

# Michael Bryan Kades

5206 41<sup>st</sup> Street, NW, Washington, DC 20015

Phone: (202) 413-4276 (c); (202) 362-6624 (h); (202) 545-3344 (w); E-Mail: mb217blue@gmail.com

## Experience

### *Director, Markets and Competition Policy, Washington Center for Equitable Growth, January 2018 to Present*

- Built competition program for leading think tank focused on the need for stronger antitrust enforcement and the impact of monopoly power on consumers, workers, equality, innovation, and entrepreneurship.
- Issued State of Federal Antitrust Enforcement Report detailing failing trends in both appropriations and enforcement that helped increase FTC appropriations for 2020.
- Testified before House Antitrust Subcommittee in support of CREATES and other policies to improve competition and lower prescription drug costs.
- Successfully implemented strategy to leverage academic expertise and research in support of stronger antitrust policy.
  - Commissioned and managed leading antitrust literature review by Professor Fiona Scott Morton.
  - Raised profile of economic research on most-favored-nation clauses that led Amazon to abandon the practice
  - Launched Competitive Edge Blog as forum for experts to discuss competition issues. Contributors include Prof. Nancy Rose, Terrell McSweeney, Prof. Jonathon Baker, and Jonathon Sallet.
  - Regularly consult with Senate and House staff on antitrust issues and legislation.

### *Detailee Minority Staff, Senate Subcommittee on Antitrust, Competition, and Consumer's Rights Mar. 2015 to Sept. 2017*

- Counsel responsible for antitrust, intellectual property, and other judiciary issues. Drafted Merger Enforcement Improvement Act, the Consolidation Prevention Act, the Preserve Access to Affordable Generics Act, and the CREATES Act. Drafted major antitrust speeches. Guided judicial nominee Wilhemenia Wright through the confirmation process. Drafted, reviewed, and negotiated legislative language on bills, including the Conrad 30 Reauthorization Act and Defend Trade Secrets Act.
- Responsible for working with majority staff in developing and preparing seven subcommittee hearings on antitrust topics. Staffed numerous other full committee and subcommittee hearings.
- Successfully pursued Senator Klobuchar's agenda both within and outside the Judiciary Committee by building strong working relationships with both Democratic and Republican staff as well as key stakeholders.

### *Deputy Chief Trial Counsel, Bureau of Competition, Federal Trade Commission*

**Jan. 2012 to Mar. 2015**

- Architect of Commission's strategy in Supreme Court phase of *FTC v. Actavis*, including primary substantive representative in dealings with the Solicitor General's office.
- Major litigation role in *FTC v. Graco*, *FTC v. Verisk*, and *FTC v. McWane*.
- Possess significant knowledge of the Federal Rules of Civil Procedure Federal, the Rules of Evidence, and other litigation issues.

### *Attorney Advisor to Chairman Jon Leibowitz, Federal Trade Commission*

**July 2006 to January 2012**

- Directed agency's top competition priority to combat pay-for-delay pharmaceutical patent settlements through litigation, legislation, and policy work.
- Served as Chairman's representative on Interagency Task Force on coordination of agency regulations regarding Accountable Care Organizations; drafted and reviewed joint DOJ/FTC agency policy statement.

- Oversaw Commission Reports. Notable examples include the 2010 Pay-for-Delay Pharmaceutical Report, Reports on Authorized Generic Competition (2009 and 2011), and yearly summaries of patent settlements.
- Reviewed and edited Commission substantive adjudicative decisions in *In re Realcomp* and in *In re North Carolina State Board of Dentistry*.

**Special Assistant United States Attorney, Eastern District of Virginia (Detail)**

**March 2005 to September 2005**

- Tried one felony jury trial and six bench trials. Worked on multiple immigration, drug, and fraud investigations; presented witnesses to the grand jury; secured indictments; issued subpoenas, and negotiated plea agreements. In court two to three times a week, arguing motions, taking pleas, and managing petty crime docket.

**Attorney, Health Care Division, Federal Trade Commission (GS-15 since 2000)**

**July 1997 to July 2006**

- Lead attorney on multiple complex antitrust pharmaceutical and health care investigations. Managed all aspects of investigation and litigation, including interviewing customers, competitors, and suppliers; drafting complaints, subpoenas, and interrogatories; conducting investigational hearings; and drafting and editing recommendation memos to the Commission.
- Successfully argued two antitrust cases before the full Commission. *In re Schering* and *In re South Carolina State Board of Dentistry*.
- Obtained \$6.5 million disgorgement settlement in *FTC v. Perrigo/Alpharma* (horizontal agreement).
- Second chair in antitrust investigation of and case against Mylan Pharmaceuticals, in which the Commission obtained \$100 million in consumer redress.

**Law Clerk to the Honorable John W. Reynolds, Eastern District of Wisconsin**

**June 1995 to June 1997**

## Education

*University of Wisconsin Law School, cum laude*

**June 1995**

*Yale University, magna cum laude with honors in History*

**June 1991**

## Articles and Speaking Engagements

- *Testified, House Subcommittee on Antitrust, Commercial, and Administrative Law, "Diagnosing the Problem: Exploring the Effects of Consolidation and Anticompetitive Conduct in Health Care Markets (March 7, 2019).*
- *Frequent speaker before industry and legal groups on antitrust issues: Notable examples include Allied Social Sciences Association (2020); House Judiciary Staff Briefings (2018-2019); American Antitrust Institute (2019); New America Foundation (2019); Center for American Progress (2018); ABA Antitrust Section Spring Meeting Mock Trial (2015).*
- *"Interoperability as a competition remedy for digital networks," Working Paper, coauthor Fiona Scott Morton, (Sept. 2020)*
- *"Healthcare Roundtable," Global Competition Review (July 2010).*
- *"Whistling Past the Graveyard: Problems with the Per Se Legality Treatment of Pay-for Delay Patent Settlements," 5 Competition Policy International Journal (November 2009)*

## Awards

**Chairman's Award (2012)** - Agency's highest award for meritorious service.

**Janet Steiger Team Award (2012)** - Awarded for work on stopping anticompetitive patent settlements, **(2010)** - Revision to Commission's administrative litigation rules, **(2005)** - Schering litigation.

**Paul Rand Dixon Award (2001)** - For excellence in promoting competition enforcement in the pharmaceutical industry.