

ANTITRUST (ATGL)

ATGL 0204. Global Antitrust Seminar. (2 Credits)

It is hard to think of an area of law as international as antitrust. Over 120 countries have antitrust laws. In a globalized economy, the effects of most mergers and business strategies are rarely felt in a single country, and often transcend jurisdictional boundaries. For those interested in pursuing a career in antitrust, or simply interested in learning more about this fascinating area of law, focusing only on U.S. antitrust law will offer you an important but incomplete view of the area. The goal of this seminar is to provide students with an overview of how key topics in global antitrust are handled today. We will compare different laws and identify to what extent they converge or diverge, and how multiple antitrust laws influence each other and the economies that are subject to them. To achieve this goal, we will review and compare the outcome of major cases in key antitrust jurisdictions, such as Brazil, China, the European Union, Japan, Mexico, and the United States. We will also study recommendations by multilateral organizations such as the International Competition Network (ICN) and the Organisation for Economic Co-operation and Development (OECD). Grading: Grades will be based on class participation (25%) and a seminar paper of at least 20 pages double-spaced (75%). Papers are due on the day of our last class. During this class, students are required to make a brief presentation on the subject of their papers and their conclusions. This presentation will count toward class participation.

Attributes: ICE, LAWB, LAWI, LLM.

ATGL 0230. International Cartel Enforcement: Globalization of Antitrust. (2 Credits)

This course focuses on how different legal systems detect and punish cartel behavior. It will examine public enforcement efforts by competition authorities in the United States and the European Union, as well as private remedies available in both jurisdictions. With respect to public enforcement, the course will consider a number of issues, including investigative tools, amnesty programs, sentencing guidelines, and cooperation and convergence initiatives by competition authorities in both jurisdictions. The course will also examine from a comparative perspective the different systems of private remedies available to injured parties in the U.S. and the EU, taking into account the new EU Directive on rules governing private antitrust damage actions. Among the topics to be considered in this part of the course will be class actions and other mechanisms for collective redress, extraterritoriality, standing issues, and proof of damages. NOTES/MISC: Paper Required.

Attributes: CORC, ICE, LAWI, LIC.

ATGL 0309. Antitrust Law. (3 or 4 Credits)

Examines the federal antitrust laws, primarily the Sherman Act and Clayton Act. Specific topics covered include monopolization, horizontal and vertical arrangements, and mergers. We will also consider suggested changes to federal antitrust laws as described in U.S House of Representative's October 2020 Investigation of Competition in Digital Markets.

Attributes: BFE, CORC, IPIF, LAWB, LAWI, LLM, PIE.

ATGL 0429. Antitrust Litigation: Principles and Applications . (2 Credits)

ATGL 0430. Antitrust Litigation: Principles and Applications. (2 Credits)

Can generic drug manufacturers broaden access to life-saving medicine if it requires striking a deal with brands to keep prices high? Can technology firms block access to proprietary software if it allows consumers a better overall user experience? These are questions of law, economics, politics, and morality. The crossroads at which these disciplines meet is antitrust, and often, the means through which these questions are answered is antitrust litigation. This seminar introduces students to the contours of antitrust litigation, rooted in concepts like competition and monopolization but focused more directly on how disputes concerning the application of these concepts are settled inside (and sometimes just outside) courtrooms. Class readings, exercises, and discussion examine the application of antitrust law using causes of action prescribed by statute and brought to life through the common law. We will start with a brief overview of blackletter antitrust (the Sherman Act, the Clayton Act, and seminal caselaw) but then move quickly to contemporary practice tools—dispositive briefing, motion practice, jury exercises, and expert testimony. The course involves in-depth examinations of both commercial firms and government actions in Big Tech and Big Pharma; topics will include agreements among competitors, joint ventures, mergers, and monopolization.

Attributes: CRCP, LAWB, LAWI, LLM.

ATGL 1017. Antitrust and High Technology. (2 Credits)

ATGL 1018. Antitrust in the Digital Economy. (2 Credits)