

One Minute Memo®



New Sheriffs In Town -- President Trump's Antitrust Picks

By William F. Benson

Seyfarth Synopsis: On Monday, March 27, 2017, the Trump Administration announced the selection of Makan Delrahim to lead the Antitrust Division of the U.S. Department of Justice. This follows the appointment of Abbott (Tad) Lipsky as Acting Director of the Federal Trade Commission's Bureau of Competition. The Antitrust Division the Bureau of Competition are both responsible for enforcing U.S. antitrust laws. Mr. Delrahim's appointment now goes to the Senate Judiciary Committee for review. Assuming he is confirmed, companies involved in merger and acquisition transactions should anticipate a pragmatic approach to merger review from the Antitrust Division and the FTC during the Trump Administration.

Biographies

Makan Delrahim and Tad Lipsky are well-respected and experienced antitrust attorneys with pro-business backgrounds.

Makan Delrahim is the current deputy White House counsel for President Trump. From 2005 until he joined the Trump Administration, Mr. Delrahim worked as an antitrust lawyer and lobbyist, representing large technology companies like Google, pharmaceutical companies and health insurers like Anthem. Mr. Delrahim previously served as deputy assistant attorney general in the Antitrust Division during President George W. Bush's administration.

Tad Lipsky became the Acting Director of the FTC's Bureau of Competition effective March 6, 2017. Previously, he focused on antitrust matters as a partner at Latham & Watkins and as chief global antitrust counsel for the Coca-Cola Company. Prior to entering private practice, Mr. Lipsky served in a number of government roles, including as an attorney in the Antitrust Division and as Deputy Assistant Attorney General during President Reagan's administration.

Republican Leanings

Mr. Lipsky recently wrote that "U.S. merger review . . . is justly reputed to be the most costly form of merger review in the world. It has become a poster child for agency 'mission creep' and crushing procedural burdens The burdens of the HSR process—agency demands for massive document searches, for example—sometimes reach levels that invite parody." Mr. Delrahim also has called for a nuanced approach to antitrust enforcement, saying that "if the law somehow restricts procompetitive behavior or allows anticompetitive behavior because we apply old economy understanding to new-economy technology challenges, we may inadvertently hurt consumers."

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If you have any questions, please contact your Seyfarth attorney or [William Benson](mailto:wbenenson@seyfarth.com) at wbenenson@seyfarth.com.

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