

Richard L. Flannery

Associate

rflannery@foley.com

Washington, D.C.

202.295.4043



Richard Flannery is an antitrust lawyer in the Firm's Antitrust & Competition Practice Group. His practice focuses on antitrust issues in mergers and acquisitions and government investigations. His experience includes analyzing antitrust risk in mergers and acquisitions, advising clients during the due diligence and integration planning processes, negotiating antitrust risk allocation provisions in purchase agreements, and responding to Civil Investigative Demands and subpoenas issued by the Federal Trade Commission and Department of Justice. He has experience with transactions involving health insurance, health care provider groups, hospitals, pharmaceuticals, technology companies, and the manufacturing and entertainment sectors. Richard also counsels clients on antitrust issues related to joint venture formation and compliance in a variety of sectors.

In his M&A practice, Richard regularly represents clients in investigations before federal antitrust enforcers, including Second Request merger investigations and Voluntary Access Letters. Richard is experienced in document production for Second Request investigations, responding to written inquiries, and interfacing with the Federal Trade Commission and Department of Justice. Richard also has experience defending government depositions and investigative hearings.

Additionally, Richard helps clients throughout the Hart-Scott-Rodino (HSR) Act filing process. He has prepared dozens of HSR filings and advises clients on HSR reportability rules. Richard has also drafted and negotiated dozens of clean team agreements to ensure antitrust compliance for information sharing throughout the due diligence and integration planning processes.

Richard also provides antitrust counseling services including antitrust audits, joint venture formation questions, and employee and trade association compliance trainings.

Presentations and Publications

- Co-author, “Behind antitrust Enforcers’ 2023 Labor and Employment Push,” *Law360* (December 19, 2023)
- Co-author, “[An Analysis of the “Deputization” Theory of Section 8 of the Clayton Act,](#)” *The Antitrust Source* (August 2023)
- Author, “The Appropriate Test for Relevant Geographic Market Definition in Hospital Mergers,” *Antitrust Health Care Chronicle* (November 2017)

Sectors

- [Health Care & Life Sciences](#)
- [Pharmaceuticals](#)

Practice Areas

- [Antitrust & Competition](#)
- [Litigation](#)

Education

- Georgetown University Law Center, Washington, DC (J.D., 2017)
 - Senior Editor, *Georgetown Environmental Law Review*
 - CALI Award, Global Competition Law and Policy (2016)
- University Of Michigan, Ann Arbor, MI (B.A., 2013)
 - Economics
 - Member, Michigan Economics Society

Admissions

- Maryland
- District of Columbia