

Antitrust Law & Economics Institute for Judges

Sunday, October 5 – Wednesday, October 8, 2014

Co-Sponsored by:

American Bar Association Section of Antitrust Law And

George Mason University School of Law Judicial Education Program

Classes: George Mason University School of Law, Hazel Hall, 3301 Fairfax Drive, Arlington, VA 22201

Hotel: Residence Inn by Marriott Arlington Ballston, 650 North Quincy Street, Arlington, VA 22203

Agenda

Sunday, October 5

Classes and dinner held at the Residence Inn, Founders and Old Dominion Rooms

3:30 – 4:00 pm

Registration

4:00 – 5:45 pm

Welcoming Remarks

Henry N. Butler, George Mason University Foundation Professor of Law, George Mason University School of Law and Executive Director, Law & Economics Center

Richard M. Steuer, Partner, Mayer Brown LLP and Past Chair, ABA Section of Antitrust Law

Paul H. Friedman, Partner, Dechert LLP

Update on Global Antitrust Institute

The Honorable Douglas H. Ginsburg, Senior Circuit Judge, US Court of Appeals for the District of Columbia Circuit and Professor of Law, George Mason University School of Law

Overview of Antitrust Law and Evolution of Antitrust Enforcement

William E. Kovacic, Global Competition Professor of Law and Policy and Director, Competition Law Center, The George Washington University School of Law

5:45 – 8:15 pm

Reception and Dinner

Keynote Address: One Judge's Views on How to Make the Best Use of Economic Expert Evidence at Class Certification

The Honorable Katherine B. Forrest, District Judge, US District Court for the Southern District of New York

8:15 pm

Adjourn for the Day

Monday, October 6

Classes held at George Mason University School of Law, Hazel Hall, Room 215

7:00 – 7:30 am

Breakfast, *Residence Inn*

7:30 am

Walk, *Residence Inn to George Mason University School of Law*

8:00 – 9:15 am

Law School Welcome

Daniel D. Polsby, Dean and Professor of Law, George Mason University School of Law

Why Market Definition, Market Share, and Entry Barriers Matter to the Central Focus on Market Power

William E. Kovacic, Global Competition Professor of Law and Policy and Director, Competition Law Center, George Washington University School of Law

Monday, October 6 *continued*

- 9:30 – 11:00 am** **How Lawyers Use Economic Evidence in Antitrust Litigation: Class Certification; Conspiracy; Antitrust Injury; Damages**
Steven R. Kuney, Partner, Williams & Connolly and Adjunct, Professor of Law, Georgetown University Law Center
Ellen Meriwether, Partner, Cafferty Clobes Meriwether & Sprengel LLP
- 11:15 – 12:30 pm** **Cartels**
Leslie M. Marx, Robert A. Bandeen Professor of Economics, Fuqua School of Business at Duke University
- Reading Assignment:** Robert C. Marshall and Leslie M. Marx, *The Economics of Collusion*, MIT Press, 2012. [Chapter 11](#), excluding the appendix and sections marked with *
- 12:30 – 1:30 pm** **Lunch, Rear Atrium**
- 1:30 – 2:45 pm** **Agreement and Facilitation Practices**
Joseph E. Harrington, Patrick T. Harker Professor of Business Economics and Public Policy, The Wharton School, University of Pennsylvania
- 2:45 – 3:05 pm** **Practical Challenges in Trying an Antitrust Case in the United States**
Michael D. Hausfeld, Chariman, Hausfeld LLP
- 3:15– 5:15 pm** **Panel: War Stories – Trial of An Antitrust Case**
The Honorable Kenneth M. Hoyt, Senior District Judge, US District Court for the Southern District of Texas
The Honorable Susan Y. Illston, Senior District Judge, US District Court for the Northern District of California
The Honorable J. Frederick Motz, Senior District Judge, US District Court for the District of Maryland
- Moderator: The Honorable Paul L. Friedman**, Senior District Judge, US District Court for the District of Columbia
- 5:15 pm** **Adjourn for the Day**
Dinner on your own.

Tuesday, October 7

Classes held at George Mason University School of Law, Hazel Hall, Room 215

- 7:30 – 8:00 am** **Breakfast, Residence Inn**
- 8:00 am** **Walk, Residence Inn to George Mason University School of Law**
- 8:30 – 10:00 am** **Statistical Evidence**
Bruce H. Kobayashi, Professor of Law, George Mason University School of Law
- 10:15 – 11:30 am** **Exclusive Dealing, Foreclosure, and Other Exclusionary Conduct**
Amanda P. Reeves, Partner, Latham and Watkins LLP
Steven C. Salop, Professor of Economics and Law, Georgetown University Law Center
- 11:30 am – 12:30 pm** **Lunch, Rear Atrium**
- 12:30 – 2:30 pm** **Panel Discussion: The Role of a District Court Judge When Contemplating the Prospects for Duplicative Recovery; the Implications of *Mississippi ex rel Hood v. AU Optronics*, Indirect Purchaser Claims, Criminal Penalties, and Private Damage Actions in Europe**
- Kathleen E. Foote**, Senior Assistant Attorney General, California Department of Justice
Roxann E. Henry, Partner, Morrison & Foerster, and Chair-elect, ABA Section of Antitrust Law
Judge Susan Y. Illston, Senior District Judge, US District Court for the Northern District of California
Jonathan M. Shaw, Partner, Boies, Schiller & Flexner LLP

Moderator: Richard M. Steuer, Partner, Mayer Brown and Past Chair, ABA Section of Antitrust Law

6:30 pm – 8:45 pm **Reception and Dinner**, *Willow, Arlington, VA*
Keynote Address: Disruptive Technology, Discovery, and Magistrate Judges or "Did You Get the License Plate of the Drone that Just Hit Me?"
The Honorable John M. Facciola, Magistrate Judge, US District Court for the District of Columbia

8:45 pm **Adjourn for the Day**

Wednesday, October 8

Classes held at George Mason University School of Law, Hazel Hall, Moot Court Room

7:00 – 7:30 am **Breakfast**, *Residence Inn*

7:30 am **Walk**, *Residence Inn to George Mason University School of Law*
Please bring your bags with you.

8:00 – 11:00 am **Mock Trial**
Mock trial of a Sherman Act case before a jury, followed by jury deliberations and Q & A of the jurors.

11:15 am - 1:00 pm **Mock Trial Debrief and Lunch**, *Rear Atrium*

1:00 pm **Adjourn**