

GCR

GLOBAL COMPETITION REVIEW



40 UNDER 40



In early 2012, GCR included the following request in its daily briefing: *We are looking for young lawyers whose superior technical skill, practical judgement and commitment to the competition sector mark them out as part of the next generation of leading antitrust practitioners.*

The appeal marked the inception of the 2012 edition of *40 under 40* – the fourth time GCR has set itself the task of identifying the world's most talented young competition lawyers.

In the following week we received more than 1,000 nominations. As well as firms recommending their own rising stars, hundreds of antitrust lawyers and in-house counsel nominated their colleagues at firms around the world. We then narrowed down the selection to 150, taking into account how many times, and by whom, each individual had been nominated.

The shortlist was sent to 1,100 lawyers and economists featured in our sister publication, *The International Who's Who of Competition Lawyers and Economists*. Voters were strictly prohibited from selecting entrants from their own firm, and votes were closely monitored. We wanted the final list to be a reflection of talent rather than contacts, and we hope the following pages reflect this.

This year's final 40 come from a greater variety of firms and countries than ever before – 15 countries and 37 different law firms are represented. Singapore has its first ever nominee in Daren Shiau from Allen & Gledhill. Cleary Gottlieb Steen & Hamilton tops the law firms with an impressive three entrants.

At 31, Ana Paula Martinez is our youngest entrant. She is one of 14 women to make the final cut – a proportion that has increased with each survey.

For nine people, this is the second time they have been included in our top 40. Tito Andrade, Kelyn Bacon, Claire Jeffs, James Killick, Julián Peña, Simon Priddis, Barbara Rosenberg, Scott Sher and Susanne Zühlke deserve special mention for this reason.

The questions we put to our nominees were broader than in previous years. We asked each entrant to discuss both their own practice and how they perceive the development of antitrust law in a national and global context.

Common themes emerged from their answers – “globalisation”, “internationalisation” and “the growing importance of economics” were phrases that came up more than once in relation to how antitrust law is changing. The need for an international outlook and a decent grasp of economics was emphasised, as was the importance of good relationships with colleagues, clients and enforcers.

Some questions inspired different approaches. When asked what they were most proud of, some focused on the successful handling of a complex merger case, while one entrant paid homage to the success of his sons' baseball team.

There was a consensus that the practice of antitrust law is becoming more complex, and that clients and enforcers are growing more demanding. For most, this is a positive development.

To the majority of the 40, competition law remains, in the words of one entrant, “the kind of immensely rich specialisation which, I thought, could keep me busy and interested for my entire career”.

This was a view mirrored in our side-feature, “Where are they now?” Here, we asked individuals who were featured in our three previous editions to update us on their careers and offer any wisdom they had gleaned from the intervening years.

Those featured in our prior editions have gone on to fulfil the promise shown in the early stages of their careers. Four, eight or 14 years on, they now represent some of the top practitioners in the global antitrust bar.

Oliver Bretz of Clifford Chance, who was featured in 2004, perhaps best captured why recognising the promise and capacity of young lawyers remains worthwhile.

“In a profession that generally values grey hair, it is more important than ever to give a platform to younger people who are truly talented,” he wrote to GCR. “There are certain things that make others sit up and listen. The global nature of the *40 under 40* process makes it one of the things that quite literally ‘puts your career on the map’.”

We are confident that the latest class of *40 under 40* nominees will continue in this tradition.

40 UNDER 40

SCOTT SHER

Age: 39
Age became partner: 32
Firm: Wilson Sonsini
Goodrich & Rosati
City: Washington, DC



Past employment?

I was a clerk to Judge Joseph Sneed at the Ninth Circuit Court of Appeals, San Francisco, and to Judge Charles Legge at the US District Court for the Northern District of California.

Why competition?

My practice is exciting. Not only do I have the opportunity to practise in a constantly evolving area of the law, I also have the chance to work with dynamic people and businesses, learning how they operate and how their technology works. For someone with no technical background at all but who loves everything technology-related, it is a great deal of fun learning about my clients' businesses.

What are the most exciting areas of competition at the moment?

The antitrust agencies are beginning to focus increasingly on issues related to the intersection of patent law and antitrust. Standard-setting, patent pools, patent acquisitions and technology licensing transactions could raise substantial antitrust issues. The agencies continue to grapple with these complex issues that sometimes require a fairly detailed understanding of how clusters of patents and innovations interrelate with each other and how they affect market competition.

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

Make sure you like what you are doing and, if you do like it, take the initiative and really learn it. There are a lot of great practitioners out there, and it is important to distinguish yourself, even at the very beginning of your legal career. Most importantly, if you don't think you're going to like it, don't do it. Practising law is a lot of work, and if you don't enjoy it, it could be overwhelming.

Who are the most impressive figures in competition today?

I work with two of the most – if not the most – impressive figures in the antitrust bar: Susan Creighton and Jon Jacobson. Both have an incredible ability to turn even the most sour lemons into lemonade. More importantly, they are an absolute pleasure to work with and to learn from. They have taught me how to become a better lawyer.

What are you most proud of?

Coaching two of my sons' baseball teams, even though I was quite possibly the worst little league baseball player of my time. Watching one of my sons make a great play in the field or smack a ball into the outfield is a thrill of a lifetime.

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