

# **About this Course**

Antitrust Eric E. Johnson ericejohnson.com



#### 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 <u>strongly urge</u> 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?)

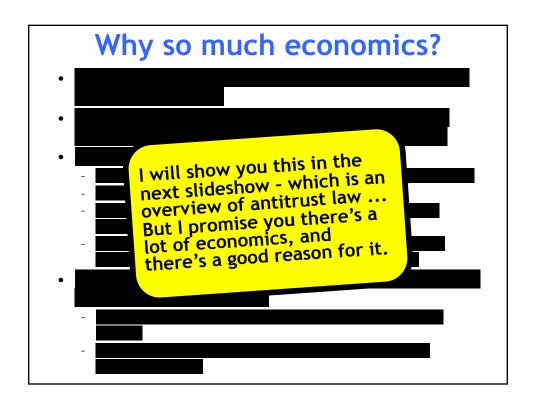
- Practicing antitrust.
- Issue spotting antitrust trouble.
- Learning to see things the way business managers do.
  - Which will make you more valuable to your clients.
- Being smarter about everything because you have a new way of thinking about it. (Just like being able to think like a lawyer makes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



# 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.