

# Abbott "Tad" Lipsky, Jr.

## Contact Information

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## Education

JD, Stanford Law School, 1976

MA, (Economics), Stanford University, 1976

AB, (Physics), Amherst College, 1971

## Bar Qualifications

Mr. Lipsky is qualified to practice before the District of Columbia bar, the US Supreme Court and various federal appellate courts. He is an inactive member of the California bar.

## Areas of Expertise

Tad Lipsky is a partner in the Washington, D.C. office of Latham & Watkins. He is an internationally recognized expert on both US and non-US antitrust and competition law and policy and has handled antitrust matters throughout the world. Having served as chief antitrust lawyer for The Coca-Cola Company from 1992-2002, Mr. Lipsky has incomparable experience with antitrust in the US, EU, Canada, Japan and other established antitrust-law regimes, as well as in new and emerging antitrust law regimes in scores of jurisdictions that adopted free-market policies following the 1991 collapse of the Soviet Union. He has been closely associated with efforts to streamline antitrust enforcement around the world, advocating the reduction of compliance burdens and the harmonization of fundamental objectives of antitrust law.

Recently Mr. Lipsky was profiled by *Global Competition Review* for its article, "A Decade at the Top," featuring the top antitrust litigators in the Washington, D.C. area. Mr. Lipsky was invited to discuss how antitrust law has changed over the past decade and provide insight into likely trends that will shape antitrust law in the future. Mr. Lipsky's international antitrust work has been recognized by *US Legal 500*, which has cited Mr. Lipsky as a leading attorney in its Litigation guide for 2007. Mr. Lipsky was also cited as a leading attorney by the 2007 Chambers USA legal guide and described as "the linchpin of the firm's comprehensive international antitrust enforcement structure."

From 1981-83 Mr. Lipsky served as Deputy Assistant Attorney General under William F. Baxter, who sparked profound antitrust-law changes while serving as President Reagan's chief antitrust



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official. In that position Mr. Lipsky supervised Supreme Court litigation in a series of groundbreaking antitrust cases, including among others *National Collegiate Athletic Association v. Board of Regents of the University of Oklahoma*, 468 US 85 (1984)(horizontal restraints), *Jefferson Parish Hospital District No. 2 v. Hyde*, 466 US 2 (1984)(tie-in doctrine), *Monsanto Co. v. Spray-Rite Service Corp.*, 465 US 752 (1984)(vertical price maintenance) and *Associated General Contractors, Inc. v. California State Council of Carpenters*, 459 US 519 (1983)(antitrust standing). He supervised preparation of the Department of Justice "Merger Guidelines" (1982), which have since become the dominant model for antitrust analysis of mergers, acquisitions and other structural transactions throughout the world. He also organized and supervised the Antitrust Division's review of *United States v. IBM Corp.*, which culminated in a joint stipulation of dismissal without prejudice of the marathon case in 1982.

In August, 2001 Mr. Lipsky began a two-year term as the first International Officer of the American Bar Association Section of Antitrust Law. He served on the Editorial Board of *Competition Laws Outside the United States* (2001), the most ambitious annotated compilation of non-US competition laws yet produced. He previously held a variety of senior positions among the Officers and governing Council of the Section of Antitrust Law. He is admitted to practice in California and the District of Columbia, the US Supreme Court and various federal appellate courts.

### Representative Experience

- Representation of The Coca-Cola Company in competition proceedings before the European Commission; before federal and state courts of the U.S. and before the Federal Trade Commission, and before courts and competition authorities in numerous other jurisdictions, including, among others Australia, Belgium, Brazil, Chile, France, India, Italy, New Zealand, Norway, South Africa, South Korea, Spain, the United Kingdom and Venezuela.
- Representation of Brown & Williamson Tobacco Corp. in *Brooke Group v. Brown & Williamson Tobacco Corp.*, 509 U.S. 209 (1993).
- Special Assistant to Alfred E. Kahn, Chairman, Council on Wage and Price Stability, Executive Office of the President, 1978.
- Special Attorney, National Commission for the Review of Antitrust Laws and Procedures, 1978
- Lecturer in Economics (Undergraduate Course in Antitrust Law and Industrial Organization Theory), Stanford University, 1975-76.

### Publications

- Abbott B. Lipsky, Jr., The ABA Section of Antitrust Law and International Antitrust Convergence: Sketching the Grand Design, 16 Antitrust 46 (Fall 2001).
- Abbott B. Lipsky, Jr. & J. Gregory Sidak, Essential Facilities, 51 Stan. L. Rev. 1187 (1999).
- Kenneth L. Glazer & Abbott B. Lipsky, Jr., Unilateral Refusals to Deal under Section 2 of the Sherman Act, 63 Antitrust L.J. 749 (1995).
- Abbott B. Lipsky, Jr., The Global Antitrust Explosion: Safeguarding Trade and Commerce or Runaway Regulation?, The Fletcher Forum of World Affairs (Summer/Fall 2002).