

## Rising Star: Cravath's Kevin Orsini

By Ryan Davis

*Law360, New York (April 27, 2016, 5:38 PM ET)* -- Cravath Swaine & Moore LLP partner Kevin Orsini is leading American Express' defense of allegations that its merchant rules violate antitrust law in several cases and has helped Viacom resolve a dispute with Cablevision over its channels, landing him on Law360's Rising Stars list of top competition attorneys under 40.

The 37-year-old Orsini's spot as one of seven competition attorneys on the Rising Stars list comes on the heels of Second Circuit ruling last year lifting an injunction against American Express Co. in a case brought by the U.S. Department of Justice, as well as a favorable settlement in the Viacom matter.

The Justice Department has alleged that American Express' rules barring merchants from encouraging consumers to use other credit card brands violate antitrust law. A district judge ruled in favor of the government last year and imposed an injunction barring the company from enforcing the rules.

The Second Circuit heard oral arguments in December and voiced skepticism of the government's case. The following day, the court temporarily stayed the injunction without comment. The court has not yet issued its final decision in the case.

The case has been the focal point of Orsini's work since it was filed in 2010, shortly before he made partner at the age of 32. He had previously worked with American Express on another case that he described as "my first foray into antitrust," and the company requested that he take a lead role in the DOJ matter.

Visa Inc. and MasterCard Inc. settled with the DOJ over similar policies before the suit was filed, but American Express said the policies were critical to its business model and refused to settle.

"We knew we were in for bet-the-company litigation, and I jumped at the chance to work on the case," Orsini said. "I found the issues fascinating, and American Express is a great client to work with."

Over the past five and a half years of the litigation, Orsini has been responsible for the day-to-day management of American Express' defense in the case, as well as several related antitrust class actions and individual lawsuits.



Kevin Orsini

Orsini has managed the deposition strategy that has involved over 200 depositions, including 20 he has taken or defended himself, taken a primary role in drafting or revising most of the 150 briefs and motions in the case and overseen the review of tens of millions of documents.

In the midst of the American Express litigation, Orsini shifted gears to represent Viacom in a case where Cablevision claimed that it was being unlawfully forced to carry Viacom networks that customers don't want in order to be able to offer popular channels like MTV and Comedy Central.

Cablevision alleged that Viacom violated antitrust law, but Viacom maintained that its licensing arrangements were the result of good faith negotiations on which Cablevision was trying to renege. The case settled in October with an agreement the companies described as "mutually beneficial."

"It led to the point where the parties were able to reach an amicable solution and move on with their business relationship," Orsini said.

Orsini said he became an attorney "almost by accident" because he enrolled in New York University Law School with a goal of becoming an FBI agent. However, he became enamored of the practice of law and decided to make the shift. He joined Cravath after working at the firm as a summer associate and credits his career success in part to the "tremendous support" he has received from senior partners.

Taking a leadership role in major cases at a relatively young age has taught Orsini the critical importance of getting a comprehensive understanding of a client's business, he said.

He often tells young associates that their goal should be to prove that they know the business and the litigation better than anyone else in the room.

"If you are willing to put in the time and effort and energy to learn the facts and the law inside and out and show proficiency with the issues, age becomes irrelevant," he said.

--Editing by Christine Chun.

---

All Content © 2003-2016, Portfolio Media, Inc.