

Amid ‘New Paradigm’ of Enforcement, Cozen Loses Antitrust Co-Chair To Manatt in New York

By Justin Henry

What You Need to Know

- Cozen O'Connor antitrust co-chair David Reichenberg joined Manatt in New York.
- He said he considers himself as much a business consultant as a lawyer, reflecting Manatt's integrated service model.
- Firm leaders seek his counsel for clients in emerging industries, as antitrust enforcement steps up its scrutiny.

As antitrust enforcers step up scrutiny of emerging industries, California-based professional services firm Manatt, Phelps & Phillips brought in one of Cozen O'Connor's antitrust co-chairs.

Partner David Reichenberg—who has represented Caesars Entertainment Corp., Arista Networks, Netflix and Universal Surveillance Systems in disputes with government officials and

other companies—joined the West Coast firm's New York office on March 31.

Reichenberg's move comes at an “active and creative” time for antitrust enforcement, one in which he said government enforcers are “testing law, maybe even trying to change the law,” he said in an interview.

In the current environment, he said, lawmakers are working to shift the burden of proof on companies to show that their transactions are pro-competitive and government actors are threatening no-hire provisions with criminal sanctions.

“This is as active and creative an antitrust environment as I have ever seen in my career,” Reichenberg said.

“We have merger challenges in markets that have never been defined before,” he added. “It's almost as if it's an open road and a blank slate. In that environment,



David Reichenberg of Manatt, Phelps & Phillips

Courtesy photo

you need to be a facile business adviser and antitrust lawyer in order to advocate for what your clients' objectives are.”

Reichenberg declined to comment on whether his clients will join him at the firm, calling the transition an ongoing process and that he “values those relationships.”

Reichenberg ended a four-year tenure at Cozen O'Connor, where he spent the last two as one of three antitrust co-chairs. Previously, he practiced in an of counsel role at Wilson Sonsini Goodrich & Rosati and as

an associate at Axinn, Veltrop & Harkrider.

“David is a very good lawyer and friend of many of us at Cozen O’Connor, we wish him the best of luck at Manatt,” a firm spokesperson said in an email statement. The spokesperson said the other two co-chairs, Jonathan Grossman and Mark Jacobson, will continue to lead the firm’s national antitrust practice.

Reichenberg and leaders at the firm said they share a philosophy when it comes to delivering client services, providing consulting services to top executives on business strategy combined with legal representation.

“David is really a perfect example of the approach we take for strategic lateral growth.” said Donna Wilson, Manatt’s CEO and managing partner. “What we look for are lawyers who think like consultants and consultants who think a little like lawyers. ...

There are very few challenges that are purely legal or purely business.”

What made his move such an “easy decision,” Reichenberg said, was that all business units of the firm, which target emerging companies in health care, financial services, entertainment and technology, are in need of the sort of antitrust counseling he provides.

“When I think about how to be a strategic partner to my clients and other clients, Manatt hit the ball out of the park in terms of where their industry strength was, how they bring services to those clients and even the business component strategy is mindful of where antitrust analysis should start, which is in the boardroom with the C-suite,” he said.

With a client base that ranges from Fortune 500 companies to emerging startups, Reichenberg

advises institutions on the anti-trust implications of their business initiatives and has aided clients as they navigate interactions with the U.S. Department of Justice and the Federal Trade Commission. On the consulting side of his practice, Reichenberg counsels C-suites on how to strategize on pricing and transactions in new markets.

Reichenberg said he’s excited to work at a firm that houses lawyers and consultants in the same office for the first time in his career as an attorney who considers himself a business strategist for clients to the same degree that he provides legal representation.

“I consider myself a business consultant and strategist as much as I am a lawyer, helping companies grow and innovate the way they seek to,” Reichenberg said.

— Justin Henry