

Econ 4200: Antitrust Policy / Spring 2017

M 1530-1800 • Monroe Hall, Room 116

Course webpage: http://kenelzinga.com/?page_id=31

Instructor: Kenneth G. Elzinga

434-924-6752 (office) • 434-296-1275 (home) • elzinga@virginia.edu

Office Location: Monroe Hall, Room 216 • Office Hours: M 1000-1400 and by appt.

Goals of the Course

The goals of the course are to train students to think clearly and to explain their thoughts before others. The teaching usually will be Socratic, with episodic lecturing by the instructor and the use of breakout groups. A secondary purpose of the class is to train students in research and writing skills through the composition of a term paper - which is optional. Completing a term paper meets the College's Second Writing Requirement. It should go without saying, at Mr. Jefferson's University, that all work (tests and papers) are to be done without cheating or copying the work of others.

The peg on which the goals of this course hang is the study of the federal antitrust laws. We shall examine the laws Congress passed, the interpretation given them by the courts, and the efforts of two federal agencies to enforce these laws. Through the study of antitrust, diligent students will improve their reasoning and speaking skills and, for some, their writing skills as well. Students who complete the course successfully will gain an understanding of the institution of antitrust. This will intrigue the intellectually curious, enhance social awareness, and augment the lifetime earnings stream of future lawyers, consultants and business managers.

Text and Course Outline

There is one textbook for the course: Breit and Elzinga, [The Antitrust Casebook: Milestones in Economic Regulation](#) (Third Edition). This book's table of contents will serve as the approximate course outline. In addition, there will be photocopied material distributed during the semester.

Preparation

Socratically taught courses require consistent preparation - on the part of the students as well as the instructor. Enrollment in "Econ 420" is ill-advised for any student not willing to do this. An unprepared student is a negative externality to the class.

Grading

There will be a comprehensive final examination worth 100 points.

A recommended option, particularly for students planning on graduate school or wanting a letter of recommendation from the instructor, is to write a term paper on a selected topic in antitrust. For students writing term papers, the final exam will count up to 50 of the 100 points; their term paper will count up to 50 points. (PTO for list of potential paper topics.)

Important Dates

- Mandatory Introductory Class: Tuesday, January 17 from 7 to 10 PM. Students who are unable or unwilling to attend this introductory class are not eligible to enroll in the class.
- Normal class: Mondays, starting January 23, 3:30 to 6 PM.
- Class will not meet: March 6 (Spring Break).
- Term Paper Due Date: Tuesday, April 18 at 5 PM.
- Final Exam: Thursday, May 11 from 2 to 5 PM.

Webpage

- See Mr. Elzinga's webpage at www.kenelzinga.com/?page_id=31 for links to the FTC and DOJ.
 - The webpage also provides links to the 1999 Sample Final Exam and this syllabus.
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Potential Paper Topics

- AT and a particular industry [e.g., computers, steel, soft drinks, banking]
- AT and a particular firm [e.g., Kodak, IBM, Microsoft, Apple, Google, Visa]
- An AT Supreme Court opinion
- Legislative history of an AT statute -- or exemption from AT
- AT and some business strategy [e.g., exclusive dealing, predatory pricing, tying, bundling]
- Federal vs. State AT enforcement
- Measurement of Damages in AT cases
- Economic expert testimony [e.g., Fisher or Schmalensee in Microsoft]
- AT and labor nexus: unions; athletics; professions
- AT enforcement at the DOJ or the FTC
- AT and foreign commerce [e.g., sovereign immunity doctrine; dumping]
- AT and trade associations
- Foreign AT enforcement [e.g., European Community, Mexico, China]
- AT and a particular Supreme Court Justice
- Current area of law written as legal opinion [e.g., AT and agriculture coops]
- Mock AT trial - usually 4 students required
- AT and the health care sector
- AT and "Public Utilities" [e.g., telecommunications; elec. power; natural gas pipelines]
- AT and state/local govt. exemptions [Parker v. Brown issues]
- An AT personality [e.g., William Baxter, Mark Whitacre, Christina Skou]
- AT and intellectual property law [e.g., patents]
- AT and franchising
- AT and remedies/penalties [e.g., "Go to jail. Go directly to jail."]
- AT and Joint Ventures/Strategic Alliances
- International Cooperation in AT enforcement
- AT and Standard Setting

Note: There are other potential topics. You are welcome to see Mr. Elzinga about these or other topics you want to pursue.