



**David S. Turetsky**

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**Practice Areas**

Litigation  
 Antitrust  
 Legislative and Public Policy

**Industries**

Insurance

## David S. Turetsky

### Partner

David Turetsky is Co-Chair of the Antitrust Practice Group and a partner in the Washington, DC office. He handles state, federal and international antitrust investigations; litigates private class and individual lawsuits; appears before regulatory commissions such as the Federal Communications Commission (FCC) and state insurance departments; works with Congress and the Executive Branch; and counsels clients on a range of US and global conduct, merger, joint venture, regulatory and compliance matters. He is quoted frequently in the national press on antitrust-related matters.

He brings experience from serving as one of the nation's most senior antitrust law enforcers and competition policy makers, and as a senior lawyer and officer of a telecommunications company that he helped to take public. Mr. Turetsky also was an associate (1982-1990) and then a partner (1991-1993) in the New York office, where he litigated antitrust, securities, commercial, insurance and constitutional disputes.

Until year-end 2000, Mr. Turetsky was Senior Vice President for Law and Regulatory Affairs for Teligent, a telecommunications company, where he managed a broad array of legal and policy issues. Before joining Teligent in 1997, he served as Deputy Assistant Attorney General for Civil and Regulatory in the Antitrust Division of the U.S. Department of Justice. He originally joined the Justice Department in October 1993 as Senior Counsel to Assistant Attorney General Anne K. Bingaman. At the Antitrust Division he oversaw a wide range of antitrust enforcement and policy matters, such as civil litigation, mergers, and regulatory policy involving the media and telecommunications industries, energy, railroads, agriculture and computers. He played a prominent role for the administration in the development of its domestic and international information infrastructure policy and in working with Congress to pass the Telecommunications Act of 1996. He also led the successful effort to pass the International Antitrust Enforcement Assistance Act of 1994.

Mr. Turetsky has represented the US government in a variety of international forums on antitrust enforcement and telecommunications and Internet policy. He also served as the Justice Department's representative on the White House group that worked for the successful conclusion of the World Trade Organization's negotiations on an international telecommunications accord.

Since returning to law firm practice in 2005, Mr. Turetsky was twice appointed by orders of the FCC and by federal courts in civil antitrust actions to serve as the independent management trustee of 20 wireless markets and the Cellular One brand, which were required to be divested in connection with two mergers. The Antitrust Division of the U.S. Department of Justice nominated Mr. Turetsky for the posts. While successfully

performing one of these appointments, Mr. Turetsky uncovered, investigated and reported on possible violations of the court order, which led to a \$1.3 million settlement by the Department of Justice and the Minnesota Attorney General with the acquiror.

### **Recent Representative Matters**

- Defended a global insurance company from allegations of bid rigging in federal and state court antitrust opt-out actions after helping to settle related state attorney general and insurance regulatory investigations, and a federal class action;
- Successfully defended the interests of the majority-owner of a major mobile services provider in an Asian nation, helping to obtain dismissal of a high-stakes antitrust class action raising issues of first impression in that nation;
- Drafted an amicus brief to the U.S. Supreme Court in an antitrust case on behalf of players associations in several professional sports;
- Assisted a high-definition television network to retain favorable carriage terms through a multi-forum strategy including initiation of a state court litigation that generated a temporary restraining order, several FCC filings and meetings, and Capitol Hill visits; and
- Represented pharmaceutical and software companies in connection with FTC merger and conduct investigations.

### **Selected Activities**

- Advisor, Department of Justice Agency Review Team for Obama-Biden Presidential Transition.
- Vice-chair, State Enforcement Committee, Section of Antitrust Law, American Bar Association.
- Member, Advisory Committee, International Communications and Information Policy, U.S. Department of State; Former Chair, Emerging Technologies Subcommittee.
- Member, Due Process Task Force, Competition Committee of the U.S. Council for International Business.
- Frequent presentations to academic, bar, industry, investment, and regulatory audiences in the U.S. and internationally about antitrust developments affecting insurance, telecommunications, and energy.
- Testimony before U.S. Senate and U.S. House of Representatives Committees, State Legislative Committees, and State Utility Commissioners.
- Former Co-chair, Transactional Practice Committee, Federal Communications Bar Association.
- Former member, Executive Committee and Operating Board of Directors, The Association for Local Telecommunications Services.
- Former member, Board of Directors, Information Technology Association of America.
- Former Vice-chair, Committees on Legislation and Insurance Industry, Section of Antitrust Law, American Bar Association.
- Pro Bono work on voting rights problem that led to deployment of federal monitors.

## Publications

- Co-editor, *Antitrust in Five Minutes* (a regular Dewey & LeBoeuf external publication since 2009).
- Co-author, "The Supreme Court's Impact on Insurance Antitrust Litigation: An Analysis of *Twombly*, *Leegin*, and *Credit Suisse*," *The Insurance Policy - Winter 2008* (publication of the Insurance Industry Committee of the ABA Antitrust Section) (Winter 2008).
- Co-author, "Class Action Claims Dismissed In *In re Insurance Brokerage Antitrust Litigation*," *The Insurance Policy* (Fall 2007).
- Co-author, "Optional Federal Charter Proposal Contemplates Federal Antitrust Oversight," *The Insurance Policy* (Fall 2007).
- Co-author, "U.S. Supreme Court to Consider When Section 1 Pleading Survives Motion to Dismiss," *The Insurance Policy* (Fall 2006).
- "The Net Neutrality Debate: What's it About and What's at Stake?" *The Party Line* (publication of the Communications Industry Committee of the ABA Antitrust Section) (Spring 2006).
- "Twombly: Second Circuit Addresses Sherman Act Section One Pleading Requirements, Reinstates Claims Against Bells," *The Party Line* (Fall 2005).
- "Change in the Telecommunications Industry," *New Jersey Lawyer* (June 1999).
- "Antitrust in a More Conservative Congress," *The Antitrust Bulletin* (Fall 1996).

## Selected Speeches and Programs (2008-present)

- ABA program moderator: "Cy Pres: Issues and Best Practices" (March 2010).
- Presentation, Cybersecurity, State Department Advisory Committee on International Communications and Information Policy (February 2010).
- Panelist, The Computer & Communications Industry Association: "Competition Policy as Innovation Policy" (October 2009).
- Panelist, International Bar Ass'n, 20th Annual Communications & Competition Law Conference: "U.S. Antitrust Enforcers and Google: A Continuing Relationship" (May 2009) (Florence, Italy).
- ABA program moderator: "Modernizing Insurance Regulation: The Impact on Competition and Antitrust Law" (November 2008).
- Panelist, The Computer & Communications Industry Association: "The Future of Antitrust Enforcement and Emerging Issues" (October 2008).
- ABA program moderator. "Cross-Border Implications of the EC Insurance Competition Sectoral Inquiry and Report" (April 2008).
- Panelist, Spring 2008 VON.x Conference: "Competition Policy: Seismic Eruptions and Disruptions in an Internet-Enabled World" (March 2008).

## Education

University of Chicago Law School, 1982, J.D., Winner, Moot Court

Competition, 1982  
Amherst College, 1979, B.A., *magna cum laude*  
London School of Economics, 1977-1978

## **Bar Admissions**

New York  
New Jersey  
District of Columbia

## **Court Admissions**

U.S. District Court, Southern District of New York  
U.S. District Court, Eastern District of New York  
U.S. District Court, District of New Jersey  
U.S. Court of Appeals, 3rd Circuit  
U.S. Supreme Court