

Antitrust Deputy Joins Morrison & Foerster From DOJ

By **Matthew Perlman**

Law360 (March 17, 2021, 3:15 PM EDT) -- Morrison & Foerster LLP has tapped a former deputy assistant attorney general for the U.S. Department of Justice who helped lead recent agency investigations of large technology platforms to join the firm's antitrust practice group as a co-chair.

The firm said in a statement Tuesday that Alexander P. Okuliar has joined the firm as a partner in the Washington, D.C., office and will serve as a co-chair for the global antitrust practice group.

Okuliar most recently served as the deputy assistant attorney general for civil enforcement in the DOJ's antitrust division, where he oversaw efforts on merger and conduct issues, including helping lead the agency's probe of platform companies and the landmark monopolization case filed against Google last year. He previously worked in private practice and also served as a trial attorney in the antitrust division and as an adviser at the Federal Trade Commission.

Jeff Jaeckel, co-chair of Morrison & Foerster's global antitrust practice group, said in Tuesday's statement that Okuliar has a unique mix of experience from working at both of the federal enforcement agencies, as well as in private practice. Combined with Okuliar's experience in the tech space, this makes him a good fit for the firm right now, Jaeckel said.

"His particular focus in the technology and digital sectors perfectly complements our global clients' needs and will enable us to offer unparalleled advice on these issues as we anticipate increasing antitrust enforcement at the U.S. federal, state, and international levels," Jaeckel said.

Okuliar served in the deputy assistant attorney general role at the DOJ for about a year, ending with the transition to a new administration in January. His portfolio included oversight of merger and conduct issues across the technology, defense, banking, media and communications sectors, among other industries.

He told Law360 in an interview Tuesday that the stint was a "tremendous opportunity" to help shape policy at the DOJ and contribute on important issues, including the probe of digital markets.

"There's a lot of really important and fascinating — frankly, from an antitrust lawyer's perspective —



Alexander P.
Okuliar

work going on at the agency," Okuliar said. "Part of the attraction, of course, in going to the DOJ is to be able to contribute to such important work."

There was also an uptick in merger filings while he was at the agency, Okuliar said. He oversaw the antitrust division's investigation and settlement for Waste Management Inc.'s \$4.6 billion deal for Advanced Disposal Services, the deal allowing AT&T to sell its Puerto Rico and U.S. Virgin Islands operations to Liberty Latin America for \$1.95 billion and the probe of Google's \$2 billion Fitbit acquisition.

Prior to the DOJ, Okuliar spent several years working in private practice for Orrick Herrington & Sutcliffe LLP. Before that, he was an attorney adviser at the FTC working with then-Commissioner Maureen Ohlhausen from 2012 to 2015, advising on merger reviews, conduct investigations and administrative litigation, in addition to privacy and competition.

From 2010 to 2012, Okuliar was a trial attorney in the technology and financial services section of the DOJ's Antitrust Division, where he led a number of investigations, including a probe into the proposed merger between the New York Stock Exchange and Deutsche Börse.

He also spent about a decade in private practice prior to his government work, including a multiyear stint as counsel at O'Melveny & Myers LLP.

Okuliar told Law360 that this mix of experience will allow him to help clients at Morrison & Foerster "navigate some of the key issues that are front and center for the Biden administration today, for both agencies, as well as other agencies around the world."

These issues, which he said have become a core part of the antitrust dialogue over the last few years, include the acquisition of nascent competitors, the treatment of platforms and whether privacy should be considered as a dimension of non-price competition in antitrust analysis.

"Those types of key issues are ones that I have a lot of experience in, both from my government time and also from my time in private practice," he said. "In addition, I'll be able to help parties address the issues of greatest concern for agency personnel ... and help them navigate the agency process as efficiently and as effectively as possible."

Okuliar received his law degree from Vanderbilt Law School and bachelor's degrees in economics and history from the University of Pennsylvania.

--Additional reporting by Christopher Cole, Hannah Albarazi and Hailey Konnath. Editing by Gemma Horowitz.