



About this Course

Antitrust
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Konomark
Most rights sharable

Slides

- I don't always use slides, but when I do ...
- My practice is to read every word on every slide.
- And I will post all slides with text content to the class website after the class in which they are used.
- Therefore, I strongly urge you not to try to read the slides in class. Just listen. Then, look at the slides later to review things.

Antitrust

What's "portable" from this class?
(What can you take with you of value?)

- Practicing antitrust.
- Issue spotting antitrust trouble.
- Learning to see things the way business managers do.
 - Which will make you more valuable to your clients.
- Being smarter about everything because you have a new way of thinking about it. (Just like being able to think like a lawyer makes you smarter about everything.)

Why you should take this class:

- Clients value lawyers for understanding their business.
- This class will help you understand clients' businesses, because a huge part of the class is figuring out how business managers think - what decisions they should make in the interests of the business. (It's not too far off of material you'd get in an MBA program.)
- You'll learn a fair amount of economics, and if you don't already know economics, this will help you see the world in a new way.
- This is an interesting class, because it is unlike any other law class.

Why you should not take this class:

- It's hard.
 - It's got everything that's hard about Constitutional Law (conflicting SCOTUS cases, fuzzy standards, etc.).
 - Plus the legal analysis involves applying economics.
 - So it's kind of like Federal Courts or Administrative Law plus a bunch of economics.
- I try to not make the reading assignments onerous, but there's a fair amount of it, and it is really dense.
- You've got to really mentally engage to understand it at all. And you've got to keep up, because everything builds on everything else.
- It's Spring semester. You might be a 3L.

Why so much economics?

- [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- I will show you this in the next slideshow - which is an overview of antitrust law ... But I promise you there's a lot of economics, and there's a good reason for it.

Should you be afraid of the economics?

- By the way, the “economics” will be “microeconomics” (rather than “macroeconomics”).
- **THERE IS NO EXPECTATION THAT YOU LEARNED ANY ECONOMICS BEFORE THIS CLASS!**
- If you didn’t take microeconomics undergrad - THAT’S GREAT! Because then you will get a lot more out of this class. If you took it and did poorly, that’s great too. I think I can help you get it this time around.
- I will go slowly and carefully.
- All the math stuff from a normal econ class - we don’t need any of that. (Pretty much the only math for us is a formula that the FTC uses for merger analysis. And that’s just arithmetic. And you can use a calculator for that.)
- But it is Spring semester, and maybe you’re a 3L ...

Class Website

- The home for information about the course is the course website:
http://www.ericejohnson.com/courses/antitrust_21/
- It’s where to find the syllabus and chart of assignments. It’s also where I’ll post slideshows, handouts, info about the exam, links to supplemental reading, etc.
- To the extent I use Canvas, I’ll let you know by e-mail or by instruction on the chart of assignments.

Syllabus

- Read the syllabus!
- You will be assumed to be on notice for everything in it.
- It is long, but reading it is worth it.
- It is your guide to how to do well in class.
- It is my guide to what I've committed to, how I grade and handle any problems.
- It will be posted to the class website.

Some key in-class rules

- Keep your video on.
 - (Having it off presumptively counts you as absent.)
- **No driving!** (And no engaging in other attention-critical hazardous activities.)
- Don't engage in private communications with others in class. Keep discussion in the open.
- Read the syllabus for more in-class rules.

Grading

- Read the syllabus, it talks about grading in detail! What follows are highlights.
- Regular letter grades will be given for this course (A+, A, A-, B+, etc.).
- Based mostly on a final exam
 - Format pending ... it depends on covid contingencies
- Also can affect your course grade:
 - things set out in the syllabus, including:
 - attendance
 - class participation (incl. classroom conduct)
 - academic misconduct

Grading

- There is no pre-determined grade-point average or grade distribution for the class. So you are not in competition with your fellow students for a limited pool of grades! Favor cooperation.
- The initial assignment of grades will be done by seeing the raw point totals from the exam and inserting cut-offs based on clumps and my sense of how performance corresponds to letter grades.
- Alternative minimum grading: According to the schedule (§ 6-3). E.g., if you got 87% of max possible points, then you can't get lower than an B+ for the exam grade.
- You get the higher grade of the two methods.

Grading

- The exam grade is your course grade, unless it is adjusted up or down.
- Discretionary adjustments:
 - Can go one step up (e.g., B+ to A-) for class participation. In unusual situations, two steps up.
 - Could possibly be adjusted downward the same way—one or two steps.
- Deficient attendance and academic misconduct can lower the course grade (or lead to administrative withdrawal or an F).

Attendance Policy

- I am required to have an attendance policy. It has to be enforceable. And I want to make sure it is fair
- I'm sorry it's long and detailed - but it's the result of a lot of work (and experience) in trying to make it both enforceable and fair.
- It's § 9 in the syllabus. Read it! You're responsible for knowing all of it.
- What follows are only highlights ...

Attendance Policy

- Arriving late is half an absence.
- 9 absences is a step-down in grade.
- 10 absences is another step-down.
- 11 absences is another step-down.
- 12 absences is an F for the course or administrative withdrawal.
- If you hit 12 absences, you must immediately give me written notice according to § 9-5.
- *Note: All of this is extra generous because of covid (cf. IP '19: steps down at 6/7/8, F at 9).*

Attendance Policy

- If you claim special extenuating circumstances and/or excuse for religious observance, you must file an End-of-Semester Attendance Mitigation Statement according to § 9-6.
- It must be filed not earlier than the last day of class, nor later than the day after the last scheduled day of final exams for OU Law.
- Take a moment now to calendar this.