

## John "Jack" F. McLean



### Contact

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### Education

University of Wisconsin, Madison, J.D., 1972  
(Order of the Coif; Law Review)

Dartmouth College, B.A. with Distinction  
(Economics), 1965

### Professional Affiliations

American Bar Association,  
Antitrust and Litigation Sections

State Bar of California, Antitrust and  
Unfair Competition Section

### Bar Admissions

State Bar of California

Admitted to Practice before California Federal  
Courts

United States Court of Appeals for the Eighth  
Circuit

United States Supreme Court

### Practice Areas

Antitrust and Trade Litigation and Counseling  
Business Litigation  
Class Action Litigation  
Financial Institution Litigation  
Shareholder & Securities Disputes  
White Collar Criminal Defense

### Experience

Jack McLean is Of Counsel to the firm. He has extensive experience in class actions and complex litigation as well as in antitrust and Foreign Corrupt Practices Act counseling and compliance. Jack has participated as defense counsel in numerous antitrust cases and represented individuals in antitrust grand jury investigations and related criminal and civil cases.

Jack was the antitrust instructor at the University of California, Davis, School of Law for the school's Extension basic program for foreign lawyers, "Orientation in U.S.A. Law" and the masters MCL International Law Program (1995-2009).

### Representative Cases

Jack was counsel to a corporate defendant in the Paperboard, Corrugated Box, Fine Paper, Paperboard and Milk Carton cases which involved antitrust criminal investigations and class litigation.

Jack was co-counsel for the defense of Gary Swanson, Sr. Vice President for Sales of Hynix America, who was charged with price-fixing of DRAM memory chips in *United States v. Gary Swanson* (N.D. Cal. 2006, Case No. 06-CR-0692 PJH). After a four-week jury trial, the jury hung at 10 to 2 in favor of Mr. Swanson and the Department of Justice decided not to retry Mr. Swanson.

Jack was part of the trial team that successfully defended a company against federal and state antitrust and commercial bribery charges in a 7 1/2 week civil jury trial which was confirmed on appeal. *Advanced Microtherm, Inc. v. Norman Wright Mechanical Equip. Corp.* (USDC, N.D. Cal. 2004, Case No. 04-CV-02266-JW); affirmed 525 Fed.Appx. 612, 2013 WL2350469, 2013-1 Trade Cases ¶ 78, 401 (9th Cir. 2013).

A significant portion of Jack's practice over the years has involved counseling clients in advance of engaging in business activities in order to help them achieve their goals while managing the attendant antitrust risks.

## Representative Cases [continued]

Jack has conducted numerous antitrust compliance programs in many industries, including hi-tech, heavy construction equipment, shipping lines, forest products from the trees to various paper products, food manufacturing, corporate farming, consumer products, and insurance. These programs have included one or more of the following activities: document and plan reviews, management interviews, written analysis of risks and recommended solutions, in-house compliance program materials and presentations (including movie scripts).

Recently, Jack conducted an antitrust litigation risk and compliance review, and prepared a report for a company in the health care industry.

Most recently, Jack prepared an evaluation and report for another company in the health care industry regarding potential litigation risks and prospects.

## Publications and Speaking Engagements

Co-Author, "Analyzing Ixchel v. Biogen's new rules," Los Angeles & San Francisco Daily Journal (August 11, 2020).

Author, "HR should heed DOJ antitrust guidance," San Francisco Daily Journal (February 13, 2017).

Participating Editor, Update of Premerger Notification Practice Manual published by the Section of Antitrust Law of the American Bar Association (3rd ed. 2003).

Author, "Raising the Threshold," San Francisco Daily Journal (March 2001).

Author, "Tricky Transactions," San Francisco Daily Journal (October 1999).

Co-Author, "Maximum Resale Price Maintenance Under the Cartwright Act," Competition, The Journal of the Antitrust and Trade Regulation Section of the State Bar of California (8 Competition 57 (Spring 1999)).

Author, "Antitrust and Business Tort Claims," 1 California Antitrust Law (Second) 166 (J.M. Shohet and A.F. Hasse eds. 1997).

Co-Author, "Implications of U.S. Supreme Court Decision That Vertically Imposed Maximum Resale Price Restrictions Should Be Tested Under the Rule of Reason, Not Per Se Rule," Pillsbury Madison & Sutro LLP (<http://www.pillsburylaw.com/articles/index.html>, November 1997).

Author, "Price Discrimination and Secret Rebates Under California Law After ABC Traders International, Inc. v. Matsushita Electric Corporation of America," Pillsbury Madison & Sutro LLP (<http://www.pillsburylaw.com/articles/index.html>, July 1997).

Co-Author, "Safe from Antitrust Claims? Don't Bet on It," Reinsurance Reporter 12 (No. 144, 3d Quarter 1995).

Author, "Antitrust Violations and Compliance Programs," Crimes Against Business (Jules B. Kroll ed. 1979).