



50th
1974–2024

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

Wednesday, September 11 – 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, <i>Are “Closed Systems” an Antitrust Problem?</i> , 7 COMP. POL’Y INT’L 91 (2011). John M. Yun, <i>Antitrust After Big Data</i> , 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., <i>On the Origins of the Sherman Antitrust Act</i> , 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, <i>Antitrust and the Economics of Federalism</i> , 26 J. L. ECON. 23 (1983). Richard A. Epstein & Michael S. Greve, <i>The Intractable Problem of Antitrust Jurisdiction</i> . In: Epstein & Greve, eds, <i>Competition Laws in Conflict</i> (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Satya Marar, *Artificial Intelligence and Antitrust Law: A Primer* (Mar. 1, 2024) (unpublished manuscript) (on file with SSRN).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