

The International Handbook on Private Enforcement of Competition Law (Albert A. Foer & Jonathan W. Cuneo editors 2010)

The American Antitrust Institute has supervised the preparation of this impressive volume analyzing the experience of private antitrust enforcement in the United States and surveying the growing importance of private enforcement around the world. After brief introductory chapters discussing the importance and benefits of private enforcement, the handbook focuses on the key components of private competition enforcement in the United States. Ten different chapters written by experienced practitioners analyze key topics such as the ethics, tactics, and strategies of investigating a claim, the appropriate parties to bring a claim, initiating the claim, settlement, when claims can be aggregated into class actions, key procedural defenses, obtaining evidence, remedies, funding the litigation, interactions with public authorities, and the administration of class actions. These are all topics that may be familiar to U.S. readers who deal with private antitrust cases on a routine basis but will be new and important to readers from jurisdictions where private rights of actions are still a work in progress.

The handbook then turns to the state of private enforcement in nineteen different jurisdictions around the globe. These chapters will be of interest to any reader seeking an introduction to private enforcement in unfamiliar jurisdictions. The chapters follow a similar structure and typically address:

- 1) What practices are illegal and what are the elements of the violation?
- 2) How do damage actions get started?
- 3) Who may pursue a claim?
- 4) How may claims be aggregated?
- 5) What procedural defenses are available short of trial?
- 6) What devices are available to obtain evidence?
- 7) What damages and other remedies are available?
- 8) How do the plaintiff's lawyers finance the litigation?
- 9) How does private enforcement interact with public enforcement?
- 10) Does the jurisdiction's competition law apply extraterritorially?

Each chapter is succinct and an excellent introduction to private rights of action under the key national competition laws.

The volume concludes with two thoughtful essays which seek to tie together the details of the earlier chapters and look forward and discuss the future of private enforcement on a global basis. These chapters focus on the possibilities for international settlements and the prospects for an effective system of private enforcement. Overall, the handbook is a welcome guide to the current state of the current literature on private rights of actions and remedies and provides the raw material and analysis for improvement.

Spencer Weber Waller
Loyola University Chicago
School of Law