

ANTITRUST

JACOBS

Fall 2009

The text for the course is ANTITRUST LAW IN PERSPECTIVE by Gavil, Kovacic and Baker (2d edition, Thomson/West). I may provide other cases from time to time. Evaluation will be by means of an open-book, take-home, final examination. At my discretion, I may raise by one grade level the final grade of anyone who is regularly well prepared and contributes significantly to the quality of class discussion; and may lower by one or more grade levels the final grade of anyone who is regularly absent or unprepared. In the past, I have failed students who have not attended class on a regular basis; regular attendance is an ABA and a law school requirement; so if you are inclined not to attend class, this is not the course for you.

Since the early 1980s, the field of Antitrust law has become an area of law highly dependent upon economics. This course will provide you with some basic instruction in industrial organization economics (the economics of the firm and the market) and in game theory. No prior knowledge of either of these areas is required. All questions about any issue pertaining to the economics of antitrust are especially welcome, and I specifically encourage you to ask any question that comes to mind.

Since the 1990s, Antitrust law has become a global discipline as well. There are roughly 120 separate antitrust regimes in the world, and whether and how to “harmonize” or “converge” them has become a significant policy question with implications for world trade and inter-regional law enforcement. It is important therefore that you keep in mind that the US is just one among many countries that have Antitrust laws and that must arguably cooperate in their enforcement.

Finally, as you read the cases and the related areas of study, please consider the role of the Antitrust lawyer in organizing and litigating a case involving years of preparation, thousands (and sometimes millions) of documents to review, dozens of witnesses to prepare, including expert economists, and with many millions of dollars – and perhaps the company’s future – at stake. The book contains one case study of the enormous stresses that these cases place on a lawyer’s attention to legal ethics. But think as well of the other areas of potential stress: professional competence, time management, client relations, negotiating settlements; and of the effects these are apt to have on the lawyers involved.

My office is in Room 744. My telephone extension is 2-8141. My office hours shall be on Monday before class and on Wednesday afternoons; and shall be posted on the door of my office. You are welcome to come by my office at any time to discuss the course, or any questions that you might have about it.

The reading assignments are listed below by week, and refer to the textbook. PLEASE NOTE: I will expect you to have read and be able to discuss pages 1-39 for the first day of class.

MJ

Week 1	1-80;
Week 2	88-138;
Week 3	128-175;
Week 4	175-211;
Week 5	211-247;
Week 6	247-283
Week 7	283-330;
Week 8	330-351, 582-592;
Week 9	592-622; 622-637;
Week 10	637-680;
Week 11	680-718;
Week 12	718-762;
Week 13	765-788;
Week 14	Review