N.D. Ga. June 7, 2000\)](#)

Represented R.J. Reynolds in class action litigation alleging price fixing by major cigarette companies.

[R.J. Reynolds Tobacco Holdings, Inc.](#)

[Acquisition of Brown & Williamson Tobacco Corporation](#)

Successful worldwide antitrust clearance for the merger of R.J. Reynolds' U.S. tobacco business with Brown & Williamson Tobacco Corporation.

[Stanley Works, The](#)

[Acquisition of National Manufacturing](#)

\$170 million acquisition of National Manufacturing Co. d/b/a National Hardware.

[Tele-Communications, Inc.](#)

[Acquisition by AT&T](#)

Successful antitrust clearance for the acquisition of TCI cable operations by AT&T.

[Acquisition of Turner Broadcasting by Time Warner](#)

Successful antitrust clearance, after a year-long investigation, of the acquisition by Time Warner of Turner Broadcasting (in which TCI held a significant equity position) .

[TV Guide](#)

[Gemstar Combination](#)

Represented TV Guide in the antitrust aspects of its merger with Gemstar.

[UPM-Kymmene Corporation](#)

[*In re Pressure Sensitive Labelstock Antitrust Litig.*, MDL Docket No. 1556 \(M.D. Pa., filed 2003\)](#)




Representation of UPM-Kymmene in antitrust class action litigation involving sales of pressure-sensitive labelstock Publication Paper Antitrust Litigation.

[Westinghouse Electric Corporation](#)

[Siemens Power Generation Transaction](#)

Antitrust clearance for sale of power generation business to Siemens AG.

PUBLICATIONS

August 2006	Section 5 of the FTC Act: Déjà Vu All Over Again?	 PDF Version
March 2006	New FTC Second Request Procedures	 PDF Version
August 2005	Trustbuster, Heal Thyself, <i>The American Lawyer</i> - PDF	 PDF Version
December 2004	Federal Merger Enforcement: Is There a Message in Recent Losses? (editorial), <i>The Metropolitan Corporate Counsel</i>	 PDF Version
November 2004	Competition Law: United States, Global Counsel Competition Law Handbook 2004/05, Practical Law Company - PDF	 PDF Version
October 2004	Federal Merger Enforcement: Is There a Broader Message in Recent Losses?	 PDF Version
October 2004	US Antitrust Gets Chance to Start Over, <i>Expert Guide to Competition and Antitrust Lawyers</i> , Legal Media Group	
August 2004	U.S. Supreme Court Tackles International Antitrust Issues	 PDF Version
November 2003	Competition Law: United States, Global Counsel Competition Law Handbook 2003/04, Practical Law Company - PDF	 PDF Version
June 5, 2003	Market Power in High-Technology Industries, coauthor, <i>The Stanford Conference on Antitrust in the Technology Economy</i>	
May 2002	Recent Developments in International Cartel Enforcement: The EU's New Leniency Notice	 PDF Version
Spring 2002	A Reply to Professor Froomkin's Form and Substance in Cyberspace, <i>The Journal of Small and Emerging Business Law</i> , Lewis & Clark College,	

February 8, 2002	Appraising DOJ's New Initiative for Pre-Merger Review, <i>Legal Backgrounder</i>
October/December 2001	Negotiated Merger Remedies: How Well Do They Solve Competition Problems? coauthor, <i>The George Washington Law Review</i> , Vol. 69
January 1999	The Internet, <i>E-Money</i> , Vol. 1, No. 9
1998	A Program That Has Lost Its Way, coauthored with Deborah Herman, <i>Legal Times</i>
December 1997	Antitrust in the Digital Age: Important or Irrelevant? coauthor, <i>Intellectual Property Magazine</i>
August 1997	Making Sense of Staples and Boeing/McDonnell Douglas, <i>Andrews Antitrust Litigation Reporter</i>
August/September 1997	Making Sense of Bob Pitofsky, <i>Global Competition Review</i>
Spring 1997	The Effect of Twenty Years of Hart-Scott-Rodino on Merger Practice: A Case Study in the Law of Unintended Consequences Applied to Antitrust Legislation, coauthor with Deborah Herman, <i>Antitrust Law Journal</i> , Vol. 65, No. 3
July 1996	Efficiency Genie is out of the Bottle, <i>Corporate Finance</i>
1996	A New Approach to the Analysis of Hospital Mergers, <i>Antitrust Law Journal</i> , Vol 64

PAST SPEAKING ENGAGEMENTS

U.S. Antitrust Update, 2005 Petroleum Marketing Attorneys Meeting	March 29, 2005	Washington, D.C.
Hot Topics, ABA Section of Antitrust Law Spring Meeting, panelist	March 2005	Washington, D.C.
The Beginning of the End or the End of the Beginning? Recent Government Antitrust Enforcement in High-Tech Industries, JD MCLE University	January 12, 2005	San Francisco, California
Modernization I - A Half Year In, British Institute of International & Comparative Law Annual Competition Law Forum, panel discussion	December 7, 2004	London, England
Antitrust -Intellectual Property Update, panelist, The Federalist Society Annual National Lawyers Convention	November 12, 2004	Washington, D.C.
Big Brother is Watching: A Survey of the Regulatory Landscape Impacting Outsourcing Transactions, International Law and Technology Forum, Institute for Law and Technology of the Center for American and International Law	September 23-24, 2004	Plano, Texas
Fire and Ice: Antitrust Law and Intellectual Property Rights, International Law & Technology Forum	September 2004	Dallas, Texas
The Muris FTC Nears Three Years: An Appraisal, panelist, 2004 Antitrust Conference, The Conference Board	March 3-4, 2004	New York, New York
Institute for Law and Technology of the Center for American and International Law	November 3-4, 2003	Dallas, Texas
International Regulation of Mergers, Sweet & Maxwell European Competition Law Review Conference, 2003	October 7, 2003	London, England
Market Power, panelist, The Stanford Conference on Antitrust in the Technology Economy, ABA Section of Antitrust Law	June 5, 2003	Palo Alto, California
AOL/Time Warner and Interactive Television: The Intersection of TV, Computers, the Internet and Section 7 of the Clayton Act,	March 30, 2001	Washington, D.C.

panelist, ABA Section of Antitrust
Law Spring Meeting

Forging Consensus to Manage a Global Resource, Issue Management Council	January 28, 2000	Washington, D.C.
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Antitrust.com: Emerging Antitrust Issues in E-Commerce, moderator, ABA Section of Antitrust Law Video/TeleConference	October 21, 1999	Washington, D.C.
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Duality and Antitrust: The Visa/Mastercard Story, TSYS Executive Conference	April 13, 1999	Aspen, Colorado
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Antitrust Issues in High-Tech Industries Workshop, moderator, ABA Section of Antitrust Law	February 25-26, 1999	Scottsdale, Arizona
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ABA Econometric Program, ABA Section of Antitrust Law Spring Meeting	April 1998	Washington, D.C.
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Access Rules, Communications Bar Association and ABA Antitrust Communications Program	March 11, 1998	
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Merger Policy and Procedures, panelist, The Conference Board's 1998 Antitrust Conference	March 5, 1998	New York, New York
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Testimony before the Senate Judiciary Committee, Hearings on Federal Antitrust Policy in the Healthcare Marketplace	September 23, 1997	Washington, D.C.
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A Washington Antitrust Primer, Freedom Academy	June 13, 1997	Colorado Springs, Colorado
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Antitrust Primer for Broadcasters, NAB Broadcasters' Law & Regulation Conference	April 8, 1997	Las Vegas, Nevada
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Substantive Antitrust Issues in Radio Mergers, NAB Radio Fly-In	February 19, 1997	Washington, D.C.
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