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PRACTICE AREAS

- Antitrust and Unfair Competition
- Antitrust Counseling & Compliance
- Breach of Contract
- Class Actions
- Commercial Litigation
- Corporate Plaintiff Affirmative Recovery
- Financial Services Litigation
- Indirect and Direct Purchaser Class Actions
- International Competition
- Pandemic Claims and Litigation
- Securities/Securities Lending

BAR AND COURT ADMISSIONS

- State Courts: District of Columbia, California
- U.S. Supreme Court

EDUCATION

- Loyola Law School, Los Angeles, J.D., 1994, *Order of the Coif*

Jim has experience in all aspects of complex antitrust, commercial, and financial services litigation on a national and international scale. He has represented corporations, financial institutions, and federal agencies in high stakes litigation ranging from cartels to monopolization.

Jim has represented companies that “opted out” of price-fixing class actions in the markets for vitamins, feed additives, corrugated boxes, urethane chemicals, and the pharmaceutical sector, all of which were resolved in favor of his clients with aggregate recoveries exceeding \$2 billion. Jim has also worked on the defense side of the “v,” representing companies accused of antitrust violations and insurers in COVID-19 class action litigation. Recently, Jim has also worked with national insurance industry associations to file numerous *amicus* briefs in courts around the country regarding COVID-19 business interruption cases.

Jim is a frequent speaker and author. In 2015, he received the distinguished Burton Award as one of the nation’s top legal writers.

REPRESENTATIVE MATTERS

Successfully defended auto insurer in defense of putative class action alleging that the insurer’s approved premiums were “excessive” as a result of decreased driving during the COVID-19 pandemic.

Represents Freddie Mac and the Federal Deposit Insurance Corporation as Receiver for 38 Closed Banks in the LIBOR antitrust litigation.

Appointed to Plaintiffs’ Steering Committee in *In re German Automotive Manufacturers Antitrust Litigation* on behalf of a putative class of direct purchaser plaintiffs.

In March 2015, he represented 11 companies in a price-fixing case against The Dow Chemical Corporation. Jim handled the *Daubert* hearing, presented plaintiffs’ expert to the jury, and cross-examined Dow’s liability expert before Dow agreed to pay \$400 million to settle.

Represented the maker of heavy-duty transmissions in a case alleging that the dominant manufacturer used market-share agreements with purchasers and

- University of Massachusetts
Amherst, B.A., 1987

engaged in other conduct to squeeze it out of the marketplace. That case settled for \$500 million (*ZF Meritor, LLC v. Eaton Corp.*).

Represented the owners of WordPerfect in a case alleging unlawful monopolization (*Novell, Inc. v. Microsoft Corp.*).

Represents several property insurers in defense of putative class actions alleging wrongful denial of coverage arising from COVID-19.

Represents the nation's largest health insurance company in multiple antitrust cases seeking damages for alleged misconduct in the pharmaceutical sector.

He also served as Counsel to a pharmaceutical company in a three-week international arbitration with claimed damages exceeding \$1 billion in a licensing/breach of contract case.

Defended companies accused of antitrust violations, serving as defense liaison counsel representing Dunlop in *In re Marine Hose Antitrust Litigation*, and brought companies before the Department of Justice to raise concerns about suspected collusion.

Represented Korean manufacturer accused of antitrust violations in market for LCD-TFT Panels, and obtained dismissals without having to file answers.

Represented a group of noted economic professors and scholars as *amici curiae* before the U.S. Supreme Court (*Empagran v. F. Hoffmann-La Roche Ltd.*).

Represented more than four dozen Fortune 500 companies that opted out of a class action alleging that manufacturers of corrugated boxes conspired to decrease output and increase prices. In total, settlements from the case, *In re Linerboard Antitrust Litigation*, exceeded \$200 million.

Represented more than 125 companies, including Fortune 500 companies such as Tyson Foods, that opted out of a class action alleging that manufacturers of bulk vitamins (including F. Hoffman-La Roche Ltd., BASF, Takeda, and others) engaged in a decades-long cartel to artificially inflate prices. These companies collectively realized proceeds from settlements exceeding \$1 billion.

Represented more than four dozen companies that opted out of a class action alleging that manufacturers of the animal feed additive methionine engaged in a cartel to artificially inflate prices. These companies obtained settlements that represented a multiple of what they would have received as class members.

ARTICLES & PRESENTATIONS

James Robertson Martin Quoted in Global Competition Review: Parler Alleges Amazon Cuts Access in Competitive Threat to Twitter, January 21, 2021

"Gimme a Break: Are ACPERA Benefits Obtainable?," American Bar Association's Section of Antitrust Law, June 10, 2020, panelist

"Square Peg/Round Hole – Why COVID-19 Coverage Disputes Don't Fit the Template for Class Actions and MDLs," Zelle Webinar, April 28, 2020, co-presenter

James Robertson Martin Quoted in Reuters: Race is on to lead business interruption insurance litigation, April 22, 2020

"Class Certification Issues in Coronavirus-Related Commercial Property Insurance Litigation," April 10, 2020, co-author

"Spotlight on Private Antitrust Enforcement at Seoul Forum," *Competition Law360*, November 5, 2018, author

"Implementation of Civil Means for Competition," 10th Seoul International Competition Forum, Seoul, Korea, September 13, 2018, panelist

"Gorsuch's Good, Wrong Opinion on Microsoft Antitrust Case," *Competition Law360*, February 1, 2017, author

"Questioning 2nd Circ. Analysis in Aluminum Antitrust Case," *Competition Law360*, August 26, 2016, author

Judge Posner Speaks on the FTAIA: Rejects Fermat's Principle of Least Time, *CPI Antitrust Chronicle*, January 2015

Antitrust Scrutiny: Ways to Plan, Prepare, and Respond, National Constitution Center Webcast, December 17, 2014

Fermat's Principle and the FTAIA: What Courts Can Learn From Optics (Recipient of 2015 Burton Distinguished Legal Writing Award), *CPI Antitrust Chronicle*, September 2014

Calculating the Risks and Rewards—The Basics of Antitrust Economics , Lawline Webcast - Managing Your Risk of Exposure Under U.S. Antitrust Law: A Five-Part Series Presented by Dickstein Shapiro LLP, May 2, 2014

Enforcement and Litigation Under Sherman Act § 1, Lawline Webcast - Managing Your Risk of Exposure Under U.S. Antitrust Law: A Five-Part Series Presented by Dickstein Shapiro LLP, May 2, 2014

The International Reach of United States Antitrust Law, International Enforcement of Competition Law in the Age of Globalization Symposium, Waseda University, Tokyo, Japan, March 20, 2014

Please Take A Seat - The FTAIA Is Not About Standing, *Law360*, January 29, 2014

PROFESSIONAL AFFILIATIONS

ABA Antitrust Law Section, member

NOTEWORTHY

Recognized as a Washington, DC Super Lawyer, 2023, 2024

Named as a "Leading Lawyer" in *The Legal 500 US* in Civil Litigation/Class Actions: Plaintiff (2019, 2020, 2021, 2022 and 2023 editions)

Named among the 2019-2023 Lawdragon "500 Leading Plaintiff Financial Lawyers."