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2013 Rising Star Daniel Laytin

Spearheading complex antitrust defenses for big clients like the Blue Cross & Blue Shield Association and General Motors Co., Kirkland & Ellis LLP's Daniel Laytin has quickly earned a reputation as the smartest guy in the room, winning a place among *Law360's* top five young antitrust attorneys.

Laytin's ongoing defense of BCBSA against a nationwide series of putative antitrust class actions exemplifies the kind of difficult and high-stakes litigation that he is often tasked with handling, landing him on *Law360's* 2013 Rising Stars list.

The plaintiffs claim that the organization uses exclusive licensing agreements to jack up prices for its more than 100 million customers across the nation — an allegation that could threaten the very heart of BCBSA's organizational structure.

BCBSA counters that its approach is not only the legal way to ensure the quality of its trademarks, but it actually promotes competition against national insurers like Aetna Inc., United Healthcare and Cigna Corp.

"The current case for BCBSA, *In re: BCBS Antitrust Litigation*, is going to be a particularly interesting case because it is a structural challenge to the decades-old Blue Cross system," Laytin said.

"I get the opportunity to work with super sharp people to try to figure out the answers. I enjoy the challenge as well as the ability to work with a company to further its goals..."

Laytin has also tackled other complex antitrust cases concerning a wide range of industries, from

insurance to mobile phones to solar panel manufacturing, and is often at the cutting edge of antitrust defenses, such as using the heightened pleading standards of the U.S. Supreme Courts decisions in *Twombly* and *Iqbal* to shoot down undersupported conspiracy claims, according to Kirkland & Ellis.

Laytin said he was drawn to antitrust cases early in his career because they offer both a challenge and a chance to use the knowledge that he picked up while studying economics as an undergraduate.

"They are hard, intellectually, and I get the opportunity to work with super sharp people to try to figure out the answers," he said. "I enjoy the challenge as well as the ability to

work with a company to further its goals, whether that's to minimize or eliminate their litigation risk or figure out how to price their products or structure themselves."

Laytin attributes his quick rise in the field of antitrust law to good mentors at Kirkland & Ellis and clients willing to trust him to lead the defense of their most important cases.

Steve Cernak of GM, one client who put its faith in Laytin early in his career, said his admiration for Laytin has only grown since they first started working together 10 years ago.

"With his encyclopedic knowledge of the law and economics, Dan is usually the smartest guy in the room," Cernak said. "Even better, he doesn't feel the need to prove it. He's equally at ease advising a business client, quizzing an economist or arguing to a judge."

Laytin repaid GM's trust early by helping the company win major cases like *ChoiceParts v. GM*, in which a new business-to-business alleged that GM, Ford and Chrysler conspired to prevent it from bringing new technologies to the market. More recently, Laytin completed an eight-year defense of GM against claims that the company conspired to inhibit the importation of cheaper Canadian vehicles.

He also quickly earned the respect of his fellow lawyers, serving as the vice chair of the Chicago Bar Association Antitrust Section from 2001 to 2003, beginning just three years after he finished law school.

Jim Mutchnik, a Kirkland & Ellis partner who has worked with Laytin for 13 years, says it's been a pleasure to watch Laytin quickly grow from a "kid" to the kind of leader that clients

want to work with and associates want to work for.

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