

## James T. McKeown

### Partner

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Jim McKeown is a partner in Foley & Lardner LLP's Milwaukee office and former chair of the firm's Manufacturing Sector. He is a member and the former chair of the firm's national Antitrust & Competition Practice and is a former member of the firm's Management Committee. He focuses his practice on antitrust and commercial litigation and antitrust counseling.

Jim seeks to understand clients' business and strategic objectives in order to provide antitrust advice that best addresses each individual organization's needs. He relies on his more than 30 years of experience as a litigator and antitrust counselor to provide practical advice to clients and to assist them in assessing opportunities and risks. He counsels clients on a variety of issues, including the antitrust aspects of mergers and acquisitions, joint ventures, intellectual property, strategic initiatives and product distribution. Jim has served as antitrust counsel for clients in the manufacturing, sports, automotive, industrial equipment, food and beverage, consumer products, technology, health care, ambulance service, pharmaceutical, pharmacy benefit manager, containerboard, drywall, printing, agriculture, graduate medical education and insurance fields.

### Representative Experience

Jim's list of representations is extensive and includes high-profile sports and antitrust cases, with a number of cases involving claims in excess of US\$1 billion in damages. The following are some illustrative examples of his experience.

- Defense of professional sports league against antitrust challenge to the league's centralized trademark licensing operations
- Defense of clients in a number of purported price fixing class actions
- Defense of credit card issuer bank in antitrust lawsuit brought by American Express against Visa, MasterCard, and various issuer banks

- Defense of hospital association in purported antitrust class action challenging medical residency match program
- Defense of hospital association in purported antitrust class action brought by nurses challenging overtime rules
- Defense of medical instrument manufacturer in patent licensing claim
- Defense of various manufacturers in challenges to distribution policies
- Defense of clients in FTC and DOJ investigations of proposed mergers and acquisitions
- Antitrust counsel to assist clients with strategic initiatives, alliances and joint ventures, distribution and go-to-market strategies, pricing policies, and supply chain issues

### **Awards and Recognition**

- National Sports Law Institute/Marquette University Law School – Joseph E. O’Neill Award (2017)
- *Wisconsin Bar Journal*, Leader in the Law (2017)
- *The Best Lawyers in America*, Antitrust Law (2005 – 2024)
- *The Best Lawyers in America*, Litigation – Antitrust (2011 – 2024)
- *The Best Lawyers in America*, Sports Law (2008 – 2024)
- *The Best Lawyers in America*, Lawyer of the Year – Milwaukee – Antitrust Law (2015, 2017, 2019, 2024)
- *The Best Lawyers in America*, Lawyer of the Year – Milwaukee – Litigation – Antitrust (2014, 2018, 2021, 2023)
- *Chambers USA*, Commercial Litigation (2015 – 2023)
- *Wisconsin Super Lawyers*® (2005-2023)

### **Affiliations**

- Trustee, Alverno College (2015 – 2023)
- Member, National Sports Law Institute Board of Advisors (2010 – present)
- Chair, ABA Antitrust Section Trial Skills Program (2008)
- Former Co-Chair and Vice Chair, Trial Practice Committee of the ABA Antitrust Section
- Adjunct Assistant Professor, Marquette University (Antitrust Law 1993 – 1995, Sports Law 2009 – Present)

### **Presentations and Publications**

Jim has been an active speaker for more than 25 years, presenting seminars and presentations on a range of topics in the areas of antitrust and sports law. The following are a few examples of his appearances:

- “Hot Topics in the Application of Antitrust Law to Sports,” National Sports Law Institute (October, 2020)
- “Taking Action to Buck Recent Trends in Antitrust Litigation,” American Association of Corporate Counsel, Wisconsin (May, 2017)
- “Sports League Claims 5 Years After American Needle,” ABA Antitrust Section Brown Bag Program (October, 2015)

- Trial lawyer in mock jury trial at JEP Antitrust Law & Economics Institute for Judges (co-sponsored by Law & Economics Center of George Mason University School of Law and ABA Antitrust Section) (October, 2012)
- “Hot Topics in Sports Antitrust Law,” PLI Antitrust Institute 2012: Developments & Hot Topics (June, 2012)
- “Preparing an Expert to Testify: A Discussion and Demonstration,” ABA Antitrust Section Spring Meeting (March, 2011)
- “Economic & Legal Regulation of Professional Sports: Antitrust & Competitive Balance,” National Sports Law Institute (October, 2010)
- “Antitrust Update: Distinguishing Competitive Conduct from Anti-competitive Behavior,” at Patenting: Genomics, Proteomics and Complex Biotech seminar (sponsored by American Conference Institute), New York (November, 2001)

Throughout his career, Jim has contributed to the body of thought in antitrust and sports law. The following publications represent a sampling of his writings through the years.

- “The Economics of Competitive Balance: Sports Antitrust Claims After American Needle,” *21 Marq. Sports L. Rev.* 517 (2011)
- “2008 Antitrust Developments in Professional Sports: To the Single Entity and Beyond,” *19 Marq. Sports L. Rev.* 363 (2009)
- “Antitrust Limits on Pre-Closing Conduct in Mergers and Acquisitions: Don’t Jump the Gun,” *The Corporate Counselor* (October 2008)
- “Meeting the Antitrust Needs of Clients,” *Inside the Minds: Antitrust Settlements and Negotiations*, 105 (Aspatore Books 2006)
- “Thirteen Rules for Dealing with Experts in Antitrust Litigation,” *ABA Antitrust Section Private Antitrust Litigation News* (2004), *reprinted in The Antitrust Litigator* (2005)
- Co-author, “Throwing the ‘Yellow Flag’: Antitrust Law Enforces the Rules of the Game for Competition Involving Intellectual Property,” *Corporate Counsel* (May 2003)
- Co-author, “Avoiding Potential Antitrust Pitfalls in Patent Royalty Terms,” *46 The Practical Lawyer* 23 (March 2000), *reprinted in ALI-ABA’s Practice Checklist Manual on Advising Business Clients III* (2003)
- “Statistics for Wage Discrimination Cases: Why the Statistical Models Used Cannot Prove or Disprove Sex Discrimination,” *67 Ind. L.J.* 633 (1992)

## Sectors

- [Manufacturing](#)
- [Sports & Entertainment](#)

## Practice Areas

- [Antitrust & Competition](#)
- [Financial Institutions](#)



FOLEY & LARDNER LLP

- [Litigation](#)

## Education

- University of Minnesota Law School (J.D.)
- University of Minnesota (M.A.)
- St. John's University, MN (B.A., Economics)
- Law Clerk, Honorable Harlington Wood, Jr. of the United States Court of Appeals, Seventh Circuit