



# Agenda

## Study Group on the Economics of Antitrust for State Attorneys General and Solicitors General

Wednesday, September 11, 2024 – Friday, September 13, 2024

### Wednesday, September 11

- 6:30 pm Registration
- 6:30 – 7:15 pm Welcome Reception
- 7:15 – 9:30 pm Welcome Dinner

### Thursday, September 12

- 7:00 – 7:55 am Breakfast
- 8:00 – 9:15 am **Class 1: 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).
- 9:15 – 9:30 am Break
- 9:30 – 10:45 am **Class 2: The Meaty History of Antitrust**  
**Donald J. Boudreaux**, Senior Fellow, FA Hayek Program for Advanced Study in Philosophy, Politics, and Economics and Martha and Nelson Getchell Chair for the Study of Free Market Capitalism, Mercatus Center; Professor of Economics, George Mason University  
**Reading Assignment:**  
Robert L. Bradley, Jr., *On the Origins of the Sherman Antitrust Act*, 9 CATO J., 737 (1990).
- 10:45 – 11:00 am Break
- 11:00 am – 12:15 pm **Class 3: Antitrust and the Economics of Federalism**  
**Michael S. Greve**, Professor of Law, George Mason University Antonin Scalia Law School  
**Reading Assignment:**  
Frank H. Easterbrook, *Antitrust and the Economics of Federalism*, 26 J. L. ECON. 23 (1983).  
Richard A. Epstein & Michael S. Greve, *The Intractable Problem of Antitrust Jurisdiction*. In: Epstein & Greve, eds, *Competition Laws in Conflict* (AEI, 2004).
- 12:15 – 1:45 pm **Working Lunch and Class 4: The Implications of AI for Antitrust Enforcement**

**Alden Abbott**, Senior Research Fellow, Mercatus Center at George Mason University

**Reading Assignment:**

Satya Marar, *Artificial Intelligence and Antitrust Law: A Primer* (Mar. 1, 2024) (unpublished manuscript) (on file with SSRN).

Matthew Mittelsteadt, *Artificial Intelligence: An Introduction for Policymakers*, Mercatus Center, (2023).

1:45 pm

**Adjourn for the Day**

**Friday, September 13**

7:00 – 7:55 am

**Breakfast**

8:00 – 9:15 am

**Class 5: AI and Algorithmic Pricing | Yun**

**Reading Assignment:**

*State of Washington v. RealPage, Inc.*, No. 1:24-cv-00710 (M.D.N.C. filed Aug. 23, 2024).

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

9:15 – 9:30 am

**Break**

9:30 – 10:45 am

**Class 6: Antitrust and Federalism (Cont.)**

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

**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 (2019), pp. 249-269.

Christopher Garmon & Kishan Bhatt, *Certificates of Public Advantage and Hospital Mergers*, J. L. & ECON. (2022) 465-486.

Thomas G. Wollmann, *Stealth Consolidation: Evidence from an Amendment to the Hart-Scott-Rodino Act*, Am. Econ. Review: Insights (2019), 77-94.

10:45 – 11:00 am

**Break**

11:00 am – 12:15 pm

**Class 7: The 2023 Merger Guidelines and the Missing Guideline on Efficiencies**

**Maureen K. Ohlhausen**, Partner, Antitrust and Competition, Wilson Sonsini Goodrich & Rosati

**Reading Assignment:**

Maureen Ohlhausen & Taylor Owings, *The Missing Merger Guideline: On Efficiencies in The 2023 U.S. Merger Guidelines: A Review* 113-26 (Sean P. Sullivan, 1st ed. 2023).

U.S. Dep't of Justice & Fed. Trade Comm'n Merger Guidelines (2023), <https://www.justice.gov/d9/2023-12/2023%20Merger%20Guidelines.pdf>.

12:15 pm

**Program Adjourns**, participants depart at their leisure