Brian D. Schneider

PARTNER AND NONPROFITS & ASSOCIATIONS INDUSTRY GROUP CO-LEADER

Brian Schneider is a leading trade association lawyer and MLS attorney who serves as outside general counsel to associations, multiple listing services (MLSs), nonprofits, and technology companies. A trusted strategic advisor and experienced litigator, he counsels clients on governance, antitrust compliance, contracts, and operational matters.



Industries

Nonprofits & Associations

Practices

Complex Litigation
Antitrust & Competition Law

Education

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

Offices
Washington, DC

Phone
202.715.8590

Email
brian.schneider@afslaw.com

Brian Schneider is recognized as a top lawyer for trade associations and multiple listing services, combining his experience as a management consultant and antitrust advisor to craft legal strategies aligned with clients' business objectives. He partners with clients to navigate corporate strategy, resolve disputes, negotiate key contracts, and implement compliance solutions.

As outside general counsel for trade associations and MLSs, Brian manages day-to-day and emergent legal challenges-from litigation and board governance to antitrust compliance and leadership transitions. Clients rely on his strategic advice to anticipate risks and seize opportunities.

Brian serves as outside general counsel to trade associations, foundations, multiple listing services (MLSs), and technology firms. He works alongside clients' leadership, boards, and staff to provide strategic advice on governance, antitrust, contracts, intellectual property, litigation, and operational matters. Leveraging ArentFox Schiff's full-service platform, Brian delivers custom legal solutions for clients in industries including real estate, auto parts, higher education, finance, food and beverage, health care, 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.

Representative Client Matters

Outside General Counsel for Trade Associations, MLSs, Nonprofits &

Technology Firms

- Co-chairs ArentFox Schiff's Nonprofits & Associations industry group, leading the firm's trade association and MLS legal services.
- Serves as outside general counsel to trade associations, foundations, multiple listing services (MLSs), and technology firms, providing strategic advice on governance, antitrust compliance, data privacy, contracts, employee and contractor matters, and risk management.
- 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 boards on governance best practices and delivers governance workshops for trade association and nonprofit boards. Brian is a frequent author on association governance topics:
  - 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 for Trade Associations & Industry Clients

- Provides antitrust counseling to trade associations, MLSs, and industry clients on collaborative conduct, pricing strategy, and competition law compliance.
- 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.

Trade Association, MLS & Commercial 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 and MLSs 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 practices.
  - 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)
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A nonprofit's relationship with manufacturers and distributors

- 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

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