

TRAILBLAZERS

MERGERS & ACQUISITIONS and ANTITRUST

HECTOR TORRES

KASOWITZ BENSON TORRES LLP

PIONEER SPIRIT Hector Torres became directly involved in antitrust litigation about 20 years ago, after reading an article about some cartel-like activity in *The Wall Street Journal* and realizing it applied to his client, a tanker shipping company. "I called them and said 'I think there's a cartel in our space.' It ended up being a major global antitrust matter."

TRAILS BLAZED That case laid the groundwork for Torres' global cartel practice representing both plaintiffs and defendants. He has developed a strategy and process for his large-scale cartel work. "There are a number of complications for those who are the victims of a global cartel. Plaintiffs want a framework for resolving these issues without having to litigate in every separate jurisdiction. We developed an approach that combines the use of arbitration as a vehicle for resolving issues, but retains the hammer of litigation in the background if we have to go to court. The downside, however, is less discovery by the parties in arbitration. So we got the Second Circuit to say that a private litigant can compel a nonparty to produce discovery as part of an arbitration hearing. That allowed us to get around the limitations of arbitrations and provided one forum where we could get all the claims resolved with a three-judge panel in one proceeding. This also keeps clients out of multi-district litigation."

FUTURE EXPLORATIONS Several areas will impact antitrust work. The first is globalization of antitrust enforcement. There will also be more litigation in the digital internet space, as well as more cases in the major shipping area.

