

SCHEDULE OF EVENTS (03.25.05)

**TUESDAY, MARCH 29, 2005**

- 1:30 - 5:30 pm           **Antitrust Bookstore /Registration Open**  
Avoid the lines and enjoy the Wednesday morning programming by picking up your registration packet on Tuesday.
- 5:30 – 7:00 pm           **AT Barristers Welcome Reception**  
*John Harvard's Brew House*  
*1299 Pennsylvania Avenue, NW*  
In practice 10 years or less? Join us for cocktails, hors'd oeuvres, and networking. This is a great opportunity to meet and greet your fellow colleagues.

**WEDNESDAY, MARCH 30**

- 7:30 am - 5:30 pm           **Antitrust Bookstore/Registration Open**
- 8:45 – 11:45 am           **Antitrust Fundamentals Program**  
**Salons I & II**
- Program Co-chairs and Presenters:
- William E. Kovacic  
George Washington University Law School  
Washington, DC
- Andrew I. Gavil  
Howard University School of Law  
Washington, DC
- Janice M. Mueller  
University of Pittsburgh School of Law  
Pittsburgh, PA
- Milton A. Marquis  
Dickstein Shapiro Morin & Oshinsky  
Washington, DC

9:00 – 10:30 am  
Salon IV

**Computer Industry and Internet Committee Program**

*Product Market Definition in High-Tech Merger Cases – Is the Burden on the Plaintiff Impossible to Meet?*

In September 2004, the U.S. Department of Justice was unsuccessful in its challenge to Oracle's proposed acquisition of PeopleSoft. A primary stumbling block, as reflected in the 164-page decision by Judge Vaughn Walker (N.D. Cal), was proof of a proper relevant product market in which the merger would likely pose anticompetitive effects. Similar problems of proof earlier plagued the Department's efforts to block another high-profile merger, SunGard's acquisition of Comdisco. Is it feasible for a plaintiff to meet its burden of proving a proper relevant product market in such high-tech merger cases? The expert presenters, who all were key participants in the *Oracle* litigation, will consider that question and a related question: what can be learned from these and other decisions in high-tech merger cases?

Program Co-chairs:

David H. Evans  
Arent Fox PLLC  
Washington, DC

Leslie C. Overton  
Jones Day  
Washington, DC

Presenters:

Kenneth G. Elzinga  
University of Virginia  
Charlottesville, VA

Jerry A. Hausman  
MIT Department of Economics  
Cambridge, MA

Renata B. Hesse  
Antitrust Division  
U.S. Department of Justice  
Washington, DC

Abbott B. Lipsky, Jr.  
Latham & Watkins LLP  
Washington, DC

9:00 – 10:30 am  
**Salon G**

**Trade Associations Committee Program**

*Structuring and Counseling Special Purpose Consortia, Forums and Alliances*

Market competitors are increasingly collaborating on special purpose projects outside the framework of traditional trade associations and formal joint ventures. This program will consider the legal, strategic, and practical issues confronted in structuring and counseling special purpose consortia, forums, and other informal affiliations.

Program Co-chairs:

Mark A. Cunningham  
Jones Walker  
New Orleans, LA

Christopher J. MacAvoy  
Howrey Simon Arnold & White LLP  
Washington, DC

Presenters:

Ky P. Ewing, Jr.  
Former Section Chair  
Washington, DC

Bernard A. Nigro, Jr  
Deputy Director, Bureau of Competition  
Federal Trade Commission  
Washington, DC

Dorothy Raymond  
Counsel  
Cable Television Labs  
Littleton, CO

Andrew Updegrove  
Gesmer Updegrove  
Boston, MA

9:15 – 10:30 am  
Salon E

**Breakfast with Deputy Assistant Attorney Generals from the U.S.  
Department of Justice Antitrust Division**

All of the Deputies from the Antitrust Division will participate in an open forum to comment on and take questions regarding recent developments, best practices for representing clients before the Division, future enforcement priorities, international antitrust developments, and other topics.

Program Chair: Thomas O. Barnett  
Deputy Assistant Attorney General  
Antitrust Division  
U.S. Department of Justice  
Washington, DC

Moderator: James Rill  
Howrey Simon Arnold and White LLP  
Washington, DC

Presenters: Makan Delrahim  
Deputy Assistant Attorney General  
Antitrust Division  
U.S. Department of Justice  
Washington, DC

Scott D. Hammond  
Deputy Assistant Attorney General  
Antitrust Division  
U.S. Department of Justice  
Washington, DC

Kenneth Heyer  
Acting Deputy Assistant Attorney General  
for Economic Analysis  
Antitrust Division  
U.S. Department of Justice  
Washington, DC

David Higbee  
Deputy Assistant Attorney General  
Antitrust Division  
U.S. Department of Justice  
Washington, DC

J. Bruce McDonald  
Deputy Assistant Attorney General  
Antitrust Division  
U.S. Department of Justice  
Washington, DC

9:15 – 10:30 am  
**Salon III**

**Communications Industry Committee Program**

*Trinko One Year Later: Lower Courts' Treatment of Refusals to Deal*

The Supreme Court in *Trinko* introduced new rules for assessing refusals to deal among competitors, including providers of communications services. Since then the lower courts have been wrestling with just what *Trinko* means, and what types of antitrust claims remain viable in its wake. This program will examine highlights from those lower court rulings, and will attempt to distill from them greater guidance about the post-*Trinko* competitive landscape.

Program Chair and  
Moderator: Alfred C. Pfeiffer, Jr.  
Bingham McCutchen LLP  
San Francisco, CA

Presenters: Merrill Hirsh  
Ross Dixon & Bell LLP  
Washington, DC

John Thorne  
Verizon Communications  
Arlington, VA

Darrell Williams  
LECG  
Los Angeles, CA

9:15 – 10:30 am  
**Treasury**

**Distribution and Franchising Committee Program**

*Slotting Allowances and Category Management: An International Perspective*

This program will look at the status of slotting allowances, category management and related pricing and access issues under the antitrust laws of the United States, Canada and the EU. The speakers will consider recent developments in private litigation and enforcement, with particular attention to their impact on companies engaged in multinational product distribution.

Program Chair and:  
Moderator Elizabeth B. McCallum  
Howrey Simon Arnold & White LLP  
Washington, DC

Presenters: David A. Balto  
Robins, Kaplan, Miller & Ciresi LLP  
Washington, DC

Subrata Bhattacharjee  
Heenan Blaikie LLP  
Toronto, Canada

John Davies  
Freshfields Bruckhaus Deringer  
Brussels, Belgium and London, England

9:15 – 10:30 am  
**State**

**Legislation Committee Business Meeting**

Current developments in antitrust and consumer protection legislation, and short business meeting.

Chair: Lawrence R. Fullerton  
Sidley Austin Brown & Wood LLP  
Washington, DC

9:15 – 10:30 am  
**Salon D**

**State Antitrust Enforcement Committee Program**

*Breakfast with State Enforcers: What You Need to Know*

The program affords a valuable opportunity to hear directly from senior enforcers from states around the country concerning their latest initiatives in state antitrust enforcement, and to participate in an informal and open question and answer session that should serve to facilitate in-depth discussion of topics of particular interest.

Program Chair and Moderator: Robert W. Pratt  
Chief, Antitrust Bureau  
Office of the Illinois Attorney General  
Chicago, IL

Presenters: Ellen S. Cooper  
Assistant Attorney General & Chief,  
Antitrust Division  
Office of the Attorney General of Maryland  
Baltimore, MD

Kathleen E. Foote  
Senior Assistant Attorney General  
Office of the Attorney General of California  
San Francisco, CA

Robert L. Hubbard  
Director of Litigation, Antitrust Bureau  
New York State Department of Law  
New York, NY

Tina Kondo  
Antitrust Division Chief  
Office of the Attorney General of Washington  
Seattle, WA

10:45 – 12:00 pm  
**Commerce**

**Antitrust Magazine and Antitrust Source**

*The Antitrust Beat: Media Coverage of Antitrust from the Reporters' Perspectives*

Reporters who regularly cover antitrust issues for major media organizations will provide the inside story on what they do, and how it affects the broader antitrust community: how stories are generated, what makes an antitrust story newsworthy, and the impact that antitrust reporting has on policy development and on business practices.

Program Co-chairs and  
Moderators:

Mark D. Whitener  
Antitrust Counsel  
General Electric Company  
Washington, DC

Gary P. Zanfagna  
Chief Antitrust Counsel  
Honeywell International Inc.  
Morristown, NJ

Presenters:

William Baer  
Arnold & Porter LLP  
Washington, DC

David Lawsky  
Reuters  
Brussels, Belgium

Jayne O'Donnell  
USA Today  
McLean, VA

James Rowley  
Bloomberg News  
Washington, DC

10:45 – 12:00 pm  
**Salon IV**

**Consumer Protection Committee Program**  
*Advertising Law Update*

The program will explore recent developments in advertising law from the perspective of federal enforcers, state attorneys general and private practitioners.

Program Chair and  
Moderator:

Thomas F. Zych  
Thompson Hine LLP  
Cleveland, OH

Presenters:

David Borsykowsky  
Assistant Attorney General  
Vermont Attorney General's Office  
Montpelier, VT

Lesley Fair  
Federal Trade Commission  
Washington, DC

August T. Horvath  
Weil Gotshal & Manges LLP  
New York, NY

10:45 – 12:00 pm  
Salon III

**Criminal Practice and Procedure Committee Program**  
*Hot Topics in Criminal Antitrust*

This program will focus on recent developments in criminal antitrust law and practice and discuss the Antitrust Division's potential future agenda. Issues that may be addressed include: developments in individual and corporate sentencing; the government's program and efforts to extradite individuals for offenses affecting the United States; the continued use of obstruction, perjury and other statutes; and developments and trends in international cooperation.

Program Chair and  
Moderator:

Steven M. Kowal  
Bell, Boyd & Lloyd, LLC  
Chicago, IL

Presenters:

Robert E. Connolly  
Chief, Philadelphia Office  
Antitrust Division  
U.S. Department of Justice  
Philadelphia, PA

Scott D. Hammond  
Deputy Assistant Attorney General  
Antitrust Division  
U.S. Department of Justice  
Washington, DC

Lisa M. Phelan  
Chief, National Criminal  
Enforcement Section  
Antitrust Division  
U.S. Department of Justice  
Washington, DC

Tara L. Reinhart  
Morgan Lewis & Bockius, LLP  
Washington, DC

Kevin R. Sullivan  
King & Spalding  
Washington, DC

10:45 – 12:00 pm  
Salon G

**Exemptions & Immunities Committee Program**

*The “Other” Antitrust Immunities: Academic Curiosities or Potent Defenses*

While the Noerr-Pennington and Parker doctrines dominate antitrust immunities, recent decisions and statutory developments have once again demonstrated that they are far from the only “immunity” doctrines. Many of these doctrines offer variations of the theme that antitrust liability – particularly in federal court – should take a back seat to state or (at times) federal regulatory regimes or statutory schemes. Some examples include the “filed rate” doctrine, Burford abstention, and primary jurisdiction. The Supreme Court’s recent *Trinko* decision has been described by some commentators as creating another scope for quasi-immunity when a statutory scheme appears designed to remedy competitive problems. And Congress’s enactment of legislation limiting antitrust exposure for standards development organizations underscores the quiet but potent role of statutory limits on the antitrust laws: a role that may be expanding at both the federal and state level. The time is right to consider the role and significance of these “other immunities” in the antitrust landscape.

Program Co-chair:	Carlton A. Varner Sheppard Mullin et al. Los Angeles, CA
Program Co-chair and Moderator:	D. Bruce Hoffman Hunton & Williams Washington, DC
Presenters:	Marc Galonsky BellSouth Corporation Atlanta, GA
	Jonathan Rubin American Antitrust Institute Washington, DC
	Leslie Smith Kirkland & Ellis Chicago, IL
	Barbara Wolf Schatz & Noble Hartford, CT

10:45 – 12:00 pm  
Treasury

**Health Care Committee Program**

*Health Care Administrative Litigation Within the FTC: The NTSP and Evanston Hospital Cases*

After a long hiatus, the FTC this past year engaged in administrative litigation in two important health care cases, North Texas Specialty Physicians (NTSP) and Evanston Northwestern Healthcare Corporation. These cases provided the agency the opportunity to develop a substantial administrative record regarding a broad array of issues involving both collective physician negotiations and hospital merger analysis. This session will address the procedural issues raised in the course of discovery and litigating in the context of FTC Part III proceedings. The panel will include attorneys from the FTC and the respondents who have been involved in the litigation.

Program Chair: Robert F. Leibenluft  
Hogan & Hartson LL.P.  
Washington, DC

Moderator: Toby Singer  
Jones Day  
Washington, DC

Presenters: Barbara Anthony  
Federal Trade Commission  
New York, NY

Thomas Brock  
Federal Trade Commission  
Washington, DC

Gregory S.C. Huffman  
Thompson & Knight  
Dallas, TX

10:45 – 12:00 pm  
**Justice**

**Membership & Equal Opportunity Committee Program**

*Getting Involved: How to Get More Benefits From the Antitrust Section*

How does participation in the Antitrust Section benefit you? Attend this program and find out! Learn more about the pathways to section leadership. Panelists will share their perspectives and discuss activities and opportunities available through Section membership.

Program Co-chairs and  
Moderators:

Erika M. Brown Lee  
Federal Trade Commission  
Washington, DC

Thomas F. Lemons, Jr.  
Exxon Mobil Corporation  
Irving, TX

Presenters:

Kathryn M. Fenton  
Jones Day  
Washington, DC

Tara Isa Koslov  
Attorney Advisor  
Federal Trade Commission  
Washington, DC

Neil P. Motenko  
Nutter McClennen & Fish LLP  
Boston, MA

Noon – 2:00 pm  
**Salons D, E & F**

**The Luncheon**

Attend the Luncheon and enjoy meeting and mingling with colleagues. Stephen Calkins a Professor at Wayne State University Law School will be the featured speaker.

2:00 – 3:30 pm  
**Pierce, The Willard**

**AALS Scholars Showcase** *presented by the Antitrust-American Association of Law Schools Committee and the AALS Antitrust and Economic Regulation Section*

Recent decisions by the courts regarding *Trinko*, *LePage* and *Microsoft*, etc. suggest that there is a brewing legal turmoil regarding the direction of the treatment of dominant firms. Much of the debate hinges on more scholarly issues of distinguishing efficient conduct from anticompetitive conduct that has been muddied by modern day technology and marketing. This panel will present papers from scholars with different perspectives and they will discuss not only more recent US court views on dominant firms but will touch on legal treatments of dominant firms abroad as well.

Session Chair: Barbara A. White  
University of Baltimore School of Law  
Baltimore, MD

Moderator: Marina Lao  
Seton Hall University School of Law  
Newark, NJ

Presenters: David McGowan  
University of Minnesota Law School  
Minneapolis, MN

Steven C. Salop  
Georgetown University Law Center  
Washington, DC

Robert D. Willig  
Princeton University  
Princeton, NJ

Alan Meese  
William & Mary School of Law  
Williamsburg, VA

2:00 – 3:30 pm  
Salon IV

**The Agencies' 2004 Report on *Improving Health Care: Comments on the Report and Its Aftermath* presented by the FTC and Health Care Committees**

In July 2004, the FTC and DOJ jointly issued their report on “Improving Health Care: A Dose of Competition.” The Report is the culmination of extensive hearings held in 2003 on the subject of health care competition. It provides an in-depth look at what the agencies learned as well as their recommendations and observation. Since the issuance of the report, the line up at the FTC has changed. Have leadership changes affected the impact of the Report? Has the Report had any influence on the agencies’ enforcement actions? Have we seen any legislative responses to the Report? What has been the response of private practitioners to the Report – did it provide any useable guidance? Where did the Report fall short of expectations and where might additional guidance be needed? This session will address these and other questions from the varied perspectives of enforcers, private practitioners, and industry representatives.

Session Co-chairs:

Robert F. Leibenluft  
Hogan & Hartson, LL.P.  
Washington, DC

Arthur N. Lerner  
Crowell & Moring LLP  
Washington, DC

Moderator:

Mark J. Horoschak  
Womble Carlyle Sandridge et al.  
Washington, DC

Presenters:

Mark Botti  
U.S. Department of Justice  
Washington, DC

Pamela Jones Harbour  
Commissioner  
Federal Trade Commission  
Washington, DC

John J. Miles  
Ober Kaler Grimes & Shriver  
Washington, DC

Monica G. Noether  
Charles River Associates, Inc.  
Boston, MA

2:00 – 3:30 pm  
Salon I

**The New Antitrust Legal Environment for Standard-Setting: Dispatches from the Front Lines** *presented by the Computer Industry and Internet, Intellectual Property and Sherman Act Section 2 Committees*

This panel will discuss standard-setting matters that raise cutting-edge issues, including the FTC's *Rambus* and *Unocal* cases. The panel will explore the implications of these decisions for standard-setting activities, the Noerr-Pennington doctrine, market definition in technology-rich industries, and the intersection of antitrust and intellectual property. The panel also will discuss the myriad of issues that businesses engaged in collaborative standard-setting efforts confront.

Session Co-chairs:

David H. Evans  
Arent Fox PLLC  
Washington, DC

Michael S. McFalls  
Jones Day  
Washington, DC

Moderator:

Susan A. Creighton  
Director, Bureau of Competition  
Federal Trade Commission  
Washington, DC

Presenters:

A. Douglas Melamed  
Wilmer Cutler Pickering Hale and Dorr LLP  
Washington, DC

Mark S. Popofsky  
Kaye Scholer LLP  
Washington, DC

M. Sean Royall  
Gibson, Dunn & Crutcher LLP  
Dallas, TX

Christine A. Varney  
Hogan & Hartson LL.P.  
Washington, DC

2:00 – 3:30 pm  
Salon III

**The New World of Antitrust Sentencing: New Law, New Guidelines and Blakely and Booker Too** presented by the *Criminal Practice and Procedure and Sherman Act Section One Committees*

This program will discuss changes in the antitrust sentencing regimes, specifically how the new sentencing enhancement law and any related changes to the Sentencing Guidelines will effect all phases of criminal antitrust cases, including immunity and leniency applications, plea bargains and trials. The panel will also discuss the economics underlying the antitrust sentencing regime and the impact (if any) of the Supreme Court's recent decisions related to the Sentencing Guidelines. Finally, the panel will also discuss the importance of corporate antitrust compliance programs and ways to implement those programs most effectively to avoid criminal liability or, at least, to obtain any available credit for effective compliance programs.

Session Chair: Steven M. Kowal  
Bell, Boyd & Lloyd LLC  
Chicago, IL

Moderator: James W. Lowe  
Wilmer Cutler Pickering Hale and Dorr LLP  
Washington, DC

Presenters: Scott D. Hammond  
Deputy Assistant Attorney General  
Antitrust Division  
U.S. Department of Justice  
Washington, DC

Aimee Imundo  
Antitrust Counsel  
General Electric Company  
Washington, DC

Bruce H. Kobayashi  
George Mason University School of Law  
Arlington, VA

James H. Mutchnik  
Kirkland & Ellis LLP  
Washington, DC

2:00 – 5:15 pm  
**Salon II**

**International Antitrust Convergence: Reality or Illusion?**

*Presented by the International Committee*

Competition law enforcement and policy are converging toward best practice among the approximately 100 competition agencies around the world. Or are they? In this program, leading agency officials, practitioners, and academics will test this hypothesis, debating the state of convergence both among competition agencies in developed countries (including between the US and the EC), and between established agencies in developed countries versus newer agencies in developing countries.

Session Chair and  
Moderator: Randolph W. Tritell  
Assistant Director for International Antitrust  
Federal Trade Commission  
Washington, DC

Presenters: Margaret Bloom  
Freshfields Bruckhaus Deringer  
London, England

Terry Calvani  
Commissioner  
Irish Competition Authority  
Dublin, Ireland

Vani Chetty  
Edward Nathan & Friendland (Pty) Ltd  
Johannesburg, South Africa

Makan Delrahim  
Deputy Assistant Attorney General  
Antitrust Division  
U.S. Department of Justice  
Washington, DC

David Gerber  
Chicago – Kent College of Law  
Chicago, IL

Rughvir (Shyam) Khemani  
The World Bank  
Washington, DC

William Kovacic  
George Washington University Law School  
Washington, DC

Charles Stark  
Wilmer Cutler Pickering Hale and Dorr LLP  
Washington, DC

3:30 -5:30 pm  
**Salon I**

**Frequently Encountered Ethics Problems in Antitrust Practice**  
*presented by the Ethics & Professionalism Committee*

This program will discuss and analyze ethical issues that arise in expert discovery, corporate counseling and merger practice.

Session Chair and  
Moderator: Edward D. Cavanagh  
St. Johns University School of Law  
Jamaica, NY

Presenters: Steven Edwards  
Hogan & Hartson, LLP  
New York, NY

Kathryn M. Fenton  
Jones Day  
Washington, DC

David Higbee  
Deputy Assistant Attorney General  
Antitrust Division  
U.S. Department of Justice  
Washington, DC

3:45 – 5:15 pm  
Salons F & G

**Consumer Protection for Competition Lawyers – The Essentials of False Advertising, Unfair and Deceptive Trade Practices, and Privacy** *presented by the Consumer Protection Committee*

This program is intended to provide competition lawyers who are nonspecialists in consumer protection law with the tools required to make the correct choice for their clients. It is not a fundamentals of consumer protection course. The program will include practical advice for experienced attorneys who must counsel their clients regarding the reach and the limits of Section 5 of the FTC Act, state unfair and deceptive acts and practices statutes, and Section 43(a) of the Lanham Act, as well as procedural pointers while handling matters brought under the relevant statutes. It will also discuss the advantages and disadvantages of industry self-regulation and the developing law in the area of privacy.

Session Chair and  
Presenter:

John E. Villafranco  
Collier Shannon Scott LLP  
Washington, DC

Moderator:

Darren Bowie  
Federal Trade Commission  
Washington, DC

Presenters:

Thomas G. Conway  
Bureau Chief – Consumer Frauds Bureau  
New York State Attorney General’s Office  
New York, NY

Andrea Levine  
Director  
National Advertising Division  
New York, NY

Lydia Parnes  
Acting Director, Bureau of Consumer Protection  
Federal Trade Commission  
Washington, DC

3:45 – 5:15 pm  
Salons D & E

**Coordinated Effects Theories for Mergers – Recent Experience and Beyond**  
*presented by the Fuel and Energy Industry and Mergers & Acquisitions  
Committees*

At the beginning of the Bush administration, antitrust agency enforcement officials spoke widely about their intention to focus merger review theories on competitive effects analysis that relied on coordinated interaction rather than unilateral conduct. This program will focus on the success of this mission, starting with the FTC's cruise line decision in 2002, three DOJ complaints in 2003 alleging coordinated interaction, and ending with the FTC's recent decisions to challenge the Arch Coal/Triton deal while approving the RJR/BAT tobacco merger. Panel discussion will encompass both the factual and economic evidence required to sustain a challenge based on coordinated effects, as well as points that have been used effectively to defeat the theory. Panel members will include participants in recent government reviews, agency officials and private practitioners who regularly counsel clients on coordinated effects.

Session Co-chairs:

Michael H. Knight  
Federal Trade Commission  
Washington, DC

Jolanta Sterbenz  
Hogan & Hartson LL.P.  
Washington, DC

Moderator:

Claudia Higgins  
Kaye Scholer LLP  
Washington, DC

Presenters:

Kenneth Heyer  
Antitrust Division  
U.S. Department of Justice  
Washington, DC

Joseph G. Krauss  
Hogan & Hartson LL.P.  
Washington, DC

Janusz Ordovery  
Competition Policy Associates  
New York, NY

Richard Parker  
O'Melveny & Myers LLP  
Washington, DC

3:45 – 5:15 pm  
**Ballroom, The Willard**

**Friend and Foe: Antitrust Issues In Dual Distribution** *presented by the  
Distribution and Franchising and Robinson-Patman Act Committees*

When a manufacturer sells its products to both end users and independent distributors who also sell to end users, antitrust issues may be implicated in its pricing, territorial, and product allocation decisions. This panel will explore recent developments in channel pricing, product allocation and customer and territorial restrictions in dual distribution arrangements.

Session Co-chair and  
Moderator:

Margaret M. Zwisler  
Howrey Simon Arnold & White LLP  
Washington, DC

Co-chair and  
Presenter:

Thomas J. Collin  
Thompson Hine LLP  
Cleveland, OH

Presenters:

Howard Marvel  
Ohio State University  
Columbus, OH

Gregory D. Wittrock  
Deputy General Counsel  
Masco Corporation  
Taylor, MI

3:45 – 5:15 pm  
Salon IV

**Managing Multi-tiered Federal/State Antitrust Litigation: Advice on Managing Complex Contemporary Antitrust Litigation** *presented by the State Antitrust Enforcement and Trial Practice Committees*

The program will examine the practical and strategic issues that arise in complex antitrust litigation brought by state antitrust enforcers, class counsel, the Department of Justice, and /or the FTC, against multiple defendants asserting various state and federal claims. In those increasingly common situations where no mandatory case management framework exists, informal case management techniques are vital for antitrust lawyers generally, and for those counseling clients about the risks and benefits of multi-state, multi-party, multi-tiered litigation. This program will describe the variety of strategies and tactics that can lead to successful coordination and resolution in this world of increasingly frequent multi-state, multi-party litigation.

Session Chair: Barbara O. Bruckmann  
Howrey Simon Arnold & White LLP  
Washington, DC

Moderator: Thomas Campbell  
Gardner Carton & Douglas LLP  
Chicago, IL

Presenters: Stephen M. Axinn  
Axinn, Veltrop & Harkrider LLP  
New York, NY  
Washington, DC

Patricia A. Conners  
Office of the Attorney General  
State of Florida  
Tallahassee, FL

Claude F. Scott  
U.S. Department of Justice  
Washington, DC

Dennis Stewart  
Hulett, Harper Stewart LLP  
San Diego, CA

3:45 – 5:15 pm  
**Salon III**

**Trade and Professional Associations – Weighing the Risks and Benefits**  
*presented by the Trade Associations Committee*

This iconoclastic program will challenge the conventional wisdom that trade and professional associations generally benefit competition and consumers, by asking whether the risks to competition outweigh the benefits. Are the potential adverse competitive effects so pervasive and resistant to detection and deterrence that courts, agencies, and counselors should be taking a more jaundiced view of association activities?

Session Chair:

Christopher J. MacAvoy  
Howrey Simon Arnold & White LLP  
Washington, DC

Moderator:

Saul P. Morgenstern  
Kaye Scholer LLP  
New York, NY

Presenters:

Theodore L. Banks  
Associate General Counsel  
Kraft Foods Global, Inc.  
Northfield, IL

Diane Bieri  
Assistant General Counsel  
Pharmaceutical Research and Manufacturers of America  
Washington, DC

Margaret Guerin-Calvert  
Competition Policy Associates  
Washington, DC

Jon Leibowitz  
Commissioner  
Federal Trade Commission  
Washington, DC

5:15 - 6:15 pm  
**Ballroom Foyer**

**Welcome Reception**

The Spring Meeting programming is the result of the hard work of the Section's committees. Take this opportunity to come and enjoy cocktails, chat with colleagues, meet section committee members and experience all the committees have to offer.

**THURSDAY, MARCH 31, 2005**

8:00 – 9:45 am  
**Salon F**

**Civil Practice and Procedure Committee Meeting and Program**

*A Forum on The Proposed Amendments To Rules 16, 26, 33, 34, 37, and 45  
Aimed At Discovery of Electronically Stored Information*

This program will provide an overview of the proposed amendments aimed at discovery of electronically stored information and the rules process and then address the following:

- What would the proposed rule changes accomplish?
- Are the proposed changes addressing the right issues?
- Are these the right solutions?
- If the rules are adopted, how will life be better? Worse? For Whom?

The Committee meeting will include Professor Cavanagh's Annual Update on Civil Procedure Developments.

Program Chair:

R. Mark McCareins  
Winston & Strawn LLP  
Chicago, IL

Moderator:

Robert C. Heim  
Dechert LLP  
Philadelphia, PA

Presenters:

Barbara Mather  
Pepper Hamilton LLP  
Philadelphia, PA

The Honorable Lee H. Rosenthal  
U.S. District Judge  
U.S. District Court  
Houston, TX

William M. Schur  
SBC Communications Inc.  
San Antonio, TX

8:00 – 9:45 am  
Treasury

**Fuel and Energy Committee Program**

*The Cost of Filling Up: Did the FTC Approve Too Many Energy Mergers?*

Gasoline prices spawned an economic and political debate this past year. In particular, GAO's report in May 2004 criticizing the FTC's energy merger record caused a vigorous debate between government agencies. At this program, GAO, State Attorney General, and FTC representatives will square off, and industry and consumer representatives will comment and offer diverse perspectives. You will not want to miss this opportunity to hear from all sides of this debate.

Program Chair

Marc G. Schildkraut  
Howrey Simon Arnold & White LLP  
Washington, DC

Moderator:

Layne E. Kruse  
Fulbright & Jaworski LLP  
Houston, TX

Commentators:

Mark Cooper  
Director of Research  
Consumer Federation of America  
Washington, DC

Rayola Dougher  
Senior Policy Analyst  
American Petroleum Institute  
Washington, DC

Presenters:

Scott R. Farrow  
Chief Economist  
Government Accountability Office  
Washington, DC

Luke Froeb  
Federal Trade Commission  
Washington, DC

John Seesel  
Federal Trade Commission  
Washington, DC

Margaret Spencer  
Deputy Attorney General  
Antitrust Division of Attorney General  
of California  
San Francisco, CA

James E. Wells  
Director, Natural Resources and Environment  
Government Accountability Office

Washington, DC

8:00 – 9:45 am

**Ballroom, The Willard**

**Mergers & Acquisitions Committee Meeting and Program**

*Minority & Partial Interests in Competitors*

This program will explore the treatment of minority interests by federal and international enforcement agencies and the courts. The program also will attempt to present relevant economic learning concerning the incentives of both the firm owning the interest and the partially owned competitor. Two recent DOJ matters will serve as useful foundations for the discussion. In 1999, the DOJ sued Northwest Airlines and Continental Airlines after Northwest acquired approximately 50% of Continental's voting stock. Despite a governance agreement which limited Northwest's ability to vote the shares for 6-10 years, the DOJ challenged the acquisition. The case was settled after two days of trial. More recently, the DOJ suffered a dismissal of its complaint challenging Dairy Farmers of America's acquisition of a 50% non-voting interest in Southern Belle Dairy, a competitor in certain markets in Kentucky and Tennessee. In August of 2004, the District Court dismissed the DOJ's complaint finding that the incentives and opportunities for collusion will not increase substantially by virtue of acquiring a minority interest in a competitor.

Program Chair:

Joseph G. Krauss  
Hogan & Hartson LL.P.  
Washington, DC

Moderator:

Jerome A. Swindell  
Johnson & Johnson  
New Brunswick, NJ

Presenters:

Tracey Chambers  
U.S. Department of Justice  
Washington, DC

James P. Denvir  
Boies, Schiller & Flexner  
Washington, DC

Michael Reynolds  
Allen & Overy  
Brussels, Belgium

Ramsey Shehadeh  
NERA  
White Plains, NY

8:00 – 9:45 am  
**Salon G**

**Sherman Act Section 1 Committee Meeting and Program**  
*Hot Topics in Section One Enforcement*

The Sherman One Committee will review the latest developments and “hot topics” involving Sherman Act Section One.

Program Chair &  
Moderator:

George A. Nicoud III  
Gibson, Dunn & Crutcher LLP  
San Francisco, CA

Presenters:

Lauren Albert  
Axinn Veltrop & Harkrider LLP  
New York, NY

John R. Read  
U.S. Department of Justice  
Washington, DC

Patrick Roach  
Deputy Assistant Director  
Anticompetitive Practices Division  
Federal Trade Commission  
Washington, DC

Patrick S. Thompson  
Pillsbury Winthrop LLP  
San Francisco, CA

8:15 – 9:45 am  
Commerce

**Economics and Trial Practice Committees Program**

*Market Definition, Market Share, Competitive Effects – What Are the “Proper” Roles and Relationships? Is There Any Doubt About These Issues in The Case Law?*

Two recent merger cases, *Arch Coal* and *Oracle/People Soft* have crystallized an issue that has been “fermenting” since at least the promulgation of the 1992 Merger Guidelines. Specifically, what should be the relative roles of market definition, market share, and competitive effects? Some economists have advocated essentially dispensing with the market definition/market share paradigm for unilateral effects cases and moving directly to competitive effects. But these two recent cases make clear that the continuing state of the law is that plaintiff must establish market definition and market share as a predicate to analysis of competitive effects. This panel will involve lawyers and economists who will discuss these issues.

Program Chair:

Bruce J. Prager  
Latham & Watkins LLP  
New York, NY

Moderator:

Catherine Moscatelli  
Deputy Assistant Director  
Bureau of Competition  
Federal Trade Commission  
Washington, DC

Presenters:

Jonathan B. Baker  
American University, Washington College  
of Law  
Washington, DC

John D. Harkrider  
Axinn, Veltrop, and Harkrider LLP  
New York, NY

Richard Liebeskind  
Pillsbury Winthrop LLP  
Washington, DC

David T. Scheffman  
LECG  
Washington, DC

8:15 – 9:45 am  
State

**Exemptions and Immunities and the Transportation Industry Committees**  
**Program** *Transportation Industry Antitrust Immunity Reconsidered*

This program will discuss changes being considered in worldwide transportation antitrust exemptions. For example, the European Commission is considering the repeal of its regulation allowing shipping lines in a liner conference to fix prices and regulate capacity. The EC is also reviewing its block exemption of activities of the International Air Transport Association concerning tariffs, slots and scheduling conferences. The US, through the Department of Justice and the modernization commission, is likewise considering repeal or modification of antitrust exemptions in shipping and other transportation industries.

Program Co-chairs: Carlton A. Varner  
Sheppard Mullin Richter & Hampton LLP  
Los Angeles, CA

James R. Weiss  
Preston Gates Ellis & Rouvelas Meeds LLP  
Washington, DC

Moderator: Jennifer R. Clarke  
Dechert LLP  
Philadelphia, PA

Presenter: Peter C. Carstensen  
University of Wisconsin Law School  
Madison, WI

Roger Fones  
Chief, TEA Section  
Antitrust Division  
U.S. Department of Justice  
Washington, DC

Lars-Olof Hollner  
Counselor  
EU Delegation  
Washington, DC

John Longstreth  
Preston Gates Ellis & Rouvelas Meeds LLP  
Washington, DC

8:15 – 9:45 am  
**Justice**

**Financial Services Committee Program**

*Arguing the Issues: Regulated Financial Markets and Implied Repeal of Antitrust Laws*

A debate on the scope of implied repeal of the antitrust laws as applied to regulated financial markets. The debate will consider recent cases in the Second Circuit and the Southern District of New York and the likely impact that they will have on antitrust complaints in the future.

Program Co-Chairs and  
Moderators:

Jonathan M. Rich  
Morgan Lewis & Bockius LLP  
Washington, DC

Melvin A. Schwarz  
Dechert LLP  
Washington, DC

Presenters:

Richard A. Cirillo  
King & Spalding LLP  
New York, NY

Jay Fastow  
Weil, Gotshal & Manges LLP  
New York, NY

Constance K Robinson  
Kilpatrick Stockton LLP  
Washington, DC

Scott Scheele  
Assistant Chief  
Networks and Technologies Section  
Antitrust Division  
U.S. Department of Justice  
Washington, DC

8:15 – 9:45 am  
Salons D & E

**Intellectual Property Committee Program**

*What You Need to Know About Developments in Intellectual Property-Antitrust*

This program is intended to get practitioners up to speed on key developments in the area of intellectual property antitrust over the past year. Areas of focus will include tying/package licensing in light of the Philips matter currently before the Federal Circuit, sham patent enforcement, the “advice of counsel” defense and attorney-client privilege issues and, if available, the second volume of the FTC/DOJ report on the joint hearings on intellectual property and antitrust.

Program Chair and  
Moderator:

George G. Gordon  
Dechert LLP  
Philadelphia, PA

Presenters:

Frances E. Marshall  
Special Counsel for Intellectual Property  
Antitrust Division  
U.S. Department of Justice  
Washington, DC

M. Howard Morse  
Drinker, Biddle & Reath LLP  
Washington, DC

Willard K. Tom  
Morgan, Lewis & Bockius LLP  
Washington, DC

Debra A. Valentine  
Vice President, Secretary and Associate General Counsel  
United Technologies  
Hartford, CT

8:15 – 9:45 am  
**Salon IV**

**Sherman Act Section 2 Committee Program**  
*Hot Topics in Monopolization Law and Policy*

This program will explore cutting-edge developments in Section 2 and Dominant Firm litigation, investigations, and related areas.

Program Chair: Aryeh S. Friedman  
AT&T Corporation  
Bedminster, NJ

Moderator: J. Bruce McDonald  
Deputy Assistant Attorney General  
Antitrust Division  
U.S. Department of Justice  
Washington, DC

Presenters: John Anthony Chavez  
Corporate Counsel  
Univation Technologies, LLC  
Houston, TX

Kenneth L. Glazer  
Senior Competition Counsel  
The Coca-Cola Co.  
Atlanta, GA

Paul B. Hewitt  
Akin Gump Strauss Hauer and Feld LLP  
Washington, DC

Mary Anne Mason  
Hogan & Hartson LL.P.  
Washington, DC

10:00 am – noon  
Salons I, II & III

**Chair’s Showcase Program:** *The Role of Innovation in Competitive Analysis  
Should Special Rules Apply to Get the Balance Right?*

This program will consider the impact of innovation on the competitive framework and R&D considerations internally and by acquisition (through license and asset/stock purchases) and the role of competition and intellectual property in antitrust analysis. Discussion topics will include: What drives businesses to innovate? Are concentration theory and market share considerations to be supplanted by an innovation analysis and innovation markets in merger analysis? Is there an exception to *Colgate* when dealing with Intellectual Property Rights? When does enforcement of Intellectual Property Rights in a pharmaceutical setting violate the antitrust laws? Is the rest of the world treating these issues the same as the U.S.? What impact might disparate treatment of these issues have on innovation incentives?

Section Chair:

Richard J. Wallis  
Microsoft Corporation  
Redmond, WA

Presenters:

Kent Bernard  
Assistant General Counsel  
Pfizer Inc.  
New York, NY

Timothy J. Muris  
O’Melveny & Myers LLP  
Washington, DC

Peter Plompen  
Senior Vice-President  
Philips International  
Eindhoven, Netherlands

Carl Shapiro  
Charles River Associates  
Oakland, CA

Debra A. Valentine  
Vice President, Secretary and Associate General Counsel  
United Technologies  
Hartford, CT

1:30 – 3:00 pm  
Salon IV

**Cooks in the Kitchen: Combining the Best Ingredients for a Successful Merger or Acquisition** *presented by the Mergers & Acquisitions Committee*

Different disciplines and perspectives are often brought to bear as a merger or acquisition takes shape. The company's executives and board seek input from a number of disciplines on a wide range of issues. These advisers may pursue conceptual themes and priorities that are in conflict, but many of which are relevant to the antitrust analysis and review of the transaction. This program will provide an inside look at these issues from those that help put deals together, letting them explain how they manage the competing interests and counsel in this challenging merger environment. The program will also provide an outside or enforcer's perspective on these issues-- how do the range of issues that are addressed in crafting a transaction bear on the substantive review of the deal and ultimate enforcement posture.

Session Chair and  
Moderator:

Robert S. Schlossberg  
Freshfields Bruckhaus Deringer LLP  
Washington, DC

Presenters:

Kristin Adrian  
Senior Vice President and General Counsel  
Nestle Holdings, Inc.  
Glendale, CA

Thomas O. Barnett  
Deputy Assistant Attorney General  
Antitrust Division  
U.S. Department of Justice  
Washington, DC

Wayne D. Collins  
Shearman & Sterling  
New York, NY

Thomas Leary  
Commissioner  
Federal Trade Commission  
Washington, DC

1:30 – 3:00 pm  
Salons F & G

**Fundamentals of Recently Revised EU Competition Laws** *presented by the International Antitrust & Foreign Competition Law Committee*

This program will introduce EU Competition Law and institutions, along with an expert discussion of important recent developments such as the major reforms of EU law that are just coming into effect. The program will focus on EC Competition Law basics and will also cover developments such as Regulation 1/2003 and the attendant devolution of certain responsibilities to Member States, the increased focus on economics (including the creation of the post of Chief Competition Economist), revisions to the EC merger review regime, DG-Comp's review of Article 82 (abuse of dominance), and the amendments to the Technology Transfer block exemption. The program will also address the likely impact of the accession of ten new members to the EU.

Session Chair and  
Moderator:

Daniel G. Swanson  
Gibson Dunn & Crutcher LLP  
Los Angeles, CA

Presenters:

Iñigo Igartua Arregui  
Gomez-Acebo & Pombo  
Barcelona, Spain

Eleanor M. Fox  
New York University School of Law  
New York, NY

Christof R.A. Swaak  
Stibbe  
The Netherlands

Karen Williams  
European Commission  
Brussels, Belgium

1:30 –5:00pm  
**Ballroom, The Willard**

**Antitrust Mock Trial**  
*presented by the Trial Practice Committee*

During the relevant period, prices charged by aluminum manufacturers increased sharply as aluminum production slowed. There is circumstantial but no direct evidence of a conspiracy agreement. Were defendants' aluminum prices the product of collusion or just oligopolistic conscious parallelism? The trial asks a jury to answer that question as raised in a Section 1 claim by a beverage company against major aluminum manufacturers. The topic is particularly current because several courts of appeals have recently ruled on the subject. A federal district court judge will preside. The audience will observe the jury deliberate, after which the judge, jury, lawyers and jury consultant will answer questions and provide comments.

Trial Chair and  
Moderator:

William J. Blechman  
Kenny Nachwalter, P.A.  
Miami, FL

Presenters:

Fred H. Bartlit, Jr  
Bartlit Beck Herman Palenchar & Scott  
Chicago, IL

Thomas Slater  
Hunton & Williams  
Richmond, Virginia

Karen Walker  
Kirkland & Ellis  
Washington, DC

Theodore V. Wells  
Paul Weiss Rifkind Wharton & Garrison  
New York, NY

Economists:

Vandy Howell  
Cornerstone Research, Inc.  
San Francisco, CA

Gordon Rausser  
Charles River Associates, Inc.  
Oakland, CA

Two Industry Fact Witnesses:

Brian R. Henry  
Senior Counsel -Competition/Retail &  
Distribution  
The Coca-Cola Company  
Atlanta, GA

Charles Rea  
Senior Commercial Counsel  
US Steel  
Pittsburgh, PA

Presiding Judge

Hon. D. Brock Hornby  
United States District Judge  
Portland, ME

1:30 –5:00pm  
Salons D & E

**Should the Antitrust Laws be Modernized?**

*presented by the Economics Committee and the Task Force on Modernization Commission*

An Antitrust Modernization Commission has been charged by Congress and the President with reviewing the antitrust laws and considering whether to recommend change. In recognition of the breadth of the Commission's charge and the potential importance of its task, this program will have two parts. The first part on "Modernization by Commission" will explore the Commission's purpose, structure, and agenda and will look at how other blue-ribbon panels reviewing the antitrust laws have fared. The second part on "Topics for Modernization" will review the topics chosen for study by the Commission and their reasons for doing so and will probe into some of the more difficult substantive issues raised in their agenda. The program will include the Chair and Vice-Chair of the Commission as well as several other Commissioners.

Session Chair:

Roxane C. Busey  
Gardner Carton & Douglas LLC  
Chicago, IL

Moderator:

Robert T. Joseph  
Sonnenschein Nath & Rosenthal LLP  
Chicago, IL

Presenters:

Stephen Calkins  
Wayne State University Law School  
Detroit, MI

Dennis W. Carlton  
Lexecon  
Chicago, IL

Deborah A. Garza  
Fried Frank Harris Shriver & Jacobson LLP  
Washington, DC

Jonathan M. Jacobson  
Akin, Gump, Strauss, Hauer & Feld LLP  
New York, NY

Donald G. Kempf, Jr.  
Chief Legal Officer  
Morgan Stanley  
New York, NY

Debra J. Pearlstein  
Weil, Gotshal & Manges LLP  
New York, NY

Spencer W. Waller  
Loyola University School of Law  
Chicago, IL

Jonathan R. Yarowsky  
Patton Boggs LLP  
Washington, DC

3:15 –5:00 pm  
**Salon IV**

**Hot Topics**

Antitrust policy, enforcement, and litigation change everyday with vital issues constantly surfacing. The Hot Topics session will focus on today's news and tomorrow's trends and keep you ahead of it all. Additional information will be made available on the web closer to the conference.

Session Chair and  
Moderator:

Jeffrey A. LeVee  
Jones Day  
Los Angeles, CA

Presenters:

Peter D. Bernstein  
Assistant Attorney General  
Antitrust Bureau  
New York State Office of the Attorney  
General  
New York, NY

Laura S. Shores  
Howrey Simon Arnold & White LLP  
Washington, DC

Joe Sims  
Jones Day  
Washington, DC

3:15 –5:00 pm  
Salon F & G

**International Antitrust: Developments after *Empagran* and *Intel***  
*presented by the International Antitrust and Foreign Competition Law, Sherman Act Section One and Sherman Act Section Two Committees*

Two recent Supreme Court decisions redefined important aspects of U.S. courts' role in multi-jurisdictional antitrust disputes. In *Empagran*, the Court required plaintiffs alleging overseas injuries to show that their harms are tied to in-U.S. anticompetitive effects. In *Intel*, the Court ruled that U.S. courts may exercise their discretion to give parties domestic discovery in aid of their efforts to interest foreign enforcers in initiating antitrust investigations. Neither decision, however, specified completely the new "rules of the game," and commentators have noted that both decisions may raise more questions than they answer. This Program will explore both the many questions that *Empagran* and *Intel* have generated and the implications of these decisions for the evolving relationship among international antitrust enforcement regimes.

Session Co-chairs: James W. Lowe  
Wilmer Cutler Pickering Hale and Dorr LLP  
Washington, DC

Mark S. Popofsky  
Kaye Scholer LLP  
Washington, DC

Moderator: Leon B. Greenfield  
Wilmer Cutler Pickering Hale and Dorr LLP  
Washington, DC

Presenters: Molly S. Boast  
Debevoise & Plimpton LLP  
New York, NY

Calvin S. Goldman  
Blake Cassels & Graydon LLP  
Toronto, Canada

Michael D. Hausfeld  
Cohen, Milstein, Hausfeld & Toll PLLC  
Washington, DC

John H. Shenefield  
Morgan Lewis & Bockius LLP  
Washington, DC

7:30 – 10:00 pm  
**Grand Ballroom**

**Spring Dinner**

Andrea Mitchell, the Chief Foreign Affairs Correspondent for NBC News, will join us for our Section Dinner. Mitchell reports on evolving foreign policy issues in the United States and abroad for all NBC News broadcasts, including *Nightly News with Tom Brokaw*, *Today* and on both CNBC and MSNBC. She has covered every presidential election since 1972 and has been a longtime analyst of the intelligence community. Her past assignments include extensive and varied reports of exclusive interviews with Cuban President Fidel Castro, covering the United Nations debate leading up to the Iraq war, and traveling for NBC to North Korea, Afghanistan, the Middle East, Bosnia, Kosovo, Pakistan and Haiti. Please join Andrea and your colleagues for a very memorable evening.

**FRIDAY, APRIL 1, 2005**

8:00 – 9:45 am  
**Salon D**

**Corporate Counseling Committee Meeting, Program and Networking  
Breakfast** *The Business of Being an Antitrust Lawyer*

Please join the Corporate Counseling Committee for a networking breakfast and a discussion of what it means to be an antitrust professional. Our panel of seasoned antitrust practitioners will explore the range of antitrust professional opportunities, from government service to private practice to in-house counseling. Panelists will talk about career paths and the ability to move laterally between jobs. Our panelists will include in-house counsel, outside counsel, including a professional with significant government service. A leading legal recruiter will address the experience/skills that various employers seek when hiring. Finally, we will explore the value of building skills/knowledge in areas such as accounting, business and marketing to expand professional opportunities.

Program Co-chairs:

Adam J. Biegel  
Alston & Bird LLP  
Atlanta, GA

Elise Kirban  
Symbol Technologies, Inc.  
Holtsville, NY

Moderator:

Brian R. Henry  
Senior Counsel – Competition/Retail &  
Distribution  
The Coca-Cola Company  
Atlanta, GA

Presenters:

Darryl Marsch  
Senior Counsel  
RJ Reynolds Tobacco  
Winston Salem, NC

MJ Moltenbrey  
Freshfields Bruckhaus Deringer LLP  
Washington, DC

William A. Sankbeil  
Kerr, Russell & Weber PLC  
Detroit, MI

Martha Ann Sisson  
Garrison & Sisson, Inc.  
Washington, DC



8:00 – 9:45 am  
**Pierce, The Willard**

**Robinson-Patman Act Committee Meeting and Program**  
*Protecting Competitors: Has the Robinson-Patman Act Outlived Its Usefulness?*

The Robinson-Patman Act was designed to protect independent businesses and suppliers from large chain competition. This program will explore the tension between this goal and the goal of the antitrust laws to protect competition, not competitors.

Program Chair: Margaret M. Zwisler  
Howrey Simon Arnold & White LLP  
Washington, DC

Moderator: Harvey I. Saferstein  
Mintz Levin Cohn Ferris Glovsky and  
Popeo PC  
Santa Monica, CA

Presenters: Michelle Burtis  
LECG Affiliation  
Washington, DC

Elaine Foreman  
Hewlett- Packard Company  
Palo Alto, CA

Stephen F. Ross  
University of Illinois College of Law  
Champaign, IL

Irving Scher  
Weil Gotshal & Manges LLP  
New York, NY

8:15 – 9:45 am  
**Salon F**

**Business Torts and Civil RICO Committee Program**  
*Defending Against Employee Raiding*

This program explores the intersection of antitrust law and covenants not to compete, non-disclosure agreements, and other means of protecting proprietary interests used by employees. Through role-play discussions involving a hypothetical fact pattern and litigation, counsel for a corporation will discuss how aggressive it can be – both from a legal and business perspective – in enforcing agreements and pursuing litigation to protect its interests in information and relationships entrusted to employees who may depart to join a competitor. Meanwhile, counsel for those employee(s) will plan an appropriate defense. The program will address the nature of protectible interests, the inevitable disclosure doctrine, use of monopoly power, and reasonable restraints. The panel will conclude with a discussion of potential resolutions for these disputes, and a question-and-answer session.

Moderator: Scott Martin  
Weil, Gotshal & Manges LLP  
New York, NY

Presenters: James F. Bogan  
Kilpatrick Stockton LLP  
Atlanta, GA

Jeffrey S. Ross  
Oracle Corporation  
Burlington, MA

8:15 – 9:45 am  
**Salon G**

**Federal Trade Commission Committee**  
*Breakfast with the Bureau Directors*

We will have an opportunity to hear from the directors of the FTC's Bureau of Competition, Bureau of Economics, and Bureau of Consumer Protection on current issues facing the Commission in their respective areas.

Program Chair and Moderator: M. Sean Royall  
Gibson Dunn Crutcher LLP  
Dallas, TX

Presenters: Susan Creighton  
Director, Bureau of Competition  
Federal Trade Commission  
Washington, DC

Luke Froeb  
Director, Bureau of Economics  
Federal Trade Commission  
Washington, DC

Lydia B. Parnes  
Director, Bureau of Consumer Protection

Federal Trade Commission  
Washington, DC

8:15 – 9:45 am  
**Longworth**

**Insurance Industry Committee Program**  
*State and Private Party Challenges to Insurance Industry Mergers*

This program will focus on the recent string of challenges to Insurance Industry mergers by the States and private parties after the transactions have received approval from federal and state antitrust regulators. The program will include a discussion of the California Department of Insurance's rejection of the Anthem/WellPoint Merger, the Medical Society of New Jersey's opposition to the UnitedHealth/Oxford merger, the Kansas Insurance Department's rejection of the Anthem's acquisition of Kansas Blue Cross and Blue Shield, and the subsequent litigation that ensued in each instance.

Program Co-chair	James Burns Vorys Sater Seymour and Pease LLP Washington, DC
Program Co-chair and Moderator:	Luanne Sacks Gray Cary San Francisco, CA
Presenters:	Holly Bakke New Jersey Insurance Commissioner New Jersey Department of Banking & Insurance Trenton, NJ
	Gary M. Cohen Deputy Commissioner and General Counsel California Department of Insurance Sacramento, CA
	Joseph M. Miller Assistant Chief of the Antitrust Litigation Section 1 U.S. Department of Justice Washington, DC
	Sharis A. Pozen Hogan & Hartson LL.P. Washington, DC

10:00 am – noon  
**Grand Ballroom**

**Roundtable Conference with Enforcement Officials**

Section Chair and  
Moderator:

Richard J. Wallis  
Microsoft Corporation  
Redmond, WA

Questioners:

Michael L. Denger  
Gibson Dunn & Crutcher LLP  
Washington, DC

Lynda K. Marshall  
Hogan & Hartson LL.P.  
Washington, DC

James A. Wilson  
Vorys Sater Seymour and Pease LLP  
Columbus, OH

Government Officials:

Patricia Conners  
Chair, NAAG  
Antitrust Task Force  
Office of Attorney General  
State of Florida  
Tallahassee, FL

Philip Lowe  
Director General for Competition  
European Commission  
Brussels, Belgium

The Honorable Deborah Platt Majoras  
Chairman  
Federal Trade Commission  
Washington, DC

The Honorable R. Hewitt Pate  
Assistant Attorney General  
Antitrust Division  
U.S. Department of Justice  
Washington, DC