

FOREWORD

The American Bar Association Section of Antitrust Law is pleased to present the second edition of *Proof of Conspiracy Under Federal Antitrust Laws*. Proof of an illegal agreement in restraint of trade is a required element in every case brought under Section 1 of the Sherman Act. But an unlawful agreement may not have been reduced to paper or memorialized in email, and there may be no whistle-blower, leniency applicant or cooperative witness. In cases lacking such direct evidence, the trier of fact may be asked to infer an illegal agreement from circumstantial conduct. This book surveys the evidentiary requirements for proving an unlawful agreement and examines how courts have evaluated fact and expert evidence at each stage in litigation, from a motion to dismiss to summary judgment motions and trial.

The Section of Antitrust Law is grateful to Nickolai G. Levin, Peter K. Huston, and Jason Angell, and their team of contributing authors for helping to update this book under the leadership of John Delacourt and Joanne Lewers, Co-Chairs of the Joint Conduct Committee of the Section of Antitrust Law. We trust that this book will serve as a guide to those who practice in this important and ever-changing field.

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