

62ND ABA SECTION OF ANTITRUST LAW SPRING MEETING

SCHEDULE OF EVENTS as of 03.24.14

NPC designates CLE sessions held at the National Press Club

TUESDAY, MARCH 25, 2014

1:00–7:00 pm

BOOKSTORE & REGISTRATION OPEN

3:30–5:00 pm

PATHWAYS TO LEADERSHIP

JUSTICE

Presented by the Membership & Diversity Committee

Learn from Section Leaders all your Section membership has to offer, including making the most of Section resources and opportunities, advancing in Section leadership, and forming professional relationships that will further your career.

CHAIR AND MODERATOR:

Scott P. PERLMAN, Mayer Brown LLP, Washington, DC

PANELISTS:

David D. CONWAY, Venable LLP, Washington, DC

Alicia L. DOWNEY, Downey Law LLC, Boston, MA

Svetlana S. GANS, Attorney, Federal Trade Commission, Washington, DC

Hollis L. SALZMAN, Robins Kaplan Miller & Ciresi LLP, New York, NY

5:30–6:30 pm

YOUNG LAWYERS & LAW STUDENT HAPPY HOUR

PENN AVENUE TERRACE (LOBBY LEVEL)

Have you been practicing for less than 10 years? Are you a law student? Then pick-up your Spring Meeting badge and join us as we kick off the start of the Spring Meeting. This is a great opportunity to meet other young lawyers, Section Officers, and the Leadership of the Membership Diversity Committee.

6:00–7:00 pm

COCKTAILS FOR CONSUMER PROTECTION

ANTITRUST BOOKSTORE

Does your area of concentration include privacy law and/or consumer protection? Are you interested in learning more about this rising practice area? Or if you would just like to join us for a cocktail after you register, stop by the Bookstore.

6:00–7:00 pm

RECEPTION FOR INTERNATIONAL

International enforcement officials are invited to a pre-mingle and learn more about the Section. A ticket to attend will be included in the registration materials for all international enforcers registered for the Spring Meeting.

TICKETED EVENT ENFORCERS

conference reception with the Section Officers and Council to

WEDNESDAY, MARCH 26, 2014

7:30 AM – 5:30 PM

BOOKSTORE & REGISTRATION OPEN

8:00 – 8:30 am

FIRST TIMERS BREAKFAST

PENN AVENUE TERRACE (LOBBY LEVEL)

First time attendees are invited to a breakfast with the Section Chair and the Spring Meeting Co-Chairs. Details will be emailed to first time attendees closer to the conference.

8:30 – 10:30 am

HEADACHE PREVENTION: LESSONS ON CONFLICTS OF

SALON IV

Presented by the Compliance & Ethics Committee

Major headaches—including disqualification and malpractice claims—can result from a failure to thoughtfully and carefully evaluate potential conflicts of interest that may arise from a new matter, lateral hire, or other developments. A panel of practitioners will discuss lessons from recent cases, and offer practical advice on policies and practices to avoid conflict problems.

INTEREST

ETHICS

CHAIR AND MODERATOR:

Kathleen M. BEASLEY, Haynes and Boone LLP, Dallas, TX

PANELISTS:

James B. KOBAK, Hughes Hubbard & Reed LLP, New York, NY

Michele C. LEE, Counsel, Global Litigation and Competition, Visa Inc, San Francisco, CA

Michael P. LYNN, Lynn Tillotson Pinker & Cox LLP, Dallas, TX

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8:45 – 11:45 am

FUNDAMENTALS–ANTITRUST

SALON I

Presented by the Intellectual Property Committee

Learn antitrust fundamentals from a panel of experienced practitioners with perspectives from academia, government and private practice. This session is essential for less-experienced competition lawyers and anyone else who might need a refresher.

CHAIR AND MODERATOR:

Jamillia P. FERRIS, Hunton & Williams LLP, Washington, DC

PANELISTS:

Karine R. FADEN, Managing Counsel-Regulatory, Antitrust & Competition, United Airlines, Washington, DC

Joseph J. MATELIS, Sullivan & Cromwell, Washington, DC

Wendy W.H. WASZMER, King & Spalding, Washington, DC

Jeffrey WILDER, Assistant Chief, Economic Regulatory Section, U.S. Department of Justice, Antitrust Division, Washington, DC

8:45 – 11:45 am

FUNDAMENTALS–CONSUMER PROTECTION

FIRST AMENDMENT (NPC)

Presented by the Consumer Protection, Privacy & Information Security, and Private Advertising Litigation Committees

Learn the fundamentals of U.S. and international consumer protection law, including the basics of false and deceptive advertising, sweepstakes and promotions, marketing law, and privacy and data security. This session also will provide an introduction to federal, state, and private enforcement of consumer protection statutes and rules.

CHAIR AND MODERATOR:

Daniel S. BLYNN, Kelley Drye & Warren LLP, Washington, DC

PANELISTS:

Rebecca H. DAVIS, Assistant General Counsel, Wal-Mart Stores Inc, Bentonville, AR

Devin W. DOMOND, Attorney, Federal Trade Commission, Washington, DC

Darren K. MCCARTNEY, Rumberger Kirk & Caldwell PA, Orlando, FL

Maria W. VOTSCH, Counsel, Consumer & Marketing Practices, Sprint Corporation, Reston, VA

9:00 – 10:30 am

AGENCY UPDATE WITH THE DEPUTY ASSISTANT ATTORNEYS GENERAL

SALONS D-G

Presented by the Federal Civil Enforcement Committee

The Deputy Assistant Attorneys General of the Justice Department's Antitrust Division will discuss the latest in civil enforcement, cartel cases, and policy initiatives.

CHAIR:

Paula W. RENDER, Jones Day, Chicago, IL

MODERATOR:

Howard FELLER, McGuireWoods LLP, Richmond, VA

PANELISTS: U.S. DEPARTMENT OF JUSTICE, ANTITRUST DIVISION

David I. GELFAND, Deputy Assistant Attorney General for Litigation, Washington, DC

Renata B. HESSE, Deputy Assistant Attorney General for Criminal and Civil Operations, Washington, DC

Aviv NEVO, Deputy Assistant Attorney General for Economic Analysis, Washington, DC

Leslie C. OVERTON, Deputy Assistant Attorney General for Civil Enforcement, Washington, DC

Brent SNYDER, Deputy Assistant Attorney General for Criminal Enforcement, Washington, DC

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CHINA: SURMOUNTING THE 'GREAT WALL' OF MERGER CLEARANCE

SALON III

Presented by the International and Mergers & Acquisitions Committees, plus the International Task Force

Scale the wall with confidence! Our expert panel will provide insights into China's merger review regime, including: notification and review timetables; the standard of review; MOFCOM's approach to remedies; investigative processes; and what to expect as China addresses the tension between its industrial policy past and market-oriented future.

CHAIR:

Elizabeth F. KRAUS, Deputy Director for International Antitrust, Federal Trade Commission, Washington, DC

MODERATOR:

H. Stephen HARRIS JR, Winston & Strawn LLP, Washington, DC

PANELISTS:

Michael HAN, Freshfields Bruckhaus Deringer, Beijing, China

SHANG Ming, Director General of the Anti-Monopoly, Ministry of Commerce, Beijing, China

Huang YONG, University of International Business & Economics, Beijing, China

Mark D. WHITENER, Senior Counsel, Competition on Law and Policy, General Electric Company, Washington, DC

Angela Huyue ZHANG, King's College, London, United Kingdom

9:00 – 10:30 am

COUNSELING ON REVERSE-PAYMENT SETTLEMENTS AROUND THE WORLD

SALON II

Presented by the Health Care & Pharmaceuticals and International Committees

Reverse-payment patent settlements between branded and generic drug companies have raised significant antitrust issues in a number of jurisdictions around the world. The major differences in the treatment of "pay-for-delay" arrangements in the U.S. and globally, the applicable key standards, and the optimal ways for parties to approach these arrangements will be explored.

CHAIR:

Nicholas A. WIDNELL, Boies, Schiller & Flexner LLP, Washington, DC

MODERATOR:

Jeff L. WHITE, Weil Gotshal & Manges LLP, Washington, DC

PANELISTS:

Mark A. FORD, WilmerHale, Boston, MA

Markus H. MEIER, Assistant Director, Health Care Division, Federal Trade Commission, Washington, DC

Henri PIFFAUT, Head of Unit - Antitrust in Pharmaceuticals, Medical Devices & Health Services Industries, European Commission, DG Competition, Brussels, Belgium

Mélanie THILL-TAYARA, Norton Rose Fulbright, Paris, France

9:00 – 10:30 am

GETTING JURY INSTRUCTIONS RIGHT IN CIVIL ANTITRUST CASES

BALLROOM (NPC)

Presented by the Antitrust Law Journal and the Trial Practice Committee

This panel of experienced antitrust trial lawyers will discuss the crucial role that jury instructions play in a civil trial. Courts and counsel routinely look to the *ABA Model Jury Instructions in Civil Antitrust Cases* when crafting a jury charge. Using video clips from a focus group exercise, the panel will explore some of the proposed revisions to this widely cited resource and laypersons' views on antitrust jury instructions.

CHAIR AND MODERATOR:

Roberta D. LIEBENBERG, Fine Kaplan & Black, Philadelphia, PA

PANELISTS:

Joseph GOLDBERG, Freedman Boyd Hollander Goldberg Urias & Ward PA, Albuquerque, NM

Jeffrey HERMAN, DecisionQuest, Waltham, MA

Barbara T. SICALIDES, Pepper Hamilton LLP, Philadelphia, PA

Stephen D. SUSMAN, Susman Godfrey LLP, New York, NY

Nicole WILLIAMS, Thompson & Knight LLP, Dallas, TX

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WHEN ADR, SELF-REGULATION AND LITIGATION COLLIDE

HOLEMAN (NPC)

Presented by the Consumer Protection, Private Advertising Litigation, and Trial Practice Committees

Is industry self-regulation an alternative to litigation, or just a prelude? The panel will consider the risk of having to defend class action allegations following an adverse NAD ruling. The panel will also discuss how courts have treated NAD rulings, what happens when the same issues arise in a different forum, and the use of cy pres funds following Kellogg, as a matter of law and policy.

CHAIR AND MODERATOR:

John E. VILLAFRANCO, Kelley Drye & Warren LLP, Washington, DC

PANELISTS:

Donald A. BESHADA, Law Offices of Donald A. Beshada LLC, Pompton Plains, NJ

Amy Ralph MUDGE, Venable LLP, Washington, DC

C. Lee PEELER, President, Advertising Self-Regulatory Council (ASRC), New York, NY

Chad WIEGAND, Senior Vice President, General Counsel & Secretary, Nature's Way Brands, Green Bay, WI

10:45 am - noon

GLOBAL ANTITRUST DAMAGES ACTIONS: SPREADING LIGHT OR GLOOM?

SALON IV

Presented by the Civil Redress and International Committees

With antitrust damages actions spreading across Europe and beyond, the global trend towards more robust private enforcement actions is ramping up, at times implicating the confidentiality of leniency applications and settlement documents. Our leading experts will provide guidance on how to successfully navigate the different substantive and procedural standards across jurisdictions.

CHAIR:

Suzanne E. WACHSSTOCK, Vice President & Chief Antitrust Counsel, American Express, Washington, DC

MODERATOR:

Anna CHEHTOVA, Attorney, Federal Trade Commission, Washington, DC

PANELISTS:

Dorothe DALHEIMER, Deputy Head of Unit, European Commission, DG Competition, Brussels, Belgium

Michael D. HAUSFELD, Hausfeld LLP, Washington, DC

Maya LESTER, Brick Court Chambers, London, United Kingdom

Christopher ROTHER, Head of Group Regulatory, Competition and Antitrust, Deutsche Bahn, Berlin, Germany

10:45 am - noon

INSIDE THE BEAST: AN IPR POLICY IN FORMATION

SALON II

Presented by the Intellectual Property Committee

A hidden camera takes us inside the policy committee of a major standards development organization as its members hammer out an IPR policy. What obligations should they impose? What are FRAND license terms, and who decides? When, if ever, are injunctions on SEPs appropriate? Watch as major players vie to influence the policy, with billions at stake.

CHAIR AND MODERATOR:

Logan BREED, Hogan Lovells US LLP, Washington, DC

PANELISTS:

David T. BLONDER, Director, Antitrust & Competition Strategy, BlackBerry, Washington, DC

Fabian GONELL, Vice President, Division Counsel, Qualcomm, San Diego, CA

Amy MARASCO, General Manager, Standards Strategy, Microsoft, Seattle, WA

Gil OHANA, Senior Director, Antitrust & Competition, Cisco Systems, San Jose, CA

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MERGERS IN CONSOLIDATED INDUSTRIES: TOO LATE FOR OUR DEAL?

BALLROOM (NPC)

Presented by the Transportation & Energy Industries Committee

Your client's industry is consolidating. Is one more large merger possible? Are past cases good guideposts for future enforcement intentions? Will the agencies focus on unilateral or coordinated theories, or some combination of the two? This expert panel will give practical guidance based on the US Airways / AA merger and other recent challenges of mergers in consolidated industries.

CHAIR:

Nicholas G. GRIMMER, McDermott Will & Emery LLP, Houston, TX

MODERATOR:

Bernard A. NIGRO JR, Fried Frank Harris Shriver & Jacobson LLP, Washington, DC

PANELISTS:

Dorothy B. FOUNTAIN, Assistant Chief of Litigation II, U.S. Department of Justice, Antitrust Division, Washington, DC

Patricia V. GALVAN, Deputy Assistant Director, Mergers III, Federal Trade Commission, Washington, DC

David L. MEYER, Morrison & Foerster LLP, Washington, DC

Carl SHAPIRO, Charles River Associates, Oakland, CA

10:45 am - noon

QUIS CUSTODIET IPSOS CUSTODES? (WHO WATCHES THE WATCHERS?)

HOLEMAN (NPC)

Presented by the Consumer Protection, Privacy & Information Security, and State Enforcement Committees

Online shopping, constant connectivity, interest-based marketing, do not track, PRISM. With the director of "Terms and Conditions May Apply," this panel will weigh competing interests in privacy, security and consumer welfare when personalized data enables smarter shopping, targeted marketing and digital tracking. What are public and private regulators doing to protect consumers and competition?

CHAIR AND MODERATOR:

Pamela JONES HARBOUR, BakerHostetler, Washington, DC

PANELISTS:

Mary Ellen CALLAHAN, Jenner & Block, Washington, DC

Cullen HOBACK, Documentary Film Director, ro*co films educational, Sausalito, CA

Jessica RICH, Director, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC

Marc ROTENBERG, Electronic Privacy Information Center (EPIC), Washington, DC

Mike ZANEIS, SVP & General Counsel, Interactive Advertising Bureau, Washington, DC

10:45 am - noon

SHARING IS DARING: INFORMATION EXCHANGES AROUND THE GLOBE

SALON III

Presented by the Civil Practice & Procedure, International, and Trade, Sports & Professional Associations Committees

Information exchanges continue to pose challenges for companies, particularly global companies. When are information exchanges pro-competitive? When does an exchange cross the collusion line in the US, EU and beyond? How can a company reduce risks in gathering competitive intelligence? Must a multi-national company use the lowest common denominator as its guide?

CHAIR AND MODERATOR:

Tiffany RIDER, Skadden Arps Slate Meagher & Flom LLP, Washington, DC

PANELISTS:

Matthew BENNETT, Vice President, CRA, London, United Kingdom

Patricia BRINK, Director of Civil Enforcement, U.S. Department of Justice, Antitrust Division, Washington, DC

Gina CASS-GOTTLIEB, Gilbert & Tobin, Sydney, Australia

Michael SOSSO, Managing Counsel, Antitrust, BP America Inc, Houston, TX

Noon - 1:30 pm

SECTION LUNCHEON (TICKETS AVAILABLE FOR PURCHASE)

SALONS D-F

Join your friends and colleagues for a luncheon accompanied by the world-famous Calkins Review.

CHAIR:

Christopher B. HOCKETT, Davis Polk & Wardwell LLP, Menlo Park, CA

SPEAKER:

Stephen CALKINS, Member & Director of Mergers Division, The Competition Authority of Ireland, Dublin, Ireland

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CAN WE APPLY THE RULE OF REASON REASONABLY?

SALON III

Presented by the Distribution & Franchising, Economics, and Pricing Conduct Committees

Rule of reason analysis of vertical arrangements, such as bundling, exclusive dealing, RPM and territorial restrictions, calls for weighing potential anticompetitive and procompetitive effects. Do the available economic tools and data reliably estimate these effects? What can we measure, and how well? What does this tell us about how courts should analyze these cases?

CHAIR AND MODERATOR:

Gary W. KUBEK, Debevoise & Plimpton LLP, New York, NY

PANELISTS:

Robert L. HUBBARD, Assistant Attorney General, Office of the Attorney General, New York, NY

James LANGENFELD, Navigant Economics, Evanston, IL

Karen LENT, Skadden Arps Slate Meagher & Flom LLP, New York, NY

Timothy MURIS, Kirkland & Ellis LLP, Washington, DC

1:45 - 3:15 pm

CIVIL LITIGATION IN THE AFTERMATH OF CRIMINAL PROSECUTION

DEBATE

SALON II

Presented by the International Cartel Task Force and Trial Practice Committee

Civil antitrust litigation is often sparked by a criminal prosecution, whether in the US or abroad. This creates complex issues for trial: the use of company and witness guilty pleas, leniency status of a witness, Fifth Amendment invocations, and even the fact and scope of prior investigations. This program will debate these issues and offer opinions by experienced trial lawyers on both sides.

CHAIR AND MODERATOR:

Layne E. KRUSE, Norton Rose Fulbright, Houston, TX

PANELISTS:

Eric MAHR, WilmerHale, Washington, DC

Kenneth R. O'ROURKE, O'Melveny & Myers LLP, Los Angeles, CA

Bonny E. SWEENEY, Robbins Geller Rudman & Dowd LLP, San Diego, CA

Bart H. WILLIAMS, Munger Tolles & Olson LLP, Los Angeles, CA

1:45 - 3:15 pm

FUNDAMENTALS—ECONOMICS

SALON G

Presented by the Economics Committee

Understanding basic economic principles is critical to the analysis of antitrust issues. As a complement to the Antitrust Law Fundamentals program, four distinguished economists will teach fundamental antitrust economics material on market definition, market power, competitive effects and econometrics.

CHAIR AND MODERATOR:

Donald K. STOCKDALE JR, Bates White, Washington, DC

PANELISTS:

Laila HAIDER, Edgeworth Economics LLC, Washington, DC

Kenneth HEYER, Deputy Director, Bureau of Economics, Federal Trade Commission, Washington, DC

Aditi MEHTA, Assistant Chief, Economic Litigation Section, U.S. Department of Justice, Antitrust Division, Washington, DC

David A. WEISKOPF, Compass Lexecon, Washington, DC

1:45 - 3:15 pm

INTERNET OF THINGS: TECHNOLOGY, PRIVACY, AND COMPETITION

HOLEMAN (NPC)

Presented by the Corporate Counseling, Privacy & Information Security, and Private Advertising Litigation Committees

Companies want to engage consumers, and smart devices are becoming their links. The "Internet of Things" poses new risks along with new efficiencies. Consumers benefit from focused competition, but the collection, sharing and use of this data raise meaningful privacy and security concerns. We will weigh the advertising, security, and privacy risks against consumer and social benefits.

CHAIR AND MODERATOR:

Rachel A. RUBIN, Corporate Counsel, Oracle America, Inc., Redwood Shores, CA

PANELISTS:

J. Howard BEALES, George Washington University School of Business, Washington, DC

Marc M. GROMAN, President & CEO, Network Advertising Initiative, Washington, DC

Abigail SLATER, Attorney Advisor, Office of Commissioner Brill, Federal Trade Commission, Washington, DC

Thomas F. ZYCH, Thompson Hine LLP, Cleveland, OH

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LOOMING TEMPTATION: ANTITRUST AND BENCHMARK PRICING

SALON IV

Presented by the Insurance & Financial Services, Joint Conduct, and Transportation & Energy Industries Committees

Benchmark prices, such as LIBOR in finance and Platts in energy, have been subject to antitrust investigations and litigation. How can companies and their counsel ensure transparent and competitive price benchmarks and prevent opportunistic (and illegal) conduct? Our panel will explore benchmarking and provide strategies and tips to ensure compliance and preserve competition.

CHAIR AND MODERATOR:

Henry B. MCFARLAND, Economists Incorporated, Washington, DC

PANELISTS:

Rosa M. ABRANTES-METZ, Global Economics Group, New York, NY

Elizabeth B. PREWITT, Assistant Chief, New York Field Office, U.S. Department of Justice, Antitrust Division, New York, NY

William H. ROONEY, Willkie Farr & Gallagher LLP, New York, NY

1:45 - 3:15 pm

SEPS AND EXCLUSION ORDERS – AN ITC MOCK ARGUMENT

BALLROOM (NPC)

Presented by the Intellectual Property Committee

Should ITC exclusion orders be granted when the patent holder asserts standard-essential patents encumbered by a RAND licensing commitment? If so, under what circumstances? In this mock ITC case, complainant, respondent, and government amicus will get grilled on their conflicting views of the legal, factual, and policy issues. Any similarities to actual cases are purely coincidental.

CHAIR AND MODERATOR:

Sean P. GATES, Morrison & Foerster LLP, Los Angeles, CA

PANELISTS:

Jeffrey W. BRENNAN, McDermott Will & Emery LLP, Washington, DC

Eric S. NAMROW, Morgan Lewis & Bockius LLP, Washington, DC

Kecia J. REYNOLDS, Goodwin Procter LLP, Washington, DC

The Honorable Delissa A. RIDGWAY, Judge, U.S. Court of International Trade, New York, NY

1:45 - 3:15 pm

SO YOU'VE FOUND A PROBLEM: NOW WHAT?

SALON I

Presented by the Cartel & Criminal Practice, Corporate Counseling, and International Committees

Effective compliance has led to earlier detection of problems, but do you know what to do when you find one? Racing to regulators is not always the solution. Are there enough "bad facts" for leniency everywhere? Will you trigger litigation without protection? Our panel will discuss what to do when you find a problem with different implications in multiple jurisdictions.

CHAIR AND MODERATOR:

John M. TALADAY, Baker Botts LLP, Washington, DC

PANELISTS:

Aimee L. IMUNDO, Senior Counsel, General Electric Company, Washington, DC

Ali NIKPAY, Gibson Dunn & Crutcher LLP, Brussels, Belgium

Paolo PALMIGIANO, Chairman, European In-House Competition Lawyers' Association, London, United Kingdom

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

3:30 - 5:00 pm

ANTITRUST ENFORCEMENT IN EMERGING REGIMES AROUND THE WORLD

SALON G

Presented by the International Task Force Committee

Learn about these enforcers, the agencies they lead, and the issues they are facing in a variety of countries with emerging competition regimes and laws. This panel will explore these important issues and discuss what they mean for, and how they are best handled by, agencies, business and advisors.

CHAIR AND MODERATOR:

Rachel BRANDENBURGER, Hogan Lovells US LLP, New York, NY

PANELISTS:

Vinicius Marques de CARVALHO, President, Conselho Administrativo de Defesa Econômica (CADE), Brasilia, Brazil

George K. LIPIMILE, Director & Chief Executive Officer, COMESA Competition Commission, Lilongwe, Malawi

Li QING, Deputy Director General, Department of Price Supervision, National Development and Reform Commission (NDRC), Beijing, China

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ZHAO YIQIN, Deputy Director, Anti-Monopoly Enforcement Division, Anti-Monopoly and Anti-Unfair Competition Bureau, State Administration for Industry and Commerce (SAIC), Beijing, China

Translations by Yan LUO, Covington & Burling LLP, Beijing

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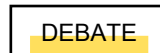
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DO HEALTH CARE MERGERS DELIVER BETTER HEALTH CARE?



SALON II

Presented by the Health Care & Pharmaceuticals and State Enforcement Committees

The reasons why healthcare providers merge can differ - eliminate silos to improve efficiency and quality, meet expanding capital need, address budget shortfalls, improve negotiating opportunities with health plans, and others. In recent challenges to provider consolidations, the defense argues consolidation brings quality and cost benefits, but plaintiffs assert that mergers result in higher prices. What health care market forces drive provider mergers and how do they impact competition?

CHAIR AND MODERATOR:

Leigh L. OLIVER, Hogan Lovells US LLP, Washington, DC

PANELISTS:

Margaret E. GUERIN-CALVERT, Compass Lexecon, Washington, DC

Melinda Reid HATTON, Senior Vice President & General Counsel, American Hospital Association, Washington, DC

Joseph MILLER, General Counsel, America's Health Insurance Plans, Washington, DC

Jeffrey PERRY, Assistant Director, Mergers IV, Federal Trade Commission, Washington, DC

3:30 – 5:00 pm

INTERNATIONAL COMPETITION LAWS: BRIDGING DIFFERENCES & REDUCING RISKS

SALONS D & E

Presented by the Compliance & Ethics, Corporate Counseling, and International Committees

This program covers the fundamentals of key non-US competition laws and authorities, including the EU, Canada, and other increasingly significant jurisdictions. What are the key differences between U.S. and other competition laws? How should corporate counsel manage antitrust risks from a global perspective?

CHAIR:

Jerome A. SWINDELL, Senior Counsel, Johnson & Johnson, New Brunswick, NJ

MODERATOR:

William BLUMENTHAL, Sidley Austin LLP, Washington, DC

PANELISTS:

Susan JONES, Head Corporate Legal Antitrust, Novartis International AG, Basel, Switzerland

Nikhil SHANBHAG, Director, Competition Law, Google Inc, Mountain View, CA

Gerwin VAN GERVEN, Linklaters LLP, Brussels, Belgium

Sandy WALKER, Dentons Canada LLP, Toronto, ON, Canada

3:30 – 5:00 pm

LIABILITY FOR THIRD-PARTY CONDUCT: WHY ME?

HOLEMAN (NPC)

Presented by the Compliance & Ethics, Consumer Protection, and Private Advertising Litigation Committees

In Canada and in the U.S., authorities have taken the position that a company may (at times) be liable for facilitating the conduct of third parties. In particular, this issue has been raised in cases involving mobile cramming and banking, among others. Join us for a discussion about the limits of liability for third party conduct, as well as the resulting implications and compliance considerations.

CHAIR AND MODERATOR:

Anita BANICEVIC, Davies Ward Phillips & Vineberg LLP, Toronto, ON, Canada

PANELISTS:

Michael F. ALTSCHUL, Senior Vice President & General Counsel, CTIA, Washington, DC

Lois GREISMAN, Associate Director, Federal Trade Commission, Washington, DC

Ryan G. KRIGER, Assistant Attorney General, Office of the Attorney General, Montpelier, VT

Robert MAHNKE, Global Competition Counsel, eBay Inc, San Francisco, CA

3:30 – 5:00 pm

MAN V. MACHINE: BENEFITS AND PERILS OF AUTOMATED E-DISCOVERY

SALON IV

Presented by the Business Torts & Civil RICO and Civil Practice & Procedure Committees

Automated e-Discovery tools such as predictive coding can produce substantial savings and are well on the road to becoming common place. But to what extent should they take human capital out of the equation? This program explores what courts and agencies will allow parties to do with automated tools, and the potential pitfalls of over-reliance on synthetic intelligence.

CHAIR AND MODERATOR:

Danielle S. HAUGLAND, Director, Legal Solutions, Thomson Reuters, Seattle, WA

PANELISTS:

Tracy GREER, Senior Litigation Counsel-Electronic Discovery, U.S. Department of Justice, Washington, DC

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Daniel L. REGARD, Managing Director, iDiscovery Solutions, Washington, DC

Darin M. SANDS, Lane Powell PC, Portland, OR

The Honorable David J. WAXSE, Magistrate Judge, U.S. District Court District of Kansas, Kansas City, KS

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THE FTC BEGINS A SECOND CENTURY: IS PAST PROLOGUE?

SALON III

Presented by the Federal Civil Enforcement Committee

For the last 100 years, the FTC has served a unique institutional role as an antitrust and consumer protection enforcer and a policy development and research organization. What can we expect as the FTC moves into its second century? What priorities will it pursue, and what influence will it have over the enforcement policies of other agencies and other countries?

CHAIR AND CO-MODERATOR:

Lydia PARNES, Wilson Sonsini Goodrich & Rosati PC, Washington, DC

CO-MODERATOR:

Peter LEVITAS, Arnold & Porter LLP, Washington, DC

PANELISTS:

Kenneth G. ELZINGA, University of Virginia, Charlottesville, VA

The Honorable Maureen K. OHLHAUSEN, Commissioner, Federal Trade Commission, Washington, DC

Amanda REEVES, Latham & Watkins LLP, Washington, DC

Andrew STRENIO JR, Sidley Austin LLP, Washington, DC

Philip J. WEISER, University of Colorado Law School, Boulder, CO

3:30 – 5:00 pm

TRADE ASSOCIATIONS 2.0: NEW COLLABORATION MODELS, OLD RISKS?

SALON F

Presented by the Trade, Sports & Professional Associations Committee

Trade associations aren't just for benchmarking anymore. Firms now band together to contend with an ever-widening array of novel business issues. Explore "advanced" antitrust issues that face companies dealing jointly with issues ranging from patent holdup to the cartel behavior of their suppliers. Hear the latest from practitioners at the vanguard of competitor collaboration risk management.

CHAIR AND MODERATOR:

Ryan C. TISCH, Crowell & Moring LLP, Washington, DC

PANELISTS:

David A. BERG, Senior Vice President, General Counsel & Secretary, Airlines for America, Washington, DC

Karin F.R. MOORE, Vice President & General Counsel, Grocery Manufacturers Association, Washington, DC

Jeffrey I. SHINDER, Constantine Cannon LLP, New York, NY

John THORNE, Kellogg Huber Hansen Todd Evans & Figel PLLC, Washington, DC

3:30 – 5:00 pm

TRANSNATIONAL JVS: COMPARING ANTITRUST AND REPORTING RULES

SALON I

Presented by the International and Joint Conduct Committees

Some jurisdictions treat transnational joint ventures as mergers, others apply targeted JV precedent, and some analyze them as collusive behavior. Reporting requirements and substantive analysis of their formation vary across countries. Differing national laws govern their operations. Advising them requires carefully devised practical solutions that thread the needle of the varying rules.

CHAIR AND MODERATOR:

Mark J. BOTTI, Squire Sanders, Washington, DC

PANELISTS:

Jonathan GLEKLEN, Arnold & Porter LLP, Washington, DC

Andrew J. HEIMERT, Counsel for Asian Competition Affairs, Federal Trade Commission, Washington, DC

Mariana TAVARES DE ARAUJO, Levy & Salomão Advogados, Rio de Janeiro, Brazil

Claudio TESAURO, Bonelli Erede Pappalardo, Rome, Italy

3:30 – 5:00 pm

WINNING OR LOSING CLASS CERTIFICATION POST-COMCAST

BALLROOM (NPC)

Presented by the Antitrust Magazine and Civil Practice & Procedure Committee

This panel will provide a discussion – and debate – about the current doctrinal and tactical state of play in antitrust class actions post-Comcast: the role of the "merits," "common" proof and "class-wide" impact, the role of econometric models relating to aggregated impact and damages analyses, the role of "false positives" and whether models need merely to be "workable," or actually work.

CHAIR AND MODERATOR:

Ian SIMMONS, O'Melveny & Myers LLP, Washington, DC

PANELISTS:

62ND ABA SECTION OF ANTITRUST LAW SPRING MEETING

SCHEDULE OF EVENTS as of 03.24.14

NPC designates CLE sessions held at the National Press Club

The Honorable Susan ILLSTON, U.S. District Judge, N.D. California, San Francisco, CA

Janet S. NETZ, applEcon, Ann Arbor, MI

Bruce L. SIMON, Pearson Simon & Warshaw LLP, San Francisco, CA

Margaret M. ZWISLER, Latham & Watkins LLP, Washington, DC

WEDNESDAY, MARCH 26, 2014

5:00 – 6:00 pm

WELCOME RECEPTION

BALLROOM FOYER

Mix and mingle with the leadership of the Section of Antitrust Law. Representatives from each committee will be available at designated tables to answer your questions about the Section, committee activities and membership. Your badge is your ticket to attend.

5:30 – 6:30 pm

PLAINTIFFS'

TICKETED EVENT

Registered Spring

Meeting plaintiffs' bar attorneys are invited to join their peers and the Section Reach Task Force

members for an opportunity to make connections and discuss issues of common interest. A ticket to attend will be included in the registration materials for Plaintiffs. Details will be emailed out to the plaintiffs' closer to the Spring Meeting.

THURSDAY, MARCH 27, 2014

7:30 am – 5:30 pm

BOOKSTORE & REGISTRATION OPEN

8:15 – 9:45 am

BRIEFING WITH THE STATE ENFORCERS

FIRST AMENDMENT (NPC)

Presented by the State Enforcement Committee

State Enforcers continue to make their mark, including in merger, civil enforcement and consumer protection matters. A panel of distinguished state enforcers will describe their recent accomplishments, current actions and enforcement priorities, focusing on individual state efforts as well as multistate matters such as E-books, American Airlines/US Air and St. Lukes.

CHAIR AND MODERATOR:

Victor J. DOMEN JR, Senior Antitrust Counsel, Office of the Attorney General, Nashville, TN

PANELISTS:

Natalie MANZO, Supervising Deputy Attorney General, Office of the Attorney General, Los Angeles, CA

Joseph NIELSEN, Assistant Attorney General, Office of the Attorney General, Hartford, CT

Jennifer THOMSON, Senior Deputy Attorney General, Office of the Attorney General, Harrisburg, PA

8:15 - 9:45 am

CORPORATIONS & CARTELS: WHEN SHOULD YOU BE A PLAINTIFF?

SALONS F & G

Presented by the Cartel & Criminal Practice and Media & Technology Committees

How do corporations decide whether to pursue antitrust cases as plaintiffs? What are the recovery options, risks, and economics of these decisions?

How do companies choose recovery counsel? Hear from in-house counsel, outside antitrust counsel and an economist, as they walk through a model decision-making process.

CHAIR AND PANELIST:

Megan JONES, Hausfeld LLP, San Francisco, CA

MODERATOR:

Judith ZAHID, Zelle Hofmann Voelbel & Mason LLP, San Francisco, CA

PANELISTS:

Laurent GEELHAND, General Counsel Europe, Michelin, Clermont-Ferrand, France

William ISAACSON, Boies Schiller & Flexner LLP, Washington, DC

Jeff LEITZINGER, EconOne, Los Angeles, CA

8:15 – 9:45 am

E-BOOKS OPINION: SUMMER BEACH READ OR ENDURING CLASSIC?

SALONS D & E

Presented by the Economics and Joint Conduct Committees

The DOJ's district court victory will likely have significant impact on the e-books marketplace, but how will it impact the development of antitrust law?

What new guidance does the case provide on MFN clauses, hub-and-spoke conspiracies, and market entry in the face of an "800 pound gorilla" like Amazon? Could Apple have achieved the transition to a "agency model" by other means?

CHAIR AND MODERATOR:

62ND ABA SECTION OF ANTITRUST LAW SPRING MEETING

SCHEDULE OF EVENTS as of 03.24.14

NPC designates CLE sessions held at the National Press Club

John DELACOURT, General Counsel, Plasma Protein Therapeutics Association, Washington, DC

PANELISTS:

David HIGBEE, Hunton & Williams LLP, Washington, DC

Vandy HOWELL, Cornerstone Research, San Francisco, CA

Anne SCHNEIDER, Assistant Attorney General, Office of the Attorney General, Jefferson City, MO

Daniel M. WALL, Latham & Watkins LLP, San Francisco, CA

THURSDAY, MARCH 27, 2014

8:15 - 9:45 am

FALSE ADVERTISING MOCK TRO HEARING

BALLROOM (NPC)

Presented by the Consumer Protection, Private Advertising Litigation, and Trial Practice Committees

Two leading false advertising litigators will square off to argue a TRO in a false advertising case before a federal judge. The parties will conduct examinations of a leading expert witness, illustrating some of the complex challenges of proof arising under the Lanham Act.

CHAIR AND MODERATOR:

Christopher A. COLE, Crowell & Moring LLP, Washington, DC

PANELISTS:

Daniel ENNIS, Institute for Perception, Richmond, VA

Penelope A. PREVOLOS, Morrison & Foerster LLP, San Francisco, CA

The Honorable Cathy SEIBEL, Judge, U.S. District Court Southern District of New York, White Plains, NY

Rick L. SHACKLEFORD, Greenberg Traurig LLP, Los Angeles, CA

8:15 - 9:45 am

SO YOU (MIGHT) WANT TO BE AN ANTITRUST ADJUNCT PROFESSOR?

HOLEMAN (NPC)

Presented by the Membership & Diversity Committee

Panelists will share insights into finding an adjunct position, teaching antitrust for both basic and advanced antitrust classes including textbook adoptions, teaching techniques, exam writing and how to interface with scholarly faculty.

CHAIR:

Edward D. CAVANAGH, St. John's University School of Law, New York, NY

MODERATOR:

Elinor HOFFMANN, Senior Enforcement Counsel & AAG, Antitrust, Office of the Attorney General, New York, NY

PANELISTS:

Steven J. CERNAK, Schiff Hardin LLP, Ann Arbor, MI

Michael A. LINDSAY, Dorsey & Whitney LLP, Minneapolis, MN

D. Daniel SOKOL, University of Florida Levin College of Law, Gainesville, FL

Laurence T. SORKIN, Cahill Gordon & Reindel LLP, New York, NY

8:15 - 9:45 am

THE ART OF THE CONSENT DECREE

SALON IV

Presented by the Federal Civil Enforcement and Mergers & Acquisitions Committees

Despite high-profile court cases, we know that the majority of problematic mergers are resolved through consent decrees. Yet, like fingerprints, no two decrees are exactly alike. And the process of finalizing a decree inevitably has nail-biting twists and turns. We will discuss these many paths and will provide the latest and greatest advice (including the use of monitors) on getting to yes.

CHAIR:

Ronan P. HARTY, Davis Polk & Wardwell LLP, New York, NY

MODERATOR:

Leah BRANNON, Cleary Gottlieb Steen & Hamilton LLP, Washington, DC

PANELISTS:

Daniel P. DUCORE, Assistant Director, Federal Trade Commission, Washington, DC

Susan M. HUTTON, Stikeman Elliott LLP, Ottawa, ON, Canada

Hill B. WELLFORD, Bingham McCutchen LLP, Washington, DC

8:15 - 9:45 am

VERTICALLY CHALLENGED: DISTRIBUTION AGREEMENTS IN THE U.S. AND ABROAD

SALON I

Presented by the Compliance & Ethics and Distribution & Franchising Committees

Purchase and supply agreements are routinely reviewed by in-house counsel. But are in-house lawyers aware of the risks associated with provisions embedded in these agreements, such as most favored nation provisions, contracts referencing rivals and other exclusionary clauses? Join our discussion about the dangers often hidden in these agreements that might escape notice by the unwary practitioner.

62ND ABA SECTION OF ANTITRUST LAW SPRING MEETING

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NPC designates CLE sessions held at the National Press Club

CHAIR:

Matthew D. KENT, Alston & Bird LLP, Atlanta, GA

MODERATOR:

Amadeu RIBEIRO, Mattos Filho Veiga Filho Marrey Jr e Quiroga Advogados, Rio de Janeiro, Brazil

PANELISTS:

Subrata BHATTACHARJEE, Heenan Blaikie LLP, Toronto, ON, Canada

Molly S. BOAST, WilmerHale, New York, NY

Philippe CHAPPATTE, Slaughter & May, London, United Kingdom

Kevin J. O'CONNOR, Godfrey & Kahn SC, Madison, WI

THURSDAY, MARCH 27, 2014

8:15 – 9:45 am

WHEN CONGRESS COMES CALLING

SALONS II & III

Presented by the Exemptions & Immunities and Legislative Committees

Big transactions and investigations don't just draw scrutiny from enforcement agencies; they also draw interest from Congress. Is it political theater? Is it a substantive inquiry? How do companies prepare to testify and respond to requests? Join these knowledgeable panelists as they share their observations from both sides of the dais on how to prepare yourself or your client for a trip to Capitol Hill.

CHAIR AND MODERATOR:

Anant RAUT, Free Press, Washington, DC

PANELISTS:

W. Stephen CANNON, Constantine Cannon LLP, Washington, DC

Caroline N. HOLLAND, General Counsel and Staff Director, Senate Subcommittee on Antitrust, Competition Policy and Consumer Rights, Washington, DC

Jon LEIBOWITZ, Davis Polk & Wardwell LLP, Washington, DC

Bill MCCOLLUM, Dentons US LLP, Washington, DC

10:00 am – noon

CHAIR'S SHOWCASE SESSION: ANTITRUST AND DUE PROCESS

GRAND BALLROOM

As increasing numbers of jurisdictions around the world implement enforcement and redress mechanisms for competition law violations, the relationship between antitrust and due process takes center stage. Are there—or should there be—internationally-recognized minimum standards for procedural fairness and transparency? How can companies and people involved in global businesses ensure fair treatment in antitrust enforcement matters, especially when facing substantial financial penalties and criminal sanctions? Please join a distinguished panel for a discussion of these important questions and their implications.

CHAIR AND MODERATOR:

Christopher B. HOCKETT, Davis Polk & Wardwell LLP, Menlo Park, CA

PANELISTS:

The Honorable Douglas H. GINSBURG, Judge, U.S. Court of Appeals for the District of Columbia Circuit, Washington, DC

Alexander ITALIANER, Director General, European Commission, DG Competition, Brussels, Belgium

William E. KOVACIC, George Washington University Law School, Washington, DC

A. Douglas MELAMED, Senior Vice President & General Counsel, Intel Corporation, Santa Clara, CA

Christine A. VARNEY, Cravath Swaine & Moore LLP, New York, NY

Stanley WONG, StanleyWongGlobal, Vancouver, BC, Canada

12:15 – 1:15 pm

LUNCHEON RECEPTION FOR IN-HOUSE

The Section Officers and Spring Meeting Co-chairs invite reception exclusively for you. This is an opportunity to make connections and discuss issues of common interest with peers at other companies. A ticket to attend will be included in the registration materials for in-house counsel attending the Spring Meeting. Details will be emailed closer to the Spring Meeting.

TICKETED EVENT

registered Spring Meeting in-house counsel to a luncheon

1:30 – 3:00 pm

CONSUMER PROTECTION REGULATORY ROUNDUP

HOLEMAN (NPC)

Presented by the Consumer Protection, Privacy & Information Security, and Private Advertising Litigation Committees

Join us for a year in review of consumer protection developments and priorities at the FTC, CFPB, state AGs, and the National Advertising Division to understand what has happened and what lies ahead in advertising, marketing and privacy enforcement and regulation.

CHAIR:

62ND ABA SECTION OF ANTITRUST LAW SPRING MEETING

SCHEDULE OF EVENTS as of 03.24.14

NPC designates CLE sessions held at the National Press Club

Amy Ralph MUDGE, Venable LLP, Washington, DC

MODERATOR:

Benita A. KAHN, Vorys Sater Seymour & Pease LLP, Columbus, OH

PANELISTS:

Lesley A. FAIR, Senior Attorney, Federal Trade Commission, Washington, DC

Richard P. LAWSON, Director, Consumer Protection Division, Office of the Attorney General, Washington, DC

Andrea C. LEVINE, Senior Vice President & Director, National Advertising Division, Council of Better Business Bureau, New York, NY

Lucy MORRIS, Deputy Enforcement Director for Litigation, Consumer Financial Protection Bureau, Washington, DC

THURSDAY, MARCH 27, 2014

1:30 – 3:00 pm

DEATH BY 1,000 FINES: ARE COMPANIES OVERPAYING?

SALONS D & E

Presented by the Cartel & Criminal Practice and International Committees

The proliferation of cartel regimes with inconsistent approaches to fining exposes multinational companies to many fines for the same misconduct.

Our panel of experts will analyze issues such as treatment of direct vs. indirect commerce, inbound vs. outbound sales, and differing approaches to jurisdiction in key cartel regimes, and explain how to limit fine exposure in international cartel cases.

CHAIR AND MODERATOR:

Casey W. HALLADAY, McMillan LLP, Toronto, ON, Canada

PANELISTS:

D. Jarrett ARP, Gibson Dunn & Crutcher LLP, Washington, DC

Annette L. SCHILD, Arnold & Porter LLP, Brussels, Belgium

Heather TEWKSBURY, Attorney, U.S. Department of Justice, Antitrust Division, San Francisco, CA

Douglas M. TWEEN, Baker & McKenzie LLP, New York, NY

1:30 – 3:00 pm

DEBATE UPDATE: DEFINING SECTION 5 UNFAIR METHODS OF COMPETITION

SALONS II & III

Presented by the Business Torts & Civil RICO, Federal Civil Enforcement, and Unilateral Conduct Committees

Internal agency debate about the FTC's authority under Section 5 of the FTC Act, prohibiting (in somewhat open fashion) "unfair competition," has spurred a very interesting discussion about the nature and limits of federal antitrust enforcement. This program assesses the current state of the debate, with practical advice on the real-world implications of the shifts in the FTC's position.

CHAIR:

Svetlana S. GANS, Attorney, Federal Trade Commission, Washington, DC

MODERATOR:

Susan M. CREIGHTON, Wilson Sonsini Goodrich & Rosati PC, Washington, DC

PANELISTS:

Terry CALVANI, Freshfields Bruckhaus Deringer, Washington, DC

Marina LAO, Seton Hall University School of Law, Newark, NJ

Maurice E. STUCKE, University of Tennessee College of Law, Knoxville, TN

The Honorable Joshua D. WRIGHT, Commissioner, Federal Trade Commission, Washington, DC

1:30 – 3:00 pm

THE DEVELOPING ANTITRUST LEGACY OF THE ROBERTS COURT

SALONS F & G

Presented by Antitrust Magazine

During John Roberts' eight completed terms as Chief Justice, the Supreme Court has issued decisions in thirteen antitrust cases, from *Volvo* to *Actavis*, the latter including a provocative dissent from the Chief. Join us for a roundtable discussion featuring antitrust and Supreme Court experts on these cases and the evolving antitrust legacy of the Roberts Court.

CHAIR:

Robert A. SKITOL, Drinker Biddle & Reath LLP, Washington, DC

MODERATOR:

James J. O'CONNELL JR, Covington & Burling LLP, Washington, DC

62ND ABA SECTION OF ANTITRUST LAW SPRING MEETING

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NPC designates CLE sessions held at the National Press Club

PANELISTS:

Paul D. CLEMENT, Bancroft PLLC, Washington, DC
C. Scott HEMPHILL, Columbia Law School, New York, NY
Ellen MERIWETHER, Cafferty Clobes Meriwether & Sprengel LLP, Philadelphia, PA
The Honorable Stephen F. WILLIAMS, Judge, U.S. Court of Appeals for the District of Columbia Circuit, Washington, DC

THURSDAY, MARCH 27, 2014

1:30 – 5:00 pm

MOCK TRIAL

BALLROOM (NPC)

Presented by the Trial Practice Committee

The U.S. Supreme Court ruled in *FTC v. Actavis* that pay-for-delay or reverse payment settlements in the pharmaceuticals industry are not per se lawful or unlawful, but rather are subject to the rule of reason, and left the lower courts -- and juries -- to figure out how that rule applies. Join us to watch experienced trial counsel present these issues to a live jury and see how the jurors actually perceive and decide them.

CHAIR AND MODERATOR:

Brian K. GRUBE, Jones Day, Cleveland, OH

PANELISTS:

Gil CALVILLO, FTI Consulting, Los Angeles, CA
Mary T. COLEMAN, Compass Lexecon, Boston, MA
The Honorable Bernice B. DONALD, Circuit Judge, U.S. Court of Appeals for the Sixth Circuit, Memphis, TN
Einer R. ELHAUGE, Harvard Law School, Boston, MA
Eric GRANNON, White & Case LLP, Washington, DC
Michael B. KADES, Deputy Trial Counsel, Federal Trade Commission, Washington, DC
Shari Ross LAHLOU, Crowell & Moring LLP, Washington, DC
Rohit K. SINGLA, Munger Tolles & Olson LLP, San Francisco, CA

3:15 – 5:00 pm

ASSESSING AND MANAGING ANTITRUST RISKS IN COMPETITOR COLLABORATIONS

SALONS F & G

Presented by the Corporate Counseling, International, and Joint Conduct Committees

Competitor collaborations encompass a spectrum of activities such as joint bidding, teaming and marketing arrangements to full-function joint ventures. Antitrust risks depend on a variety of factors and may change as the scope of joint activities evolves. Our panel will explore a range of antitrust issues and effective tools for identifying and minimizing risks in ongoing operations.

CHAIR:

Krisztian KATONA, Counsel for International Antitrust, Federal Trade Commission, Washington, DC

MODERATOR:

Fiona A. SCHAEFFER, Jones Day, New York, NY

PANELISTS:

Martin COMMONS, Senior Competition/Antitrust Counsel, BHP Billiton, Singapore
John PECMAN, Commissioner, Competition Bureau Canada, Gatineau, Canada
William H. STALLINGS, Chief, Transportation, Energy, and Agriculture Section, U.S. Department of Justice, Antitrust Division, Washington, DC
Michaelynn WARE, Assistant General Counsel, United Technologies Corporation, Hartford, CT

3:15 – 5:00 pm

HOT TOPICS

SALONS II & III

SPRING MEETING CO-CHAIRS AND MODERATORS:

Sharis A. POZEN, Skadden Arps Slate Meagher & Flom LLP, Washington, DC
Hartmut SCHNEIDER, WilmerHale, Washington, DC

62ND ABA SECTION OF ANTITRUST LAW SPRING MEETING

SCHEDULE OF EVENTS as of 03.24.14

NPC designates CLE sessions held at the National Press Club

PANELISTS:

Terrell MCSWEENY, U.S. Department of Justice, Antitrust Division, Washington, DC
Andreas MUNDT, President, Bundeskartellamt, Bonn, Germany
Susan NING, King & Wood Mallesons, Beijing, China
Richard G. PARKER, O'Melveny & Myers LLP, Washington, DC
Barbara ROSENBERG, Barbosa Müssnich & Aragão, São Paulo, Brazil

THURSDAY, MARCH 27, 2014

3:15 – 5:00 pm

RECLAIM YOUR NAME: PRIVACY IN AN ERA OF BIG DATA

HOLEMAN (NPC)

Presented by the Consumer Protection and Privacy & Information Security Committees

Companies collect and sell billions of details annually about consumer and employee retail, financial, and social activities. Until recently, these industry practices occurred behind the scenes and attracted little public attention. However, that situation is changing rapidly. Government and industry experts will address the latest federal and legislative developments, as well as trends resulting from enforcement actions and the implications for business practices.

CHAIR AND MODERATOR:

Erika M. BROWN LEE, Chief Privacy & Civil Liberties Officer, U.S. Department of Justice, Washington, DC

PANELISTS:

The Honorable Julie BRILL, Commissioner, Federal Trade Commission, Washington, DC
Al SILIPIGNI, Senior Vice President & Chief Privacy Officer, HSBC, New York, NY
Daniel J. SOLOVE, George Washington University Law School, Washington, DC
Kurt WIMMER, Covington & Burling LLP, Washington, DC

3:15 – 5:00 pm

WAITING TO EXHALE: INTERIM OPERATIONS AND GUN JUMPING

SALONS D & E

Presented by the Corporate Counseling and Mergers & Acquisitions Committees

An updated review of strategies for successful integration planning to maximize merger efficiencies while managing antitrust risks appropriately during the premerger period. When does a buyer have a legitimate right to exercise authority under interim operating covenants? How do you provide legal oversight of the integration planning process? What issues will the agencies likely focus on?

CHAIR AND MODERATOR:

James R. WADE, General Attorney - Antitrust, AT&T Services, Washington, DC

PANELISTS:

Norman A. ARMSTRONG JR, Deputy Director Bureau of Competition, Federal Trade Commission, Washington, DC
William R. VIGDOR, Vinson & Elkins LLP, Washington, DC
Christine C. WILSON, Kirkland & Ellis LLP, Washington, DC
Gary P. ZANFAGNA, Associate General Counsel & Chief Antitrust Counsel, Honeywell International Inc, Morristown, NJ

7:30 pm

SECTION DINNER (TICKETS AVAILABLE FOR PURCHASE)

GRAND BALLROOM

Enjoy an evening of dining and a special keynote speaker with your friends and colleagues at the Section Dinner. Table and individual tickets are available for purchase. General Michael V. HAYDEN, former Director of the NSA and CIA, will speak on "Balancing Privacy and National Security in a Cyber-World."

FRIDAY, MARCH 28, 2014

62ND ABA SECTION OF ANTITRUST LAW SPRING MEETING

SCHEDULE OF EVENTS as of 03.24.14

NPC designates CLE sessions held at the National Press Club

7:30 am – noon

BOOKSTORE & REGISTRATION OPEN

8:15 – 9:45 am

AGENCY UPDATE WITH THE FTC BUREAU DIRECTORS

SALONS D-G

Presented by the Federal Civil Enforcement Committee

Hear directly from the Federal Trade Commission Directors of the Bureau of Competition, Bureau of Consumer Protection, and Bureau of Economics about the latest in antitrust and consumer protection enforcement and policy initiatives.

CHAIR:

John D. GRAUBERT, Covington & Burling LLP, Washington, DC

MODERATOR:

Roxann E. HENRY, Morrison & Foerster LLP, Washington, DC

PANELISTS: FEDERAL TRADE COMMISSION

Deborah L. FEINSTEIN, Director, Bureau of Competition, Washington, DC

Martin GAYNOR, Director, Bureau of Economics, Washington, DC

Jessica L. RICH, Director, Bureau of Consumer Protection, Washington, DC

FRIDAY, MARCH 28, 2014

8:15 – 9:45 am

DOES COMPLIANCE MATTER? CLASS ACTIONS OVER REGULATED LABELS

HOLEMAN (NPC)

Presented by the Agriculture & Food, Consumer Protection, and Private Advertising Litigation Committees

There has been a surge in suits attacking labels for foods, beverages, drugs, cosmetics and other regulated products. Issues like health effects, farming practices, preemption, and consumer perception are central to analyses of liability and harm. Learn about key cases, the role of regulators, and marketing, economic and statistical analyses critical to assessing these claims.

CHAIR AND MODERATOR:

August T. HORVATH, Kelley Drye & Warren LLP, New York, NY

PANELISTS:

Dominique M. HANSENS, University of California Los Angeles, Los Angeles, CA

Samid HUSSAIN, Cornerstone Research, San Francisco, CA

Gillian L. WADE, Milstein Adelman LLP, Santa Monica, CA

8:15 – 9:45 am

MANDATORY ARBITRATION AND CLASS ACTIONS AFTER AMERICAN EXPRESS

SALON IV

Presented by the Civil Practice & Procedure and Joint Conduct Committees

Animal Feeds, Concepcion, and American Express denied antitrust and consumer class-action claims based on arbitration clauses and class-action waivers. Do these contractual provisions provide a formula to escape antitrust liability? Or can creative plaintiffs avoid the arbitration trap? Is arbitration always desirable for companies? And will (or should) Congress intervene to "restore" plaintiffs' access to the courtroom?

CHAIR:

Ryan W. MARTH, Robins Kaplan Miller & Ciresi LLP, Minneapolis, MN

MODERATOR:

Myriam E. GILLES, Cardozo School of Law, New York, NY

PANELISTS:

Kenneth R. FEINBERG, Feinberg Rozen, Washington, DC

Gary B. FRIEDMAN, Friedman Law Group LLP, New York, NY

Avery W. GARDINER, Assistant General Counsel, Verizon, Arlington, VA

Douglas C. ROSS, Davis Wright Tremaine LLP, Seattle, WA

8:15 – 9:45 am

RETREAT FROM TRINKO? REVISITING REFUSALS TO DEAL

SALON I

Presented by the Distribution & Franchising and Unilateral Conduct Committees

After *Trinko*, Aspen Skiing offered little comfort for plaintiffs challenging refusals to deal. But a recent FTC amicus brief argues that a pharmaceutical company's refusal to sell samples to generic competitors for bioequivalence testing may violate Section 2, regardless of any prior course of dealing. We will explore potential broader implications for industries from computers to communications.

62ND ABA SECTION OF ANTITRUST LAW SPRING MEETING

SCHEDULE OF EVENTS as of 03.24.14

NPC designates CLE sessions held at the National Press Club

CHAIR AND MODERATOR:

Kim M. VAN WINKLE, Chief, Antitrust Section, Office of the Attorney General, Austin, TX

PANELISTS:

Pilar GARCIA, Vice President, Worldwide Commercial Law, SanDisk Corporation, Milpitas, CA

Trevor SOAMES, Shearman & Sterling LLP, Brussels, Belgium

Koren W. WONG-ERVIN, Counsel, Office of International Affairs, Federal Trade Commission, Washington, DC

Lawrence WU, NERA Economic Consulting, San Francisco, CA

8:15 – 9:45 am

SHOULD ANTITRUST TAME PATENT TROLLS?

DEBATE

SALONS II & III

Presented by the Intellectual Property, Joint Conduct, and State Enforcement Committees

Congress and the Executive Branch are focusing on firms that accumulate patents, not to practice them, but to demand royalties from alleged infringers, backed by the threat of litigation. What, if any, role should antitrust enforcement play in taming so-called patent trolls? The fur will fly as four veterans from both sides of the divide over patent assertion entities debate this hot topic and assess competing policy proposals.

CHAIR AND MODERATOR:

Alden F. ABBOTT, Director, Global Patent Law & Competition Strategy, BlackBerry, Washington, DC

PANELISTS:

Anne L. LAYNE-FARRAR, Charles River Associates, Chicago, IL

Mark S. POPOFSKY, Ropes & Gray LLP, Washington, DC

Fiona M. SCOTT MORTON, Yale School of Management, New Haven, CT

Matthew VELLA, Acacia Research Corporation, Newport Beach, CA

FRIDAY, MARCH 28, 2014

8:15 – 9:45 am

VERTICAL MERGER ANALYSIS: TIME TO STEP IT UP?

BALLROOM (NPC)

Presented by the Economics and Federal Civil Enforcement Committees

The 2010 HMG updated horizontal merger analysis, but less attention has been paid to the evolving enforcement of vertical mergers, despite complex recent cases such as Comcast/NBCU, Live Nation/Ticketmaster, Google/ITA, UTC/Goodrich and others. Experts will discuss the current tools for evaluating vertical mergers and whether further guidance from the agencies on enforcement standards is warranted.

CHAIR AND MODERATOR:

Ramsey D. SHEHADEH, NERA Economic Consulting, New York, NY

PANELISTS:

F. Enrique GONZÁLEZ-DÍAZ, Cleary Gottlieb Steen & Hamilton LLP, Brussels, Belgium

Ian G. JOHN, Skadden Arps Slate Meagher & Flom LLP, New York, NY

Mary N. LEHNER, Freshfields Bruckhaus Deringer, Washington, DC

Scott A. SHER, Wilson Sonsini Goodrich & Rosati PC, Washington, DC

10:00 am – noon

ENFORCERS' ROUNDTABLE

GRAND BALLROOM

Please join us for an in-depth conversation with leading competition authorities about their enforcement priorities and the transactions, investigations and cases that are making headlines. The Roundtable is always a concluding highlight of the Spring Meeting—don't miss it!

CHAIR AND MODERATOR:

Christopher B. HOCKETT, Davis Polk & Wardwell LLP, Menlo Park, CA

QUESTIONERS:

Deborah A. GARZA, Covington & Burling LLP, Washington, DC

William C. MACLEOD, Kelley Drye & Warren LLP, Washington, DC

PANELISTS:

Joaquín ALMUNIA, Vice President & Commissioner for Competition, European Commission, DG Competition, Brussels, Belgium

The Honorable William J. BAER, Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC

Lord David CURRIE, Chairman-designate, Competition and Markets Authority, London, United Kingdom

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

The Honorable Edith RAMIREZ, Chairwoman, Federal Trade Commission, Washington, DC

Noon – 12:15 pm

IL AND NY ATTORNEYS TO PICK UP CUSTOMIZED CLE CERTIFICATES