



Agenda

Study Group on the Economics of Antitrust for State Attorneys General

Wednesday, September 10 – Friday, September 12, 2025

Agenda

Wednesday, September 10

6:00 – 6:30 pm **Registration**

6:30 – 7:15 pm **Opening Reception**
(Registered guests are welcome)

7:15 – 9:30 pm **Opening Dinner**
(Registered guests are welcome)

The History of the Law & Economics Center

Donald J. Kochan, Professor of Law and Executive Director, Law & Economics Center, George Mason University Antonin Scalia Law School

Reading Assignment:

Henry G. Manne, [*An Intellectual History of the George Mason University School of Law, LAW AND ECONOMICS CENTER*](#) (1993).

Thursday, September 11

6:30 – 7:30 am **Breakfast**, *on your own at the hotel*

7:30 – 8:00 am **Walk from hotel to Antonin Scalia Law School**

8:00 – 8:05 am **Welcome**

Ken Randall, Allison and Dorothy Rouse Dean and George Mason University Foundation Professor of Law, George Mason University Antonin Scalia Law School

8:05 – 9:15 am **Session 1: Goals of Antitrust Law**

James C. Cooper, Professor of Law and Director, Program on Economics & Privacy, George Mason University Antonin Scalia Law School

Reading Assignment:

HENRY N. BUTLER, JOANNA SHEPHERD, & JAMES C. COOPER, *Chapter VIII: Industrial Organization and Competition Law*, in *ECONOMIC ANALYSIS FOR LAWYERS* 491, 491-518 (Carolina Academic Press, ed., 4th ed. 2024).

9:15 – 9:30 am **Break**

9:30 – 10:45 am

Session 2: The Economic Analysis of Mergers

Bruce H. Kobayashi, Paige V. & Henry N. Butler Chair in Law and Economics, George Mason University Antonin Scalia Law School

Reading Assignment:

Nathan Miller & Matthew Weinberg, *How the MillerCoors Joint Venture Changed Competition in U.S. Brewing*, MICROECONOMIC INSIGHTS (Dec. 15 2017).

10:45 – 11:00 am

Break

11:00 am – 12:15 pm

Session 3: Systems Competition

John M. Yun, Associate Professor of Law, George Mason University Antonin Scalia Law School

Reading Assignment:

Hanno F. Kaiser, *Are “Closed Systems” an Antitrust Problem?* 7 COMP. POL’Y INT’L 91 (2011).

John M. Yun, *Antitrust After Big Data*, 4 CRITERION J. ON INNOVATION 407 (2019).

12:15 – 12:30 pm

Lunch Break

12:30 – 1:45 pm

Working Lunch and Session 4: Antitrust and Federalism | Kobayashi

Reading Assignment:

Bruce Johnsen & Moin A. Yahya, *The Evolution of Sherman Act Jurisdiction: A Roadmap for Competitive Federalism*, 7 J. CONSTITUTIONAL L. 403 (2004).

Bruce H. Kobayashi & Joshua D. Wright, *What’s Next in Apple Inc. v. Pepper?: The Indirect Purchaser Rule and the Economics of Pass Through*, 2018-2019 CATO SUPREME COURT REVIEW 249 (2019).

Christopher Garmon & Kishan Bhatt, *Certificates of Public Advantage and Hospital Mergers*, J. L. & ECON. 465 (2022).

Thomas G. Wollmann, *Stealth Consolidation: Evidence from an Amendment to the Hart-Scott-Rodino Act*, AM. ECON. REVIEW: INSIGHTS 77 (2019).

1:45 pm

Adjourn for the Day, Afternoon Study Session

Friday, September 12

6:30 – 7:30 am

Breakfast, on your own at the hotel

7:30 – 8:00 am

Walk from hotel to Antonin Scalia Law School

8:00 – 9:15 am

Session 5: AI and Algorithmic Pricing | Yun

Reading Assignment:

Ai Deng, *Algorithmic Collusion and Algorithmic Compliance: Risks and Opportunities*, GLOBAL ANTITRUST INSTITUTE REPORT ON THE DIGITAL ECONOMY, 2020.

Maureen Ohlhausen, Taylor Owings & Cora Allen, *What About Bob? Revisiting the Intersection of Antitrust Law and Algorithmic Pricing in 2024*, ARTIFICIAL INTELLIGENCE AND COMPETITION POLICY 187 (2024).

9:15 – 9:30 am **Break**

9:30 – 10:45 am **Session 6: Vertical Restraints**

Douglas H. Ginsburg, Judge, U.S. Court of Appeals for the District of Columbia Circuit; Professor of Law, George Mason University Antonin Scalia Law School

Reading Assignment:

Benjamin Klein, *Competitive Resale Price Maintenance in the Absence of Free Riding*, 76 ANTITRUST L. J. 431 (2009).

10:45 – 11:00 am **Break**

11:00 am – 12:15 pm **Session 7: Non-competition Agreements in Employment Relations | Ginsburg**

Reading Assignment:

Packet, which contain excerpts from the following readings:

Ryan, LLC v. FTC, 746 F.Supp. 3d 369 (N.D. Tex. 2024).

Properties of the Villages, Inc. v. FTC, No. 5:24-cv-316, 2024 WL 3870380, at *1 (M.D. Fla. 2024) (order granting preliminary injunction).

Dan Andrews & Andrea Garnero, *Five Facts on Non-Compete and Related Clauses in OECD Countries*, IZA INSTITUTE OF LABOR ECONOMICS 14 (2025).

Scholars of Law & Economics and the International Center for Law & Economics, Comments, *In the Matter of Non-Compete Clause Rulemaking, Matter No. P201200*, Before the Federal Trade Commission, 11, 11-13, 15, 52-57, 80 (2023).

The Capitol Forum, *Labor Thursday: Novel Study Explores Worker Behavior Under Noncompetes, Undermining Justifications for the Employment Restrictions; New Labor Guidance Updates Information Sharing Standards, But Faces Potential Withdrawal by GOP Majority* (Jan. 23, 2025).

12:15 pm **Program Adjourns, Participants depart at their leisure**