

Rising Star: O'Melveny's James Pearl

By Hilary Russ

Law360, New York (March 30, 2010) -- O'Melveny & Myers LLP's James "Bo" Pearl made his name helping client Advanced Micro Devices Inc. get \$1.25 billion in one of the biggest cash settlements in the history of private antitrust litigation, but his friendliness and overall attitude also helped earn him a spot as one of Law 360's 10 antitrust attorneys under 40 to watch.

"We were on the side of right and representing the little guy," Pearl said of his more than five-year odyssey helping to shepherd the AMD worldwide antitrust litigation through from beginning to end.

"We felt like our client had not been given a fair opportunity to compete for many, many years. Over the long haul, we were able to get our story out, and develop the facts and achieve a great result that is allowing our client to compete and get a great product out to consumers," said Pearl, now 38, who works in the firm's Century City, Calif., office.



The November \$1.25 billion truce between rival computer chip makers, in which AMD agreed to drop its regulatory complaints worldwide in addition to all its antitrust litigation, also resulted in a five-year patent cross-licensing agreement and other broad injunctive relief.

Yet even as O'Melveny's team on the case grew to more than 50 lawyers across the world, Pearl stood out by leading the drafting of a motion to sanction Intel Corp., which came after a two-year investigation into Intel's document retention practice.

That motion was a factor in prompting Intel to settle, the firm said.

The case stretched on so long that Pearl made partner, got engaged and married, and fathered his first child, a girl, before it was all over.

Pearl also helped coordinate investigations into AMD's complaints about Intel before Korean and Japanese regulators, both of which later found that Intel had violated the countries' competition laws, the firm said.

"I've spent a lot of time across the table from Bo in litigation," said Daniel Floyd, a partner at Gibson Dunn & Crutcher LLP who was co-counsel for Intel in the AMD case.

"He's a very talented lawyer — creative, tenacious and with a flair for persuasive writing. He also has integrity, which means you can litigate with him hard, but fair," Floyd said.

Pearl said he tries to be a gentleman with opposing counsel.

"You're in a war, but at the end of the day, you will go a lot further if your opponent respects you and likes you," he says. "It doesn't mean not zealously advocating for your client, but it's doing it in a civil way."

Since joining O'Melveny in 1998, Pearl has also represented Warner Bros. Entertainment Inc., Napster LLC and Playboy Enterprises Inc.

He was also part of the team brought into represent Barnes & Noble Inc. on the eve of trial in a suit filed by small booksellers, who agreed to settle in the middle of trial.

Those experiences helped him land a new public company client for the firm. The company, Tix Corp., is accused of monopolization in the Las Vegas discount ticket market. That case is ongoing.

He is also playing defense in a worldwide price-fixing class action in the fertilizer market.

Pearl was attracted to antitrust work in part because of the breadth of the field and the necessity of learning about a particular market before litigating.

"You really have to understand the business and the economics before you can even start strategizing on the legal side," he says.

"The key is figuring out an early exit ramp for your clients," he says, given the cost of document-heavy antitrust litigation. "Antitrust law is about telling the story of why your client is ultimately going to be better for the average retail consumer."

With billing rates so high, younger attorneys can be more cost-effective at running a case, he said.

"There's opportunity there in terms of delivering efficient services to a client, that has been spawned from rate pressure," he says. "I think clients are gravitating more towards hiring a young partner to run these types of cases who can perhaps call on a more senior partner for guidance."

Pearl earned his law degree from Georgetown University. His father was a civil rights attorney who represented farm workers in California, and his stepmother is also an attorney. His wife is a former BigLaw and studio attorney, and his mother-in-law is also a well-known antitrust attorney.

Richard Parker, co-chair of O'Melveny's antitrust and competition practice, said Pearl's mix of smarts, work ethic and client friendliness sets him apart.

“He and I were on a long call with a client on some very sticky antitrust issues. I really thought the way he handled it — not just the advice and analysis, but the way he presented it — I thought was really excellent,” Parker said. “You would think he had 10 years more experience than he really had.”

--Additional reporting by Ryan Davis and Christine Caulfield



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