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Homepage: ambar.org/antitrust
Leadership Portal: ambar.org/at-leadership
Events: ambar.org/atevents
THE MISSION OF THE SECTION

The Antitrust Law Section is dedicated to the continuous pursuit of each of the following objectives:

• Enhancing its role as the preeminent source for analysis, debate and continuing legal education regarding law and policy in the fields of antitrust, competition and consumer protection.

• Helping to develop and sustain the competence of lawyers in the substantive law and policy of federal and state antitrust, competition, trade regulation and consumer protection.

• Helping to develop and enhance the practice skills of antitrust and consumer protection lawyers, stressing responsible and ethical conduct as officers of the court, and encouraging civility and camaraderie among members of the antitrust bar.

• Making known to a diverse group of law students and young lawyers the opportunities for satisfying and rewarding careers in the practice of antitrust and consumer protection law, and encouraging them to consider pursuing such opportunities.

• Advancing an understanding of domestic and foreign competition and consumer protection laws and the free market competitive process and their importance in maximizing consumer welfare in our society and in the global community, and advocating respect for, and compliance with, the law and legal system.

• Advocating sensible competition principles as a fundamental underpinning of public policy and legislation.

• Promoting thoughtful and fair enforcement of the law by public officials; supporting appropriate use of the law and the courts to resolve private disputes promptly and efficiently; and advocating for allocation of sufficient public resources to accomplish these goals.

• Promoting effective relationships with Congress by providing advice, counsel and testimony on all matters within the Section’s charter.

• Working within the ABA and with other Sections to address issues of common interest and concern.

The Section will evaluate and adapt its activities and pronouncements to achieve compatibility with these objectives.
AMERICAN BAR ASSOCIATION
ANTITRUST LAW SECTION
DIRECTORY

CONFERENCE CALENDAR

2019-2020

SEPTEMBER
4  GLOBAL SEMINAR SERIES: TEL-AVIV
18  REGIONAL RECEPTION (Washington, DC)
19  REGIONAL RECEPTION (Philadelphia, PA)

OCTOBER
14-15  IN-HOUSE INSTITUTE
      Devil’s Thumb Ranch, Tabernash, CO
22  REGIONAL RECEPTION (New York, NY)
23  REGIONAL RECEPTION (Washington, DC)
24  GLOBAL SEMINAR SERIES: COPENHAGEN

NOVEMBER
13  REGIONAL RECEPTION (Houston, TX)
18  FALL FORUM: TECH SUMMIT
      Reagan International Trade Center, Washington, DC
19  FALL OFFICERS MEETING & DINNER
      2:30-5:00 pm; 5:30 pm—Dinner
      Cleary Gottlieb, Washington, DC
20  FALL COUNCIL MEETING
      (9:30 am–4:00 pm)
      Cleary Gottlieb, Washington, DC

DECEMBER
11  REGIONAL RECEPTION (Washington, DC)

2020
JANUARY
11-13  MIDWINTER LEADERSHIP
       Fairmont Chateau Whistler, Whistler, CN
31  NEXT GENERATION OF ANTITRUST SCHOLARS WITH
       NEW YORK UNIVERSITY
       New York University, New York, NY
FEBRUARY
3   REGIONAL RECEPTION (Los Angeles, CA)
6   GLOBAL SEMINAR SERIES: SYDNEY
12-18 ABA MIDYEAR MEETING
     Austin, TX
18   REGIONAL RECEPTION (San Francisco, CA)
19-21 INTERNATIONAL CARTEL WORKSHOP
     The Palace Hotel, San Francisco, CA

MARCH
5   REGIONAL RECEPTION (Washington, DC)
9   BLACK-OUT PERIOD FOR IN-PERSON
     PROGRAMMING BEGINS

APRIL
6   BLACK-OUT PERIOD FOR TELEPHONIC COMMITTEE
     PROGRAMS BEGINS
21   SPRING COUNCIL MEETING
22-24 SPRING MEETING
     Marriott Marquis, Washington, DC

MAY
11   BLACK-OUT PERIOD ENDS FOR TELEPHONIC
     COMMITTEE PROGRAMS
TBD   ANTITRUST IN HEALTHCARE
     Arlington, VA
20   REGIONAL RECEPTION (New York, NY)
22   BLACK OUT PERIOD ENDS FOR IN-PERSON
     PROGRAMMING

JUNE
4-5   ANTITRUST IN ASIA
     The Mandarin-Oriental Hotel, Singapore
17   REGIONAL RECEPTION (Chicago, IL)

JULY
15   REGIONAL RECEPTION (Washington, DC)

AUGUST
July 29-August 4 ABA ANNUAL MEETING
     Chicago, IL
4-6   POST-ANNUAL LEADERSHIP MEETING

Please check the Section calendar at www.ambar.org/atevents for GSS
(Global Seminar Series) and Regional Reception dates
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ANTITRUST LAW SECTION
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American Bar Association
Section of Antitrust Law

BYLAWS

(As amended through April 2019)

ARTICLE I
Name and Purpose

Section 1.
This Section shall be known as the Section of Antitrust Law.

Section 2.
The purpose of this Section shall be to promote the objectives and purposes of the American Bar Association with respect to the bodies of common and statutory law, policy or enforcement practices that affect the competitive process, including federal, state and international antitrust, competition, trade regulation and consumer protection laws; to further their development to promote the public interest; to improve their administration; to make information regarding them available to the bar, bench and regulatory and legislative entities; to improve public understanding of them; and to cooperate with other interested groups to accomplish these purposes.

ARTICLE II
Membership

Section 1.
Any member of the Association, upon request to the Secretary of the Association and the payment of dues for the current year, shall be enrolled as a member of this Section. Any associate of the Association, upon request to the Secretary of the Association and the payment of dues for the current year, shall be enrolled as an associate of this Section. Dues for membership in the Section shall be in an amount set by the Section and approved by the Board of Governors, payable upon enrollment and thereafter annually in advance each year, at the beginning of the Association’s fiscal year succeeding such enrollment. Any member of this Section whose dues are delinquent by a period set by the Board of Governors shall cease to be a member of this Section. Members so enrolled and whose dues are not delinquent by a period set by the Board of Governors shall constitute the membership of this Section.
ARTICLE III
Officers

Section 1.
The Officers of this Section shall be the Chair, the Chair-Elect, the Immediate Past Chair, the Vice-Chair, the Secretary and Communications Officer, the Finance Officer, the Publications Officer, two Section Delegates to the House of Delegates, the Program Officer, the Committee Officer, the International Officer, the Consumer Protection Officer, and the Marketing Officer.

Section 2.
The Chair-Elect and Vice-Chair shall be nominated and elected in the manner hereinafter provided, at each Annual Meeting of this Section, to hold office for a term of one year beginning at the close of the Annual Meeting at which they shall have been elected, and ending at the close of the next succeeding Annual Meeting of the Section at which time the Chair-Elect shall become Chair and the Vice-Chair will become Chair-Elect. All other Section Officers shall serve for terms as proposed by the Nominating Committee and approved by the Council.

ARTICLE IV
Nomination and Election of Officers and Council Members at Large

Section 1 - Nominations.
At any time not later than the close of the Midyear Meeting of the Association the Chair shall announce the appointment of a Nominating Committee to be composed of five members of the Section, the Chair of which shall be the predecessor to the Immediate Past Chair of the Section and one (but not more than one) other of whom shall be an incumbent member of the Council, which Committee shall make nominations to the Section membership at the next Annual Meeting for the offices of Chair-Elect, Vice-Chair, Secretary and Communications Officer, Finance Officer, Section Delegates, Program Officer, Publications Officer, Committee Officer, International Officer, Consumer Protection Officer, Marketing Officer, members-at-large of the Council, and non-U.S. lawyer associates-at-large of the Council to succeed those Officers, Council members-at-large, and Council non-U.S. lawyer associates-at-large whose terms will expire at the close of such Annual Meeting, and to fill any vacancies then existing or that will then exist for unexpired terms. If the predecessor to the Immediate Past Chair is unable to serve as Chair of the Nominating Committee, the Chair shall appoint
another former Section Chair to so serve. In making nominations, the Nominating Committee shall attempt to recognize the broad and diverse membership of the Section, including its geographic dispersion, and shall take into account the Section’s commitment to equal opportunity. With respect to the Section Delegates, the Nominating Committee shall recognize the desirability of re-nomination of a Section delegate who has already served at least one term. The nominations shall be sent to the Chair within enough time to have them published to Section members not later than 60 days prior to the opening Assembly of the Annual Meeting. Nominations other than those by the Nominating Committee may be made for the same offices by a petition signed by no fewer than 50 members of the Section, no more than 25 of whom should be from any one State. The petition should state that the member nominated has agreed to the nomination. The petition shall be sent to the Chair of the Section, who must receive it no fewer than 40 days prior to the Opening Assembly at the Annual Meeting. The Chair of the Nominating Committee shall announce the Committee’s nominees at the business meeting held during the Annual Meeting of the Section, and the Chair of the Section shall thereupon announce the nominations of any person for the same office by petition duly made in accordance with the procedures prescribed herein.

Section 2.
The person receiving a plurality of the votes cast by the Council for any office shall be elected to that office.

Section 3.
At the time the Nominating Committee makes nominations to the Section membership for the Section’s elected positions, the Committee may (but is not required to) also make recommendations to the Chair-Elect for a non-voting Non-U.S. Lawyer Council Representative (who must be an International Associate of the Association and an associate of the Section) and a non-voting Non-Lawyer Council Representative (who must be a General Associate of the Association and an associate of the Section) to succeed any such Representative whose term will expire at the close of the next Annual Meeting, and to fill any vacancies then existing or that will then exist for unexpired terms. The Chair-Elect, upon the recommendation of the Nominating Committee, and at his/her discretion upon assuming the office of Chair, may (but is not required to) appoint a Non-U.S. Lawyer Council Representative and a Non-Lawyer Council Representative, if vacancies exist or will then exist, to serve as provided in Article VI, Section 1.
ARTICLE V
Duties of Officers

Section 1. Chair.
The Chair, or successively, the Chair-Elect and the Vice-Chair, in the absence of the Chair, shall preside at all meetings of the Section and of the Council. The Chair shall appoint the chairs and members of all committees of the Section who are to hold office during her/his term as Chair. The Chair shall plan and superintend the program of the Section during her/his term, subject to the directions and approval of the Council. The Chair shall superintend the performance of all activities of the Section. The Chair shall keep the Council duly informed and carry out its decisions. The Chair shall perform such other duties and acts as usually pertain to the Chair’s office or as may be designated by the Council.

Section 2. Chair-Elect.
The Chair-Elect shall, on consultation with the Chair, arrange for the appointment of the chairs and members of all committees who are to hold office during his/her coming term as Chair. The Chair-Elect shall aid in the performance of the Chair’s responsibilities in such manner and to such extent as the Chair may request. The Chair-Elect shall perform such further duties and have such further powers as usually pertain to the Chair-Elect’s office or as may be designated by the Council or the Chair. In case of the death, resignation, or disability of the Chair, the Chair-Elect shall perform the duties of the Chair for the remainder of the Chair’s term or disability, as the case may be.

Section 3. Vice-Chair.
The Vice-Chair shall be responsible for the Section’s long-range planning. The Vice-Chair shall aid the Chair in the performance of the Chair’s responsibilities in the manner and to the extent the Chair may request.

Section 4. Secretary and Communications Officer.
The Secretary and Communications Officer shall consult with and assist all the Officers of the Section as to the work of the Section generally, specifically including supervising and managing the technology initiatives of the Section, in the manner and to the extent they may request.

The Secretary and Communications Officer shall be the liaison between the Section and Association staff regarding the retention and maintenance of books, papers, documents, and other property pertaining to the work of the Section in the custody of the Association. The Secretary and Communications Officer shall keep a true record of the proceedings of all
meetings of the Section and of the Council, whether assembled or acting
under submission. In conjunction with the Chair, as authorized by the
Council, the Secretary and Communications Officer shall attend generally
to the business of the Section.

Section 5. Finance Officer.
The Finance Officer shall keep an accurate record of all monies appropriated
to and expended for the purposes of the Section. The Finance Officer shall
monitor all accounts, reports, and other documents prepared as to Section
funds, revenues, and expenditures, and seek to make certain that all such
accounts, reports, and other documents are, at all times, accurate and correct.
The Finance Officer shall report on the Section’s present and projected
financial condition at each meeting of the Section Council. The Finance
Officer shall advise the Officers and Council as to the financial impact of
any proposed action by the Officers, Council or Section which, in her/his
judgment, would have a significant impact on the financial condition of the
Section. At least once each year, the Finance Officer shall prepare a projected
budget to the Council for approval or modification at the time of the Annual
Meeting, or such other time as may be expressly fixed by the Council. The
Finance Officer shall submit to the Section, at the Annual Meeting, a report
of the Section’s financial affairs and financial condition. The Finance Officer
shall prepare such other recommendations and special reports on financial
affairs of the Section as may be requested by the Chair of the Section.

Section 6. Section Delegates.
There shall be two Section Delegates who shall represent the Section in the
House of Delegates. The term for each Section Delegate shall be three years.

Section 7. Immediate Past Chair.
The Immediate Past Chair shall aid in the performance of the Chair’s
responsibilities.

Section 8. Program Officer.
The Section Program Officer shall, on consultation with the Chair, be
responsible for all Section programs, including the Annual Spring Meeting
and Annual Meeting programs, free-standing programs, and institutes
conducted by the Section.

Section 9. Publications Officer.
The Section Publications Officer shall, on consultation with the Chair, be
responsible for all publications including books, treatises, monographs,
working papers, primers, handbooks, Section periodicals, and other such
efforts of the Section made through the Books and Treatises Committee.
Section 10. Committee Officer.
The Section Committee Officer shall, on consultation with the Chair and in coordination with the Council members who serve as Liaisons to Section Committees, be responsible for oversight of the Section’s Committees.

Section 11. International Officer.
The Section International Officer shall, on consultation with the Chair, be primarily responsible for coordinating Section policy and the work of relevant Committees with regard to international matters, reporting thereon to the Section Officers and Council. The International Officer shall, on consultation with the Section Chair and such other Officers and Committee Chairs as may be appropriate in the circumstances, act as primary liaison between the Section and international organizations, bar associations and other governmental and non-governmental entities that address international matters of interest to the Section.

Section 12. Consumer Protection Officer.
The Section Consumer Protection Officer shall, on consultation with the Chair, primarily be responsible for planning Section policy and overseeing the work of the relevant Committees with regard to all consumer protection matters, and regularly shall report thereon to the Section Officers and Council. The Consumer Protection Officer shall ensure the development and quality of the Section’s work relating to state, federal, foreign, and international consumer protection issues. The Consumer Protection Officer shall, on consultation with the Section Chair, and such other Officers and Committee Chairs as may be appropriate in the circumstances, act as primary liaison between the Section and other state, federal, foreign, and international governmental and non-governmental entities that address consumer protection matters of interest to the Section and its members.

Section 13. Marketing Officer.
The Marketing Officer shall, on consultation with the Chair, be responsible for marketing and promoting the Section and its goods and services, and for developing approaches to gain new members. The Officer’s responsibilities include advertising, brand management, channel management, market research, and external relations.
ARTICLE VI
The Council

Section 1.
There shall be a Council, which shall consist of the Officers, who shall be members ex officio, together with members-at-large and non-U.S. lawyer associates-at-large to be elected by the Section as hereinafter provided. Four additional non-voting members may be designated by the Council as provided in Section 5 of this Article. Additionally, there may be one non-voting Non-U.S. Lawyer Council Representative and one non-voting Non-Lawyer Council Representative on the Council. As vacancies arise, the Chair may (but is not required to) appoint the one Non-U.S. Lawyer Council Representative, who must be an International Associate of the Association and an associate of the Section, and the one Non-Lawyer Council Representative, who must be a General Associate of the Association and an associate of the Section, as non-voting associates of the Council, as provided in Article IV, Section 3. If appointed, such Representatives shall be appointed for terms of three years each beginning at the close of the Annual Meeting in the year of their appointment and ending at the close of the third succeeding Annual Meeting of the Section, provided that the terms for such Representatives may not conclude in the same year and a Representative may be appointed for a term of two years if necessary to avoid having both terms conclude in the same year.

Section 2.
The Council shall have general supervision and control of the affairs of the Section subject to the provisions of the Constitution and Bylaws of the American Bar Association and the Bylaws of this Section. It shall authorize all commitments or contracts which shall entail the payment of money, and shall authorize the expenditure of all monies appropriated for the use or benefit of the Section. It shall not, however, authorize commitments or contracts that entail the expenditure of funds in excess of the funds on deposit with the American Bar Association to the credit of the Section.

Section 3.
Five members of the Council shall be nominated and elected at each Annual Meeting of the Section commencing in 1980 for terms of three years each beginning at the close of the Annual Meeting at which they shall have been elected and ending at the close of the third succeeding Annual Meeting of the Section.
Section 4.
If any Officer or member-at-large of the Council shall fail to attend two successive regular meetings of the Council, the office held by such member may upon vote of the Council be declared vacated, and the Council shall thereupon fill the vacancy for the unexpired term. No member-at-large, non-U.S. lawyer associate-at-large or designated Judiciary member of the Council who has served more than one-half of a full three-year term shall serve again in either such capacity for at least three years after completion of his or her service as such.

Section 5.
The Council may from time to time designate one representative of the Antitrust Division, Department of Justice, one representative of the Federal Trade Commission, and one representative of the National Association of Attorneys General (in each case to serve for a period ending with the conclusion of the Annual Meeting of the Section following such designation) and one representative of the Judiciary (to serve for a period ending with the conclusion of the third Annual Meeting of the Section following such designation) as non-voting members of the Council.

Section 6.
The Chair may appoint committees and task forces, from among the Section members, to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these Bylaws and the Bylaws of the American Bar Association.

Section 7.
If a vacancy shall occur in any Section office, including membership on the Council, during the intervening period between Annual Meetings of the Section, the Council may fill such vacancy by a majority vote. Persons thus elected to office shall serve until the next Annual Meeting of the Section. If the Chair-Elect is unable to serve as Chair following the completion of his/her term as Chair-Elect, the Vice Chair shall become the Chair-Elect upon the resignation or unavailability of the Chair-Elect and shall become Chair upon the completion of the then-Chair’s term, and the Council shall elect a Vice Chair to fill the vacant position. If the Vice Chair is unable to serve as Chair-Elect following the completion of his/her term as Vice Chair, the Council shall elect a Chair-Elect and a Vice Chair. Each person so elected shall have the duties and responsibilities of the office to which they are so elected.
Section 8.
All binding action of the Council shall be by a majority vote of the members of the Council voting on any such questions, motion or issue. Upon any issue, in the discretion of the Chair, such vote may be taken by mail, fax ballot, or electronic mail. In all such cases, the votes will be confirmed in writing to the Secretary and Communications Officer and may be changed up to the time specified for recording the vote, at which time the Secretary and Communications Officer shall record the proposition and the outcome in the matter.

Section 9.
Members of the Council shall vote in person when present (including by telephone) at a Council meeting, but when absent may communicate their vote in writing to the Chair on any proposition, and such written votes shall be counted to the same effect as if cast in person at such meeting. To facilitate voting in writing by members unable to attend any Council meeting, the Chair shall, to the extent possible, furnish in advance to the members of the Council an agenda for such meetings.

Section 10.
The Chair of the Section may, and upon the written request of any member of the Council or of any 10 members of the Section shall, submit or cause to be submitted in writing to each of the members of the Council any proposition upon which the Council may be authorized to act, and the members of the Council may vote upon such proposition or propositions so submitted by communicating their votes thereon in writing, over their respective signatures, to the Chair, who shall record upon the minutes of the Section each proposition so submitted, when, how, and at whose request the same was submitted, and the vote of each member of the Council thereon; and the Chair shall keep on file such written and signed votes. The decision reached by the Council on each such proposition shall be recorded in the minutes of the next meeting of the Council or shall be included in the official summary of Council meetings and actions published in Antitrust magazine.

Section 11.
In the interim between business meetings of the Section, the Council shall have the authority to act for the Section in any way in which the Section would be authorized to act, including the submission of any report and recommendation for Association action pursuant to Article 45 of the Rules and Procedures of the House of Delegates. The Council may not act in derogation of any binding action by the Section, pursuant to Article VIII, Section 5 of these Bylaws, taken by the Section at its immediately preceding business meeting. Where it finds that change or supervening circumstances
justify and require such action, the Council may act in derogation of any
binding action by the Section at any earlier business meeting of the Section,
other than the immediately preceding business meeting, provided that any
such action be reported to the members of the Section at the next annual
business meeting of the Section.

Section 12.
The member of the Board of Governors assigned as liaison with this Section
shall be invited to attend all meetings of the Council but shall have no vote.

Section 13.
At appropriate times, as determined by the Conference of Section Chairs,
the Council is authorized to submit a nomination for a Section member-at-
large of the Board of Governors, and to designate which Section Delegate
will serve on the Nominating Committee of the House of Delegates. The
selection of the nominee for a Section member-at-large of the Board of
Governors shall be made by the Council with due regard for the eligibility
requirements for election to the Board of Governors.

ARTICLE VII
Committees

Section 1.
The Council of this Section is authorized to establish, or to empower the
Chair of the Section to establish, such committees as it may deem necessary
and desirable to promote effectively the activities of the Section within the
jurisdiction of the Section. In establishing a new committee the Council
shall state the area of its proposed activities.

Section 2.
The Chair shall announce the membership and the Chair of each committee
of the Section, for the following Section year, at the business meeting held
during the Annual Meeting of the Section.

Section 3.
Committees of the Section shall be directly responsible to the Council and
shall report to the Committee Officer; subcommittees of the Section shall be
directly responsible and report to their parent committees.
ARTICLE VIII
Meetings

Section 1.
The Annual Meeting of the Section shall be held in the same city or place as the Annual Meeting of the American Bar Association, and during the period thereof, with such program and order of business as may be arranged by the Council.

Section 2.
In the early Spring of each year the Section shall hold a Spring Meeting in Washington, D.C.

Section 3.
Special meetings of the Section may be called by the Chair, upon approval of the Council, at such time and place as the Council may determine with the approval of the Board of Governors of the Association.

Section 4.
The members of the Section present at any meeting shall constitute a quorum for the transaction of business.

Section 5.
All binding action by the Section at any meeting shall be by a majority vote of the members there present and voting, except that upon any issue, in the discretion of the Chair, such vote may be taken by mail, fax ballot, or electronic mail.

Section 6.
At any business meeting of the Section any member may seek recognition, which shall be granted by the Chair, to bring before the Section any matter within its jurisdiction and to speak thereon for not more than 10 minutes. Thereafter any other member of the Section may speak on that subject for not more than five minutes. Where appropriate, the Section shall vote upon such matter.
ARTICLE IX
Miscellaneous Provisions

Section 1.
The fiscal year of the Section shall be the same as that of the American Bar Association.

Section 2.
The Section Director shall notify the Finance Officer of all unbudgeted items or actual or expected expense overruns or budget shortfalls in excess of $5,000. The Section Chair, in consultation with the Finance Officer, has the authority to approve unbudgeted expenditures in the amount of $5,000 per item and in the aggregate of $25,000 per Section year assuming adequate funds are in place to cover the expenditure. All other unbudgeted items or expected expense overruns shall be approved by the Council.

Section 3.
Any action by this Section must be approved by the House of Delegates or by the Board of Governors of the American Bar Association before such action can be effective as the action of the American Bar Association. No Officer or member of this Section shall use the name of the American Bar Association or of the Section in public expression of any action of the Section unless such action of the Section has been approved by either the House of Delegates or the Board of Governors. Any resolution adopted or action taken by the Section shall, on request of the Council or the Section, be reported by the Chair of the Section to the House of Delegates or the Board of Governors of the American Bar Association for the Association’s action thereon.

Section 4.
These Bylaws shall become effective upon the approval thereof by the Section and by the Board of Governors of the American Bar Association.

Section 5.
These Bylaws may be amended, upon recommendation of the Council, by a majority vote of the members present at any Annual Meeting or any Annual Spring Meeting and upon approval thereof by the Board of Governors.

Section 6.
An official summary of Council meetings and actions, to be prepared by the Secretary and Communications Officer and approved by the Chair, shall be published in the Section’s magazine, Antitrust, for distribution to all Section members.
American Bar Association  
Section of Antitrust Law  
CONFLICTS OF INTEREST POLICY  

Approved at Spring 2012 Council Meeting  

Conflicts of Interest. All members of the Section of Antitrust Law, including but not limited to the Leadership of the Section, should always be mindful of potential conflicts of interest as they participate in the work of the Section. *No Section member should permit the interest of a client to cause him or her to support or oppose within the Section a proposal because this action would benefit a client.* This is not only a matter of ethical responsibility, but it also is necessary to ensure the effectiveness and credibility of the Section.

ABA Model Rule 6.4 provides that, “[w]hen the lawyer knows that the interests of a client may be materially benefited by a decision [of a law reform organization] in which the lawyer participates, the lawyer shall disclose that fact but need not identify the client.” Accordingly, when actively supporting or opposing a position within the Section, a member should act out of personal conviction rather than client interest.

*A Section member should make appropriate disclosure (without the need to identify the client) in all situations where his or her client may benefit directly and materially as a consequence of the Section’s action.* Disclosure ordinarily should be made by notifying the Committee Chair or other Section person responsible for the proposal that the member has a client interest. In assessing these responsibilities, the member should take account of all client relationships of his or her firm to the extent actually known to the member (without requiring the member to make inquiry of others concerning such relationships), regardless of whether the member is personally involved. Members who contemplate making disclosure of client interest in accordance with this policy also should be mindful of their responsibilities under ABA Model Rules 1.6 (confidentiality) and 1.7 (conflict of interest) or comparable rules applicable in the specific jurisdictions where they are admitted to practice.

In addition, there may be situations where a Section member (or that member’s firm) has been retained by client to represent the client in litigation or to influence a government decision or policy determination. If the Section of Antitrust Law is considering the submission of an amicus brief, comments, or testimony in that matter, recusal by the Section member from any
participation in the Section’s efforts is strongly encouraged. At a minimum, disclosure of the client interest is required in all such situations.

This policy applies to all Section activities, including, without limitation, comments (including those to international authorities) on proposed or existing legislation, regulations, rulings, government policies, or submission of amicus briefs. It is the special responsibility of the Section leadership and the officers of each Committee, in staffing a project, to consider actual or apparent conflicts of interest, not only to avoid potential criticism, but also to ensure that the Section’s action is informed by balanced views.

Any questions regarding the application of this policy should be raised with the Communications Officer. Members also are encouraged to consult their firms’ or organizations’ ethics counsel as required.
AMERICAN BAR ASSOCIATION
ANTITRUST LAW SECTION
2019-2020
COMMITTEE & SECTION DISCUSSION LISTS

Governance
Section Officers at-officers@mail.americanbar.org
Section Council & Officers at-council@mail.americanbar.org
Antitrust Section Leadership at-ldrship@mail.americanbar.org
General Committee Chairs at-chairs@mail.americanbar.org
Vice Chairs at-vicechairs@mail.americanbar.org
Former Section Chairs at-formerch@mail.americanbar.org
Long Range Planning Committee at-lrp@mail.americanbar.org
Nominating at-nominating@mail.americanbar.org
Section Reserves Board at-advisory@mail.americanbar.org

General
Section Announcements at-announcements@mail.americanbar.org
Section Discussion at-cpconversation@mail.americanbar.org
Antitrust Consumer Protection
   Law Digest americanbar_dailydigest@ConnectedCommunity.org

Committees and Task Forces
Advertising Disputes
   & Litigation americanbar_adl@ConnectedCommunity.org
Agriculture and Food americanbar_agri@ConnectedCommunity.org
Analysis from the Firms americanbar_firms@ConnectedCommunity.org
Antitrust Law Source
   Magazine Editors at-source@mail.americanbar.org
Antitrust Magazine
   Editorial Board at-mag@mail.americanbar.org
Books & Treatises at-books@mail.americanbar.org
Cartel and Criminal Practice americanbar_crim@ConnectedCommunity.org
Security ........................ americanbar_pris@ConnectedCommunity.org
Public Educational and
Oral History ................. americanbar_publiced@
                             ConnectedCommunity.org
State Enforcement ............ americanbar_state@ConnectedCommunity.org
Trade, Sports and
Professional Associations ...... americanbar_ta@
                             ConnectedCommunity.org
Transportation and
Energy Industries ............. americanbar_tei@
                             ConnectedCommunity.org
Trial Practice ................. americanbar_trial@ConnectedCommunity.org
Unilateral Conduct ............ americanbar_uc@ConnectedCommunity.org

If you have any questions, please contact
Deborah Morgan at deborah.morgan@americanbar.org.
American Bar Association
Section of Antitrust Law
CORPORATE SUPPORT POLICY AND GUIDELINES

(Adopted January 1998; revised October 2008)

I. GENERAL POLICIES

A. Definitions.

Corporate support or sponsorship is defined as outside funding, underwriting, or any in kind contribution of goods or services for a Section of Antitrust Law event, program, meeting, activity, publication, or product. Corporate support or sponsorship does not include:

(1) Speaker expenses provided in connection with a program where these expenses are borne by the organization with which the speaker is affiliated or employed; contribution of professional or support staff time to work on Section activities, projects, products and publications; provision of in kind support for participation of Section members in Section activities, products, projects and publications, including but not limited to research assistance, word processing services, mailing and reproduction services, office supplies, preparation of camera ready copy for publications; or similar assistance or contributions associated with the participation in Section activities by individual Section members.

(2) Member benefit activities pursuant to which a discount or other benefit is made available to individual Section members, who are free to accept or reject the benefit.

(3) Agreements between the Section and commercial entities for the marketing, distribution, or dissemination of previously published Section periodicals or publications in electronic or other form or as part of a compilation, treatise, textbook, or other written work.

B. The Section of Antitrust Law will not enter into any corporate support agreement that designates a commercial entity or organization as a corporate sponsor (including, but not limited to official or exclusive sponsor) of the Section.
C. The Section of Antitrust Law will not enter into any corporate support agreement that involves the Antitrust Section in certifying or endorsing any commercial product or service through the use of the Section’s name, logo, seal, etc.

D. The Section of Antitrust Law will not permit corporate support for or sponsorship of any Section publication, except for advertising materials, which will be considered for inclusion in Section periodicals on a case by case basis by the Section Chair, Publications Officer, and Finance Officer.

E. The Section of Antitrust Law will not provide the mailing list of the Section’s members in exchange for or in connection with any provisions of corporate support or sponsorship.

F. In any case in which the corporate support or sponsorship is accepted, it must not conflict with any of the general purposes or established policies of either the American Bar Association or the Section of Antitrust Law.

II. PROCEDURAL GUIDELINES

The Section of Antitrust Law will consider the acceptance of corporate support or sponsorship for Section meetings, programs, CLE activities or associated social events (e.g., cocktail parties) on a case by case basis, but such support will not be permitted when it creates appearance or perception problems by suggesting that the independence of the Section’s programs or their content has been compromised or when it limits the participation of government attorneys and members of the judiciary in Section activities.

The following guidelines shall govern the process of review, approval, and oversight of any corporate support or sponsorship for activities, projects, productions, and publications of the Section of Antitrust Law. These procedures apply only to the activities within the scope of the immediately preceding paragraph.

A. All proposals for corporate support or sponsorship shall be described with specificity in a written request for approval.

B. All such written requests for approval of corporate support or sponsorship shall be considered in the first instance by the Officers of the Section of Antitrust Law, who are authorized to reject any proposals that, in their sole discretion, do not comply with the Section of Antitrust Law Corporate Support Policy and Guidelines.

C. If a corporate support or sponsorship proposal is approved by the Officers of the Section of Antitrust Law, the proposal also
shall be presented to the Council of the Section of Antitrust Law for its approval, which must be granted before the proposal can be accepted.

D. At the end of any fiscal year in which any corporate support or sponsorship was received by the Section, the Finance Officer of the Section of Antitrust Law shall prepare a report for the Council of the Section that identifies the revenue received from all corporate support or sponsorship activities.

E. The Section of Antitrust Corporate Support Policy and Guidelines shall be included within and reprinted as part of the Section of Antitrust Law Policy, Procedure and Leadership Handbook.
— Notes —