

James M. Burns

Member

Washington, D.C.

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Areas Of Practice

Antitrust & Trade Regulation
Business & Commercial
Health Care
Hospitals and Health Care
Systems
Litigation

Bar Admissions

District of Columbia
California (inactive)

Court Admissions

U.S. Supreme Court
U.S. Court of Appeals, Third
Circuit
U.S. Court of Appeals, Sixth
Circuit
U.S. Court of Appeals, Ninth
Circuit
U.S. District Court, District of
Columbia
U.S. District Court, District of
Maryland
U.S. District Court, Eastern District
of Michigan
U.S. Court of Appeals, District of
Columbia Circuit

Education

- University of California, Los Angeles, J.D., 1986, National Moot Court Team, Best Brief Award - UCLA Moot Court Competition, Simon Scholarship
- Colgate University, A.B., 1983, *cum laude*

With extensive experience handling healthcare antitrust matters, Jim Burns litigates antitrust and related claims in trial and appellate courts across the nation. He also represents clients, including numerous healthcare providers, insurers, and healthcare systems, before the Department of Justice Antitrust Division and the Federal Trade Commission on a wide variety of antitrust matters, including mergers and governmental investigations. He has authored numerous articles on various healthcare antitrust matters, and regularly speaks at professional and industry seminars.

In addition to his healthcare practice, Jim also focuses on assisting insurance industry clients with the unique antitrust issues they encounter, and he assists clients in a number of industries on antitrust compliance, distribution-related antitrust issues, and the application of the antitrust laws to intellectual property rights.

Experience

Government Antitrust Investigations

- Represented healthcare providers and healthcare systems in numerous FTC, DOJ, and state antitrust investigations.
- Represented a health insurer in a DOJ “most favored nation clause” antitrust investigation.
- Represented an auto insurer in a state antitrust investigation.

Merger Compliance

- Assisted hospital client in obtaining regulatory approval for the creation of the largest healthcare system in southeast Michigan.
- Assisted healthcare system in obtaining merger approvals (HSR) for several acquisitions throughout the southeastern U.S.
- Assisted property and casualty insurers, reinsurers and insurance brokers in gaining regulatory approval for mergers and/or divestitures.

Private Antitrust Litigation:

- Represented a large North Carolina health insurer alleged to have engaged in unlawful “monopsony” conduct, resulting in the dismissal of all claims pretrial.

James M. Burns (Cont.)

- Successfully represented a large Ohio health insurer accused of orchestrating a boycott of an insurance agent; all claims were dismissed pretrial and affirmed on appeal by the Sixth Circuit.
- Represented a large healthcare provider unlawfully denied certification by a national certifying organization; the case was settled with the client receiving certification.

Antitrust Counseling

- Advised healthcare clients on a host of antitrust issues, including those arising in connection with group purchasing organizations, messenger models, accountable care organizations, and physician/hospital organizations.
- Advised technology companies on antitrust issues raised by licensing restrictions, patents, and other intellectual property rights.
- Conducted antitrust compliance training for numerous Fortune 500 companies in a wide range of industries, including insurance, healthcare, construction, aggregates, and finance.

Blog Posts

Senate Antitrust Subcommittee Turns the Spotlight on Hospital Consolidation

Memberships & Involvement

- American Bar Foundation, Life Fellow
- American Bar Association, Antitrust Section, Member, Long Range Planning Committee; Former Co-Chair, Membership and Diversity Committee, 2017-2020; Former Chair, Legislative Committee; Former Chair, Insurance Industry Committee
- *Bloomberg Law*, 2018, Health Law and Business Editorial Advisory Board, Member
- DRI Commercial Litigation Committee, Former Member, CLC Steering Committee; Former Chair, Antitrust, Consumer Protection and Distribution Specialty Practice Group
- TagLaw, Former Co-Chair, Antitrust and Competition Committee
- BNA Pharmaceutical Law Reporter, Advisory Board Member, 2010-2018

Awards & Recognition

- JD Supra, Readers' Choice Awards, 2017-2019, Recognized as a "Top Author" on Antitrust & Trade Regulation
- Martindale-Hubbell, AV Preeminent Rated
- *Legal Leaders*, Washington, 2012-2021, Listed as a Top Rated Lawyer