

40 UNDER FORTY

Every five years, GCR carries out a survey to find the world's leading 40 competition lawyers under the age of 40. RACHEL BULL explains this year's results

This is only the third time GCR has published a list of the world's leading young competition lawyers, and this year's spread is wider than ever before. The list spans 11 jurisdictions and 32 different firms. There are eight women in this year's top 40, nearly three times more than in the 2004 results, reflecting the growing numbers of senior ranking women in international private practice.

The youngest person on the list is 33 and the oldest (now) 40, while the majority of our practitioners – 30 per cent – are 37. Freshfields Bruckhaus Deringer was the best represented firm overall with four lawyers in the list – equalling its 2004 results and proving it still fosters a number of “next generation” lawyers. Over a quarter of the practitioners are based in Brussels, compared with five that were listed in 2004, which illustrates the growing importance of Europe on the global antitrust stage. We also have eight lawyers from the US, five from the UK and four from Canada.

We began canvassing for nominations in early February, with a news alert published in the GCR daily online briefing asking antitrust specialists to nominate lawyers they thought were one of the 40 most promising competition practitioners in their jurisdiction under the age of 40. Candidates had to be competition partners in private practice to make the shortlist.

The response was overwhelming. More than 1,000 practitioners were nominated, and almost all received multiple recommendations. In the seven-day window

allowed for nominations, an average of 250 emails flooded the GCR inbox each day.

Once collated, the next challenge was narrowing down the list of nominees to the 40 best of the best. To do this, we contacted over 1,100 leading lawyers nominated in our sister publication *The International Who's Who of Competition Lawyers*, and asked them to cast their votes on who should make the final cut.

A total of 227 lawyers earned votes during the second stage of our research. The 40 under 40 with the most votes made it into our survey below. Unfortunately, once we started checking dates of birth, several practitioners who made the original 40 had to be excluded from the list – all nominees had to be aged 39 or younger on 31 December 2007.

In the profiles below, we ask the 40 about the future of competition enforcement and what advice they would offer fledgling lawyers wanting to specialise in competition. Answers ranged from “be a master of the facts” to “never trust anyone in a position of authority”, while many said “don't take yourself too seriously”.

During the voting process we were often asked why enforcement officials are excluded from the survey. The answer is simple. Their roles are very different from private competition practitioners, so it would be unhelpful, and perhaps unfair, to compare them. There are also enough enforcers to merit us running an entire survey dedicated to them – a project we hope to take on in the future. We'd also like to run similar

pieces on in-house counsel and competition economists.

Following our top 40 profiles, we have included 10 more lawyers to watch out for in the coming years. We also take a retrospective look at the lawyers featured in our last 40 under 40 survey to see what they have been doing since then.

Finally, congratulations to Alastair Lindsay of Allen & Overy LLP, Robert Snelders of Cleary Gottlieb Steen & Hamilton LLP, Anne Wachsmann of Linklaters LLP and Michael Rowe of Slaughter and May, who all featured in our last 40 under 40 survey. Thomas Janssens of Freshfields Bruckhaus Deringer also won a place in the final 40 this year after GCR noted his potential in the 10 more to watch of 2004.

FACTS AND FIGURES

20% women
32 men
11 nations
32 firms
4 Freshfields lawyers
28% from Brussels
8 US lawyers
15% aged 35
30% aged 37
4 from the last survey

**SCOTT SHER**

Age: 35

Firm: Wilson Sonsini

Goodrich & Rosati

City: Washington, DC

What age did you become partner?

Thirty-two.

What is your practice focus?

Representing firms before the US competition authorities in merger cases. I also counsel clients on antitrust issues related to the intersection of intellectual property and competition law.

Why competition law?

I greatly enjoy learning about how businesses work, and then explaining to the competition authorities how that relates to competition law.

Did you have a mentor?

I consider my first and most important mentor to be the late Judge Joseph Sneed.

What advice did they impart?

The best answer is a short answer, and don't take yourself too seriously, because no one else does. A sense of humour is important.

What advice would you give to someone starting out in competition law?

There are no short cuts in competition law. You've got to be prepared to unearth, argue and understand a lot of specific facts, often in a very brief period of time.

What's your background?

I clerked for both Judge Sneed in the Ninth Circuit and Judge Charles Legge in the Northern District of California.

Where is the practice heading in the next five to ten years?

Standard setting in technology markets is an area to watch out for. Standards are imperative to ensure growth and expansion of technology, but the incentives to unilaterally or collusively impact standards in a manner that distorts post-adoption competition are great, and antitrust is an important tool to discipline market-distorting behaviour. In US merger review, the future of the unilateral effects doctrine is in question. Until the agencies can overcome the market definition hurdle, they will continue to face long odds in court.

Who is the most impressive figure in the competition world today?

My colleague and partner Susan Creighton. She has already had a remarkable career, and is a model for those of us seeking to achieve the right balance between work and family.

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