ANTITRUST SYLLABUS
Adjunct Prof. Susan Stephan
e-mail: ssstephan01@hamline.edu
phone: 651-523-2338

Spring 2008

Text:
Robert Pitofsky, Harvey J. Goldschmid & Diane P. Wood: Trade Regulation: Cases and Materials (5th ed.)

Pitofsky, Goldschmid and Wood, Trade Regulation, Cases and Materials 2007 Supplement

The majority of assignments for class are from the casebook and its most recent Supplement. Supplemental readings will be distributed on occasion, but students will not need to purchase additional texts.

Class Goals & Objectives:
The primary objectives of this course are to familiarize students with the history of antitrust case law and enforcement, discuss the ongoing debate on competition policy, and review the ways in which courts and agencies have analyzed markets, interpreted competition policy and applied antitrust laws in general.

Attendance Policy:
Please make every effort to attend class and to arrive at class on time. The Registrar’s attendance sheet will be circulated for initialing during each class. Missing four or more classes in this course is regarded as excessive absence.

Testing & Grading:
There will be a midterm exam that will constitute 20% of the final grade and a final exam that will constitute 80% of the final grade. The midterm will be given in class during a 50 minute period and the final will be a self-scheduled three-hour exam during the designated finals weeks.

Class Schedule:
Tuesdays and Wednesdays, 2:30 p.m. – 3:45 p.m. in Room 103
- January 16 through May 1, 2008
- No Antitrust class will be held on March 19 or 20 (Spring Recess) or on April 1 or 2

Assignments:

Class 1, January 16: Casebook pages 1-17 and 21-35; Supplement pages as noted

Chapter 1: Antitrust Law’s Objectives & Origins
Section 1, Antitrust Policy Goals (p. 1)
For discussion:
What are the appropriate policy goals of antitrust law?
How have those goals changed over time?
What role should non-economic considerations play?
What does the Sherman Act regulate?
How does U.S. antitrust policy compare with the policies of the EU and other nations?

Section 2, Antitrust’s Historical Sources, A. (p. 23)
For discussion:
Does history favor freedom of trade or trade regulation?
What is the rule of reason?

Class 2, January 17: Casebook pages 35-67

Section 2, Antitrust’s Historical Sources, B. (p. 35)
For discussion:
What is the Sherman Act’s legislative history?
The first cartel cases:
Trans-Missouri Freight Association (U.S. 1897) (p. 51)
Addyston Pipe & Steel Co. (6th Cir. 1898) (p. 56)
Standard Oil Co. (U.S. 1911) (p.65 has a snippet)

Class 3, January 23: pages 128-165 (before Notes section)

Chapter 3: Market Structure & Monopoly Power
Section 1, Monopolization and the Problem of Market Definition
For discussion:
Cases:
ALCOA (2nd Cir. 1945) (p. 130)
DuPont (U.S. 1956) (p. 147)
What is market power, and how is it determined?
Where did ALCOA go wrong?
What is DuPont’s relevant market?

Class 4, January 24: pages 165-195

For discussion:
Cases:
United States v. Microsoft (D.C. Cir. 2001) (snippet p. 167)
Grinnell (U.S. 1966) (p. 172)
How does Microsoft define relevant market?
What is the relevant market in Grinnell?
Compare DuPont & Grinnell.

Problem 1: The Battle for Sawville (p. 191)
What is the relevant product market?
What is the relevant geographic market?
Is there a Section 2 violation?

Class 5, January 30: pages 197 – 233; 372 – 377 (end before Note)
Chapter 4: Competitor Collaboration on Price Fixing & Division of Markets

Section 1, Conspiracy Theory in Action

For discussion:
What is a cartel, and how does it conduct itself?
What economic conditions favor cartel growth?

Section 2, Development of the Price Fixing “Per Se” Rule

Cases:
- Addyston Pipe & Steel Co. (re-visit) (p. 56)
- Chicago Board of Trade (U.S. 1918) (p. 207)
- Socony-Vacuum Oil Co. (U.S. 1940) (p. 214)
- Arizona v. Maricopa County Medical Society (U.S. 1982) (p. 225)

Problem 2: Pricing Plan of the Snorka Car Dealers (p. 227)
Represent the government.
Represent the Snorka dealers.

Section 3, Characterization Questions & Other Issues

Case:
- Superior Court Trial Lawyers Association (U.S. 1990) (p. 372, infra.)

Class 6, January 31: pages 233-265

(Characterization Questions continued)

Cases:
- Broadcast Music, Inc. (US 1979) (p. 233)
- National Collegiate Athletic Assoc. (US 1984) (p. 249)

Problem 3: Sales Agency for Monumental Pictures (p. 296)
Represent the government.
Represent Zenith/Monumental Pictures.

Problem 4: Price Advertising by Lawyers (p. 297)

(remainder of syllabus will be posted after week 2)