THURSDAY, NOVEMBER 15, 2018

7:30 AM - 5:00 PM REGISTRATION

8:25 – 8:30 AM WELCOME
Section Chair: James J. O’CONNELL, Covington & Burling LLP, Washington, DC

8:30 – 8:45 AM KEYNOTE
Jesse PANUCCIO, Principal Deputy Associate Attorney General, U.S. Department of Justice, 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 L. 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 AM – 12:15 PM PANEL II: MERGER ENFORCEMENT: CONTINUITY & CHANGE?
The panel will discuss how to avoid litigation, how the courts on viewing merger challenges and whether the agencies have changed their stance on remedying anticompetitive mergers.

Moderator: David T. EMANUELSON, Global Antitrust Counsel, Intel Corporation, Santa Clara, CA
Speakers: Renata B. HESSE, Sullivan & Cromwell LLP, Washington, DC
D. 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 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: David S. EVANS, Global Economics Group, Boston, MA
Margaret E. GUERIN-CALVERT, Compass Lexecon, Washington, DC
Francine LAFONTAINE, University of Michigan, Ann Arbor, MI

2:45 – 3:00 PM BREAK
3:00 – 4:15 PM  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, Former Judge, U.S. District Court for the Southern District of New York, New York, NY

4:15 – 5:00 PM  A Q&A WITH THE FTC CHAIRMAN

Interviewer:
Svetlana S. GANS, NCTA-The Internet and Television Association, Washington, DC

Speaker:
The Honorable Joseph J. 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: at-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):
States typically decide whether a program qualifies for CLE credit in their jurisdiction 4-8 weeks after the program application is submitted. For many live events, credit approval is not received prior to the program.

The ABA directly applies for and ordinarily receives credit for live, in-person 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, VT, VA, WI, WA, WI, and WV.

The ABA will seek [5.00] hours of CLE credit based on a 60-minute hour for this program in 60-minute states, and [6.00] hours of CLE credit 50-minute hours for this program in 50-minute states. Credit hours are estimated and are subject to each state’s approval and credit rounding rules. View accreditation information for your state, at 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.

New Hampshire: The New Hampshire MCLE Board does not certify MCLE courses or providers. You must self-determine whether a program is eligible for credit, and self-report your attendance online at www.nhbar.org/NHMCLE.
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.