

65th ABA SECTION OF ANTITRUST LAW SPRING MEETING

SCHEDULE OF EVENTS as of 03.27.17

TUESDAY, MARCH 28, 2017

3:30 – 8:00 pm

REGISTRATION OPENS

2ND Floor Mezzanine

Registration will be one level above the lobby. Badges will be required to access the conference meeting space.

3:30 – 5:00 pm

PATHWAYS TO LEADERSHIP

M1-Gallaudet

Presented by the Membership & Diversity Committee

Interested in becoming a leader in antitrust and consumer protection law? Seeking ways to enhance your career and grow professionally? Get tips and pointers from Section leaders as they share their pathways to success, including strategies for using Section membership to enhance and develop your career.

CHAIR/ MODERATOR:

Cynthia L. LAGDAMEO, Counsel for International Antitrust, Federal Trade Commission, New York, NY

SPEAKERS:

Justin W. BERNICK, Hogan Lovells US LLP, Washington, DC

Megan S. BROWDIE, Cooley LLP, Washington, DC

Kathryn FARRARA, Senior Counsel, Marketing, Unilever US, Englewood Cliffs, NJ

Shimica GASKINS, Legal and Public Policy Consultant, Pasadena, CA

5:30 – 6:30 pm

YOUNG LAWYERS & LAW STUDENT HAPPY HOUR

M1-Gallaudet Foyer

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 PARTY

2nd Floor-Mezzanine

Does your area of concentration include privacy law and/or consumer protection? Are you interested in learning more about this rising practice area? Even if you would just like to join us for a cocktail after you register, stop by and get to know more about this area of Section activity with our three CP committees. This is a great way to kick-off your Spring Meeting festivities.

6:00 – 7:00 pm

RECEPTION FOR INTERNATIONAL ENFORCERS

International enforcement officials are invited to a pre-conference reception with the Section Officers and Council to 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.

WEDNESDAY, MARCH 29, 2017

7:30 am – 5:30 pm

BOOKSTORE OPEN

M4-Archives

REGISTRATION OPEN

2nd Floor-Mezzanine

8:30 – 10:30 am

WHO WANTS TO BE AN ETHICS MILLIONAIRE? **ETHICS**

M2-Salons 9&10

Presented by the Compliance & Ethics and Corporate Counseling Committees

Contestants in this interactive game show will be tested on their knowledge of frequently encountered antitrust ethics situations, including conflicts of interest, defining and ending client relationships, positional conflicts, multiple representations, client communications, fee agreements, attorney marketing rules, email communication, and lateral moves and law firm breakups.

CHAIR/MODERATOR:

Douglas M. TWEEN, Linklaters LLP, New York, NY

SPEAKERS:

Casey W. HALLADAY, McMillan LLP, Toronto

Michele C. LEE, Senior Litigation Counsel, Twitter Inc., San Francisco, CA

Thomas MORGAN, George Washington University, Naples, FL

Michelle RINDONE, Counsel to the Director of Criminal Enforcement, U.S. Department of Justice, Antitrust Division, Washington, DC

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9:00 – 10:30 am

AGENCY UPDATE WITH THE U.S. DEPARTMENT OF JUSTICE

M4-Salons I-P

Presented by the Federal Civil Enforcement Committee

Spring Meeting would not be complete without hearing directly from the U.S. Department of Justice Antitrust Division Deputy Assistant Attorneys General about the latest in civil enforcement, cartel cases, and policy initiatives. With the change of administration, there will be many new faces and possibly new perspectives represented in this session.

CHAIR:

Shylah R. ALFONSO, Perkins Coie LLP, Seattle, WA

MODERATOR:

Jonathan M. JACOBSON, Wilson Sonsini Goodrich & Rosati PC, New York, NY

SPEAKERS:

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

Eric MAHR, Director of Litigation, U.S. Department of Justice, Antitrust Division, Washington, DC

Robert MAJURE, Economics Director of Enforcement, U.S. Department of Justice, Antitrust Division, Washington, DC

Marvin PRICE, Director of Criminal Enforcement, U.S. Department of Justice, Antitrust Division, Washington, DC

9:00 – 10:30 am

AVOIDING E-DISCOVERY ACCIDENTS & RESPONDING TO INEVITABLE EMERGENCIES **ETHICS**

M2-Salons 1-4

Presented by the Civil Practice & Procedure Committee

The review and production of documents raise difficult ethical issues in the era of e-discovery. This session addresses these challenges including: outsourcing, inadvertent production, PII, candor concerning the existence of ESI, the duty to preserve, confidentiality and, most importantly, what to do when the best laid plans inevitably go awry.

CHAIR/MODERATOR:

Elizabeth A. N. HAAS, Foley & Lardner LLP, Milwaukee, WI

SPEAKERS:

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

Ted HASSI, O'Melveny & Myers LLP, Washington, DC

Kim-An HERNANDEZ, Senior Counsel, eDiscovery and Knowledge Management, International Paper, Memphis, TN

Jeanne A. THOMAS, Crowell & Moring LLP, Washington, DC

9:00 – 10:30 am

COMPETITION AND CONSUMER POLICY IN THE GREEN ECONOMY

M2-Salons 12-13

Presented by the Exemptions & Immunities and Transportation & Energy Industries Committees

The push for clean energy has resulted in an array of restrictions and incentives that open markets would not otherwise create. What role does competition and consumer policy play where open market outcomes are deemed undesirable? Is there a market for subsidy-seeking? And how do antitrust standards take account of those influences?

CHAIR/MODERATOR:

Katherine S. PHILLIPS, Caldwell Boudreaux Lefler PLLC, Houston, TX

SPEAKERS:

Neely AGIN, Norton Rose Fulbright, Washington, DC

Bruce MCCULLOCH, Freshfields Bruckhaus Deringer US LLP, Washington, DC

Jeremy VERLINDA, The Brattle Group, Washington, DC

David ZLOTLOW, California ISO, Folsom, CA

9:00 – 10:30 am

CONSUMER PROTECTION YEAR IN REVIEW 2016

M4-Salons A-C

Presented by the Advertising Disputes & Litigation and Consumer Protection Committee

Hear about another active year in consumer protection enforcement. Regulators and self-regulators are dealing with cutting edge issues, including native advertising, endorsements, consumer reviews used for claim substantiation, the use of the term "natural," consumer privacy, and more.

CHAIR/MODERATOR:

Terri J. SELIGMAN, Frankfurt Kurnit Klein & Selz PC, New York, NY

SPEAKERS:

Laura BRETT, Assistant Director, National Advertising Division of the Advertising Self-Regulatory Council, New York, NY

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

Kathleen MCGEE, Chief, Bureau of Internet and Technology, Office of the Attorney General, New York, NY

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

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9:00 – 10:30 am

MERGER CONTROL IN CRITICAL FOREIGN JURISDICTIONS

M4-Salons D-H

Presented by the International and Mergers & Acquisitions Committees

We are witnessing major changes in merger control around the world. This panel will bring you up-to-speed on everything you need to know in four of the most important and most challenging markets: China, India, Russia and Brazil. Among the world's largest economies, one of these jurisdictions (and possibly several) will be key to at least one multinational transaction you handle this year.

CHAIR:

Rebecca VALENTINE, Trial Attorney, U.S. Department of Justice, Antitrust Division, Washington, DC

MODERATOR:

Julie NORTH, Cravath Swain and Moore, LLP, New York, New York

SPEAKERS:

Vassily RUDOMINO, ALRUD Law Firm, Moscow

Pallavi SHROFF, Shardul Amarchand Mangaldas, New Dehli

Andy SUN, Peking University, Beijing

Mariana TAVARES DE ARAUJO, Levy & Salomao Advogados, Rio De Janeiro

9:00 – 10:30 am

ROBINSON-PATMAN: REVIVAL OF AN ENDANGERED SPECIES?

M4-Capitol & Congress

Presented by the Competition Torts, Distribution & Franchising, and Pricing Conduct Committees

After years of sparse Robinson-Patman litigation, new cases remind us of the difficulty of challenging claims some see as dubious. Join this lively panel to find out whether new substantive issues are being raised or whether they are just a rehash of old ones. Does litigating an RP case shadow a Sherman Act claim? Should sellers be spooked? Have disfavored buyers been revived?

CHAIR:

R. Dale GRIMES, Bass Berry & Sims PLC, Nashville, TN

MODERATOR:

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

SPEAKERS:

Harvey I. SAFERSTEIN, General Counsel, Sportsman Cap and Bag, Los Angeles, CA

Irving SCHER, Hausfeld, New York, NY

Deena J. SCHNEIDER, Schnader Harrison Segal & Lewis LLP, Philadelphia, PA

Richard M. STEUER, Mayer Brown LLP, New York, NY

9:00 – 10:30 am

SAMPLES AND AVERAGES: WHEN ARE THEY CLASSY?

M2-Salons 7 & 8

Presented by the Civil Practice & Procedure, Economics, and Global Private Litigation Committees

Some recent decisions permit (e.g., *Tyson Foods*) while others disallow (e.g., *Wal-Mart*) use of statistical analyses to establish class certification, liability, and damages. What economic and legal standards should apply in class or collective litigation? How can plaintiffs advance the use of representative evidence? When might defendants want to agree to this, or how can they challenge it?

CHAIR/MODERATOR:

James LANGENFELD, Navigant Economics, Washington, DC

SPEAKERS:

Eric CRAMER, Berger & Montague, Philadelphia, PA

Laila HAIDER, Edgeworth Economics, Washington, DC

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

Jeffrey LEITZINGER, Econ One, Los Angeles, CA

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10:45 am – noon

BACK TO THE FUTURE: HOSPITAL MERGER ENFORCEMENT

M2-Salons 12 & 13

Presented by the Health Care & Pharmaceuticals Committee

Until 2016, the FTC had not lost a challenge to a provider merger since 1999. Although the agency lost two challenges in lower courts, both decisions were overturned on appeal. This panel examines the FTC's hospital merger enforcement program since the Evanston/Northwestern merger, including what the recent cases in Harrisburg, PA, Chicago, IL, and Huntington, WV mean for the future of FTC enforcement.

CHAIR:

Amy D. PAUL-RITCHIE, Ropes & Gray LLP, Washington, DC

MODERATOR:

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

SPEAKERS:

Christi J. BRAUN, Managing Counsel, Vanderbilt University Medical Center, Nashville, TN

Kenneth W. FIELD, Jones Day, Washington, DC

Subbu RAMANARYAN, NERA Economic Consulting, New York, NY

Mark SEIDMAN, Deputy Assistant Director, Mergers IV Division, Bureau of Competition, Federal Trade Commission, Washington, DC

10:45 am – noon

CONTINENTAL DIVIDE: DIFFERING APPROACHES TO LOYALTY INCENTIVES

M2-Salons 7 & 8

Presented by the Distribution & Franchising Committee

Panelists from Europe and the U.S. will offer a comparative review of recent developments with respect to loyalty incentives. In particular, the panel will take a deeper look at the recent *Eisai v. Sanofi* case in the 3rd Circuit and the *Intel* appeals in Europe, as well as economic justifications for and the effects of loyalty incentives.

CHAIR/SPEAKER:

Joy K. FUYUNO, Director of Competition Law for Asia, Microsoft Corporation, Singapore

MODERATOR:

Subrata BHATTACHARJEE, Borden Ladner Gervais LLP, Toronto

SPEAKERS:

Jacquelyn MACLENNAN, White & Case LLP, Brussels

Cecilio MADERO VILLAREJO, Deputy Director, General Antitrust, European Commission, Brussels

Jorge PADILLA, Compass Lexecon, Madrid

10:45 am – noon

DO CARTEL FINES MEASURE ANTI-COMPETITIVE HARM?

M2-Salons 1-4

Presented by the Cartel & Criminal Practice Committee

How effective are cartels at raising prices and do cartel fines approximate such harm? Providing answers to such questions may be more difficult than identifying the existence of a price-fixing conspiracy. Panelists will discuss the reasons certain conspiracies are more likely to produce price overcharges and whether there is a relationship between those overcharges and cartel fines.

CHAIR/MODERATOR:

Michelle M. BURTIS, Charles River Associates, Washington, DC

SPEAKERS:

John M. CONNOR, Purdue University, West Lafayette, Indiana

Niall E. LYNCH, Latham & Watkins LLP, San Francisco, CA

Mark A. RACANELLI, O'Melveny & Myers LLP, New York, NY

10:45 am – noon

FTC PART 3 PROCEEDINGS: PREPARING FOR THE TEST CASE

M2-Salons 9 & 10

Presented by the Civil Practice & Procedure and Federal Civil Enforcement Committees

The FTC says that Part 3 proceedings remain an integral part of government enforcement strategy, especially for novel cases. If the FTC does file, what strategies should you employ in navigating the Part 3, especially if there is an ongoing parallel proceeding in federal district court? How does the FTC decide whether to litigate in Part 3, in district court, or both?

CHAIR:

Eric J. WILSON, Godfrey & Kahn SC, Madison, WI

MODERATOR:

Sara Y. RAZI, Simpson Thacher & Bartlett LLP, Washington, DC

SPEAKERS:

Alan DEVLIN, Acting Deputy Director, Bureau of Competition, Federal Trade Commission, Washington, DC

Richard A. FEINSTEIN, Boies Schiller & Flexner LLP, Washington, DC

Carrie C. MAHAN, Weil Gotshal & Manges LLP, Washington, DC

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10:45 am – noon

FUNDAMENTALS – ANTITRUST

M4-Salons A-C

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 desires a refresher.

CHAIR/ MODERATOR:

Jacqueline I. GRISE, Cooley LLP, Washington, DC

SPEAKERS:

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

Barack S. ECHOLS, Kirkland & Ellis LLP, Chicago, IL

Lynda K. MARSHALL, Foreign Commerce Section, U.S. Department of Justice, Antitrust Division, Washington, DC

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

10:45 am – noon

MERGER REVIEW: PRIVATE EQUITY FUNDS, BEWARE!

M4-Salons I-P

Presented by the Mergers & Acquisitions Committee

Private Equity firms are increasingly active as buyers/sellers of businesses. However, the merger process for PE deals contains traps for the unwary. Minority interests in competitors, interlocking directorates, "club deals", special HSR rules, and more: these are some of the obstacles PE firms may confront. Our panel will review these issues and describe how PE firms can successfully navigate the review waters.

CHAIR/MODERATOR:

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

SPEAKERS:

Kevin J. ARQUIT, Weil, Gotshal & Manges LLP, New York, NY

Helene D. JAFFE, Brown Rudnick LLP, New York, NY

K. Craig WILDFANG, Robins Kaplan LLP, Minneapolis, MN

10:45 am – noon

NAVIGATING ETHICAL MINEFIELDS IN ANTITRUST CLASS ACTIONS **ETHICS**

M4-Salons D-H

Presented by the Global Private Litigation Committee

Antitrust class action cases have raised new ethical questions in recent years. How do responsible attorneys identify and implement the right choices? Do the ethical rules differ for class action matters? Using recent cases as fact patterns, we will discuss the nuanced, highly fact-dependent analysis required to navigate these ethical minefields.

CHAIR/SPEAKER:

Hollis L. SALZMAN, Robins Kaplan LLP, New York, NY

MODERATOR:

Melissa H. MAXMAN, Cohen & Gresser LLP, Washington, DC

SPEAKERS:

Heather KAFALE, Shearman & Sterling LLP, Washington, DC

The Honorable Jon S. TIGAR, Judge, U.S. District Court, Northern District of California, San Francisco, CA

Ellen YAROSHEFSKY, Hofstra Law, New York, NY

10:45 am – noon

REGULATING BY CONSENT - FAIRNESS FOR ALL?

M4-Capitol & Congress

Presented by the Consumer Protection and Federal Civil Enforcement Committees

Agencies settle far more cases than they litigate. To what extent should consent agreements impose new industry standards? This panel will explore the agencies' use of consent agreements and consider whether they should create a rule of law.

CHAIR/MODERATOR:

Svetlana S. GANS, Chief of Staff, Office of the Honorable Maureen K. Ohlhausen, Federal Trade Commission, Washington, DC

SPEAKERS:

Elaine EWING, Cleary Gottlieb Steen & Hamilton LLP, Washington, DC

Paul D. RUBIN, Ropes & Gray LLP, Washington, DC

David D. VLADECK, Georgetown University, Washington, DC

Thomas F. ZYCH, Thompson Hine, Cleveland, OH

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Noon – 1:30 pm

SAL AWARDS LUNCHEON (TICKETS AVAILABLE FOR PURCHASE)

M2-Salons 5 & 6

Be the first to see a trailer from the forthcoming movie, “Professions Face the Supreme Court: Inside Goldfarb v. Virginia State Bar,” starring Lew GOLDFARB, Solicitor General Robert BORK, and Virginia Attorney General Andrew MILLER. Meet Goldfarb and Miller, and hear Professor Stephen CALKINS, Judge Douglas GINSBURG, and Acting Director Tara KOSLOV, Office of Policy Planning, FTC, Professor Alan MORRISON and Professor Barak RICHMAN on this cornerstone of modern antitrust. All with the Awards Ceremony honoring outstanding achievements by our Section’s finest. Table and individual tickets are available for purchase.

AWARD:

Lifetime Achievement Award

1:45 – 3:15 pm

DEBATING CLASS ACTION MECHANISMS IN THE U.S. AND EU **DEBATE**

M2-Salons 7-10

Presented by the Advertising Disputes & Litigation, Competition Torts, and Global Private Litigation Committees

Some argue that consumer class actions fill in enforcement gaps and promote consumer welfare. Powerful incentives exist to settle cases with payment of money, but without major changes to challenged behavior. Some U.S. courts have rejected proposed settlements. Our debate: Does the EU or U.S. approach strike the right balance to remedy consumer harm?

CHAIR:

Valarie C. WILLIAMS, Alston & Bird LLP, Atlanta, GA

MODERATOR:

Brendan P. GLACKIN, Lieff Cabraser Heimann & Bernstein, San Francisco, CA

SPEAKERS:

Thomas G. FUNKE, Osborne Clark, Köln

Anthony MATON, Hausfeld, London

Melanie THILL-TAYARA, Dechert LLP, Paris

1:45 – 3:15 pm

EYES ON THE 1-800 PRIZE: IP RESTRICTIONS AND ONLINE COMPETITION

M2-Salons 12 & 13

Presented by the Distribution & Franchising Committee

The FTC’s recently commenced enforcement action against 1-800 Contacts, challenging no-bid contracts that restrict the ability of competitors from purchasing certain 1-800 Contacts trademarks from online search engines. Do such clauses protect legitimate IP and goodwill, or do they restrict the ability of consumers to search?

CHAIR/MODERATOR:

David H. EVANS, Kelley Drye & Warren LLP, Washington, DC

SPEAKERS:

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

C. Scott HEMPHILL, New York University, New York, NY

Michael S. MCFALLS, Ropes & Gray LLP, Washington, DC

Stephen WEISSMAN, Baker Botts LLP, Washington, DC

1:45 – 3:15 pm

FUNDAMENTALS - CONSUMER PROTECTION

M4-Salons A-C

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

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

CHAIR/MODERATOR:

Donnelly L. MCDOWELL, Kelley Drye & Warren LLP, Washington, DC

SPEAKERS:

Megan OLSEN, Senior Counsel, Walgreen Co., Washington, DC

Heidi M. SILTON, Lockridge Grindal Nauen PLLP, Minneapolis, MN

Paul B. SPELMAN, Consumer Protection Attorney, Division of Advertising Practices, Federal Trade Commission, Washington, DC

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1:45 – 3:15 pm

LENIENCY AT 25: MORE JURISDICTIONS, BUT MORE EFFECTIVE?

M4-Salons I-P

Presented by the International Cartel Task Force

Over the past 25 years, leniency programs have been wildly successful at generating cartel cases globally. As programs have proliferated, the costs and risks of applying for leniency have increased significantly. There are reports that applications in some jurisdictions are down. The panel will examine the origins of leniency, assess continued viability, and discuss proposals for change.

CHAIR/MODERATOR:

Thomas MUELLER, WilmerHale, Washington, DC

SPEAKERS:

Frank MONTAG, Freshfields Bruckhaus Deringer LLP, Brussels

Ann O'BRIEN, Special Counsel for Criminal Policy & Assistant Chief, Legal Policy Section, U.S. Department of Justice, Antitrust Division, Washington, DC

Barbara ROSENBERG, Barbosa Müssnich e Aragão, São Paulo

Gary R. SPRATLING, Gibson Dunn & Crutcher LLP, San Francisco, CA

1:45 – 3:15 pm

PHARMACEUTICAL MERGERS AND INNOVATION—INCENTIVIZING V. SUPPRESSING DEVELOPMENT

M2-Salons 1-4

Presented by the Health Care & Pharmaceuticals Committee

Pharma mergers continue at a breakneck pace. In each case, critical issues are actual and potential competition, including the parties' ability to innovate. Please join us as we evaluate if and when agencies would block pharma mergers on innovation grounds, explore the analysis of innovation in branded and generic mergers, and ask at what point there are too few large companies.

CHAIR/MODERATOR:

Patrick C. ENGLISH, Latham & Watkins LLP, Washington, DC

SPEAKERS:

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

David M. EMANUELSON, Senior Corporate Counsel, Antitrust Americas, Novartis International AG, New York, NY

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

Daniel K. ZACH, Deputy Assistant Director, Mergers I, Federal Trade Commission, Washington, DC

1:45 – 3:15 pm

PLAYING TO BELIEFS: TAKING ADVANTAGE OF POPULAR WISDOM

M4-Salons Capitol & Congress

Presented by the Agriculture & Food and Consumer Protection Committees

Consumers constantly are tapping into trends and fads to improve their health, fitness, and well-being. It can be tempting, especially for marketers of foods, drinks, attire, and equipment, to flirt with these beliefs in advertising. How far can marketers legally go in leveraging public perceptions of benefits for which the evidence is emerging or uncertain?

CHAIR/MODERATOR:

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

SPEAKERS:

Jacob E. GERSEN, Director, The Food Lab at Petrie-Flom, Harvard Law School, Cambridge, MA

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

Michael JACOBSON, Executive Director, Center for Science in the Public Interest, Washington, DC

Maria SALGADO, Cornerstone Research, San Francisco, CA

1:45 – 3:15 pm

STATE AID: COMPETITION LAW V. TAX BREAKS AND LOCAL INCENTIVES

M4-Salons D-H

Presented by the Exemptions & Immunities Committee and International Task Force

Countries, states and municipalities compete to attract business with lower taxes, but the EU treats the issue of State Aid as a matter of competition law. This panel will discuss the recent EU State-aid decisions involving Apple and others, and will look at various vulnerable policies.

CHAIR/MODERATOR:

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

SPEAKERS:

Philip ANDREWS, McCann Fitzgerald, Dublin

Johannes LAITENBERGER, Director General, DG Competition, European Commission, Brussels

LI Qing, Deputy Director General, Anti-Monopoly Bureau of National Development and Reform Commission, Beijing

Kristina NORDLANDER, Sidley Austin LLP, Brussels

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ADVERTISING BARGAINS: IS THE PRICE RIGHT?

M4-Salons Capitol & Congress

Presented by Advertising Disputes & Litigation and Consumer Protection Committees

A surge of federal, state, and private enforcement has raised the risk of advertising discounts and other comparisons. Panelists will explore when sales and promotional offers are deceptive, what constitutes a regular or ordinary price, recent enforcement activity in the U.S. and Canada, including class action litigation, and best practices.

CHAIR/MODERATOR:

Antonio DI DOMENICO, Fasken Martineau DuMoulin LLP, Toronto

SPEAKERS:

Matthew BOSWELL, Senior Deputy Commissioner, Cartels and Deceptive Marketing Practices Branch, Competition Bureau Canada, Gatineau

Natalie FINKELMAN BENNETT, Shepherd Finkelman Miller & Shah LLP, Philadelphia, PA

Timothy SNAIL, Charles River Associates, Boston, MA

Hassan ZAVAREEI, Tycko & Zavareei LLP, Washington, DC

3:30 – 5:00 pm

ANTITRUST IN LATIN AMERICA: QUO VADIS?

M4-Salons D-H

Presented by the International Committee

The rapidly evolving and maturing Latin American antitrust regimes must be taken into account by every international company and competition practitioner. Join this panel of senior agency officials to discuss recent developments in Argentina, Brazil, Chile, and Mexico, with an eye to identifying and minimizing antitrust risks, and hear about their predictions for competition enforcement and policy in Latin America.

CHAIR/MODERATOR:

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

SPEAKERS:

Gilvandro ARAUJO, Commissioner, Conselho Administrativo de Defesa Econômica (CADE), Brasília

Esteban M. GRECO, President, Comisión Nacional de Defensa de la Competencia (CNDC), Buenos Aires

Felipe IRARRÁZABAL, National Economic Prosecutor, Fiscalía Nacional Económica (FNE), Santiago

Carlos MENA LABARTHE, Chief Prosecutor, Comisión Federal de Competencia Económica (COFECE), Mexico City

3:30 – 5:00 pm

CLEARING THE DEAL IN 30 DAYS

M4-Salons I-P

Presented by the Economics, Federal Civil Enforcement, and Mergers & Acquisitions Committees

Your client wants merger clearance in 30 days. What kinds of analyses are most persuasive to agency attorneys and economists to make that happen? What are the most effective analyses to invest in and prepare for in the pre-filing stage and the first 30 days? Do complex economics merely hurt the cause? Get first hand advice from this panel of experts, including current or former agency attorneys and an economist.

CHAIR/MODERATOR:

Joanna TSAI, Charles River Associates, Washington, DC

SPEAKERS:

Logan M. BREED, Hogan Lovells US LLP, Washington, DC

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

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

Sharis A. POZEN, Vice President of Global Competition & Antitrust, General Electric, Washington, DC

3:30 – 5:00 pm

FUNDAMENTALS - ECONOMICS

M4-Salons A-C

Presented by the Economics Committee

Understanding basic economic principles is critical to antitrust analysis. Four distinguished economists will teach basic economic principles related to antitrust analysis, including market definition, market power, competitive effects and econometrics. The session should provide an introduction to concepts and techniques that appear repeatedly in the economic analysis of antitrust issues.

CHAIR:

Celeste C. SARAVIA, Cornerstone Research, San Francisco, CA

MODERATOR:

Kristin TERRIS, NERA Economic Consulting, Los Angeles, CA

SPEAKERS:

Leslie M. MARX, Duke University, Durham, NC

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

Louis SILVIA, Assistant Director, Antitrust I Division, Bureau of Economics, Federal Trade Commission, Washington, DC

Hal J. SINGER, Economists Inc., Washington, DC

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JOINT DEFENSE GROUP ETHICS **DEBATE** **ETHICS**

M2-Salons 7-10

Presented by the Civil Practice & Procedure Committee

Joint defense and common interest agreements are common, and commonly misunderstood, by clients and lawyers alike. What are the effects of breakup fees? When will an agreement not protect privilege? What are terms subject to negotiations? When do ethical considerations require companies or individuals to withdraw, or not participate in the first place?

CHAIR/SPEAKER:

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

MODERATOR:

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

SPEAKERS:

Eric P. ENSON, Jones Day, Los Angeles, CA

Craig LERNER, George Mason University School of Law, Arlington, VA

Amy B. MANNING, McGuireWoods LLP, Chicago, IL

3:30 – 5:00 pm

PRACTICING IN THE NEW MUSIC LICENSING MARKETPLACE

M2 Salons 12 & 13

Presented by the Federal Civil Enforcement, Intellectual Property, and Media & Technology Committees

As the dust settles on the DOJ and judicial review of the performing rights organizations consent decrees, we will explore the practical implications for songwriters, publishers, and streaming organizations. With the Copyright Office's 2015 Report as context, this panel will examine what might happen next at the intersection of copyright and antitrust law, both at the Agencies and in Congress.

CHAIR/MODERATOR:

Robert P. DAVIS, Venable LLP, Washington, DC

SPEAKERS:

Danielle AGUIRRE, General Counsel, National Music Publishers Association, Washington, DC

Ethan GLASS, Quinn Emanuel Urquhart & Sullivan LLP, Washington, DC

Hallie S. GOLDBLATT, Paul Weiss Rifkind Wharton & Garrison LLP, New York, NY

Raza PANJWANI, Policy Counsel, Public Knowledge, Washington, DC

3:30 – 5:00 pm

WHAT BREXIT MEANS FOR COMPETITION LAW AND PRACTICE

M2-Salons 1-4

Presented by the Corporate Counseling & International Committees with the International Task Force

As the UK marches towards exit from the EU, stakeholders need to understand the likely implications for antitrust policy and enforcement and to anticipate practicing in the new regime. This panel will explore the world before and after Brexit, describe the risks and opportunities, and highlight the key areas of concern to businesses and policy makers.

CHAIR/MODERATOR:

Matthew HALL, McGuireWoods LLP, Brussels

SPEAKERS:

Alison JONES, King's College London, London

Philip LOWE, FTI Consulting, Inc., Brussels

Sheldon MILLS, Senior Director, Mergers, Competition and Markets Authority, London

James R. MODRALL, Norton Rose Fulbright LLP, Brussels

5:00 – 6:00 pm

WELCOME RECEPTION AT THE MARRIOTT MARQUIS

Mix and mingle with the leadership of the Section of Antitrust Law. Your badge is your ticket to attend.

6:00 – 7:00 pm

PLAINTIFFS' RECEPTION

Registered attorneys from the plaintiffs' bar are invited to join their peers and the Global Private Litigation Committee members for an opportunity to network and discuss issues of common interest. A ticket to attend will be included in the registration materials for plaintiffs' counsel and spring registrants registered for the Global Private Litigation Conference. Details will be emailed closer to the Spring Meeting.

65th ABA SECTION OF ANTITRUST LAW SPRING MEETING
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THURSDAY, MARCH 30, 2017

7:30 am – 5:30 pm

BOOKSTORE

M4-Archives

REGISTRATION OPEN

2nd Floor Mezzanine

8:30 – 10:00 am

ADVERTISING MOCK TRIAL: FALSE, MISLEADING OR DECEPTIVE?

M4-Salons L-P

Presented by the Advertising Disputes & Litigation

One of two signature mock trial programs. Cat food maker sues a competitor for falsely claiming the absence of impurities, seeking a preliminary injunction for false advertising. Will fair competition prevail?

CHAIR:

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

MODERATOR:

Lynn K. NUENER, Simpson, Thatcher & Bartlett LLP, New York, NY

SPEAKERS:

Randy MILLER, Venable LLP, Washington, DC

Randi W. SINGER, Weil Gotshal & Manges LLP, New York, NY

The Honorable Richard J. SULLIVAN, Judge, U.S. District Court, Southern District of New York, New York, NY

8:30 – 10:00 am

BRIEFING WITH THE STATE ENFORCERS

M4-Salons I-K

Presented by the State Enforcement Committee

State Attorneys General play a crucial role in enforcing state and federal antitrust and consumer protection laws as sovereigns, *parens patriae*, and as purchasers. Join our panelists, who represent antitrust and consumer protection bureaus from across the country, as we discuss recent enforcement activities and the ongoing missions of state enforcement agencies.

CHAIR/MODERATOR:

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

SPEAKERS:

Beau W. BUFFIER, Chief, Antitrust Bureau, Office of the Attorney General, New York, NY

Stacie L. DEBLIEUX, Assistant Attorney General, Office of the Attorney General, Baton Rouge, LA

Eric LIPMAN, Assistant Attorney General, Office of the Attorney General, Austin, TX

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

8:30 – 10:00 am

COMPETITION AND CONSUMER LAW ISSUES WITH CUSTOMER PROFILING

M4-Capitol & Congress

Presented by the Consumer Protection, Privacy & Information Security, and Transportation & Energy Industries Committees

Airlines and other sellers increasingly use big data to profile customers and customize offers. Like the personalized ads in the *Minority Report* movie, this is simultaneously cool and creepy. Do consumers benefit from offers that better match interests? Or do they suffer when anonymity is lost and sellers can discern willingness and ability to pay? We explore the competition and consumer protection law implications.

CHAIR/MODERATOR:

Hill B. WELLFORD, Morgan Lewis & Bockius LLP, Washington, DC

SPEAKERS:

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

Thomas B. PAHL, Acting Director, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC

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

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

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THURSDAY, MARCH 30, 2017

8:30 – 10:00 am

EUROPE'S "ACTAVIS" MOMENT: *LUNDBECK V. COMMISSION*

M2-Salons 12 & 13

Presented by the Health Care & Pharmaceuticals Committee

After the U.S. Actavis judgment, the EU Commission took a stand on pay-for-delay, imposing \$160 million in fines on an originator, *Lundbeck*, and generic makers, Generics UK, Alpharma, Arrow, and Ranbaxy under a per se "by object" theory of harm. Upholding the Commission's conclusions, the General Court articulated its own rationale. What is the future of EU enforcement and its contrast to the U.S.?

CHAIR:

Lauren M. RACKOW, Cahill Gordon & Reindel LLP, New York, NY

MODERATOR:

Edward W. BATCHELOR, Baker & McKenzie, Brussels

SPEAKERS:

Michael A. CARRIER, Rutgers University, Camden NJ

Henri PIFFAUT, European Commission, Brussels

Romano SUBIOTTO, Cleary Gottlieb Steen & Hamilton LLP, London

Ingrid VANDENBORRE, Skadden Arps Slate Meagher & Flom LLP, Brussels

8:30 – 10:00 am

HERDING CARTEL CASES—RECONCILING AND RESOLVING MULTIPLE PROCEEDINGS

M2-Salons 7-10

Presented by the Cartel & Criminal Practice Committee and the International Cartel Task Force

Parallel civil and criminal antitrust proceedings raise challenging case management issues, particularly in the cartel context, where cases are often before regulators and courts in multiple jurisdictions. Issues may include discovery stays, access to leniency materials, witness interviews, and cooperation by settling defendants. The panel will explore best practices to minimize conflict, while reconciling the interests of plaintiffs, government enforcers, and defendants.

CHAIR/MODERATOR:

Fiona A. SCHAEFFER, Milbank Tweed Hadley & McCloy LLP, New York, NY

SPEAKERS:

Michael D. HAUSFELD, Hausfeld, Washington, DC

The Honorable Susan Y. ILLSTON, Senior District Judge, U.S. District Court Northern District of California, San Francisco, CA

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

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

8:30 – 10:00 am

STRATEGICALLY FIXING A MERGER

M4-Salons A-H

Presented by the Mergers & Acquisitions and Trial Practice Committees

Experienced private practitioners and government enforcers will discuss and provide insight to the strategic considerations of whether, when, and how to propose and make fixes to challenged mergers. How do the size and complexity of transactions relate to the fix? How do you manage your client's expectations? These issues and more will be explored from deal formation through litigation.

CHAIR/MODERATOR:

Gerald A. STEIN, Attorney, Bureau of Competition, Federal Trade Commission, New York, NY

SPEAKERS:

Dorothy B. FOUNTAIN, Chief Legal Advisor, Antitrust Division, U.S. Department of Justice, Washington, DC

John M. MAJORAS, Jones Day, Washington, DC

Michael L. WEINER, Dechert LLP, New York, NY

Christine L. WHITE, Vice President, Legal Affairs, Northwell Health, New York, NY

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THURSDAY, MARCH 30, 2017

10:15 am – noon

CHAIR'S SHOWCASE: PROMOTING COMPETITION/PROTECTING CONSUMERS: IN SYNC OR AT ODDS?

M2-Salons 1-6

Consumer welfare is the centerpiece of competition policy, which is based on the premise that free markets best serve consumers' interests. Consumer protection policy restrains trade that is perceived to threaten public welfare. Are the policies complements or substitutes? How should one account for the other? Which authorities should reconcile them? What arguments will influence the decisions?

CHAIR:

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

MODERATOR:

Leslie C. OVERTON, Alston & Bird LLP, Washington, DC

SPEAKERS:

John FINGLETON, Fingleton Associates, London

Timothy J. MURIS, Kirkland & Ellis LLP, Washington, DC

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

Richard G. PARKER, O'Melveny & Myers LLP, Washington, DC

Fiona M. SCOTT MORTON, Charles River Associates, Boston, MA

12:15 – 1:15 pm

LUNCHEON RECEPTION FOR IN-HOUSE COUNSEL

The Section Officers and Spring Meeting Co-chairs invite registered Spring Meeting in-house counsel to a luncheon reception. 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.

1:30 – 3:00 pm

ANTITRUST ENFORCEMENT PRIORITIES FOR THE NEW ADMINISTRATION

M2-Salons 7-10

Presented by the Legislation Committee

Three months into the new Administration: what do we know about President Trump's antitrust enforcement priorities? What can we expect from the Agencies in the years ahead? Our experienced panelists will discuss early indications of the Administration's legislative and enforcement priorities against the backdrop of the recommendations contained in the Section's 2017 Presidential Transition Report.

CHAIR:

Samantha H. KNOX, Davis Polk & Wardwell LLP, Menlo Park, CA

MODERATOR:

Roxane C. BUSEY, Baker & McKenzie, Chicago, IL

SPEAKERS:

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

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

Peter LEVITAS, Arnold & Porter Kay Scholer LLP, Washington, DC

Theodore VOORHEES JR., Covington & Burling LLP, Washington, DC

1:30 – 3:00 pm

BENCHMARKING: LEGITIMATE CORPORATE COMMUNICATION OR POTENTIAL COLLUSION?

M2-Salons 12 & 13

Presented by the Corporate Counseling Committee

The atmosphere is cautious following recent enforcement actions across the globe; yet benchmarking remains a common and often worthwhile practice. Our experts will discuss how to maximize the legitimate commercial gains while minimizing the antitrust risk.

CHAIR/MODERATOR:

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

SPEAKERS:

Norman R. ARMSTRONG, King & Spalding LLP, Washington, DC

Mika CLARK, Antitrust Counsel, United Airlines, Chicago, IL

Rani HABASH, Dechert LLP, Washington, DC

Aimee L. IMUNDO, Global Executive Counsel, Competition Law & Policy, General Electric, Washington, DC

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1:30 – 3:00 pm

FCC, FTC, EU, AND THE INTERNET OF THINGS

M4-Capitol & Congress

Presented by the Consumer Protection and Media & Technology Committees

Some have estimated that by 2020, 50 billion devices will be connected to the internet. Privacy, technology, and competition issues will be paramount in the full development of this Internet of Things. This panel will feature a primer on the promises of IoT, followed by a round table discussion with policy leaders from the FTC and FCC on the regulatory challenges presented.

CHAIR:

Jamillia P. FERRIS, Wilson Sonsini Goodrich & Rosati PC, Washington, DC

MODERATOR:

Owen M. KENDLER: Acting Chief, Litigation III Section, Antitrust Division, U.S. Department of Justice

SPEAKERS:

Kim HART, Axios, Washington, DC

Robert MAHINI, Senior Policy Counsel, Google Inc, Washington, DC

The Honorable Terrell MCSWEENEY, Commissioner, Federal Trade Commission, Washington, DC

Jonathan SALLET, Attorney, Washington DC

1:30 – 3:00 pm

JOINT VENTURES-KEEPING COMPETITOR COLLABORATIONS COMPLIANT

M2-Salons 1 & 2

Presented by the Civil Practice & Procedure Committee

Joint ventures are critical components of the pharma, technology, telecom, and energy industries, among others. JVs can take many forms and raise questions regarding partial ownership, information sharing, efficiencies analysis, non-compete terms, and potential competition. This panel will explore these issues and identify third rails and areas of sensitivity for counseling attorneys.

CHAIR/MODERATOR:

Richard H. CUNNINGHAM, Gibson Dunn & Crutcher LLP, Denver, CO

SPEAKERS:

Craig G. FALLS, Dechert LLP, Washington, DC

Wolfgang HECKENBERGER, Chief Counsel Competition, Siemens AG, Munich

Amanda P. REEVES, Latham & Watkins LLP, Washington, DC

Shelley WEBB, Senior Litigation Counsel, Intel Corp., Santa Clara, CA

1:30 – 3:00 pm

UNFAIR METHODS OF COMPETITION AROUND THE WORLD

M2-Salons 3&4

Presented by the International Task Force

In 2015, the U.S. FTC issued its long-awaited Section 5 (Unfair Methods of Competition) Policy Statement. Since then, several foreign agencies, including China's SAIC, have proposed revisions to their unfair competition laws. Join this panel of experts for a discussion of the guiding principles and proposed revisions.

CHAIR/MODERATOR:

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

SPEAKERS:

Kala ANANDARAJAH, Rajah & Tann Singapore LLP, Singapore

HUANG, Yong, University of International Business & Economics, Beijing

Hwang LEE, Korea University School of Law, Seoul

Joshua D. WRIGHT, Antonin Scalia Law School, George Mason University, Arlington, VA

1:30 – 3:00 pm

VIEW FROM THE BENCH ON MERGER CASES

M-4 Salons A-H

Presented by the Federal Civil Enforcement, Mergers & Acquisitions, and Trial Practice Committees

Significant merger cases have gone to trial over the last several years. Hear from the judges who have presided over some of these challenging and rigorously contested cases as they discuss with our panel lessons and observations from trials of merger cases.

CHAIR/MODERATOR:

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

SPEAKERS:

The Honorable William H. ORRICK III, Judge, U.S. District Court, Northern District of California, San Francisco, CA

The Honorable Dan A. POLSTER, Judge, U.S. District Court, Northern District of Ohio, Cleveland, OH

The Honorable Emmet G. SULLIVAN, Judge, U.S. District Court, District of Columbia, Washington, DC

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THURSDAY, MARCH 30, 2017

1:30 – 5:00 pm

MOCK TRIAL

M4-Salons I-P

Presented by the Trial Practice Committee

No matter the industry -- technology, health care, transportation, or entertainment -- single-firm conduct has caught the attention of both government antitrust enforcers and private plaintiffs. Come watch as two distinguished trial teams tackle some of the challenging fact issues raised in recent cases and watch how a jury responds to them and the economics on which they often turn.

Part 1 of the Mock Trial will focus on the parties' opening statements; fact and expert witness presentations (both direct and cross-examination); and closing arguments

Break: 3:00pm-3:15pm

Part 2 of the Mock Trial will focus on the jury instructions and deliberations; jury verdict; and an analysis of the verdict, including a question-and-answer session with the jury

CHAIR/MODERATOR:

William M. KATZ JR., Thompson & Knight LLP, Dallas, TX

PARTICIPANTS:

Gil CALVILLO, Jury Consultant, FTI Consulting, Inc., Los Angeles, CA
Tasneem CHIPTY, Matrix Economics, Boston, MA
David I. GELFAND, Cleary Gottlieb Steen & Hamilton LLP, Washington, DC
Russell W. MANGUM III, Nathan Associates, Irvine, CA
Scott A. MARTIN, Hausfeld, New York, NY
Katrina M. ROBSON, O'Melveny & Myers LLP, Washington, DC
Haidee SCHWARTZ, Attorney Advisor, Federal Trade Commission, Washington, DC
The Honorable Paula XINIS, Judge, U.S. District Court, District of Maryland, Greenbelt, MD

3:15 – 5:00 pm

ANTITRUST PENALTIES IN ASIA

M2-Salons 7-10

Presented by the International Committee & International Task Force

Several agencies, including China's Anti-Monopoly Law agency and Japan's FTC, have recently proposed revisions to their penalties framework. Join this panel of experts to discuss the economics of optimal penalties and practical issues related to achieving these goals.

CHAIR/MODERATOR:

Alden F. ABBOTT, Senior Legal Fellow and Deputy Director, Legal and Judicial Center, Heritage Foundation, Washington, DC

SPEAKERS:

Susan NING, King & Wood Mallesons, Beijing
Hiroyuki, ODAGIRI, Special Advisor, Japan Federal Trade Commission, Tokyo
Rose WEBB, Chief Executive Officer, Competition Committee of Hong Kong, Hong Kong
Kimitoshi YABUKI, Yabuki Law Offices, Tokyo

3:15 – 5:00 pm

DATA PROTECTION: GLOBAL CONVERGENCE OR ROADS DIVERGED?

M4-Capitol & Congress

Presented by the Consumer Protection and Privacy & Information Security Committees

As U.S. and International enforcers and regulators begin to address the global nature of privacy and data security, does it make sense to work to ensure convergence in this area is in the interest of consumer welfare? Does it matter?

CHAIR/MODERATOR:

Phyllis M. MARCUS, Hunton & Williams LLP, Washington, DC

SPEAKER:

Julie BRILL, Hogan Lovells US LLP, Washington, DC
Elizabeth, DENHAM, Information Commissioner, Parliament of the United Kingdom, Wilmslow Cheshire
Peter SWIRE, Georgia Institute of Technology, Atlanta, GA

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THURSDAY, MARCH 30, 2017

3:15 – 5:00 pm

HOT TOPICS

M4-Salons A-H

Antitrust and consumer protection policy, enforcement, and litigation change every day with vital issues constantly surfacing. Take a quick look at how the past year has set the stage for the new of today and trends of tomorrow. Additional faculty will appear on the conference website as the date draws near.

COCHAIRS:

Paul H. FRIEDMAN, Dechert LLP, Washington, DC

Margaret A. WARD, Jones Day, Palo Alto, CA

SPEAKERS:

Thomas O. BARNETT, Covington & Burling LLP, Washington, DC

Deborah L. FEINSTEIN, Washington, DC

Renata B. HESSE, Sullivan & Cromwell, Washington, DC

3:15 – 5:00 pm

PRACTICE, ETHICS AND PRIVILEGE AFTER THE YATES MEMO **ETHICS**

M2 Salons 12 & 13

Presented by the Compliance & Ethics Committee

The Yates memo went public in September of 2015, strengthening DOJ policies concerning corporate executive accountability for criminal corporate conduct. Do the policies test an attorney's duty of loyalty, confidentiality, or candor toward third parties? The Panel will discuss the impact of the Yates policy changes on ethical considerations in antitrust counseling and compliance.

CHAIR/MODERATOR:

F. Joseph GORMLEY, Gormley Jarashow Bowman LLC, Annapolis, MD

SPEAKERS:

Frank AQUINO, Vice President and General Counsel, EA Engineering, Science, and Technology Inc, Hunt Valley, MD

David HANKEY, Gohn Hankey Stichel & Berlage LLP, Annapolis, MD

Dean HOFFMAN, DB US Holding Corp, Tarrytown, NY

Mary STRIMEL, McDermott Will & Emery, Washington, DC

3:15 – 5:00 pm

REPRESENTING NON-PARTY WITNESSES IN MERGER INVESTIGATIONS AND LITIGATION

M2-Salons 1 & 2

Presented by the Federal Civil Enforcement Committee

Regardless of whether supporting, opposing, or neutral to a proposed transaction, one thing non-party witnesses in merger investigations and litigation have in common is the unexpected expense and management distraction that occurs. This panel will discuss the role of non-party witnesses in recent merger challenges and provide practical tips if your client "gets the call."

CHAIR/SPEAKER:

Amanda L. WAIT, Hunton & Williams LLP, Washington, DC

MODERATOR:

William H. STALLINGS, Mayer Brown LLP, Washington, DC

SPEAKERS:

Eric J. MAHR, Director of Litigation, U.S. Department of Justice, Antitrust Division, Washington, DC

Tara L. REINHART, Skadden Arps Slate Meagher & Flom LLP, Washington, DC

Paula W. RENDER, Jones Day, Chicago, IL

3:15 – 5:00 pm

USING ANTITRUST CONVICTS IN ANTITRUST COMPLIANCE PROGRAMS

M2-Salons 3 & 4

Presented by the Corporate Counseling Committee

Making antitrust compliance compelling to business clients is a perpetual challenge. Can presentations by convicted antitrust felons be an effective antitrust compliance tool, or do they risk sending too strong a message? Hear from experienced practitioners, government counsel, and an actual prisoner-turned-compliance presenter on the benefits and potential pitfalls of this "scared-straight" strategy.

CHAIR/MODERATOR:

Suzanne E. WACHSSTOCK, Vice President and Chief Antitrust Counsel, American Express Company, New York, NY

SPEAKERS:

Theodore L. BANKS, Scharf Banks Marmor, Chicago, IL

Martim DELLA VALLE, VP Compliance, Antitrust, Litigation, Anheuser Busch InBev nv/sa, Brussels

Heather S. TEWKSBURY, WilmerHale, San Francisco, CA

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7:15 – 9:30 pm

SECTION DINNER (TICKETS AVAILABLE FOR PURCHASE)

M2-Salons 5 & 6

Enjoy dinner with General David PETRAEUS. The retired four-star Army General, Commander of U.S. Central Command, and Director of Central Intelligence answers our questions about commercial and political relations around the world in a conversation led by Deborah P. MAJORAS, Chief Legal Officer & Secretary, The Procter & Gamble Company. Table and individual tickets are available for purchase.

FRIDAY, MARCH 31, 2017

7:30am – 12:30pm

BOOKSTORE

M4-Archives

7:30am – 12:00pm

REGISTRATION OPEN

2nd Floor Mezzanine

8:30 – 9:45 am

AGENCY UPDATE WITH THE FTC BUREAU DIRECTORS

M4-Salons A-H

Presented by the Federal Civil Enforcement Committee

The annual session where you 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. With the change of administration, these names will be updated online.

CHAIR:

Carla A. R. HINE, McDermott Will and Emery, Washington, DC

MODERATOR:

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

SPEAKERS:

Abbott B. LIPSKY, JR., Acting Director, Bureau of Competition, Federal Trade Commission, Washington, DC
Thomas B. PAHL, Acting Director, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC
Ginger ZHE JIN, Director, Bureau of Economics, Federal Trade Commission, Washington, DC

8:30 – 9:45 am

EXPERT TESTIMONY OF THE FUTURE: MACHINE LEARNING

M2-Salons 12 & 13

Presented by the Agriculture & Food and Economics Committees

The availability of ever growing databases combined with the advent of new technologies for processing that data has ushered in significant changes in many disciplines. Academics on the cutting edge of this revolution debate and discuss the expected impact of these new developments from merger simulation to valuing intellectual property.

CHAIR/MODERATOR:

Anthony AARON, Ice Miller LLP, Indianapolis, IN

SPEAKERS:

Justin MCCRARY, University of California – Berkeley, Berkeley, CA
Daniel ROTH, University of Illinois, Champaign, IL
Michelle SIX, Kirkland & Ellis LLP, New York, NY

8:30 – 9:45 am

HSR EXEMPTIONS: RUNNING OUT OF GAS?

Presented by the Mergers & Acquisitions and Transportation & Energy Industries

M4-Salons M-P

FTC and DOJ have revisited a number of HSR exemption interpretations and sought penalties from investors relying on others. What can be learned from the Value Act and Third Point settlements? What was the rationale for revisiting the investment rental property and warehouse exemptions? Are exemptions especially vulnerable in energy or any other sectors?

CHAIR:

Karen KAZMERZAK, Sidley Austin LLP, Washington, DC

MODERATOR:

William R. VIGDOR, Vinson & Elkins LLP, Washington, DC

SPEAKERS:

Kay Lynn BRUMBAUGH, Andrews Kurth Kenyon LLP, Dallas, TX
Steven J. KAISER, Cleary Gottlieb Steen & Hamilton LLP, Washington, DC
Kara KURITZ, Attorney Advisor, Legal Policy Section, U.S. Department of Justice, Antitrust Division, Washington, DC
Kathryn E. WALSH, Deputy Assistant Director, Premerger Notification Office, Federal Trade Commission, Washington, DC

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FRIDAY, MARCH 31, 2017

8:30 – 9:45 am

STANDARD-ESSENTIAL PATENTS AND PATENT-ASSERTION ENTITIES: INTERNATIONAL DEVELOPMENTS

M4-Salons I-L

Presented by the International Task Force

Investigations and litigation involving standard-essential patents and patent-assertion entities continue to be hot topics in jurisdictions around the world. Join this panel of experts to learn the latest trends and theories, hear international reactions to the US FTC's report, and gain practical guidance on litigating and defending such actions.

CHAIR/SPEAKER:

Koren W. WONG-ERVIN, Global Antitrust Institute, George Mason University, Arlington, VA

MODERATOR:

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

SPEAKERS:

G. P. MITTAL, Member, Competition Commission of India, New Delhi

Suzanne MUNCK, Deputy Director and Chief Counsel for Intellectual Property, Office of Policy Planning, Federal Trade Commission, Washington, DC

Donald J. ROSENBERG, Executive Vice President, General Counsel and Corporate Secretary, Qualcomm Incorporated, San Diego, CA

8:30-9:45 am

THE FUTURE OF FINANCIAL CONSUMER PROTECTION REGULATION

M4-Capitol & Congress

Presented by the Insurance & Financial Services Committee

Financial regulation faces a reckoning in 2017. The PHH decision restricted the power of the Consumer Financial Protection Bureau (CFPB), while Congress and the new administration consider basic changes to its charter. This panel will assess consumer protection and competition under Dodd Frank, and examine the enforcement policies and authorities likely to survive any regulatory reform.

CHAIR/MODERATOR:

Henry B. MCFARLAND, Economists Inc., Washington, DC

SPEAKERS:

Michael A. BENOIT, Hudson Cook LLP, Washington, DC

Marsha J. COURCHANE, Charles River Associates, Washington, DC

Gregory ELLIEHAUSEN, Principal Economist, Consumer Finance Section, Federal Reserve Board, Washington, DC

Meredith FUCHS, Financial Services Regulatory Counsel, Capital One, Washington, DC

8:30 – 9:45 am

VIEWS FROM THE BENCH ON NON-MERGER CIVIL & CRIMINAL CASES

M2-Salons 7 & 10

Presented by the Federal Civil Enforcement, Joint Conduct, and Trial Practice Committees

Antitrust cases comprise a small percentage of the federal docket, but consume enormous amounts of judicial attention and court resources in motion practice, during discovery, and at trial. What techniques do federal judges use to cope with the special challenges presented by antitrust cases, and what can advocates do to maximize their effectiveness in the antitrust courtroom?

CHAIR/MODERATOR:

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

SPEAKERS:

The Honorable Michael M. BAYLSON, Judge, U.S. District Court, Eastern District of Pennsylvania, Philadelphia, PA

The Honorable Denise L. COTE, Judge, U.S. District Court, Southern District of New York, New York, NY

The Honorable Paul L. FRIEDMAN, Judge, U.S. District Court, District of Columbia, Washington, DC

10:00 am - noon

ENFORCERS ROUNDTABLE

M2-Salons 1-6

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:

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

QUESTIONER:

Margaret A. WARD, Jones Day, Palo Alto, CA

SPEAKERS:

Victor J. DOMEN, Chair, Multistate Antitrust Task Force, National Association of Attorneys General, Nashville, TN

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

Alejandra PALACIOS PRIETO, President, Comision Federal de Competencia Económica, (COFECE), Mexico City

Brent SNYDER, Acting Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC

Margrethe VESTAGER, Commissioner for Competition, European Commission, Brussels

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FIRESIDE CHATS WITH FOREIGN ENFORCERS

M4-Supreme Court

During Selected times on Wednesday & Thursday, our Former Section Chairs will be conducting individual 30 minute interviews with various enforcement officials from competition agencies around the globe. These informal interviews will be open on a drop-in basis for all Spring Meeting attendees.

Wednesday

- 9am: Spain: Beatriz DE GUINDOS TALAVERA, Senior Advisor to the President of Spanish Markets and Competition Commission
Interviewer: John DEQ BRIGGS, Chair 1995-96
- 10am: Switzerland: Teresa MOREIRA, United Nations Conference on Trade and Development (UNCTAD), António Ferreira GOMES, Head of Competition Division at OECD
Interviewer: Allan VAN FLEET, Chair 2010-11
- 11am: Scandinavia
Denmark: Bitten THORGAARD SOERENSEN, Deputy Director General, Danish Competition & Consumer Authority
Norway: Karen LAASTAD, Legal Director, Norwegian Competition Authority
Sweden: Kristina GEIGER, Deputy Director General and Administrative Director, Swedish Competition Authority
Interviewer: Roxann HENRY, Chair 2015-16
- 2pm: UK: Michael GRENFELL, Board Member and Director of Enforcement, Competition and Markets Authority
Interviewer: Howard FELLER, Chair 2014-15
- 3pm: South Africa: Norman MANOIM, Chairman, Competition Tribunal, Ebrahim MOHAMED, Commissioner, National Consumer Commission
Interviewer: Janet MCDAVID, Chair 1999-2000

Thursday

- 9am: Australia: Roger FEATHERSTON, Commissioner, Australia Competition and Consumer Commission (ACCC)
Interviewer: Kathy FENTON, Chair 2007-08
- 2pm: PRC: XU Lefu, Ministry of Commerce (MOFCOM)
Interviewer: Jim WILSON, Chair 2008-09
- 3pm: Canada: John PECMAN, Commissioner, Canada Competition Bureau (CCB), Denis GASCON, Competition Tribunal
Interviewer: Don KLAWITER, Chair 2005-06
- 4pm: Brazil: Eduardo FRADE, General Superintendent, CADE
Interviewer: Jim RILL, Chair 1987-88