

Rising Star: Paul Weiss' Eytayo St. Matthew-Daniel

By Nadia Dreid

Law360 (July 5, 2023, 9:19 AM EDT) -- Eytayo "Tee" St. Matthew-Daniel of Paul Weiss Rifkind Wharton & Garrison LLP played a lead role in helping craft a unique solution to resolve a rare U.S. Department of Justice criminal antitrust enforcement action against a health care provider, earning her a spot among the competition attorneys under 40 honored by Law360 as Rising Stars.

Her biggest case:

There's a reason that the Justice Department rarely brings criminal antitrust claims against a health care provider — it's because a conviction would have heavy "collateral consequences," and not for the business, St. Matthew-Daniel told Law360.

"Essentially it's the end of the business, which has implications for patients," the attorney said. "You certainly don't want to deny people care. It's a fine line to walk."

That was particularly true in *U.S. v. Florida Cancer Specialists*, where the government was accusing the company of conspiring for decades to divvy up the market for cancer treatments in southwest Florida in order to prevent competition. As a result of the scheme, should prosecutors get a conviction, the resulting closure of FCS would leave cancer patients in the area without a provider, St. Matthew-Daniel said.

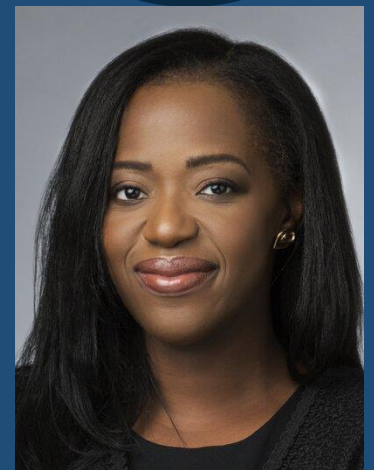
What the DOJ normally does in such instances is offer a deferred prosecution agreement, where it promises not to actually prosecute if the accused meets certain conditions and accepts a penalty.

In this case, FCS admitted to its antitrust violations and agreed to a \$100 million fine, but St. Matthew-Daniel's team also extracted a commitment that was unique for the time, 2020.

To help remediate the harm done by the anti-competitive scheming, FCS had to agree that it wouldn't enforce any noncompete agreements in its employee contracts so that its doctors would be free to work elsewhere, including at

2023

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**Eytayo St. Matthew-
Daniel**
Paul Weiss

Age: 39

Home base: New York

Position: Partner

Law school: University of Cambridge and Harvard Law School

First job after law school: Associate at Clifford Chance LLP

any new competitors or entrants, which would hopefully have an easier time entering the market post-agreement.

The provision was ahead of its time but important early in the pandemic, St. Matthew-Daniel said. Now the agency's new leniency program guidelines require a company accepting some kind of nonprosecution agreement to "take steps to remediate the conduct," the attorney said.

"Essentially, make sure the folks you harmed are made whole, and take away any sort of practices that facilitated the antitrust [violation]," she said.

Why she chose antitrust:

St. Matthew-Daniel credits her choice of practice to a comparative competition law class she took at Harvard Law School.

She said she was trying to "find a way to take these really lofty ambitions and goals and translate them to something meaningful" when she found antitrust.

"A lot of people go to law school and plan to change the world and then you realize that the law is complicated and changing the world is really hard," St. Matthew-Daniel said. "And what does that really mean and how are you going to translate that to something meaningful."

The class taught her that she could take her interest in economics and working both internationally and domestically as well as her desire to help people and use it all in one practice area. After that class, St. Matthew-Daniel said, she "never looked back."

What motivates her:

St. Matthew-Daniels said she could boil it down to one word: learning.

Her antitrust practice is so broad — encompassing cartel criminal work, mergers and acquisitions, counseling and compliance and more — that she doesn't always know what she's going to be doing that day when she wakes up, and the opportunity to learn something new excites her.

"Everyday I'm doing something a little bit different, and I'm using all the parts of my antitrust brain, and to do that, it means I'm constantly learning about things," she said. "Business practices, new services — sometimes I'm relieved when the product is something tangible."

How antitrust will change in the next 10 years:

The landscape of antitrust is changing so rapidly that St. Matthew-Daniel said she "wouldn't even venture to predict where we're going to be in 10 years." But there is one thing the attorney is pretty sure about and that's that "ESG is about to get its moment on center stage."

ESG or environmental, social, and corporate governance, is a set of factors that companies may use to determine the effects of an entity and whether an investment in it is wise, ethical or sustainable.

"My practice already includes a significant amount of ESG counseling along with antitrust," the attorney said. "How do you attain a sustainability goal when there are rules of the road when collaborating with other companies?"

--As told to Nadia Dreid.

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2023 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of May 1, 2023, to be eligible for this year's award. This interview has been edited and condensed.

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