

Antitrust Counseling

Balancing Business Competition and Law with Straight Talk

Antitrust is about balance—achieving competitive goals within the boundaries of the law. Andrews Kurth lawyers understand that striking that balance in business also entails recognizing and seizing opportunities.

Using a common sense approach, we manage antitrust conflict prevention, pursue efficient resolutions and provide transactional counseling. We advise global industry leaders in energy, financial services, transportation, food and manufacturing and help them find the proper, workable business balance. Areas where we represent clients in antitrust matters include:

- Mergers, Acquisitions and Transactional Counsel
- Antitrust Counseling and Compliance and Training Programs
- Government Investigations
- Antitrust Disputes and Litigation

Our lawyers are recognized by *Chambers USA*, *Texas Super Lawyers* and *Texas Lawyer* for their antitrust achievements and have served as trusted counselors for more than four decades. Andrews Kurth's guidance continues until the successful completion of a transaction or the implementation of intended growth strategies.

Mergers, Acquisitions and Transactional Counsel

Antitrust issues can influence a variety of transactions involving mergers, acquisitions, joint ventures and distribution issues. Our experience in antitrust civil and criminal investigations and trials, along with our Corporate practice group, contribute to the scope of our transactional counseling.

We like getting deals done. Andrews Kurth guides transactions through the Hart-Scott-Rodino (HSR) review process at the Federal Trade Commission and the Antitrust Division of the U.S. Department of Justice. Our representative experience spans a range of transactions and sectors of the economy including:

- **Refineries**—Representing private- and publicly-held petroleum refiners in mergers and acquisitions of additional refining assets.
- **Oilfield Services**—Advising publicly-held oilfield services companies in multiple acquisitions.
- **Engineering**—Counseling a leading publicly-held global engineering, construction and services company acquiring a privately held engineering, construction and maintenance services company.
- **Wind Energy**—Representing joint ventures for the construction and operation of wind farms.
- **Energy**—Guiding privately- and publicly-held energy companies in the acquisition and disposition of pipeline, gathering, processing, storage and distribution assets.
- **Dairy**—Representing a large dairy processor in its purchase of thirty processing plants.
- **Manufacturing**—Counseling a manufacturing joint venture established by competitors to provide a source of supply.
- **Energy Exploration and Production**—Advising private- and publicly-held energy companies in the acquisition of oil and gas exploration and production assets.

Andrews Kurth's antitrust lawyers use their breadth of industry experience to provide clients with insightful assessments of competitive initiatives. Our industry experience includes:

- Chemicals
- Electric Power Generation, including wind
- Energy
- Liquefied Natural Gas Transportation, Reliquification, Storage and Distribution
- Oil and Gas Exploration and Production

Antitrust Counseling

- Oil, Gas and Products Transportation, Storage and Distribution
- Oilfield Services and Equipment, including contract drilling
- Petroleum Refining
- Financial Services, including commercial banking and investment banking
- Food and Beverage
- Franchising
- Health Care
- Internet and e-Commerce
- Manufacturing
- Mining
- Publishing
- Real Estate
- Commercial and Residential Acquisition
- Development and Ownership
- Telecommunications
- Transportation

Antitrust Counseling and Compliance and Training Programs

By thoroughly understanding our clients' businesses, we work to identify and help forestall actions that could raise competitive issues.

The strategies that we formulate evolve in the context of everyday business decisions, market forces and regulatory frameworks. Issues we regularly address include contractual, pricing and distribution concerns and interactions with customers, suppliers and competitors.

We create antitrust compliance and training programs for clients that do not have them and offer suggestions for improvements to existing ones.

To maintain the strength of compliance programs, we extend our resources to clients on an ongoing basis through educational seminars and programs on antitrust matters designed to help employees understand their legal obligations.

Government Investigations

Federal and state antitrust laws give antitrust regulators the power to investigate companies and individuals regarding alleged anticompetitive conduct and merger and acquisition transactions.

While an effective compliance program is always our first defense, if clients receive civil investigative demands, subpoenas or information requests, we work with them to craft proper responses. We regularly represent a variety of companies in responding to government antitrust investigations. Should matters result in enforcement actions, Andrews Kurth's Antitrust Litigation practice group has the trial experience and knowledge to protect clients' interests fully in every forum.