Brian D. Schneider

PARTNER AND NONPROFITS & ASSOCIATIONS INDUSTRY GROUP CO-LEADER

Brian is a trusted business advisor and litigator for associations, MLSs, nonprofits, and tech firms.

Industries

Nonprofits & Associations

Practices

Complex Litigation
Antitrust & Competition Law

Education

Vanderbilt University Law School, JD
Tufts University, BA, Quantitative Economics

Offices	Phone	Email
Washington, DC	202.715.8590	brian.schneider@afslaw.com

Brian uses his experience as a management consultant and antitrust advisor to craft legal strategies that pursue clients' business objectives, partnering with clients to creatively navigate corporate strategy, resolve disputes, negotiate key contracts, and implement compliance course corrections.

Clients look to Brian to manage day-to-day and emergent challenges, whether dealing with litigation, addressing good-governance practices for boards, or navigating a leadership change.

For trade associations, foundations, multiple listing services (MLSs), 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 ArentFox Schiff's 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 and beverage, health care, real estate, retail, and SaaS.

Clients and their in-house counsel 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 has extensive experience coordinating clients' strategies in response to litigation, subpoenas, and investigations stemming from antitrust allegations, contracts, and nonprofit laws. Brian litigates antitrust, fiduciary breach, and contract actions.

He has navigated litigation involving claims by antitrust plaintiffs and association members, high-stakes contract disputes, complex federal and state regulatory schemes, reimbursement from commercial payers, class actions, and international arbitrations.

Client Matters

Trade Associations, MLSs, Nonprofits, and Related Technology Firms

- Co-chairs the firm's Associations and Nonprofits group.
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Serves as outside general counsel to trade associations, foundations, multiple listing services (MLSs), and technology firms, partnering with their leadership teams to address day-to-day legal needs, governance challenges, employee and contractor issues, and compliance with antitrust, data privacy, and other risk management compliance imperatives.

— Advises on vendor and partnership relationships by crafting and negotiating contracts that protect business interests.

— Partners with leadership, in-house counsel, and staff to develop practical solutions to address risks in advance.

— Manages workflows to align with clients' service and budget needs.

— Advises and delivers workshops on board governance, a topic about which Brian is a frequent author:
  — How Can Our Board Work Better? A Brief, Practical Guide to Legal Considerations for Trade Association Board Governance
  — Trade Association Governance: Policies That Support the Three "Executives" — the Executive Committee, Executive Session, and Chief Executive
  — Removing Board Members - A Delicate Balance for Trade Association Boards

Antitrust Counseling

— Advises clients across industries 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 antitrust, breach of contract, class actions, and other commercial disputes in court and in domestic and international arbitrations, regularly appearing before judges, arbitrators, and mediators.

— Pursues millions in health care provider reimbursements from commercial benefit plans, pursuing contract and ERISA-based remedies, in addition to defending against overpayment and recoupment claims.

— Represents trade associations in disputes with members, vendors, employees, and directors.

— Examples of Brian's litigation experience include:
  — Obtaining a unanimous decision from the Indiana Supreme Court on preemption issues governing health care network contracts, arguing the case before each level of appellate court.
  — Defending MLSs against antitrust claims in *PLS.com v. NAR et al*, C.D. Cal. 2:20-cv-04790.
  — Defending REALTOR® associations and MLSs in multiple antitrust class action lawsuits challenging cooperative compensation paid by brokers.
  — Defending 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.).
  — Pursuing 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 from litigants, the Department of Justice, the Federal Trade Commission, and state attorneys general related to:
  — Antitrust compliance, including price-fixing, discriminatory pricing under the Robinson Patman Act, and employee non-competes
  — Association activities
  — Real estate information (MLS data)
  — A nonprofit's relationship with manufacturers and distributors
  — A leading medical equipment manufacturer and its relationship with hospitals and durable medical equipment suppliers
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      A distributor of medical supplies and its relationship with manufacturers

- A therapy services provider's Medicare billing

Publications, Presentations & Recognitions

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

- Named on the 2025 *Swanepoel Power* 200 List

- Named a DC Rising Star by *Super Lawyers* Magazine

- Named to the *Legal 500* of top DC lawyers

- 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. Brian co-authored chapters on government investigations, antitrust litigation, and pricing.

- Delivers trainings and workshops on association board policies and governance, antitrust trends and strategies, how to integrate Robinson-Patman Act compliance into pricing strategy, and resale price maintenance (RPM) and minimum advertised price (MAP) tactics.

- Presenter and author of articles impacting the auto parts, credit counseling, higher education, and college store industries.

In the News

Brian has been quoted or interviewed in the following articles:

- "Advice For Real Estate Professionals As $418 Million Settlement Rules Take Effect," *The Mortgage Note*, August 12, 2024

- "What to Keep in Mind as NAR's 'Remarkable Deal' Becomes Reality," Stephanie Reid-Simons, *Real Estate News*, July 21, 2024

Previous Work

Brian has proudly spent his entire legal career at ArentFox Schiff, 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 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

Brian spends his free time with his wife laughing with their two daughters as they grow up in the District. He also serves on the board of the Washington Lawyers' Committee for Civil Rights.

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