Unlocking the Promise of Antitrust Enforcement

Presented by the Program on Law and Government, Washington College of Law and the Washington Center for Equitable Growth

Friday, October 27, 2017
8:45 a.m. – 3:30 p.m.
American University Washington College of Law
4300 Nebraska Avenue, NW, Washington, D.C. 20016, Room NT08, Terrace Level, Warren Building

Antitrust is a hot topic today, attracting policy attention from journalists and politicians as well as academics. The protection of competition, consumers, and workers requires not only the enactment of laws but also their effective enforcement. This conference asks whether there is scope for more vigorous enforcement of existing law. The event will feature nine examples of enforcement possibilities presented by leading scholars in antitrust law and economics along with discussion by prominent antitrust practitioners.

8:45-9:00 Registration and Continental Breakfast

9:00-9:15 Welcome
Anthony E. Varona Vice Dean, American University Washington College of Law
Alyssa Fisher Policy Director, Washington Center for Equitable Growth
Fiona Scott Morton Theodore Nirenberg Professor of Economics, Yale School of Management

9:15-10:45 Correcting Past Errors
Session Moderator: Patrick Foulis, The Economist
Session Commenter: Herbert Hovenkamp, James G. Dinan University Professor, University of Pennsylvania
Bringing Reality to the Law of Predation
C. Scott Hemphill, Professor of Law, New York University School of Law
Philip J. Weiser, Hatfield Professor of Law and Telecommunications, University of Colorado Law School
Discussant: Willard K. Tom, Morgan, Lewis & Bockius

Overcoming Amex: Multi-Sided Platforms and Antitrust
Jonathan B. Baker, Research Professor of Law, American University Washington College of Law
Discussant: Richard Parker, O'Melveny & Myers

Invigorating Vertical Merger Enforcement
Steven C. Salop, Professor of Economics and Law, Georgetown Law
Discussant: Mark Ryan, Mayer Brown

10:45-11:15 Break

11:15-12:45 Enforcing Fully with Existing Law
Session Moderator: Mathew Yglesias, Vox
Session Commenter: Jonathan B. Baker, Research Professor of Law, American University Washington College of Law

Horizontal Mergers, Market Structure, and Burdens of Proof
Herbert Hovenkamp, James G. Dinan University Professor, University of Pennsylvania
Carl Shapiro, Transamerica Professor of Business Strategy, Haas School of Business, University of California at Berkeley
Discussant: Joshua H. Soven, Gibson, Dunn & Crutcher

Antitrust and Deregulation
Howard Shelanski, Professor of Law, Georgetown Law
Discussant: Sally Hubbard, The Capitol Forum

Monopsony, Bargaining Leverage, and Buy-Side Benefits
C. Scott Hemphill, Professor of Law, New York University School of Law
Nancy L. Rose, Charles P. Kindleberger Professor of Applied Economics, Massachusetts Institute of Technology
Discussant: Debbie Feinstein, Arnold & Porter Kaye Scholer

12:45-1:45 Lunch
1:45-3:15  **Expanding Enforcement to New Settings**  
Session Moderator:  *Eduardo Porter*, New York Times  
Session Commenter:  *Steven C. Salop*, Professor of Economics and Law, Georgetown Law  

**Platform MFNs and Antitrust Enforcement**  
*Jonathan B. Baker*, Research Professor of Law, American University Washington College of Law  
*Fiona Scott Morton*, Theodore Nirenberg Professor of Economics, Yale School of Management  
Discussant:  *MJ Moltenbrey*, Paul Hastings  

**Antitrust and Effective FRAND Commitments**  
*A. Douglas Melamed*, Professor of the Practice of Law, Stanford Law School  
*Carl Shapiro*, Transamerica Professor of Business Strategy, Haas School of Business, University of California at Berkeley  
Discussant:  *Bilal Sayyed*, Cadwalader, Wickersham & Taft  

**Horizontal Shareholding and Antitrust Enforcement**  
*Herbert Hovenkamp*, James G. Dinan University Professor, University of Pennsylvania  
*Fiona Scott Morton*, Theodore Nirenberg Professor of Economics, Yale School of Management  
Discussant:  *Susan A. Creighton*, Wilson Sonsini Goodrich & Rosati  

3:15-3:30  **Wrap-Up and Thanks**  
*Jonathan Sallet*, Senior Fellow, Benton Foundation

Registration is free but required. Please go to [www.wcl.american.edu/secle/registration](http://www.wcl.american.edu/secle/registration). For further information, contact: Office of Special Events & Continuing Legal Education, 202.274.4075 or secle@wcl.american.edu.