

MVP: Morgan Lewis' Steven Reed

Law360 (December 5, 2018, 5:32 PM EST) -- Steven A. Reed of Morgan Lewis & Bockius LLP scored important wins this year for clients including drugmaker Shire PLC and ride-hailing service Uber Technologies Inc. on questions about antitrust standing and injury, earning him a spot among Law360's Competition MVPs.

WHAT HE LIKES BEST ABOUT HIS COMPETITION PRACTICE:

Reed said he likes that issues in the competition practice area are intellectually challenging and also that the matters are often very significant for the clients. The issues also give attorneys an opportunity to learn a lot about different industries and to work with talented people from the companies they represent.

"These are matters that tend to be very important to our clients," Reed said. "You get a high level of attention at the client and an opportunity to learn their business, to talk with them about their priorities and to work with them on some of the most significant litigation that they have."

ONE OF HIS MOST SIGNIFICANT CASES THIS YEAR:

A Delaware federal court handed Shire ViroPharma Inc. a big win in March when it dismissed the FTC's lawsuit alleging the drugmaker had delayed the entry of generic competitors to its antibiotic Vancocin by filing a series of petitions with the U.S. Food and Drug Administration. The court acknowledged in its opinion that Reed's team had raised "novel questions" regarding the FTC's authority to sue in federal court, and ultimately

The MVP logo features the letters 'MVP' in a bold, blue, sans-serif font. The letter 'V' is partially enclosed by a red circle with an arrow pointing upwards and to the right, suggesting a 'win' or 'achievement'.

Steven Reed
Morgan Lewis

accepted the contention that the agency can not seek an injunction to stop conduct that has already stopped.

The FTC has since appealed the ruling to the Third Circuit, but Reed said the lower court simply applied the plain language of the Federal Trade Commission Act when reaching its decision.

"The FTC has argued that the district court's ruling would upend its enforcement program, through which it has collected 'many billions of dollars' over the years," Reed said. "But Congress did not grant the FTC broad authority to sue in federal court for past violations of the antitrust laws."

NOTABLE CASES HE'S WORKED ON:

Reed also represented Uber as it fended off an antitrust suit from Philadelphia cab companies that alleged the ride-hailing service attempted to monopolize the Philadelphia taxicab market. The district court dismissed the suit in November 2016, and a Third Circuit panel affirmed the win in March. The Supreme Court then refused to take up the case in October.

The Third Circuit panel accepted Uber's argument that its entry into the market actually increased competition, not reduced it, and that the taxi companies were trying to use the antitrust laws to recover profits they lost due to the increased competition from an innovative company.

"Uber has faced challenges around the country, and indeed around the world," Reed said. "So, we were very happy to get the result that we did, we thought that it was the correct application of the law, but obviously, it was one that was hotly contested."

Reed said that a group of around 100 eighth graders was on a field trip and attended the Third Circuit oral arguments, which he called a "real pleasure." Their attendance also inspired Reed to open his argument by noting that the students will see innovation in their lifetimes he and the appellate panel can't even imagine.

"I was expecting a big crowd for the argument, but I was surprised by the nature of the crowd," Reed said. "I don't know that any of the eighth graders actually heard what I said, but it was a fun argument. The panel was very engaged and we got a good result."

WHAT HE IS MOST PROUD OF THIS YEAR:

In addition to his own practice, Reed is also head of Morgan Lewis' global antitrust practice, and he said

he's proud of what the group has been able to accomplish as a whole for the year. He also noted that many matters handled by the firm require teams of attorneys from various offices to work together. He said the Shire case involves lawyers in Boston, D.C. and Philadelphia, for example, and that the Uber case involved attorneys from San Francisco and Philadelphia.

"The real accomplishment from my perspective is the group's success and our ability to pull together teams to get these results," Reed said. "Looking at the success of the group — the way that we've grown, the results that we've gotten, the types of new matters that we're able to attract — that's really what I'm most proud of this year."

ADVICE HE HAS FOR YOUNG ATTORNEYS:

Reed said that attorneys looking to get into antitrust should try to find a job at a firm with a large practice that will allow them to focus on diverse aspects of the area, and that once they do they should jump at every opportunity they get. But more generally, he said, it's important for young attorneys to try and attract opportunity by always bringing something to the table.

"If you want to be invited, you need to give people a reason to have you there," Reed said. "Become the master of an issue, or a specific fact, or come up with an idea, but always be looking to add value. Don't sit back and expect to be given opportunities, but rather go out and give the person a reason to want you at the table."

— *As told to Matthew Perlman*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2018 MVP winners after reviewing nearly 1,000 submissions.