

LAWS70320 US Competition Law and Policy

Credit Points:	12.50
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	This subject is not offered in 2014.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
Prerequisites:	None
Corequisites:	None
Recommended Background Knowledge:	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
Non Allowed Subjects:	None
Core Participation Requirements:	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: www.services.unimelb.edu.au/disability/
Contact:	For more information, contact the Melbourne Law Masters office. Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	<p>While the legislation governing competition (antitrust) law differs across jurisdictions, the methods of analysis have become very similar. The United States has the longest and deepest experience with the application of such legislation. Every competition lawyer will benefit from familiarity with the United States experience and analytical methods. The lecturer is one of the foremost authorities on antitrust in the US. This subject will provide students with a sophisticated grasp of US antitrust law, an appreciation of the legal and economic modes of analysis employed in US cases and familiarity with the rules of procedure and evidence in US antitrust litigation. He has also acted as an expert witness in several of Australia's most important trade practices cases and is well-placed to ensure students understand both the commonalities and differences between United States and Australian competition law.</p> <p>Using United States antitrust cases as the primary vehicle for learning, principal topics will include:</p> <ul style="list-style-type: none"> # Horizontal restraints: price-fixing and related conduct; information exchange and oligopolistic conduct, group boycotts and related conduct # Vertical restraints, including intra-brand restraints (e.g. resale price maintenance and exclusive dealing) and interbrand restraints # Monopoly, including market definition, predatory pricing, refusal to deal and other monopolising conduct # Mergers, including the basic paradigm; the approach taken under the Department of Justice merger guidelines, recent cases and conglomerate and vertical mergers.

	The syllabus will cover early foundational cases (e.g. Alcoa and Du Pont in the case of market definition; Aspen Skiing and Trinko in the case of refusal to deal; Philadelphia Bank in the case of mergers) as well as more recent cases (e.g. Microsoft in the case of monopolising conduct; Staples and Oracle in the case of mergers; Leegin in the case of RPM; Twombly in the case of price-fixing).
Learning Outcomes:	A student who has successfully completed this subject should: <ul style="list-style-type: none"> # Have a reasonable knowledge of the main United States antitrust cases and policies, with an emphasis on the economic principles that are applied # Have a good understanding of the legal and economic modes of analysis that have been used by US courts in antitrust cases # Have some understanding of the rules of civil procedure and evidence as they pertain to US antitrust cases, including rules that relate to economic evidence # Be able to draw comparisons between, and elicit insights into, Australian competition law from the US experience and approach.
Assessment:	Class participation (10%) 2 hour (plus 30 mins reading time) in class examination (50%) (8 April, am) (limited open book exam; printed materials and notes only) Take-home examination (40%) (9 – 12 May)
Prescribed Texts:	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the subject.
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Links to further information:	www.law.unimelb.edu.au/subject/LAWS70320/2014