

February 7, 2012

Alert

Antitrust/ Competition

Bill Baer Nominated As New Head of the Antitrust Division

By Laura A. Wilkinson

President Barack Obama has nominated William J. Baer for the position of the Assistant Attorney General for the Antitrust Division, US Department of Justice (DOJ).¹ Bill Baer previously served as Director of the Bureau of Competition, US Federal Trade Commission (FTC). During his tenure as Bureau Director, the FTC vigorously enforced the antitrust laws regarding exclusionary practices (e.g., Toys R Us) and mergers, including significant litigation wins (e.g., Staples/Office Depot and proposed mergers among drug wholesalers).² Baer also has spent many years in private practice, representing companies with respect to mergers, cartels and litigation. He currently heads Arnold & Porter's global antitrust practice and has split his time between Washington, DC and Brussels.

Baer is well-regarded among the antitrust bar as a smart, pleasant, but no nonsense practitioner. As Director of the FTC's Bureau of Competition, he was widely viewed as a firm but fair regulator. His mix of experience in the private and public sectors and in the US and Europe position him to be an effective head of the Antitrust Division. His leadership of the Antitrust Division likely would continue the vigorous enforcement exhibited by the DOJ under the Obama Administration.

Baer would replace Sharis A. Pozen, who currently is serving as Acting Assistant Attorney General and has announced her intention to step down effective April 30, 2012. Baer's nomination is subject to Senate confirmation, which could be delayed because at least one Judiciary Committee member has indicated a desire to block all Justice Department nominees.

1 The White House, Press Release, dated February 3, 2012, available at <http://www.whitehouse.gov/the-press-office/2012/02/03/president-obama-announces-more-key-administration-posts>, and statement dated February 6, 2012, available at <http://www.whitehouse.gov/the-press-office/2012/02/06/presidential-nominations-sent-senate>.

2 See, FTC, Press Release, dated July 23, 1999, available at <http://www.ftc.gov/opa/1999/07/baer.shtm>.

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