

Antitrust & Competition Law

Whether confronted with the need to defend against a private antitrust action, respond to a competitor's unfair and anticompetitive conduct, or you just need counseling about your own compliance in antitrust matters, businesses turn to Gray Reed & McGraw's attorneys to vigorously protect and pursue their rights.

Antitrust litigation and investigations involve potentially high stakes that can result in treble damages, civil or criminal fines and penalties, consent decrees, divestiture, an injunction forcing fundamental business changes, or even incarceration. Even if ultimately successful, the manner in which the litigation or investigation is managed and conducted can have significant consequences to your customer, supplier, employee and investor relations. We are familiar with these concerns and are committed to working with our clients to protect and care for their business as well as their legal needs.

Gray Reed's Expertise

From an antitrust counseling and litigation perspective, our attorneys have experience representing manufacturers, retailers, distributors, research and development companies and other companies across the market spectrum, from market leaders to new entrants. We have in-depth experience working with energy and healthcare companies. We have substantial antitrust experience in the healthcare industry, in light of the aggressive enforcement by the Federal Trade Commission and the Department of Justice (DOJ) against healthcare companies (i.e. hospital mergers, integration of provider groups and accountable care organizations).

Our antitrust counseling includes representation of parties to mergers, acquisitions and other strategic alliances that raise antitrust issues, from a substantive antitrust perspective and/or Hart-Scott-Rodino reporting perspective.

We also counsel our clients with respect to various potential antitrust issues in their ongoing business, such as pricing issues, distribution issues, agreements and exchanges of information with competitors, joint activities with competitors, including joint ventures, joint purchasing practices, and trade association practices.

Our attorneys help clients by preparing, and assisting with the execution of, an antitrust compliance program. Such a program should not only help the client avoid violating antitrust laws, but if the client has an effective antitrust compliance program in place and is later found to have violated antitrust laws, particularly because of a rogue employee who violated the compliance program, the existence of the compliance program will be a mitigating factor in the DOJ's determination of the appropriate fine.

We work in close cooperation with in-house counsel and the business team to gain a thorough understanding of your company and the industry. With our breadth of experience, we have professionals who are already highly knowledgeable about technological innovations, market dynamics and industry trends in any given market. This background and experience enables us to craft strategies and approaches that are targeted, cost effective and highly attuned to the strategic needs of your business.