Antitrust Syllabus

Professor Lande
Fall 2015
Law 704/511 (Course No. 5299)
T, Th 10:30-11:45 am Law Center 603

- Professor's Fall 2015 Supplement


This course will have a TWEN page through Westlaw. Assignments and important announcements will be made via TWEN E Mails and posted on the TWEN Calendar page. Sign up for this as soon as possible.

Pages in Textbook & corresponding pages in the Professor's Supplement

I. Introduction and the Goals of Antitrust 1-14, 23-25 (read), 59-66 (read), 88-96 (read)

II. Antitrust Economics 37-40, 45-57 (non-technical material only), 780-82 (read)

III. Monopoly (including Market Definition) 613-16 (read), 616-29, 638-46 (read), 646-53, 668-79, 772-81, 817, 826-27, 718-19 (read), 734-37 (read), 684-87 (read), 719-29 (read), 786-87 (read), 788-95

IV. Mergers (read) Appendix A, 862-63 (read), 884-93, 863-68, 870-80, 899-905, 915-18 (read), 918-26, 837-41, 979-81 (read)

V. Agreements Among Competitors 177-80 (read), 180-86, 192-98 (read), 220-34, 239-72, 990-95, 283-84, 290-301, 285-88, 343-46 (read), 347-62, 379-80

VI. Joint Ventures and Boycotts 365-68(read), 982-86, 384-85, 368-74, 393-98, 400-09, 387-92, 409-11, 413-19 (read)

VII. Vertical Agreements 435-37, 484-92, 456-58, 466-67 (read), 437-56, 516-20, 531-46, 571-74, 546-60

VIII. The Robinson Patman Act 997
IX. Defenses & Exemptions

1024-41 (read), 1053-59, 1064-77, 1086-91 (read), 1041-45, 417 n. 1

Attendance and Preparation

The ABA, the Law School, and I require regular and punctual attendance. It is an Honor Code violation for a student to misrepresent their attendance or that of another student. A student whose unexcused absences exceed 3 classes or whose total absences, excused and unexcused, exceed 5 classes may be compelled to withdraw from the course. Repeated tardiness, other absence from class for part of a period, and/or inattention may be included in the calculation.

The Catalog of the School of Law notes that about 3 ½ to 4 ½ hours preparation is necessary for each 75 minutes class, and that additional time is required for review and for preparation for examinations. In addition, it is recommended that each student spend about thirty minutes reviewing that day's material as close to class time as possible.

Each student is expected to study the assigned material and to be prepared to discuss it in class. This means that the student has learned the material and is ready to refine his or her understanding of its philosophy, analytical framework and nuances. For students not prepared, the class may not have much meaning.

On those rare occasions when a student is not prepared for class discussion, he or she should give a note so stating to the instructor before class. The instructor will not call on these students. If a student does this infrequently, no subtraction from that student's grade will be made. As noted above, however, if a student often is unprepared for class discussion his or her grade may be lowered one level.

Office Hours

Professor Lande will be available after class (but not before class). Subject to meetings of the faculty and its committees, Professor Lande's office hours in Room 1106 of the Angelos Law Center (telephone 410-837-4538; E-Mail rlande@ubalt.edu) will be Mondays and Wednesdays from 2:00 to 4:00 pm. Other times by appointment, or just stop by my office. There will be a sign up sheet on the door of room 1106.

Grading Policy

Course grades primarily will be based upon the final exam. Voluntary class participation that is thoughtful and non-domineering can raise a student's grade as much as one level (i.e., from a B to a B+). Quality, not quantity, counts. Voluntary class participation that does not contribute to the discussion will not, however, cause a grade to be lowered.

If a student often is unprepared for class discussions the instructor may lower his or her grade by one level. A student who is prepared but does not do well on the assigned problems or cases will not be penalized.
**Administrative Matters:**

**Seating:** Students should decide where they want to sit by the second class. Students should sit at the seat they picked their second class for the remainder of the course. Students should sit as close to the front as possible. This will facilitate eye contact between the instructor and the students.

**Taping:** The instructor will attempt to record every class using Panopto. There could be times when you are forced to miss class due to illness, or for religious or other nondiscretionary reasons. Subject to the caveat that I cannot change or waive the law school’s attendance policies in any way, if you do miss class, after you view that class’s recording, E Mail this information to me and I will give you full credit for being present in class that day. And you will get more out of the class than you would from just reading a classmate's notes. If you know you have to miss class, as a backup (because sometimes things go wrong when I attempt to record class) you might ask a friend to record the class.

**Cell phone:** Turn your cell phones and other personal electronic devices to off or to vibrate before class starts. You will be very embarrassed if your cell phone goes off in class.

**Laptop use:** Students may not use their laptop, tablet, cell phone, iPod, or other electronic device for anything not directly related to the Antitrust course. Prohibited activity includes reading or sending E Mails, playing games, surfing the Web, text messaging, twittering, blogging and IMing.

**Class rules:** Class will start promptly. Students may not read outside hard copy or electronic material during class. Students may not speak out in class unless recognized. Moreover, students may not be recognized or may be interrupted by the instructor if time is short. The instructor apologizes in advance for these situations and urges these students to see him immediately after class or during office hours.

Students may not talk with each other during class. This is distracting and discourteous and will not be tolerated. This policy will be strictly enforced.

**Forms of address:** Students will be addressed as Mr. or Ms.

**Additional Reference Material**

- Areeda et al., "Antitrust Law: An Analysis of Antitrust Principles and their Applications" (many volumes) (1978 et. seq.)
- ABA, "Antitrust Law Developments 5th”
- Bork, "The Antitrust Paradox" (1978)
- antitrustinstitute.org
- americanbar.org/groups/antitrust_law.html