

# 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](http://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](mailto:secle@wcl.american.edu).