

George Mason Law Review

14th Annual Symposium on Antitrust

Horizontal Market Power:

The Evolving Law and Economics of Mergers and Cartels

Wednesday, February 9, 2011 8:00 am – 12:15 pm

8:00 a.m.

Registration & Continental Breakfast

8:45 a.m.

Welcome

Daniel Polsby, Dean and Professor of Law, George Mason University School of Law

Opening Remarks

Jeffrey A. Eisenach, Managing Director and Principal, Navigant Economics and Adjunct Professor, George Mason University School of Law

Introduction of Commissioner Rosch

Ian Simmons, Partner, O'Melveny & Myers LLP

9:00 a.m.

Keynote Address

J. Thomas Rosch, Commissioner, Federal Trade Commission

9:30 a.m.

Panel One | The Impact of the 2010 Horizontal Merger Guidelines on the Litigation of Merger Cases

Moderator

Alden F. Abbott, Deputy Director for Special Projects, Office of International Affairs, Federal Trade Commission and Adjunct Professor, George Mason University School of Law

Speakers

Jeffrey Brennan, Partner, Dechert LLP

Kevin M. Murphy, George J. Stigler Distinguished Service Professor of Economics, Booth School of Business and Department of Economics at the University of Chicago

David T. Scheffman, Director, Berkeley Research Group LLC

Howard Shelanski, Deputy Director for Antitrust, Bureau of Economics, Federal Trade Commission

Our first panel will address the impact of the 2010 Horizontal Merger Guidelines on the litigation of merger cases. Panelists will discuss (a) the Guidelines' shift from evaluating competitive effects through a focus on market definition and step-by-step merger analysis to emphasizing diversion analysis and upward pricing pressure analysis; (b) how the Courts will respond, if at all, to changes in the Guidelines; and (c) how the new Guidelines change the Government's burden of proof in suing to oppose a merger, and the type of evidence that the parties can provide to rebut the Government's allegations.

11:00 a.m.

Panel Two | Current Trends in Criminal Cartel Enforcement

Moderator

Ian Simmons, Partner, O'Melveny & Myers LLP

Speakers

Barry Boss, Managing Partner, Cozen O'Connor

Steve Bunnell, Partner, O'Melveny & Myers LLP

James Langenfeld, Managing Director and Principal, Navigant Economics and Adjunct Professor, Loyola University Chicago School of Law

Lisa M. Phelan, Chief, National Criminal Enforcement Section, Department of Justice (Antitrust Division)

Our second panel will address current trends in criminal cartel enforcement. Panelists will discuss (a) the converging and diverging interests of company counsel and individual counsel; (b) the "volume of commerce" analysis under the post-Booker U.S. Sentencing Guidelines; and (c) whether economic damages analyses are useful in measuring "volume of commerce".