

## Robert F. Leibenluft

Partner

Washington, D.C.

### Biography

Bob Leibenluft's antitrust practice is unusual in that it focuses on only one industry – health care and life sciences – yet it spans all industry sectors, including providers, payers, and drug and device manufacturers. He brings over 35 years of experience, including heading the FTC Health Care Division, to his representation of clients in counseling, investigations, transactions, and litigation matters.

Starting at the firm in 1981 as a health regulatory lawyer, Bob became a nationally recognized lawyer on Medicare issues. His deep understanding of the industry was a reason he was asked to lead the FTC Health Care Division in the mid-1990s, where he supervised drafting of the FTC/DOJ Health Policy Statements, which first addressed clinical integration, and led investigations of hospital mergers and physician networks.

On a pro bono basis, Bob has led a 10-year review of the D.C. government's response to HIV/AIDS, advised the government of Liberia on a new public health law, and provided antitrust advice to the CEO Roundtable on Cancer.

*Chambers USA* describes Bob as "renowned for his expertise in health care antitrust and is singled out by a source as someone who really knows how the system



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### Practices

Antitrust and Competition

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### Industries

Life Sciences and Health Care

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### Areas of focus

M&A and Joint Ventures

Antitrust and Competition Litigation

Abuse of Dominance and Restrictive Practices

Competition Compliance

Agency Investigations

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works" and who is hailed by peers as a "terrific health care antitrust lawyer."

Bob is an inaugural fellow and former vice president of the American Health Lawyers Association. He is a former Chair of the ABA Antitrust Section's Health and Pharmaceuticals Committee, Joint Conduct Committee, and State Enforcement Committee. Bob also served as Chair of the Board of Directors of HCI3, the parent of Prometheus Payment, and Bridges-to-Excellence. He teaches the course Antitrust in the Health Care Sector at George Washington School of Law, where he is an adjunct professor.

## Representative experience

Counseling numerous pharmaceutical companies regarding patent litigation settlements.

Counseling numerous drug and device manufacturers on pricing policies, including loyalty and volume discounts, bundling, and price discrimination.

Advising hospitals, physicians, health plans, and life science companies on merger clearance, HSR filings, and due diligence and integration planning.

Advising numerous physician networks and physician/hospital organizations regarding clinical integration.

Represented Advocate Health Partners in FTC investigation and litigation with a private health plan regarding its clinical integration program.

Technical advisor to grantees on RWJF Aligning Forces for Quality program re antitrust issues raised by employer/provider/health plan collaborations.

Defended several health plans in investigations by DOJ and state attorney generals regarding most-favored nation provisions.

Defended American Society for Reproductive Medicine

## Education and admissions

### Education

J.D., University of California, Berkeley School of Law, Order of the Coif, 1980

B.A., Yale University, magna cum laude, 1973

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### Memberships

Former Chair, Board of Directors, Health Care Incentives Improvement, Inc. (parent of Prometheus Payment, Inc., and Bridges-to-Excellence)

Former Chair, Health Care and Pharmaceuticals Committee; Joint Conduct Committee; and State Enforcement Committee, Antitrust Section, American Bar Association

Inaugural Fellow, Past Vice President, and Member of the Board of Directors, American Health Lawyers Association

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### Bar admissions and qualifications

District of Columbia

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### Accolades

Sources comment: "He is absolutely terrific and a spectacular antitrust lawyer." Chambers USA, 2018

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in class action challenging ethical guideline on payments for egg donors; defeated damages class.

## Awards and rankings

- Antitrust (District of Columbia), *Chambers USA*, 2014-2019
- Healthcare: Regulatory & Litigation (Nationwide), *Chambers USA*, 2011-2018
- Healthcare (District of Columbia), *Chambers USA*, 2006-2019
- Healthcare: Health Insurers, *Legal 500 US*, 2018
- Healthcare: Transactional (Nationwide), *Chambers USA*, 2017-2019
- Antitrust Law, *The Best Lawyers in America*, 2008-2017
- Healthcare: Service Providers, *Legal 500 US*, 2013, 2015-2016, 2018-2019
- Washington's Top Lawyers: Health Care, *Washingtonian*, 2014
- Health Care, Antitrust Litigation, *Washington, D.C. Super Lawyers*, 2008-2018
- Top 25 for Health Care, *Best of the Best USA*, 2009-2011
- Outstanding Health Care Antitrust Lawyer, *Nightingale's Health Care News*, 2005
- Guide to the Leading U.S. Health Care Lawyers, 2005

## Latest thinking and events

- Hogan Lovells Publications
  - Hospitals and insurers turn to new partnerships in an effort to better manage the cost of care *Life Sciences and Health Care Videos*
- Published Works
  - Exchanging information in the health care sector: A guide to managing antitrust *AHLA Journal of*

*Health & Life Sciences Law, Volume 11, No 2*

- Webinar
  - Antitrust Compliance and Clinical Integration: Assessing Anti-Competitiveness of Collaborations, Minimizing Risk of Agency Challenges
- Hogan Lovells Publications
  - Court upholds DOJ antitrust lawsuit challenging Carolinas HealthCare System's anti-steering provisions *Antitrust and Competition Alert*
- Hogan Lovells Publications
  - Antitrust lawsuit against Carolinas Healthcare System shows DOJ support of steering, transparency initiatives *Antitrust and Competition Alert*
- Blog Post
  - Price discrimination in the pharmaceutical sector: new decision, but plaintiffs face same challenges