Thursday, November 15, 2018

08:00 AM - 4:30 PM  Registration

8:30 – 8:45 AM  Welcome

Section Chair:
Deborah A. Garza, Covington & Burling LLP, Washington, DC

Conference Co-Chairs:
Deborah L. Feinstein, Arnold & Porter, Washington, DC
James J. O’Connell, Covington & Burling LLP, Washington DC

8:45 – 10:00 AM  Panel I: Hot Topics in Conduct Matters:
Anticompetitive Conduct: The FTC has embarked on an ambitious series of hearings into antitrust enforcement in the 21st Century. The DOJ has expressed skepticism regarding the role antitrust enforcement should play in cases involving intellectual property, such as refusals to license. Some are arguing that antitrust enforcement and policy are too focused on economic efficiency and should take a broader view of what constitutes consumer welfare. Against this unsettled backdrop, our panel will discuss the state of public and private antitrust enforcement in conduct matters. Do we have the right standards? Are the right cases being brought? And how should companies chart their courses through what seem to be some uncharted waters?

Moderator:
James J. O’Connell, Covington & Burling LLP, Washington DC

Speakers:
Melanie Aitken, Bennett Jones LLP, Washington, DC
Andrew C. Finch, Principal, Deputy Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC
Amanda P. Reeves, Latham & Watkins LLP, Washington DC
Carl Shapiro, University of California at Berkeley, Berkeley, CA

10:00 – 10:45 AM  Update from the U.S. Department of Justice

Speaker:
The Honorable Makan Delrahim, Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC

10:45 - 11:00 AM  Break

11:00 – 12:15 PM  Panel II: Merger Enforcement: The Agencies Are Continuing Their Vigorous Enforcement Against Mergers

The panel will discuss how to avoid litigation, how the courts are viewing merger challenges and whether the agencies have changed their stance on remedying anticompetitive mergers.

Moderator:
David Emanuelson, Intel Corporation, Santa Clara, CA

Speakers:
Renata B. Hesse, Sullivan & Cromwell LLP, Washington, DC
Bruce Hoffman, Director, Bureau of Competition, Federal Trade Commission, Washington DC
Bernard A. Nigro Jr., Deputy Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington DC
Stephen Weissman, Baker Botts LLP, Washington DC

12:15 – 1:30 PM  Lunch

1:30 – 2:45 PM  Panel III: Cutting Edge Issues in Antitrust Economics

A group of distinguished economists will discuss the current state of the art in the antitrust economics, including bargaining models, analysis of two-sided platforms, and economic analysis of unilateral and coordinated effects.

Moderator:
Arthur J. Burke, Davis Polk & Wardwell LLP, New York, NY

Speakers:
Luke M. Froeb, Vanderbilt University, Nashville, TN
Margaret Guerin-Calvert, Compass Lexecon, Washington, DC
Francine Lafontaine, University of Michigan, Ann Arbor, MI

2:45 – 15:00 PM  Break
### PANEL IV: VIEW FROM THE BENCH

A panel of judges will discuss their experiences with antitrust litigation.

**Moderator:**
Richard G. PARKER, Gibson, Dunn & Crutcher LLP, Washington, DC

**Speakers:**
- The Honorable Tanya S. CHUTKAN, Judge, U.S. District Court of the District of Columbia, Washington, DC
- The Honorable Katherine B. FORREST, Judge, U.S. District Court for the Southern District of New York, New York, NY

### 4:15 – 5:00 PM Q&A

**Interviewer:**
Deborah L. FEINSTEIN, Arnold & Porter, Washington, DC

**Speaker:**
The Honorable Joseph SIMONS, Chair, Federal Trade Commission, Washington, DC

### 5:00 - 6:00 PM RECEPTION
Scholarship:
Financial scholarship applications are available for this conference. To request an application or receive additional information, contact: registrar@americanbar.org
For courses costing over $500, attorneys who qualify will receive at least a 50% reduction in the course fees. This does not include any reduction in meals, lodging, or travel costs associated with the course.

Continuing Legal Education (CLE)
Sign in for MCLE (U.S. CLE)
All Attendees: Sign-in for CLE upon Arrival
DE/IL Attendees: Your states require you to sign into each session
NY Attendees: You are required by your state to sign in and out each session.

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, CT, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, ME, MN, MS, MO, MP, MT, NH, NJ, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit www.ambar.org/atfallforum

Special rules apply to lawyers from the following states:

Arizona: The State Bar of Arizona does not certify MCLE courses or providers. You must independently review Arizona MCLE regulations and make your own determination as to whether a program qualifies for credit towards your MCLE requirements.

Florida: You are eligible to receive credit for this program through Florida’s reciprocity provision. ABA programs are approved in New York and many other states. To have credit for this program posted to your CLE total, email or fax the Uniform Certificate of Attendance and the program agenda to the Florida Bar. View contact information for the Florida Bar. There is no fee for you to use the reciprocity provision.

Idaho: You may self-submit this program for CLE approval by sending the Application for CLE credit to the Idaho State Bar with the required attachments. You can download a copy of the program brochure/agenda from an ABA program’s website, or print a copy of the program web page if no separate brochure available for submission with your application. There is no fee for this submission.

Maine: You are eligible to receive credit for this program through Maine’s reciprocity provision that allows credit hours for courses or activities approved by another MCLE state and certified by that state’s CLE regulatory authority to be accepted for identical credit by the Maine Board of Overseers of the Bar upon the board’s receipt of evidence of such certification as issued by that state, or the ABA Uniform Certificate of Attendance. ABA programs are approved in New York and many other states.

Nebraska: You may self-submit this program for CLE approval after attending the program by logging into your personal MCLE account with the Nebraska MCLE Commission. There is no fee for this submission and a response is generally received within 3-5 days.

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New Jersey: You are eligible for credit for this program under New Jersey reciprocity provision if another state grants credit for it. ABA programs are approved in New York and many other states.

New York: This transitional CLE program is approved for all New York-licensed attorneys in accordance with the requirements of the New York State CLE Board for transitional MCLE credits. Both experienced and newly admitted attorneys may earn New York credit with this program.

Rhode Island: You may self-submit this program for CLE approval online, under Course Accreditation (Appendix D), at the time of attendance reporting. There is no fee for self-submission.

Wyoming: You may self-submit this program for CLE approval within a reasonable time after attending the program by completing Application for CLE credit. This is the same form that is currently required for attendance reporting. There is no fee for self-submission.

All attorneys may click here to view additional MCLE information for your jurisdiction.