

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