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Washington Center
for Equitable Growth

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. For further information, contact: Office of Special Events & Continuing Legal Education, 202.274.4075 or secle@wcl.american.edu.