

GREG CURTNER

Antitrust Litigation at Its Very Best

by Elizabeth Davies

ANN ARBOR—Greg Curtner of Riley Safer Holmes & Cancila LLP is no stranger to the courtroom.

This longtime litigator has been at the forefront of an array of high-profile lawsuits, and he wouldn't have it any other way.

"I've had a lot of great opportunities to handle interesting litigation," he says. "I've been fortunate to have these very public, cutting edge cases."

Curtner has managed antitrust cases, disputes from business deals gone wrong, securities class actions, First Amendment challenges, intellectual property issues, defamation claims, and especially in the last 20 years, sports law. He has represented the National Collegiate Athletic Association in a range of antitrust matters involving championships, allowable contests, uniform design, safety equipment and student-athlete eligibility.

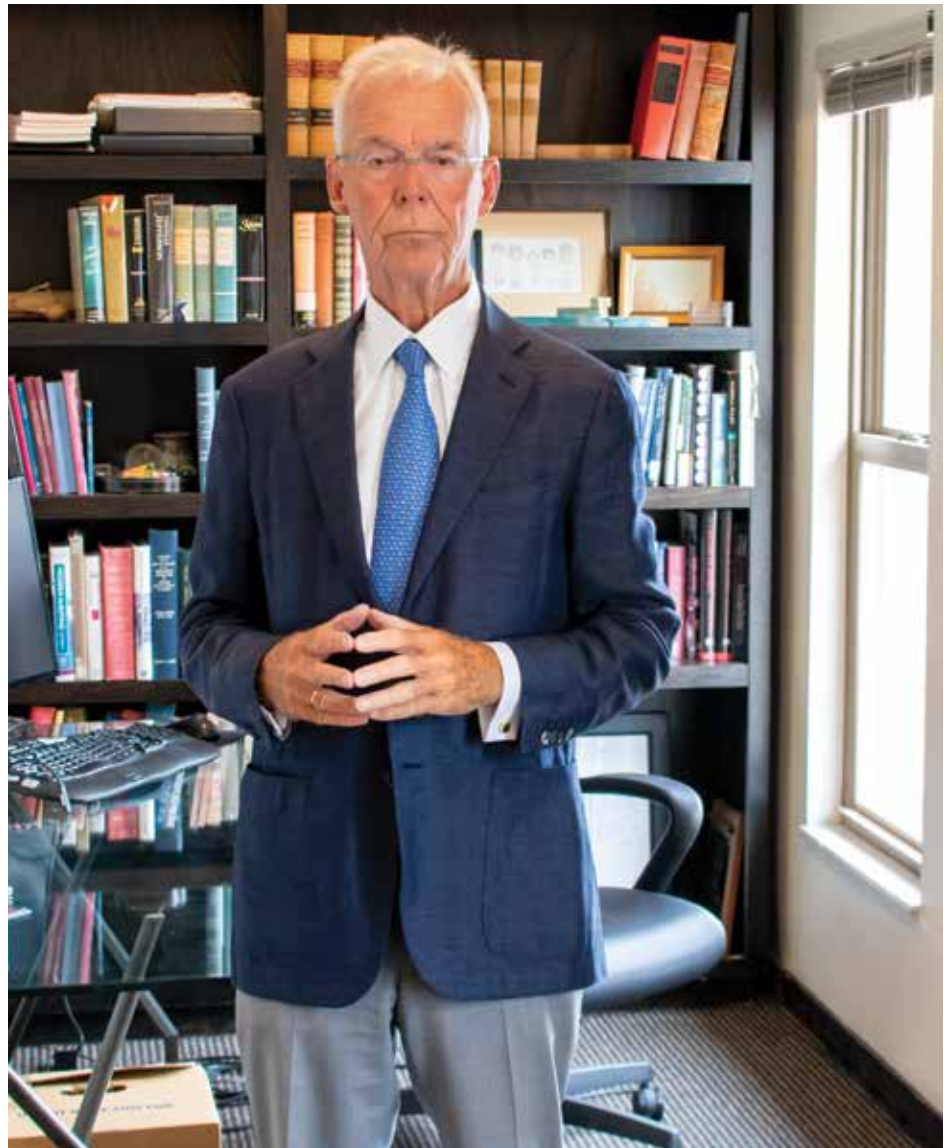
Curtner has long opposed pay for collegiate student-athletes and has been deep into research focusing on whether college-level athletes benefit from their experiences or if they are being exploited. What he has found is that student-athletes are equally or more likely to get into college, graduate, secure white-collar jobs and have greater earning potential than do their non-athlete peers.

"It shows rather convincingly that having been a student-athlete is a good thing," he says. "There has been, year in and year out, a huge number of people and their communities who have benefitted from participation in athletics."

He was heavily involved in a case brought against the NCAA by former UCLA basketball star Ed O'Bannon, and he successfully prevented the case from achieving class action status on damages.

In the highly publicized *O'Bannon v. NCAA* case, a college athlete demanded payment for his image being used in a video game—and that's when Curtner stepped in.

Curtner also tried a case before a New York jury. In that case, a filmmaker bought the rights to the autobiographical novel. The only problem was that the person it was based on never really existed. Curtner led the fight to win an injunction when independent



filmmakers were boycotted by the MPAA and the leading studios at awards time.

"I like helping people," he says. "I also like the intellectual challenge of figuring out complicated issues."

With a nearly 50-year career under his belt, Curtner has the benefit of experience in the trenches. He has represented newspapers in First Amendment and defamation lawsuits. He represented the Detroit Board of Education in one of the first cases testing cross-district remedies. He defended *The Sally Jessy Raphael Show* against a highly publicized lawsuit brought by the Church of Scientology.

Curtner was hired by Valassis Communications, a \$2.5 billion publicly held company, to lead its lawsuit against a competitor, a subsidiary of News Corp. After a favorable jury verdict of \$300 million, Valassis settled with the competitor, receiving \$500 million.

"Greg takes a creative approach to his cases," says Todd Wiseley, who worked as executive vice president and general counsel at Valassis

during that lawsuit. "He creates a theme for the case and weaves a story from discovery through to the courtroom.

"Greg was instrumental in securing the favorable jury verdict and the ultimate settlement," Wiseley says.

AN ESTABLISHED ANTITRUST PRACTICE

During his early years in practice, Curtner found himself representing public institutions including the city of Detroit, the Detroit Board of Education and the University of Michigan. It was the start of a specialization that would define his career. Today, he leads the antitrust and competition practice at Riley Safer Holmes & Cancila.

"Combined with my interest in antitrust, that early experience led me in those directions," he says. "Done right, you use the antitrust laws to make things more competitive, and that's better for the consumer.

"It gives you a chance to make you feel like you're doing good."

His depth in antitrust work led to him

chairing the antitrust section of the State Bar of Michigan. He also led efforts to draft the Michigan Antitrust Reform Act.

Javier Echevarria, director of ice cream for Unilever, first met Curtner when he defended the company in a case with a distributor.

"Pars was a challenging distributor that sued Unilever multiple times and didn't pay the invoices," he recalls. "Unilever hired Greg and asked him to lead the litigation process. The ruling favored Unilever in all respects. More importantly, this case helped Unilever to redefine its ways of working within the U.S. distributor network."

One reason Curtner did such a good job for Unilever was that he understood, even at a micro level, the details of their business.

"Greg would invest a tremendous amount of time to learn about retailers and distributors in the consumer goods industry," Echevarria says. "Once he understands the business, he would start putting together simple and easy questions that a little boy would be able to answer. From the answers to his questions, Greg develops the insights to support you."

In addition, Echevarria was highly impressed with Curtner's energy, empathy and irrepresible desire to keep learning.

"Greg is incredibly curious, and that curiosity encourages him to read, listen, travel, try and experiment," Echevarria says. "As a result of his curiosity, he is a highly educated and very interesting person. Greg doesn't stop one second. He is always doing something and doing it well."

Curtner evaluates cases before focus groups long before heading into trial, adjusting his strategies based on the reactions he gets. Every so often, though, luck is on his side. In 2017, Curtner was the beneficiary of an offhand comment during an antitrust case.

"I got lucky during jury selection when one of the prospective jurors said something that made the whole panel see things my way," he recalls. "Of course, opposing counsel got rid of that juror, but the job had been done."

And it's that confidence in the courtroom that makes him a stand-out.

"Greg's command of the antitrust laws is extraordinary," says Robert Riley, a partner at Curtner's firm.

"What distinguishes him from other experts in that substantive field, however, is his extensive trial experience. Greg is equally comfortable before a judge or jury, and his track record of successfully trying cases to verdict is remarkable. He has the ability to translate immensely complicated issues into clear decision points in a credible, persuasive manner."

BIG NAME CLIENTS

And Curtner does so with a high level of energy and commitment.

"Greg is tireless in protecting the interests of his clients," Riley says. "He honors the trust they have placed in him, and he has built the same type of trust relationships with his colleagues."

Those are skills that have served Curtner well over the years, especially when bringing in big-name clients like the NCAA.

Curtner first joined forces with the NCAA when the sports organization lost a suit and was facing a related class action damages claim. Since then, he has been a go-to lawyer for the NCAA, which oversees athletics programs at 1,200 schools in three divisions.

"Greg is a very distinguished litigator and antitrust lawyer," says fellow University of Michigan Law School alum Todd Anson. "He has handled some of the most notable cases the NCAA has been involved in."

Among his many well-publicized cases was one brought against the organization by Aloha Sports. In that case, the NCAA was accused of denying certification to a football postseason bowl game. After a jury trial in Hawaii, the NCAA prevailed.

Another suit was filed by Worldwide Sports, accusing the NCAA of violating antitrust law by limiting the number of tournament events that Division I college basketball teams could participate in. Curtner's client won on appeal before the 6th U.S. Circuit Court of Appeals.

His research regarding amateur athletics remains controversial. Curtner is a proponent of retaining amateur, unpaid status for student-athletes. By paying athletes at that level, he believes fewer people will have access to and attain higher education over time.

"All education is good," he says. "You can take people who aren't the best students, but if you educate them, it's better than not exposing them to education at all. It pays dividends down the road."

"Colleges and universities sponsor sports because it benefits their mission of providing higher education. Sports improve the overall educational process, and the evidence I've helped develop suggests they are right about that."

Friend and fellow Michigan Law graduate Anson takes the opposing position. He wants to see college athletes reimbursed in some way for the work they do. It does, after all, bring in millions to college athletics, he says.

"Greg has been invaluable to me as a sounding board," he says. "We clash on that, but he's deeply thoughtful, articulate and smart."

It's not hard, Anson says, to respect Curtner while disagreeing with his position. He appreciates that change happens because of people like Curtner who are able to articulate both sides of an issue to bring resolution.

"He's very bright and very intense," he says. "He doesn't lighten up—he's on all the time."

BEYOND THE BAR

Curtner has a passion for helping others outside of the judicial and educational systems.

He's an avid volunteer, having helped launch an organization called the Professional Skills Alliance, aimed at giving young professionals an opportunity to donate their time to local nonprofit groups.

He is a supporting member of the Wolfpack in Ann Arbor, an environmental policy and action organization affiliated with the League of Conservation Voters and the National Wildlife Federation.

He also helped develop SHAR House, which is dedicated to addiction recovery, and he is a past board member for Food Gatherers, an Ann Arbor-based food bank.

Curtner has been involved in community service in New York City, where he also maintains a law office. There, he previously served on the boards of the Osborne Association, which helps people transition out of prison, and the Correctional Association of New York, which monitors prison conditions throughout the state.

He's a member of the American Bar Association's Antitrust Law Section and the ABA's Civil Practice Procedure Committee. Curtner is a member of the state bars of New York and Michigan, as well as a life member of the Sixth Circuit Judicial Conference. He has spoken on CNN and at the Los Angeles Film Festival.

In his free time, Curtner enjoys serving as president of his neighborhood association, sailing, playing tennis, cooking and investing in organic farming. He lives with his wife, Sonnet Meek, and 12-year-old son, Theodore. Two grown children live in Chicago. Daughter Amy Curtner Andrews is also a trial lawyer, while son, Peter, works in information technology.

Curtner grew up in the Detroit suburb of Livonia, where his father settled upon return from World War II. His father took a job with the Michigan Bell telephone company during the day and went to school at night, completing both bachelor's and master's degrees that way.

That dedication reinforced the value of education to Curtner from a young age.

"He worked hard and went to school at night," he says. "I saw firsthand how an education matters."

So, when his father encouraged him to "do something relevant" with his life, Curtner headed to business school like his father. As it turned out, that wasn't his end game.

"When I finished business school, I still wanted to do something relevant, but I wasn't sure what that was," he recalls.

At age 21, having visited a family friend who was a lawyer, Curtner applied and was accepted to the University of Michigan Law School. The experience was unlike any he had before.

“It took me a while to really get the hang of it,” he says. “I thought being a lawyer was about learning the rules, but it’s not. It’s about learning how to think.”

Like his father, he worked while he studied, holding down jobs in a factory and driving a school bus after classes. But his interest in the law peaked during the summer after his second year and during his third year, when he worked at a big law firm.

“I found that being a lawyer was really interesting,” he says. “Dealing with clients’ real-life problems was more interesting than being a law student.”

Even now, Curtner remembers well those early days of learning the business—and he’s quick to share his expertise with others who want to learn.

“To this day, when young people want to talk to a lawyer, I always try to let them in,” he says.

One of the lawyers he mentored was Andrea Fisher Newman, who was hired 30 years ago as an associate at Miller Canfield Paddock and Stone while Curtner was a partner there.

“He championed me from an early stage at Miller Canfield,” she recalls. “He was very supportive of my efforts and helped me and guided me in areas where I needed assistance. He was terrific as a colleague and friend, even though he was a senior partner and I was an associate.”

Fisher Newman made partner at the firm and went on to a career at Delta Airlines, where she has since retired from her role as senior vice president of government affairs. She continues to appreciate Curtner’s work ethic, intellect and attention to detail.

“He has an ability to fit the pieces of a puzzle together, see around corners and develop the best strategy and arguments,” she says. “I admire that he works hard, is serious about being a good lawyer and is careful to make sure everything is done right.”

Within the legal community and his current firm, in particular, Curtner is well respected for the perspective he has gained over the years. He is credited with being a key component of making Riley Safer Holmes & Cancila the firm it is today.

“Early in the process of starting our firm, we turned to Greg to help us become what we aspired to be,” partner Riley says. “He brought enormous professional credibility and an unmistakable commitment to building a firm that would practice at the top of our field and provide tremendous professional opportunities to subsequent generations of talented, highly diverse lawyers.” ■