

Rising Star: Morgan Lewis' J. Clayton Everett

By **Django Gold**

Law360, New York (March 26, 2012, 6:53 PM ET) -- J. Clayton Everett Jr. is a trusted resource for Pfizer Inc., Hitachi Ltd. and other heavyweights in need of counsel from a Morgan Lewis LLP partner who has landed one of five spots for antitrust attorneys on Law360's list of rising stars under 40.

Everett, 38, has through 12 years in Morgan Lewis' Washington office developed a powerful and diverse practice covering all aspects of antitrust law, including civil and criminal litigation, mergers and acquisitions clearance, international regulatory negotiations and all matters of client counseling.

Having joined Morgan Lewis upon receiving his law degree from University of Virginia School of Law in 1999, Everett immediately set about developing his skills in antitrust law, a field he describes as tailored to him and his interests.

"I entered law school intending to practice antitrust law," said Everett, who as an undergraduate majored in economics, government and foreign affairs. "I particularly like the intersection of economics and policy and legal issues, and that's what led me to antitrust initially."

With Morgan Lewis, Everett was able to develop a diverse yet powerful antitrust practice.

"I practice across the breadth of antitrust law," said Everett, who counts in his wheelhouse litigation and counseling, as well as a fair number of merger clearance matters. "I like the ability to have a focus, but I also enjoy the varied experiences. I certainly wouldn't trade anything to have a greater focus on any particular area. It's a big benefit to be able to do all different types of antitrust work."

One big component of Everett's practice has been his work in the pharmaceuticals industry, specifically in representation of Pfizer, which in 2009 encountered numerous hurdles in its attempt to buy out industry competitor Wyeth for \$68 billion.

In the midst of the regulatory scrutiny cast toward the deal, Pfizer faced a lawsuit from a coalition of California pharmacies who claimed the deal would smother competition in the pharmaceutical industry.

"The legal theory put forth in the complaint challenged the merger on the grounds that Wyeth was very large and was being acquired by another very large company," Everett said of the suit, which sought an injunction blocking the deal. "The factual predicate for their argument was that there was a single market for pharmaceuticals as a whole."

“Their complaint hadn't shown that there were specific product overlaps involved in the transaction that would raise competition concerns, and we took a very aggressive posture in that suit,” Everett said. “We filed our motion to dismiss as quickly as we could.”

Pfizer successfully fended off the pharmacies' suit, and managed to beat off regulatory pressures and complete the deal in October 2009. Today, the pharmaceutical giant remains one of Everett's regular clients.

Everett has also sprung to the aid of Japanese conglomerate Hitachi, which is one of many electronics makers alleged to have participated in a price-fixing conspiracy for thin-film transistor liquid crystal display screens used in cellphones and other mobile devices.

In that case, in which Hitachi and other companies have faced scrutiny from regulators around the world, Everett was tasked with preventing the LCD buyers from accessing amnesty applications filed by Hitachi with the European Commission and other regulators.

“The issue in that case was whether U.S. class action plaintiffs are entitled to receive in discovery any leniency submissions to other agencies, which front and center presents the balance between the interests of other countries and the interests of the U.S.,” Everett said. “Ultimately, we were able to convince the court there that the enforcement interests of the other agencies would be greatly undermined if the plaintiffs were able to get hold of the submissions.”

Hitachi has since settled the class allegations against it, and Everett again remains one of the company's go-tos.

Having been made partner in 2007, Everett said his relative youth has yet to present an obstacle for his continued successes at Morgan Lewis.

“I think if you have shown an aptitude for doing something, and shown in particular that you're creative and a problem solver, both clients and partners are happy to deal with you,” he said. “Within our firm, my responsibility has only increased over time.”

Everett also emphasized the value of focusing on specific areas of the law in order to carve out a niche.

“I think it's important to find an area of the law that you really enjoy so that you can be fully engaged,” he said. “You'll produce better work if you're invested in achieving good results.”

--Editing by Lindsay Naylor.