



## Brian D. Schneider

PARTNER

Brian is a trusted business advisor to trade associations and technology firms.



### Industries

Health Care  
Nonprofits & Associations

### Practices

Complex Litigation  
ERISA  
Government Enforcement & White Collar

### Education

Vanderbilt University Law School JD, 2007  
Tufts University BA, 2000

### Offices

Washington, DC

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As a former management consultant, Brian partners with clients to craft legal strategies that pursue their business objectives, working creatively to navigate corporate strategy, resolve disputes, negotiate tactical contracts, and implement compliance course corrections.

For emerging and established trade associations, foundations, and technology firms, Brian works as outside general counsel alongside clients' leadership, boards, and staff to advise on strategic objectives and manage legal tasks in line with their business plans. He advises on governance, antitrust, contracting, intellectual property, litigation, and operational matters, leveraging Arent Fox's legal team to deliver a full range of legal expertise. Brian delivers custom solutions for clients in diverse industries, including auto parts, higher education, finance, food, health care, real estate, retail, and software.

Clients trust Brian to manage litigation and other disputes in the court room and at the negotiating table, with an emphasis on balancing dispute resolution with business objectives. Brian litigates fiduciary and contract-breach actions, pursues payments from commercial payers, and responds to subpoenas and government investigations. He has navigated litigation involving claims by association members, high-stake contract disputes, complex federal and state regulatory schemes, reimbursement from commercial payers, class actions, and international arbitrations. Brian has extensive experience coordinating clients' strategies in response to subpoenas, investigations, and civil actions stemming from antitrust allegations, contracts, and corporate law.

Clients look to Brian to manage day-to-day and emergent challenges, whether responding to environmental challenges like a pandemic, dealing with threatened litigation, addressing good-governance practices for directors, or managing a leadership change.

## Client Matters

### Trade Associations, MLSs, and Technology Firms

- Serves as outside general counsel to trade associations, foundations, multiple-listing services (MLS), and technology firms, counseling them on antitrust compliance, governance, membership, contracts, trademark strategy, employment matters, and risk management.

Manages vendor and partnership relationships by crafting and negotiating custom contracts that protect business interests.

- Partners with leadership and staff to develop practical solutions to address risks in advance.
- Leverages experience to manage workflows that align with clients' service and budget needs.

### **Antitrust Counseling**

- Advises manufacturers, technology and service firms, and trade associations on collaborative conduct and pricing strategy.
- Serves as antitrust counsel at industry meetings, to facilitate discussion and engagement.
- Crafts resale price and related marketing strategies.
- Pursues and defends against antitrust and false advertising claims.

### **Litigation**

- Aggressively litigates breach of contract actions and other disputes in court and through international arbitrations.
- Pursues millions of dollars in health care provider reimbursements from commercial benefit plans. These representations include pursuing ERISA-based remedies as well as state-law contract and common law claims, in addition to defending against overpayment and recoupment claims.
- Obtained a unanimous decision from the Indiana Supreme Court on preemption issues governing health care network contracts.
- Represents trade associations in disputes with members, vendors, employees, and directors.
- Defended a radiology practice alleged to have conspired with a benefit management company in violation of the Sherman Act in *Eastside Medical Radiology, et al* (S.D.N.Y.).
- Represented pharmaceutical companies in False Claims Act litigation in *United States, ex rel Conrad v. Actavis Mid-Atlantic, et al* (D. Mass.) and related litigation in Louisiana state court.
- Pursued on a pro bono basis the civil rights claims of a class of District of Columbia nursing facility residents in *Brown, et al. v. D.C.* (D.D.C.).
- Manages investigations and litigation in response to civil subpoenas and Department of Justice investigations related to:
  - Real estate information (MLS data);
  - A leading medical equipment manufacturer and its relationship with hospitals and durable medical equipment suppliers;
  - A distributor of medical supplies and its relationship with manufacturers;
  - A therapy services provider's Medicare billing; and
  - A non-profit's relationship with manufacturers and distributors.

## **Publications, Presentations & Recognitions**

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Brian is a frequent writer and speaker on compliance and litigation matters.

- Named a DC Rising Star by *Super Lawyers Magazine* (2014, 2015, 2016, 2017)
- Named to the *Legal 500* of top DC health care lawyers (2013)
- Co-presented a PLI webcast on "Emerging Risk Management and Litigation Issues for Health Care Organizations: What Keeps Us Up at Night?" (2015)
- Co-editor of *Health Care Litigation and Risk Management Answer Book 2015*, a comprehensive and definitive book for health care industry leaders focused on risk management and litigation. The *Answer Book* covers 22 chapters spanning the industry's strategic challenges, including government regulation and investigations, the False Claims Act, the Stark law, the Anti-Kickback Statute, HIPAA, and EMTALA, as well as major areas of private litigation risk, such as employment litigation and insurer/provider disputes. The *Answer Book* also provides analysis of

compliance strategies to avoid investigations, fines, and litigation. Brian co-authored chapters on government investigations, False Claims Act litigation, health care antitrust litigation, and pharmaceutical pricing fraud.

- Presented workshops on resale price maintenance (RPM) and minimum advertised price (MAP) strategies at the Automotive Aftermarket Suppliers Association's Special Summit on the topic, "Minimum Advertised Price: Legal and Strategic Options," and Automotive Sales Council's annual fall meeting.
- Presenter and author of articles impacting the auto parts, credit counseling, and college store industries, including an article featured in *Lexology* titled, "Justice Department Continues to Pursue Auto Parts Price-Fixing Indictments;" an article featured in *Law360* titled, "Creditors May Collaborate To Avoid Borrower Default;" an article featured in the National Association of College Stores' *Campus Marketplace e-Newsletter* titled, "Supreme Court Opens Market for Importation and Sale of Foreign-Made Textbooks;" and a presentation to the National Foundation for Credit Counseling's membership on the topic, "When Does a Nonprofit Risk Being Treated Like a For-Profit?"

## Previous Work

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Brian has proudly spent his entire legal career at Arent Fox, starting as a summer associate during law school.

Prior to law school, Brian was a management consultant, providing clients with a range of strategic guidance involving pricing, marketing initiatives, acquisition analysis, and long-term research and development planning.

During law school, Brian interned with the Honorable Thomas A. Wiseman of the US District Court for the Middle District of Tennessee and with the Commercial Litigation Branch of the US Department of Justice.

## Life Beyond the Law

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Brian spends his free time with his wife corralling their two young daughters as they grow up in the District. Whenever he can, he cheers on his hometown Red Sox, and his new home team, the Nationals.

## Bar Admissions

District of Columbia

Maryland

## Court Admissions

US District Court, District of Maryland

US District Court, District of Columbia

US Court of Appeals, 7th Circuit