fall forum

November 15, 2018
Washington, DC
National Press Club

Co-chairs
Deborah L. Feinstein
James J. O’Connell
Dear Colleagues:

This year’s Fall Forum is taking place just over two years after the 2016 election brought dramatic change to Washington. In the world of antitrust, the new administration has brought changes to U.S. policy and enforcement. At the same time, there is ongoing discussion and debate about whether more significant changes to antitrust enforcement, such as abandonment of the consumer welfare standard, are appropriate. Please join us this November in Washington for exciting and provocative discussions – from a wide array of diverse viewpoints – about antitrust enforcement during these unsettled times.

The program will start with a panel discussion of the state of public and private enforcement, as well as policy, in conduct matters. Do we have the right standards? Are the right cases being brought? Should the agencies be working to promote further changes in how the courts look at monopolization cases? What might be the after-effects of the Supreme Court’s American Express decision? And how goes the effort towards greater convergence with Europe and the other major competition law enforcement jurisdictions in this area?

Next, we will hear directly from Makan Delrahim, the Assistant Attorney General in charge of the DOJ’s Antitrust Division, who will share with us his views on antitrust enforcement.

The morning will conclude with a session on mergers. The U.S. agencies are both continuing their vigorous enforcement in this area and our panel will discuss recent significant cases, how parties can avoid litigation, how the courts are viewing merger challenges, and the changes that the agencies have taken with respect to how they remedy the harms threatened by anticompetitive mergers.

Following a networking lunch, a group of distinguished economists will discuss the current state of the art in antitrust economics, including bargaining models, analysis of two-sided platforms in the wake of the Supreme Court’s American Express decision, and economic analysis of unilateral and coordinated effects.

It will then be the turn of the deciders to have their say, as we welcome a panel of federal judges who have presided over some of the most significant recent antitrust trials to share their “views from the bench.”

Our conference will conclude with a Q&A session with FTC Chair Joe Simons including his views on the current state of the antitrust laws and the goals of the FTC Hearings on Competition and Consumer Protection in the 21st Century.

After the speakers and panelists have had their say, you’ll be able to continue the dialogue with other leaders of the antitrust bar at an informal networking event.

Please plan to join us at this year’s Fall Forum, one of the highlights of the ABA Antitrust Section’s calendar. You will not want to miss it.
8:30 – 9:45 AM  PANEL I: HOT TOPICS IN CONDUCT MATTERS

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 – 12:15 PM  PANEL II: MERGER ENFORCEMENT: CONTINUITY & CHANGE?

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 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:**
Luke M. FROEB, Vanderbilt University, Nashville, TN
Margaret 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 Chair**

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

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

5:00 – 6:00 PM  **RECEPTION**
Discounted Registration Cut-off: October 25, 2018

Those registered by the cut-off date will be included on the Attendee Roster posted on the conference website and will have access to the course materials prior to the conference.

The ABA automatically adjusts registrations submitted at the incorrect rate. Full payment at the correct rate must be received in order to process your registration and CLE credits. The ABA does not accept wire transfers or purchase orders.

To request a financial scholarship application, contact: at-registrar@americanbar.org.

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<tr>
<th>Registration Rates</th>
<th>ABA Section of Antitrust Law Member</th>
<th>ABA Non-Section Member</th>
<th>Non-Member</th>
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<tr>
<td>List Rate-up to October 25</td>
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<td>$745</td>
<td>$845</td>
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<tr>
<td>List Rate-after October 25</td>
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<tr>
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<td>$220</td>
<td>$270</td>
<td>$320</td>
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<tr>
<td>Law Student</td>
<td>$25</td>
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TWO WAYS TO REGISTER

Online
[ambar.org/atfallforum](ambar.org/atfallforum)  
*Online registrants will receive an electronic confirmation within one day.*  
*Online registration closes at 4:00pm CST on November 14, 2018*

On-site
November 15, 2018  
National Press Club  
7:30am-4:30pm EST

There is no guarantee that space will be available at the conference for on-site registration. Your registration fee includes: admission to CLE sessions, CLE Credit, breaks, course materials, the luncheon, and reception.
**DISCOUNTS**

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<tr>
<th>Early Registration</th>
<th>Registrations received by October 25, 2018 will be processed at the discounted registration rate.</th>
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<tbody>
<tr>
<td>ABA Antitrust Section Members</td>
<td>The registration rate for Antitrust Law Section is reduced for this conference as a member benefit. The discount is reflected on the registration page online.</td>
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<tr>
<td>ABA Members</td>
<td>Join the Section of Antitrust Law ($60.00) and register at the reduced rate reserved for Antitrust Law Section members</td>
</tr>
<tr>
<td>Not an ABA Member</td>
<td>Join now and save by going to <a href="http://www.ambar.org/join">www.ambar.org/join</a></td>
</tr>
<tr>
<td>Government, Academics, LLMS, and Nonprofits</td>
<td>Available for those with a primary position at a government or academic institution (e.g., law firm lawyers who also are adjunct professors would pay the law firm rate) and LLMS with no for profit affiliations</td>
</tr>
<tr>
<td>Law Students</td>
<td>Discounted registration for currently enrolled law students who have not passed a Bar and/or are not licensed to practice. Availability is limited.</td>
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**REGISTRATION**

**Cancellations**
In the event of cancellation, a refund of the registration fee, less a $50.00 administrative fee, will be granted only for written requests received by at-registrar@americanbar.org by 5:00 pm CST, on November 1, 2018.

There will be no refunds after this date. Please allow four to six weeks after the conference for the processing of any refunds. The ABA reserves the right to cancel any conference or portion thereof and assumes no responsibility for personal expenses.

Written requests for substitutions will be permitted prior to the conference for requests received by 4:00 (CST) November 1, 2018. After this date, substitutions will need to be made on-site. There is no additional cost for substitutions. Substitutions are not permitted once a registrant has registered on-site or after the conference has occurred. Only the substitute will be eligible for CLE credit. The substitute and original registrant must work out the payment between themselves.

**Special Needs**
Individuals should update their MyABA.org profile with allergies or ADA needs.

**Course Materials**
The Course Materials for each session will be compiled and distributed online prior to the conference.

**On-site**
Please bring your confirmation to the on-site ABA Registration Desk to pick up your materials. Registrations received after online registration has closed, or those who have not received an electronic confirmation, will need to go to the on-site ABA Registration Desk during the registration hours posted in the agenda.

**Roster of Participants**
A roster of conference participants is available online at www.ambar.org/atfallforum and is updated weekly.

**Tape Recording**
No audio recording or videotaping of any part of the conference will be permitted.
Registrant/Attendee Image & Voice Agreement
Registration for, attendance at or participation in the 2018 Fall Forum and other associated activities constitutes an agreement by the registrant to permit the ABA to use and distribute (both now and in the future) the registrant or attendee’s image or voice in photographs, videotapes, electronic reproductions, audiotapes of such events and activities.

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)
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.

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, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MO, MT, NC, ND, NH, NM, NY, OH, OK, OR, PA, PR, SC, TN, TX, UT, VA, VI, VT, WA, WI, and WV. The ABA will seek 6.25 hours of CLE credit for this program in 60-minute states, and 7.50 hours of CLE credit 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, visit www.ambar.org/atfallforum.
HOTEL RESERVATIONS CUT-OFF: OCTOBER 18

Individuals are responsible for making their own hotel accommodations. A discounted block of sleeping rooms has been reserved under the “ABA Section of Antitrust- Fall Forum.” Rooms will be available until the cut-off or when the block fills, whichever comes first.

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<tr>
<td><strong>Accommodations</strong></td>
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| Hay Adams  
800 16th Street, NW  
Washington, DC 20006  
Phone: 202.638.6600  
Rate: $365.00 + tax  
www.hayadams.com  
• Rate includes guestroom wifi  
• Reservations must be guaranteed with a credit card  
• Individuals are responsible for making their own reservation | Reagan National (DCA)  
4 miles/  
approximately 15 minutes away or $18-20 each way  
Dulles International (IAD)  
27 miles/  
approximately 40 minutes away or $45-55 each way  
Baltimore-Washington Int’l (BWI)  
40 miles/  
approximately 45 minutes away or $55-60 each way |
| **Conference** | **Reception** |
| The National Press Club  
529 14th Street NW  
Washington, DC 20015 | Proper Twenty-one  
1319 F St NW  
Washington, DC, 20004 |

ABA NEGOTIATED AIRFARE DISCOUNTS.


ABA discounts can also be obtained directly from the carrier:

**American**

ABA Discount only available at ABA Egencia

* A Travel Profile is required when booking airli

reservations with ABA Egencia, visit http://www.americanbar.org/membership/aba_advantage_discounts/egencia.html for more information.

**Delta**

800-328-1111  
Global Meeting Code: NMR3V  
Discount available at www.delta.com  
Online Meeting Event Code: NMR3V

**United**

800-426-1122  
Agreement Code: 633818 / Z Code: ZE6X  
Discount available at www.united.com  
Online Discount Code: ZE6X633818

INTERNATIONAL TRAVEL

International Travelers should check their visa requirements with their local Embassy or Consulate.

We can provide standard letters from the ABA Section of Antitrust Law confirming the reason you or your guest wish to enter the country. To obtain a visa letter email at-registrar@americanbar.org with Visa Request In the subject line.

• Detailed information is available on the U.S. State Department site at www.state.gov/travel.
• U.S. Customs and Border Patrol site at www.cbp.gov and TSA at www.tsa.gov
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The Section of Antitrust Law has 29 Substantive Committees

Federal & Civil Enforcement Committee (www.ambar.org/atfedciv):
- The committee’s members and leaders represent a diverse range of viewpoints, practice types and geographical locations.
- The committee tracks and highlights current and influential efforts in private antitrust enforcement outside of the United States and compares those activities to civil litigation in the United States.
- The committee focuses on the important aspects of each regime and analyses the interplay as global recovery and defense strategies emerge.
- The committee keeps its members apprised of the introduction and development of class action rules internationally.
- Committee Members recommend our Indirect Purchaser Litigation Handbook (Second Edition) publication available online at shopaba.org.
JOIN A COMMITTEE
Antitrust Section Members can join any of the 29 committees at no additional cost. Meet Professionals who share your passion for a specialized area of law. Open the door to PUBLISHING, SPEAKING, AND OTHER CREDENTIAL-BUILDING COMMITTEE OPPORTUNITIES.

how to join a committee
1. Go the ambar.org/atjoincmte
2. Enter you ABA ID and password.
3. Check the committees you choose and click “Submit”

committee recommended publications

Handbook on Antitrust in Technology Industries
Pharmaceutical Industry Antitrust Handbook
State Antitrust Enforcement Handbook
**REGISTER & SAVE**

Please Join us in Washington, DC

November 15, 2018

The National Press Club
529 14th Street, NW
Washington, DC
PH: 202.662.7500

Mark your calendar for other upcoming ABA Section of Antitrust Law Conferences. Visit www.americanbar.org/antitrust for details.

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<td>Hotel Reservations</td>
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**DEADLINES**

October 18, 2018       Mergers Workshop, San Francisco, CA
October 31, 2018       Global Seminar Series, Hong Kong
November 15, 2018      Fall Forum, Washington, DC
February 5, 2019       Consumer Protection Conference, Nashville, TN
March 27, 2019         Spring Meeting, Washington, DC
May 8-9, 2019          Antitrust in the Americas, Buenos Aires
June 17, 2019          Global Private Litigation Conference, Berlin

**REGISTER ONLINE AT**

ambar.org/atfallforum

ABA Section of Antitrust Law
321 North Clark Street
Chicago, IL 60654