

J. Nicci Warr

She/Her

PARTNER

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Nicci helps clients navigate the legal side of the marketplace, allowing them to better achieve their business goals.

Legal issues involving antitrust, trade practices and the competitive marketplace can be daunting. Nicci's experience working on complex litigation matters spanning antitrust, consumer protection laws and intellectual property issues gives her a unique perspective that helps clients find effective and efficient solutions to these issues whether it is through counseling or litigation. And her extensive trial experience combined with her sophisticated appellate work provides clients with confidence that they have a capable and effective advocate at all stages of any dispute.

EXPERIENCE

Antitrust/Competition

Fortune 500 companies and other corporate clients trust Nicci's advice on antitrust issues including pricing, distribution agreements, internet sales, grey-market goods and joint ventures.

Nicci is currently defending clients in multiple nationwide class actions and related state and federal litigation related to alleged Sherman Act and state consumer protection law violations in agricultural industries, including chicken production, pork

PRACTICES & INDUSTRIES

Antitrust
Business Litigation
Class Action
Education Funding Litigation
Esports, Sports Technology & Wagering
Trade Secret Litigation

ADMISSIONS

Missouri
District of Columbia
United States Supreme Court
United States Court of Appeals for the Eighth Circuit
United States Court of Appeals for the Tenth Circuit
United States District Court for the Eastern District of Missouri
United States District Court for the Southern District of Illinois

EDUCATION

Washington University School of Law, J.D.,

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production, and crop inputs.

She defended a pharmaceutical manufacturer against antitrust claims related to the settlement of intellectual property litigation.

She also defended a national health care insurer in multi-district litigation brought by putative nationwide classes of medical providers and insurance subscribers asserting RICO and antitrust claims.

Consumer Protection

Nicci represented a high-tech financial services company in a Federal Trade Commission (FTC) investigation.

She successfully defended a number of companies against claims brought under the Missouri Merchandising Practices Act (MMPA) and the Telephone Consumer Protection Act (TCPA).

Nicci has also advised clients on methods to mitigate the risk of TCPA litigation and issues related to consumer protection and gambling-related laws as they apply to skills-based games.

Intellectual Property-Related Issues

Nicci has defended companies in litigation involving allegations of software trade secret misappropriation and unfair-trade-practices, including second-chairing two multiple-week trials on such claims.

She has also defended companies against claims under the Lanham Act.

Nicci advises companies large and small about issues at the intersection of intellectual property and antitrust, including the scope of intellectual property rights, licensing of intellectual property, and collaborative use of intellectual property.

2007

University of Missouri, B.S./B.A., 2002

CLERKSHIPS

Law clerk to the Honorable Duane Benton on the Eighth Circuit Court of Appeals, 2007-2008

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Appellate

Nicci has represented clients in appeals in the state and federal courts across the nation, including the U.S. Supreme Court and the Courts of Appeals for the Sixth, Seventh, Eighth, Tenth and Eleventh Circuits.

Twice, she represented three former U.S. Attorneys General as amicus curiae before the U.S. Supreme Court. She also represented a Nebraska health care non-profit as amicus curie before the U.S. Supreme Court.

Nicci has represented companies in the United States Courts of Appeals on broad-ranging issues, including the preclusive effect of prior court orders, the appropriate scope of copyright protection and the constitutionality of certain bankruptcy laws.

She took the lead in writing the brief that persuaded the Seventh Circuit to vacate the largest class ever certified in an ERISA class action.

Nicci represented a company in the Nebraska Supreme Court on issues related to the interaction of Nebraska trade secret and contract law.

She also represented multiple clients before the Missouri Supreme Court and the Missouri Court of Appeals on issues including interpretation of the MMPA.

Education Funding Litigation

Nicci is currently representing New Hampshire in two school-funding challenges.

She also represented New Mexico and the State Department of Education in pre-trial proceedings and a nine-week trial alleging violations of the state constitution's adequacy and equal protection clauses. Nicci's broad experience working with economic experts on antitrust and other competitive issues is an important benefit to education funding cases as they inevitably involve complex economic issues and expert analysis.

RECOGNITIONS

Recognized by Missouri Lawyers Media as a Diversity & Inclusion Award honoree, 2023

PROFESSIONAL & CIVIC ACTIVITIES

Co-Chair of Stinson's Appellate Committee

Co-Chair of the Missouri Bar Antitrust Committee

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2022 Leadership Council on Legal Diversity Fellow

FOCUS St. Louis Leadership St. Louis, Class 2017 - 2018

Missouri Botanical Garden Corporate Council Representative, Corporate Sustainability Initiatives Committee

Eighth Circuit Bar Association

American Bar Association, Antitrust Section

ChIPs – Advancing Women in Tech, Law and Policy

NEWS

Stinson Attorneys Examine Role of Private Equity in Health Care M&A, Provide Guidance for Mitigating Antitrust Risk in *Law360*

05.10.2024

Dulani, Warr Examine Antitrust Risks Caused by AI Use in *Bloomberg Law* Column

04.12.2024

Nicci Warr Honored by Missouri Lawyers Media with Diversity & Inclusion Award

08.17.2023

Stinson Antitrust Attorneys Examine Proposed Changes to Premerger Notification Rules in *The Legal Intelligencer*

07.14.2023

Asp, Warr Further Examine FTC's Proposed "Click to Cancel" Rule in Missouri Lawyers Media Article

05.17.2023

Asp, Warr Examine FTC's Proposed "Click to Cancel" Rule in *Bloomberg Law*

04.14.2023

Stinson Attorneys Prevail in Eighth Circuit Drinking Water Utility Matter

10.27.2022

Leadership Council on Legal Diversity Selects Stinson Attorneys for 2022 Fellows and Pathfinder Program

02.17.2022

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Stinson Attorneys Win Tenth Circuit Appeal on Constitutionality of Non-Uniform Bankruptcy Law
10.07.2021

SPEAKING ENGAGEMENTS

“Paying Attention: Legal Updates (Federal & State)” Virtual HR Summit, July 2023

The Death of Employer Non-Competes? at the Missouri Bar Association Spring Meetings (2023)

Maximizing Protection of Technology Trade Secrets at the Intersection of Technology and Law Seminar
(2022)

Effective 30(b)(6) Techniques at the ACC Corporate Counsel Institute (2022)

Antitrust Fundamentals (2022)

Ready, Set, Metaverse: The Next Big Digital Market (2022)

Antitrust and Big Tech at the Missouri Bar Association Fall Meetings (2021)

Antitrust Update: Cutting Through the Chaos at the ACC Golf/Spa CLE (2021)

School Funding Litigation at the Virtual National Council of State Education Attorney’s Meeting (2021)

Technology Trade Secrets at the St. Louis Business Law Update (2020)

Antitrust Insights at the Missouri Bar Fall Meeting (2020)

The Impact of AI in the Legal World

Stinson LLP, 05.01.2024

New Challenges for HR in 2023 – St. Louis

02.02.2023

PUBLICATIONS

“PE-Healthcare Mergers Should Prepare For Challenges,” *Law360*, May 2024

“Avoid Antitrust Problems With Some Research Into AI Solutions,” *Bloomberg Law*, April 2024

FTC Announces Expanded Enforcement Authority, 2022

Employers Beware: Employment Practices in the Antitrust Crosshairs, 2022

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A Dollar and a Dream: Student-Athlete Compensation in the Aftermath of U.S. Supreme Court's *Alston* Decision, 2021

Antitrust Update: Changes at FTC Could Impact Merger Review, 2021

Antitrust Update: Despite Administration's Rhetoric, No Major Enforcement Changes are Imminent, 2021

Justices Clarify Scope of Anti-Hacking Law, 2021

FTC Bans Worker Non-Competes

04.24.2024

DOJ and FTC's Aggressive Antitrust Enforcement Agenda Set to Continue

04.23.2024

FTC and DOJ Announce Final Merger Guidelines

12.20.2023

Employer Non-Compete Agreements Face Possible Ban by FTC

01.06.2023

A Dollar and a Dream: Student-Athlete Compensation in the Aftermath of U.S. Supreme Court's *Alston* Decision

10.07.2021

Justices Clarify Scope of Anti-Hacking Law

06.10.2021

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