

# GEORGE MASON LAW REVIEW 24TH ANNUAL ANTITRUST SYMPOSIUM

# BIDEN ANTITRUST & BEYOND

**Emerging Competition Issues for the 2020s** 

# **FEBRUARY 16 – 19, 2021**



Freshfields s





**PROGRAM** 

# **GEORGE MASON LAW REVIEW 24TH ANNUAL ANTITRUST SYMPOSIUM**



# FEBRUARY 16-19, 2021 | VIRTUAL PROGRAM

# WELCOME!

### On behalf of the *George Mason Law Review*, the Global Antitrust Institute, and Antonin Scalia Law School, welcome to the George Mason Law Review Antitrust Symposium.

For 24 years now, the worldwide antitrust community has looked to this Symposium as the definitive source of incisive analysis from the foremost experts in the field, whether they be practicing lawyers and economists, academic scholars, or judges. This year's Symposium will undoubtedly continue that tradition at a pivotal moment in antitrust history. We are grateful for your attendance.

We thank our generous sponsors, Charles River Associates and Freshfields, for making this free, virtual event possible. Likewise, Professor Wright, Judy Jin, Matt Lein, and Daniel Tonsing at the Global Antitrust Institute were instrumental in every stage of the process. Finally, we deeply appreciate the participants' gracious donations of time and insight. Please enjoy the 24th Annual Antitrust Symposium.

#### TIMOTHY A. SWARTZ

Symposium Editor, George Mason Law Review

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AGENDA

**SPEAKER BIOS** 

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# AGENDA

(ALL TIMES ARE US EASTERN)

### **TUESDAY, FEBRUARY 16, 2021**

#### 12:00 PM

KEYNOTE SPEECH:

**Phil Weiser** Colorado Attorney General

INTRODUCTION BY Joshua D. Wright Antonin Scalia Law School

#### 4:00 PM

BIDEN ANTITRUST: NEW LEADERSHIP, NEW CHALLENGES

MODERATOR: Joshua D. Wright Antonin Scalia Law School

PANELISTS: William J. Baer Brookings Institution William E. Kovacic George Washington University Law School Maureen K. Ohlhausen Partner, Baker Botts LLP

### WEDNESDAY, FEBRUARY 17, 2021

#### 12:00 PM

# TECH PLATFORM CASES: SOUND ENFORCEMENT, POLITICS, OR BOTH?

MODERATOR:

Tad B. Lipsky Antonin Scalia Law School

PANELISTS:

Geoffrey A. Manne International Center for Law and Economics

**Diana L. Moss** American Antitrust Institute

Nicolas Petit European University Institute

Christopher L. Sagers Cleveland-Marshall College of Law

#### 4:00 PM

#### ANTITRUST LITIGATION 2021 OUTLOOK

MODERATOR: Judge Douglas H. Ginsburg Antonin Scalia Law School U.S. Court of Appeals for the D.C. Circuit

PANELISTS: Melinda R. Coolidge Hausfeld Julie S. Elmer Freshfields Bruckhaus Deringer US LLP Laila Haider Charles River Associates Daniel J. Matheson

Federal Trade Commission

**AGENDA CONTINUES HERE** 



# AGENDA

(ALL TIMES ARE US EASTERN)

### **THURSDAY, FEBRUARY 18, 2021**

#### 12:00 PM

#### THE FUTURE OF FTC REMEDIES

MODERATOR: Bruce H. Kobayashi Antonin Scalia Law School

PANELISTS: Debbie Feinstein

Arnold & Porter

Samuel A.A. Levine Federal Trade Commission

**Timothy J. Muris** Antonin Scalia Law School; Sidley Austin LLP

David C. Vladeck

Georgetown Law Seth P. Waxman WilmerHale

#### 4:00 PM

ANTITRUST AND COLLEGIATE ATHLETICS

MODERATOR: Babette E. Boliek DOJ Antitrust Division

PANELISTS: Michael Carrier Rutgers Law Michael Hausfeld Hausfeld James Keyte Brattle Matthew P. List Charles River Associates Hal Singer Econ One Research

### FRIDAY, FEBRUARY 19, 2021

#### 11:30 AM

#### GAI MOOT COURT INVITATIONAL: INTRODUCTION AND JUDGES' DISCUSSION

MODERATOR: Judge Douglas H. Ginsburg Antonin Scalia Law School

U.S. Court of Appeals for the D.C. Circuit

PANELISTS: Ian Forrester QC LLD Former Judge, General Court of the European Union Timothy J. Muris Antonin Scalia Law School; Sidley Austin LLP

#### 12:00 PM

#### GAI MOOT COURT INVITATIONAL: FINAL ARGUMENTS

JUDGES: Ian Forrester QC LLD Former Judge, General Court of the European Union Douglas H. Ginsburg Antonin Scalia Law School U.S. Court of Appeals for the D.C. Circuit Timothy J. Muris Antonin Scalia Law School; Sidley Austin LLP

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#### William J. Baer

Brookings Institution

Bill Baer is a visiting fellow in Governance Studies at the Brookings Institution. He is one of the world's best known and respected antitrust/

competition enforcers. Bill is the only person to have led antitrust enforcement at both U.S. antitrust agencies, serving as Assistant Attorney General in charge of the Antitrust Division of the US Department of Justice from 2013 to 2016, and as Director of the Bureau of Competition at the Federal Trade Commission from 1995 to 1999. He has received numerous professional honors and awards.

During his tenure as Assistant Attorney General, the Antitrust Division achieved unprecedented success in civil and criminal enforcement, bringing and winning more cases than at any point in its history. He also developed close working relationships with his competition enforcement colleagues around the world. In 2016 and early 2017, Bill also served as Acting Associate Attorney General, the third highest official in the Department of Justice. He oversaw the work of the Antitrust, Civil, Civil Rights, Tax, and Environment and Natural Resources Divisions and successfully led the effort to hold financial institutions accountable in the Residential Mortgage Backed Securities crisis, securing record penalties and consumer redress.

Bill worked at the Federal Trade Commission on two different occasions: from 1995–99, as Director of the Bureau of Competition; and from 1975–1980 as Attorney Advisor to the Chairman and Assistant General Counsel for Legislation and Congressional Relations. While not in public service Bill headed the highly regarded antitrust practice at Arnold & Porter. He received his JD in 1975 from Stanford Law School, where he served as Senior Article Editor of The Stanford Law Review, and his BA in 1972 from Lawrence University. of the Federal Communications Commission from 2018 to 2019. Her research has been published in academic publications and law reviews such as Boston College Law Review, Cornell Law Review, Fordham Law Review, Hastings Law Journal, and the Review of Industrial Organization. Professor Boliek earned her BA with distinction from California State University, Chico, her JD from Columbia University School of Law, and her PhD in Economics from the University of California, Davis. Her doctoral, and much of her subsequent research, has focused on the theoretical and quantitative analysis of legal issues in the U.S. communications industry. Professor Boliek clerked for the Honorable Michael B. Mukasey of the U.S. District Court for the Southern District of New York and is admitted to practice law in the State of New York.



Michael Carrier Rutgers Law School

Michael A. Carrier is Distinguished Professor at Rutgers Law School, where he specializes in antitrust and IP law. He is co-author of the leading IP/antitrust

treatise, IP and Antitrust Law: An Analysis of Antitrust Principles Applied to Intellectual Property Law, the author of Innovation for the 21st Century: Harnessing the Power of Intellectual Property and Antitrust Law, and the editor of Critical Concepts in Intellectual Property Law: Competition. He has written more than 120 book chapters and articles in leading law reviews, has been quoted more than 2000 times in the media, and has been cited in courts including the U.S. Supreme Court. Professor Carrier has testified before the FDA, FTC, National Academies, Senate Judiciary Committee, and House Energy & Commerce Committee; is a past chair of the Executive Committee of the Antitrust and Economic Regulation section of the Association of American Law Schools (AALS); was a policy volunteer for the 2020 Biden-Harris campaign; and served on the 2016 ABA Antitrust Section's Presidential Transition Task Force.



#### **Babette E. Boliek**

United States Department of Justice Antitrust Division

Professor Babette Boliek is a Professor of Law at Pepperdine Caruso School of Law and conducts research in the fields

of antitrust, telecommunications, privacy, and sports law. As an expert in the fields of economics and communications law, Professor Boliek was selected and served as the Chief Economist



#### Melinda R. Coolidge Hausfeld

Melinda represents large companies and classes of direct and indirect purchasers of products that have been the subject of antitrust violations across

the globe. She has litigated complex class actions through the



hurdles of class certification, summary judgment, and trial. In her cases, clients and classes she represents have obtained more than \$1 billion in settlements, and in one recent case, a 9-0 victory in the U.S. Supreme Court. She proudly works to ensure private enforcement of the country's antitrust laws and to ensure free and open markets.

Melinda has represented clients in the pharmaceutical, agricultural, industrial gas, auto parts, and rail freight and air cargo industries. She represents companies listed in the Fortune 200, as well as classes of direct and indirect purchasers of products impacted by antitrust violations.



#### **Debbie Feinstein**

Arnold & Porter Kaye Scholer LLP

Debbie Feinstein heads Arnold & Porter's Global Antitrust group, and brings a wealth of experience to her practice in advising clients on a range of

antitrust challenges before US antitrust authorities. She recently re-joined the firm from the US Federal Trade Commission (FTC), where she was director of the Bureau of Competition. In that capacity, she was responsible for supervising the investigation and enforcement of the US antitrust laws against anticompetitive mergers and conduct. During her tenure from 2013 to 2017, the FTC had substantial litigation success and a number of major merger wins, including challenges to Sysco Corp.'s acquisition of rival US Foods Inc., and Staples Inc.'s merger with Office Depot Inc. She had previously served at the FTC from 1989 to 1991 as assistant to the Director of the Bureau of Competition and Attorney Advisor.



#### Julie S. Elmer

Freshfields Bruckhaus Deringer US LLP

Julie is Freshfields' US head of antitrust, competition and trade. With 25 years of complex litigation experience, her

practice focuses on antitrust litigation both against government and private plaintiffs; merger and civil conduct investigations; and antitrust counseling. Before joining Freshfields in July 2020, Julie served in the Technology and Financial Services section of the DOJ's Antitrust Division. During her 5-year tenure, she was one of the DOJ's top trial attorneys, serving as lead trial counsel in two of the DOJ's last three merger challenges, including the Division's last trial victory in US v. Energy Solutions. In addition to playing key roles in two other major litigated cases at the Division, US v. AT&T/Time Warner and US v. United Continental, Julie was the litigation lead on two of the Division's most highprofile merger investigations in the last three years, Bayer/ Monsanto and T-Mobile/Sprint.

Prior to her tenure at the DOJ, Julie was a partner at one of the premier defense firms in the Southeast United States. There, her practice focused on defending mass actions ranging from consumer fraud and business torts to construction defect and product liability. Her work in these areas encompassed motion practice, bench trials, jury trials, arbitrations, and every other facet of commercial litigation.



#### Ian S. Forrester QC LLD

General Court of the European Union (fmr.)

Ian Forrester has been a practitioner, author, academic teacher and judge. He has lectured on EC/EU legal and

policy topics in many countries and published extensively on these themes, particularly competition, customs, dumping, pharmaceuticals, sport, the precautionary principle, and human rights.

He has written over 100 articles and chapters which have been published in English, French, Japanese, Serbian and Spanish. Honorary Professor and Honorary Doctor of Laws (2009) at Glasgow University, he was appointed Queen's Counsel (1988), and Bencher, Middle Temple (2012). He has been since 2018 President of the Society of Franco British Lawyers. He was appointed by the UK, after a competitive process in 2020, to be included in ICSID's panel of Conciliators, available to help resolve international investment disputes.

In April 2015 he was nominated by the UK to be a member of the General Court of the Court of Justice of the European Union and was sworn in later that year. His mandate came to an end with Brexit in February 2020. He was appointed a member of the newly created deontology committee of the court and participated in drafting the court's first Code of Conduct for

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judges. He represented the court on missions to other countries as well as participating in the collective activities of a court serving 28 countries with 24 official languages, employing 2,200 people. He was also involved in several European Court of Human Rights cases and at least thirty arbitration matters.

When a practising lawyer he participated in cases before courts or competition authorities or arbitral bodies in the UK, Belgium, Canada, France, Greece, Japan, Kosovo, Serbia and USA as well as the European institutions in Brussels and the three EU courts in Luxembourg. He was a member of the Bars of Scotland, New York, England and Brussels. He argued several leading cases in the fields of sport, computer software, pharmaceuticals, vehicles, public regulation, state aids, international trade, and publishing.





#### Laila Haider Charles River Associates

Dr. Laila Haider is a Vice President at

Charles River Associates. She provides expert economic testimony and economic analysis in matters involving

antitrust, labor and employment, and false advertising. She has testified in federal court and in depositions and arbitrations, including in concurrent expert witness ("hot tub") proceedings in federal court.



#### **Douglas H. Ginsburg**

George Mason University Antonin Scalia Law School United States Court of Appeals for the District of Columbia Circuit

Judge Ginsburg was appointed to the

US Court of Appeals for the District of Columbia in 1986; he served as chief judge from 2001 to 2008. After receiving his BS from Cornell University in 1970, and his JD from the University of Chicago Law School in 1973, he clerked for Judge Carl McGowan on the DC Circuit and Justice Thurgood Marshall on the US Supreme Court. Thereafter, Judge Ginsburg was a professor at Harvard Law School, the deputy assistant and then assistant attorney general for the Antitrust Division of the Department of Justice, as well as the administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget. Concurrent with his service on the federal bench, Judge Ginsburg has taught at the University of Chicago Law School and the New York University School of Law. Judge Ginsburg is currently a professor of law at the Antonin Scalia Law School, and a visiting professor at the University College London, Faculty of Laws.

Judge Ginsburg is the chairman of the International Advisory Board of the Global Antitrust Institute at the Antonin Scalia Law School. He also serves on the advisory boards of: Competition Policy International; the Harvard Journal of Law and Public Policy; the Journal of Competition Law and Economics; the Journal of Law, Economics and Policy; the Supreme Court Economic Review; the University of Chicago Law Review; the New York University Journal of Law and Liberty; and, at Dr. Haider regularly conducts and evaluates economic analyses related to allegations of price fixing, bid rigging, monopolization, and exclusive dealing. A substantial portion of her work focuses on economic issues relating to class certification in both direct purchaser and indirect purchaser actions. Dr. Haider has particular expertise in the application of microeconomics, statistics, and econometrics to litigation issues. Her work has encompassed a wide variety of industries, including electronic components, automotive parts, manufacturing, consumer products, pharmaceutical, chemical, and aviation.

Dr. Haider has published articles in the Journal of the European Economic Association, Antitrust Magazine, and The Antitrust Practitioner. She is currently Vice Chair of the Women. Connected Committee of the ABA Antitrust Law Section. Dr. Haider has served as Co-Chair of the Economics Committee of the ABA Antitrust Law Section and Associate Editor of Antitrust Magazine. She received her PhD in Economics (with distinction) from Columbia University and her BA in Economics, summa cum laude, from Gettysburg College.



#### Michael Hausfeld Hausfeld

Michael Hausfeld, widely recognized for his leadership on antitrust matters and his groundbreaking cases in human rights law, is the Chairman of Hausfeld

and is based in Washington, DC. Michael has a long record of

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successful litigation in the antitrust field, on behalf of individuals and classes, in cases involving monopolization, tie-ins, exclusive dealing and price fixing.

He is involved in ongoing investigations of antitrust cases abroad and pioneering efforts to enforce competition laws globally. Michael has an abiding interest in social reform and has been a part of some of the most groundbreaking cases in that arena both in the U.S. and around the world. He was a member of the ABA Antitrust Section's Transition Taskforce, which advised the incoming Obama Administration, and has chaired the ABA's Civil Redress Committee.

Michael has been recognized and ranked by Chambers USA year-after-year. Naming Michael "Lawyer of the Year" in 2019, the Global Competition Review stated that the firm "is clearly recognized as one of the best plaintiffs' firms in the country." The publication has reported that Michael "consistently brings in the biggest judgments in the history of law" and that he is "a Washington lawyer determined to change the world – and succeeding." Who's Who Legal named Michael a 2019 "Thought Leader" stating that he is "one of the titans of the competition plaintiff space and is a perennial selection as a Global Elite Thought Leader. He attracts numerous recommendations from peers across North America and Europe for his standout practice."



James Keyte

Brattle Group

As the Director of Global Development, Mr. Keyte plays a lead role in growing Brattle's worldwide competition practice and defining a new level of

quality for economic consulting.

Prior to joining Brattle, Mr. Keyte spent more than twenty years as a partner at Skadden, where he handled a wide variety of antitrust litigation, transactions, and advisory matters across several industries. He led high-profile antitrust cases involving alleged price-fixing, monopolization, mergers, intellectual property licensing, and class actions. He was also involved in a number of prominent mergers, several of which related to litigation challenges by the US Department of Justice and the Federal Trade Commission. With respect to sports, Mr. Keyte advised and litigated antitrust cases through trial for the NFL, NHL, and NBA. He was instrumental in litigating the sciencerelated issues in the NHL concussion cases as well. Mr. Keyte has written numerous articles relating to sports and antitrust. Mr. Keyte is the Director of the Fordham Competition Law Institute (FCLI) as well as an adjunct professor at Fordham Law School, where he currently is teaching comparative antitrust in the digital economy. He is a former editor of Antitrust Law Journal, and currently serves as editor of Antitrust Magazine. He holds a JD from Loyola Law School (Law Review) and a BA from Harvard University (cum laude).

#### Bruce H. Kobayashi



George Mason University Antonin Scalia Law School

Bruce Kobayashi is a Professor of Law at the Antonin Scalia Law School at George Mason. He has been on the faculty since 1992, and has previously served as the

Associate Dean for Research and Faculty Development and as the Associate Dean for Academic Affairs. He has published numerous articles applying economic analysis to law, writing articles examining the law and economics of intellectual property, antitrust law and regulation, litigation and procedure, evidence, uniform laws, and federalism. He was the Director of the Bureau of Economics at the U.S. Federal Trade Commission from May 2018 to December 2019. He also has held positions as a Senior Economist in the Division of Economic Policy Analysis of the FTC, as a Senior Research Associate at the United States Sentencing Commission, as an Economist for DOJ's Antitrust Division, and served as the chair of the executive board of the AALS Section on Antitrust and Economic Regulation. He is a Founding Director of the Global Antitrust Institute (GAI) and has served as an instructor in the GAI's Economics Institutes for Judges and for Competition Law Officials, and the Law and Economics Center's Economics Institutes for Judges, Attorneys General, and Law Professors. Prof. Kobayashi received his Ph.D. and M.A. in Economics, and his B.S. in Economics-System Science, all from the University of California, Los Angeles.



#### William E. Kovacic

*The George Washington University Law School* 

Mr. Kovacic is the Global Competition Professor of Law and Policy, professor of law and director of the Competition

Law Center at The George Washington University Law School.

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Before joining the law school in 1999, he was the George Mason University Foundation Professor at the George Mason University Antonin Scalia Law School. From January 2006 to October 2011, he was a member of the US Federal Trade Commission (FTC) and chaired the agency from March 2008 to March 2009. He was the FTC's General Counsel from June 2001 to December 2004. In 2011 he received the FTC's Miles W. Kirkpatrick Award for Lifetime Achievement. Since August 2013, Professor Kovacic has served as a Non-Executive Director with the United Kingdom's Competition and Markets Authority.



#### Samuel A.A. Levine

Federal Trade Commission

Samuel Levine serves as an attorney advisor to Federal Trade Commissioner Rohit Chopra, who assumed office in May 2018. In that role, Sam advises the

Commissioner on enforcement actions, rulemakings, hearings, and other consumer protection matters before the Commission. Before moving to Washington, Sam spent two years at the FTC's Chicago office and three years with the Illinois Attorney General, where he prosecuted predatory for-profit colleges. Sam also clerked with The Honorable Milton I. Shadur in the Northern District of Illinois.

Sam is a 2012 graduate of Harvard Law School, where as a clinical student he argued a case before the Massachusetts Supreme Judicial Court that resulted in expanded protections for homeowners facing foreclosure. Upon graduation from law school, Sam received the Gary Bellow Public Service Award in recognition of his commitment to social justice. Sam is a proud alum of City Year Chicago, where he worked as a tutor and after-school program leader before law school.

President Reagan's first chief antitrust enforcement official, who sparked profound changes in antitrust law and policy. In that position, Professor Lipsky supervised Supreme Court litigation in a series of groundbreaking antitrust cases. He also supervised preparation of the 1982 Department of Justice Merger Guidelines, which provided the first clear and thorough economic foundation for the antitrust analysis of mergers, acquisitions, and other structural transactions.

More recently he served as co-chair of the Transition Team for the Federal Trade Commission following the election of President Donald Trump. Following his retirement in 2017 after fifteen years of partnership at Latham & Watkins, LLP, he served as the Acting Director of the FTC's Bureau of Competition. Professor Lipsky served as chief antitrust lawyer for The Coca-Cola Company from 1992-2002 and has incomparable experience with antitrust law regimes throughout the world, including established regimes (U.S., Brazil, Canada, Europe, India, Japan, South Africa) as well as new and emerging antitrust law systems in scores of jurisdictions that adopted free-market institutions following the 1991 collapse of the Soviet Union.



Matthew P. List Charles River Associates

Matthew List is a vice president in the Competition Practice of Charles River Associates. He has extensive expertise in economic analyses related

to mergers and acquisitions, non-merger investigations, and major litigation in a host of industries, including broadcasting, entertainment, and sports. Mr. List has advised clients in sports matters involving allegations of attempted monopolization and market power. He has also assisted clients in matters related to broadcast rights for major sports. Mr. List's work has appeared in Law360 and Antitrust Magazine.



Abbott "Tad" Lipsky, Jr. George Mason University Antonin Scalia Law School

Tad Lipsky is an Adjunct Professor of Law at the Antonin Scalia Law School at George Mason University and the

Director of the Competition Advocacy Program at the Global Antitrust Institute. From 1981–1983, Professor Lipsky served as Deputy Assistant Attorney General under William F. Baxter,



#### Geoffrey A. Manne

International Center for Law & Economics

Geoffrey A. Manne is the president and founder of the International Center for Law and Economics (ICLE) -a

nonprofit, nonpartisan research center based in Portland,

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Oregon — and a distinguished fellow at Northwestern University's Center on Law, Business, and Economics. Manne holds AB & JD degrees from the University of Chicago. He is an expert in the economic analysis of law, focusing particularly on antitrust, telecom, IP, and the regulation of technology. From 2003 to 2006 he taught law & economics, international economic regulation, corporations, and other courses at Lewis & Clark Law School. Prior to teaching, Manne practiced antitrust law and appellate litigation at Latham & Watkins, clerked for Hon. Morris S. Arnold on the 8th Circuit Court of Appeals, and worked as a research assistant for Judge Richard Posner.

He was also once (very briefly) employed by the FTC. In 2006 he decamped from Lewis & Clark to work in Microsoft's legal department, heading up a program on law & economics academic engagement. He subsequently founded ICLE in 2009. In 2017 he was appointed by FCC Chairman Ajit Pai to a two-year term on the FCC's Broadband Deployment Advisory Committee, and before that he served for two years on the FCC's Consumer Advisory Committee. His writings and publications are available at SSRN and ICLE. and healthcare. Before joining AAI in 2001, Dr. Moss was at the Federal Energy Regulatory Commission, where she coordinated the agency's competition analysis for electricity mergers.

From 1989 to 1994, she consulted in private practice in the areas of regulation and antitrust. Dr. Moss has spoken widely on various topics involving competition policy and enforcement, testified before Congress, appeared before state and federal regulatory commissions, and made numerous radio and television appearances. She has published articles in a number of economic and legal academic journals, including: American Economic Review, Journal of Industrial Organization, the Energy Law Journal, and the Antitrust Bulletin. She is editor of Network Access, Regulation and Antitrust (2005). Dr. Moss is Adjunct Faculty in the Department of Economics at the University of Colorado at Boulder. She holds a M.A. degree from the University of Denver and a Ph.D. from the Colorado School of Mines.



#### **Daniel P. Matheson** Federal Trade Commission

Federal Irade Commission

Dan Matheson serves as Deputy Chief Trial Counsel of the FTC Bureau of Competition. Since joining the Commission in 2016, he has represented

the FTC in merger and non-merger litigations, including FTC v. Peabody Energy, FTC v. Qualcomm, In re 1-800 Contacts, and the ongoing FTC v. Facebook.



Diana L. Moss American Antitrust Institute

Diana Moss became the President of the American Antitrust Institute in January 2015. An economist, Dr. Moss has developed and expanded

AAI's advocacy channels and strategies, and strengthened communications with enforcers, Congress, other advocacy groups, and the media. Her work spans both antitrust and regulation, with industry expertise in digital technology, electricity, petroleum, food and agriculture, airlines, telecommunications,



**Timothy J. Muris** George Mason University Antonin Scalia Law School Sidley Austin LLP

Professor Timothy J. Muris, a George Mason University Foundation Professor

of Law, served from 2000-2004 as Chairman of the Federal Trade Commission. During his tenure at the FTC, he created the highly popular National Do Not Call Registry that has allowed millions of consumers to block unwanted telemarketing calls. In addition to his current position at the Antonin Scalia Law School, Muris is Senior Counsel at Sidley Austin LLP.

Professor Muris has held three previous positions at the Commission: Assistant Director of the Planning Office (1974-1976), Director of the Bureau of Consumer Protection (1981-1983), and Director of the Bureau of Competition (1983-1985). After leaving the FTC in 1985, Muris served with the Executive Office of the President, Office of Management and Budget for three years. He was also Of Counsel with multiple law firms.

Professor Muris joined the Antonin Scalia Law School, George Mason University as a Foundation Professor in 1988 and was interim dean of the law school from 1996 to 1997. He graduated with high honors from San Diego State University in 1971 and received his JD from UCLA in 1974. He was awarded Order of the Coif and was associate editor of the UCLA Law Review. A member of the American Bar Association's Antitrust Section, he has written widely on antitrust, consumer protection, regulatory, and budget issues.

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#### Maureen K. Ohlhausen Baker Botts LLP

Daker DULLS LLP

Maureen K. Ohlhausen chairs the antitrust group at Baker Botts LLP, where she focuses on competition, privacy and regulatory issues and

frequently represents clients in the tech, life sciences, energy, and retail industries. She served as Acting FTC Chairman from January 2017 to May 2018 and as a Commissioner starting in 2012. She directed all FTC competition and consumer protection work, with a particular emphasis on privacy and technology issues.

Ms. Ohlhausen has published dozens of articles on antitrust, privacy, regulation, FTC litigation, and telecommunications law issues and has testified over a dozen times before Congress. She has received numerous awards, including the FTC's Robert Pitofsky Lifetime Achievement Award. Prior to serving as a Commissioner, Ms. Ohlhausen led the FTC's Internet Access Task Force and headed the FTC practice group at a leading communications law firm. Ms. Ohlhausen clerked at the U.S. Court of Appeals for the D.C. Circuit and received her J.D. with distinction from the George Mason University School of Law and her B.A. with honors from the University of Virginia.



#### **Nicolas Petit**

European University Institute

Nicolas Petit is Joint Chair in Competition Law at the Department of Law and at the Robert Schuman Centre for Advanced Studies. He is also

invited Professor at the College of Europe in Bruges. He will be on special leave from the Law School of the University of Liege (ULiege) where he has been full Professor since 2007 and where he received his Ph.D. Prior to joining the EUI, Nicolas Petit has held a public office position as a part-time judge with the Belgian competition authority, and has also worked in private practice with a leading US law firm in Brussels.

Nicolas Petit is the author of Big Tech and the Digital Economy: The Moligopoly Scenario (Oxford University Press, 2019), co-author of EU Competition Law and Economics (Oxford University Press, 2012) and author of Droit européen de la concurrence (Domat Montchrestien, 2013 and 2018), a monograph which was awarded the prize for the best law book of the year at the Constitutional Court in France. In 2005 he was a member of Harvard Law School's Visiting Researchers Programme. Nicolas Petit's work has appeared in numerous journals including the Antitrust Law Journal, the European Law Review, the Review of Industrial Organization, the Columbia Journal of European Law and the Fordham Intellectual Property, Media & Entertainment Law Journal. Nicolas Petit is the 44th top SSRN author in the category "Law". Since 2017 he is a member of the European Commission High Level Expert Group on Artificial Intelligence.



#### **Christopher L. Sagers**

Cleveland-Marshall College of Law

Chris Sagers, the James A. Thomas Professor of Law at Cleveland State University, is a nationally recognized expert on American competition policy.

He has testified before Congress and the Antitrust Modernization Commission and is author of United States v. Apple: Competition in America (Harvard Univ. Press, 2019), Sullivan, Grimes & Sagers, The Law of Antitrust (West Publishing, 2015), and Antitrust Examples & Explanations (Wolters Kluwer/Aspen, 2014). His articles have appeared in the Georgetown Law Journal, UCLA Law Review, and other leading journals. He contributes regularly to Slate magazine and has made numerous other press appearances. He is a member of the American Law Institute, the American Antitrust Institute, the Thurman Arnold Project of Yale Law School, and he has held leadership roles in the ABA Antitrust Section. He has won several awards for teaching and scholarship, including CSU's campus-wide Distinguished Research Award, the law alumni association's Walter G. Stapleton Award for Faculty Excellence, and the student body's Teacher of the Year award. From 2014-2017 he served as founding Faculty Director of the Cleveland-Marshall Solo Practice Incubator.

Before joining the faculty, Professor Sagers practiced law for four years in Washington, D.C., first at Arnold & Porter and then at Shea & Gardner. He earned degrees in law and public policy at the University of Michigan and was an editor of the Michigan Law Review. Hailing originally from the peaceful obscurity of small-town Iowa, Professor Sagers and his wife Annie Wu, who is News Director of Cleveland's public radio station, live with two sons and a three-legged dog in the nicest town in America, Cleveland Heights, Ohio.

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Hal J. Singer

Econ One Research

Hal Singer is an expert in antitrust and regulation. He has researched, published, and testified on competition-related issues in a wide

variety of industries, including media, pharmaceuticals, sports, and finance. He has extensive experience providing expert economic and policy advice to regulatory agencies in the United States and Canada, as well as before congressional committees.

Dr. Singer is also a Senior Fellow at the George Washington Institute of Public Policy and an Adjunct Professor at Georgetown University, McDonough School of Business, where he teaches advanced pricing to MBA candidates. In 2018, the American Antitrust Institute honored Dr. Singer with an antitrust enforcement award for his work in the Lidoderm antitrust litigation.



He is a Senior Fellow of the Administrative Conference of the United States, a member of the National Academy of Sciences' Committee on Law, Science and Technology, and an elected member of the American Law Institute. He also serves as Vice Chair of the Board of Trustees of the Natural Resources Defense Council, and on the boards of the National Consumers Law Center and the Center for Democracy and Technology. Professor Vladeck frequently testifies before Congress and writes on administrative law, First Amendment, consumer protection, privacy, and access to justice issues.



Seth P. Waxman WilmerHale

Universally considered to be among the country's premier Supreme Court and appellate advocates, Seth Waxman served as Solicitor General of the United

States from 1997 through January 2001. In addition to leading the WilmerHale's appellate practice, Mr. Waxman engages in a broad litigation and counseling practice, with particular emphasis on complex challenges involving governments or public policy, intellectual property, regulatory, criminal and commercial issues.

A Fellow of the American College of Trial Lawyers, Mr. Waxman also is a widely respected trial litigator who has received numerous professional awards and honors. The Hill recently stated, "[T]here is no more respected lawyer in Washington." Mr. Waxman has been accorded both "star" rating by Chambers USA and "leading lawyer" ranking in PLC's Global Counsel Handbook. Mr. Waxman is among a small handful of practicing attorneys elected to the American Academy of Arts and Sciences. He holds several honorary degrees, as well as the Jefferson Medal in Law, an honor awarded once a year and only rarely to an attorney in private practice. In recognition of exceptional service to law enforcement, Mr. Waxman holds the extraordinary status of permanent honorary Special Agent of the Federal Bureau of Investigation.

Mr. Waxman's practice spans both federal and state trial and appellate courts. He has delivered over 80 oral arguments in the United States Supreme Court and many more in the lower federal and state courts. Mr. Waxman's clients range from financial institutions to technology, consumer, industrial and



### David C. Vladeck

Georgetown University Law Center

Professor Vladeck teaches civil procedure, federal courts, a practicum on privacy and technology (taught jointly with MIT), and directs the Civil

Litigation Clinic, a student clinic that handles trial court litigation focused on public-interest cases. He also serves as Faculty Director of the Law Center's Center on Privacy and Technology.

From 2002 to 2009, Professor Vladeck served as Director of the Civil Rights section of Georgetown Law's Institute for Public Representation, a student clinic that handles complex trial court and appellate litigation focused on civil rights and other public-interest litigation, while also teaching civil procedure and federal courts. From 2009 to 2012, Professor Vladeck served as the Director of the Federal Trade Commission's Bureau of Consumer Protection.

At the FTC, he supervised the Bureau's work to protect consumers from unfair, deceptive or fraudulent practices. Before joining the Law Center faculty full-time in 2002, Professor Vladeck spent over 25 years with Public Citizen Litigation Group, a national public interest law firm, serving the last ten years as its director. He has briefed and argued a number of



media companies, universities and Indian tribes, and he leads the firm's efforts to counsel tribal governments. He also represents a number of local, state and national governments and prominent business and government executives and professionals.

Mr. Waxman served on Harvard's Board of Overseers from 2005-2011. He also serves on the faculty of the Georgetown University Law Center. He is a director and fellow of several professional, educational and cultural institutions. He lectures and writes frequently on topics related to litigation, constitutional history and doctrine, the First Amendment, intellectual property and the Supreme Court.



#### Phil Weiser

Colorado Attorney General

Phil Weiser is the 39th Attorney General of Colorado. As the state's chief legal officer, Attorney General Weiser is committed to protecting the

people of Colorado, defending the rule of law, and building a Department of Law that serves all Coloradans effectively. Public Service is one of Weiser's core values. Previously, Weiser served as a Professor of Law and Dean of the University of Colorado Law School, where he founded the Silicon Flatirons Center for Law, Technology, and Entrepreneurship.

Weiser served in senior leadership positions in the Obama administration, and was appointed to serve as a Deputy Assistant Attorney General in the U.S. Department of Justice and as Senior Advisor for Technology and Innovation at the White House's National Economic Council. Earlier in his career, Weiser co-chaired the Colorado Innovation Council and served in President Bill Clinton's Department of Justice. After graduating law school, he worked in Denver for Judge David Ebel on the Tenth Circuit Court of Appeals and held two clerkships at the United States Supreme Court, for Justices Byron White and Ruth Bader



#### Joshua D. Wright

George Mason University Antonin Scalia Law School

Joshua D. Wright is University Professor and the Executive Director of the Global Antitrust Institute at Scalia

Law School at George Mason University and holds a courtesy appointment in the Department of Economics. On January 1, 2013, the U.S. Senate unanimously confirmed Professor Wright as a Commissioner at the Federal Trade Commission (FTC), following his nomination by President Obama to that position. He rejoined Scalia Law School as a full-time member of the faculty in Fall 2015.

Professor Wright is a leading scholar in antitrust law, economics, intellectual property, and consumer protection, and has published more than 100 articles and book chapters, co-authored a leading antitrust casebook, and edited several book volumes focusing on these issues. Professor Wright also served on the editorial board of the Supreme Court Economic Review, the Antitrust Law Journal, and the International Review of Law and Economics. Professor Wright's teaching and interests include Antitrust, Contracts, Administrative Law, Law and Economics, Intellectual Property and Antitrust, and Quantitative Methods. Professor Wright was awarded the Paul M. Bator Award by the Federalist Society in 2014 to "an academic who demonstrated excellence in legal scholarship, a commitment to teaching, a concern for students, and who has made a significant public impact."

Wright previously served the Commission in the Bureau of Competition as its inaugural Scholar-in-Residence from 2007 to 2008, where he focused on enforcement matters and competition policy. Wright's return to the FTC as a Commissioner marked his fourth stint at the agency, after having served as an intern in both the Bureau of Economics and Bureau of Competition in 1997 and 1998, respectively.

Wright received his JD from UCLA in 2002, his PhD in economics from UCLA in 2003, and graduated with honors from the University of California, San Diego in 1998. He is a member of the California and DC Bar.





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**The George Mason Law Review** ("GMLR") operates as a traditional law review at George Mason University Antonin Scalia Law School. GMLR publishes pieces by judges, law professors, practitioners, and law students in four print issues annually, and, as of 2020, on the online GMLR Forum. GMLR is run entirely by law students—who are responsible for all editorial and organizational decisions—with the goal of advancing the study and development of law, guided by our core principles of knowledge and truth.



Launched in 2014, the **Global Antitrust Institute** (GAI) was founded on the belief that when judges and competition enforcers applying competition law around the world have a deeper understanding of economics, they are more likely to make decisions that enhance consumer welfare and promote innovation. To help further our goal of promoting the application of sound economic analysis to competition enforcement around the world, the GAI provides economic education to judges and competition enforcers from around the world in our Economics Institutes, shares our legal and economic expertise by submitting written comments to regulators through our Competition Advocacy Program, facilitates debate and discussion of contemporary competition policy issues with events, and hosts visiting scholars from around the world.