

Q&A: Kirkland & Ellis's Ian G John

Pallavi Guniganti
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After almost two decades in antitrust, Ian G John has racked up many appearances in GCR. In this latest one, the newly minted Kirkland & Ellis partner talks with Pallavi Guniganti about SEP, agency clearance and his antitrust mentors.

Our first mention of John dates back to 1 January 2000. As the internet was still working after Y2K, we ran a story about the GE/Honeywell merger that noted Honeywell had retained Skadden Arps Meagher & Flom, with associate Ian John among those leading work on US antitrust filings. That deal won the Department of Justice's approval but not the European Commission's, and ultimately failed. John's career, however, kept powering on. Headlines tell the tale of his involvement in deals ranging from robotic surgery to beer to pharmacy benefits to meat to buses to cement, plus

several health care tie-ups. Along the way, in 2008, he became a partner at Skadden, before leaving last month to join the partnership in Kirkland & Ellis's New York office. John speaks with GCR about his antitrust past, present and future.

What first attracted you to antitrust law?

I have always enjoyed subject matter revolving around the intersection of law and economics. During my second year of law school I took a law and economics class which helped prepare me for my first substantive exposure to antitrust during my time as a summer associate. I sampled a number of different practice areas that summer, seeking to find an area of law I thought I could practise for the rest of my legal career. An antitrust assignment became available near the end of the summer and the proverbial light bulb went off – this is it. I love the elegant simplicity of the US statutes and the logic of the legal precedent. While any one matter often is complex, the basic legal principles are fairly straightforward and easy even for me to understand. In addition, in the transactional practice, each matter requires studying the ebbs and flows of new industries and products, typically from leaders in the field, which I find highly rewarding.

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What do you think are the most interesting issues in antitrust right now?

Standard-essential patents are on virtually everyone's mind at the moment, particularly with regard to software patents. Also, increased international coordination, particularly in conduct investigations, has put global firms on notice that an inquiry in one part of the globe could very well result in a cascading number of parallel investigations in other jurisdictions. Since the bulk of my practice involves counselling on mergers, acquisitions, joint ventures and other strategic transactions, however, I am watching most closely whether and how the US courts incorporate the shift from traditional structural analyses to increasingly data driven effects-based merger simulations exemplified by the 2010 FTC and DoJ Horizontal Merger Guidelines.

If you could give one piece of advice to the DoJ and FTC going forward, what would it be? Why?

Formalise the clearance process and make it transparent. I understand that may not be possible for a wide variety of reasons, including increasingly blurred lines in some industries. I also acknowledge that clearance generally takes place quickly and efficiently. However, in the rare instances when clearance takes an extensive period of time, the merging parties and the staff ultimately charged with reviewing the matter face artificial time pressures that are counterproductive. The merging parties in particular often have to face the difficult choice of pulling and re-filing their HSR forms or receiving a second request, which often is drafted broadly as staff will not have had the benefit of engaging with the parties during the initial waiting period to narrow the investigation's focus.

Whom do you most admire in the antitrust community right now? Why?

I have been and continue to be blessed to work with fantastic antitrust lawyers throughout my career. Two in particular who stand out are my good friends and mentors, Neal Stoll and Cliff Aronson. At different stages in my career, each took me under his wing and worked closely with me to help me grow and learn. They also put me in front of clients early in my career, allowing me to benefit from their hard-earned reputations as leaders in the field while attempting to build my own. I will always be grateful for their guidance and support.

What do you look forward to doing now that you are at Kirkland & Ellis?

I have joined a vibrant firm with an active and engaged antitrust group. I am settling in quickly, thanks largely to the warm welcome I have received from the firm and the group and I look forward to helping the fantastic team here continue to grow the practice. In particular, I am enthusiastic about growing the group's presence in New York to complement and enhance the already top tier Kirkland antitrust teams in Washington, DC, Chicago and London.