Putting the Consumer into Consumer Antitrust Studies

The Institute for Consumer Antitrust Studies is interested in consumers from two perspectives. First, we look at the impact of antitrust law and enforcement on the tangible interests of actual consumers. But we also look at consumer protection law, both as a separate field and for the many connections between consumer protection and competition law.

Consumer protection has always been a strong interest for many of the Student Fellows. Besides taking the Consumer Law Course and participating on the Loyola Consumer Law Review, the students have been able to do both semester and summer internships with the Federal Trade Commission, the Illinois Attorney General, and other public sector and public interest organizations in the field.

While many of the Institute programs have focused on competition law issues, we are focusing on a more balanced approach of both consumer and antitrust topics for the coming years. We were pleased to partner with the ABA for a brown bag program on Data Privacy this past January (see page 2).

In addition, this coming fall we will be working with a host of consumer organizations and advocates on new projects to be covered in the next newsletter.

This combined with our 10th annual antitrust colloquium and our other events make the Institute a unique academic resource for both fields.

Spencer Weber Waller Professor and Director

10th Annual Antitrust Colloquium

The tenth annual Loyola Antitrust Colloquium took place on Friday April 30, 2010. It was the largest gathering for any colloquium to date and the highlight of the spring semester for the Institute.


Full details at http://www.luc.edu/law/academics/special/center/antitrust/events.html.
The Institute welcomes for the Fall of 2010 Visiting Professor and Senior Research Fellow Philipp Fabio from the University of Reggio Calabria School of Law in Italy. Professor Fabio is a tenured Associate Professor at Reggio Calabria teaching Commercial and Competition Law. Professor Fabio has also held full-time and visiting positions at several law schools in Italy, Germany, and the United States. He is the author of two books and twenty articles dealing with competition and commercial law topics.

At Loyola, Professor Fabio will be teaching European Union Law and a seminar on International and Comparative Competition Law.

In addition to teaching, Professor Fabio will be lecturing to faculty, working with the student fellows of the Institute, and pursuing his own research. His current research projects focus on the abuse of economic dependence, trends in public enforcement, and class actions.

The Senior Research Fellowship is designed to provide prospective and up and coming academics in law, business, economics, and related fields an opportunity to pursue in-depth research projects in the areas of competition and consumer protection law in residence at the law school.

Senior Research Fellows receive a stipend, research budget, office space, computer facilities, and library privileges; opportunities to present Work-in-Progress; possibility of teaching one or more courses; a faculty mentor; and participation in the intellectual life of the Institute and the Law School. Full details are available on the Institute web site.

The Institute is proud to continue to provide summer stipends to support Loyola students who work in unpaid public interest summer jobs in the competition and consumer protection areas. This year the Institute is providing $4000 grants to two outstanding LUC law students.

Cody Vitello will be working in the Seattle regional office of the Federal Trade Commission where he will be doing both competition and consumer protection projects. Cody is also the News Article Editor of the Loyola Consumer Law Review and the author of a student note on antitrust and consumer protection aspects of network neutrality.

Craig Beaker will be working at the Antitrust Bureau of the Illinois Attorney General’s office. Craig is the conference editor of the Loyola University Chicago Law Journal and the author of an Institute working paper on new changes to the Chilean competition law.

News and Views from the Student Fellows

The Student Fellows of the Institute have been active contributors to the News and Views section of the web site with timely analyses of hot topics in consumer and competition law. Sarah Ridell looks at the FTC’s proposed rules dealing with childhood obesity. Tommy Weber weighs in on the Live Nation-Ticketmaster merger and consent decree. Anna Hamburg-Gal offers her thoughts on the competition aspects of health law reform and Michael Patterson analyzes the Supreme Court’s decision in American Needle.

See these offerings plus book reviews, links to events in the antitrust world, and other posting from Institute faculty and advisory board members on the Institute web site under News and Views.
Pakistan Competition Commissioner Wilson Serves as 2010 Visiting Scholar

In April 2010, Dr. Joseph Wilson, a member of the Competition Commission of Pakistan served as a scholar in residence at Loyola, meeting and speaking with the Student Fellows of the Institute, the editors of the International Law Review, faculty, and members of the Advisory Board; guest lecturing to the students in Antitrust Law, and serving as a commentator at the 10th annual Loyola Antitrust Colloquium. Dr. Wilson will also be preparing one or more papers for the Institute.

On the Competition Commission, Dr. Wilson supervises Policy Planning, Research, Exemptions, and International Affairs. He has over 15 years of practice, research, and teaching in regulatory law. Prior to joining the Commission, Dr. Wilson was an Associate Professor of Law at the Lahore University of Management Sciences, Pakistan, where he taught competition law in addition to other courses.

Dr. Wilson has earned Doctor of Civil Law (D.C.L.) and Masters of Law (LL.M.) degrees from McGill University, Montreal, Canada, where he previously taught and served on its Centre for the Study of Regulated Industries. He also holds an LL.M. from the University of Georgia. He has published widely in international law journals and is the author of GLOBALIZATION AND THE LIMITS OF NATIONAL MERGER CONTROL LAWS (published by Kluwer Law International).

Dr. Wilson is a member of the State Bar of New York and Lahore High Court Bar, and also serves on the International Advisory Board of the Institute.

Antitrust Marathon IV: With Authority

Antitrust Marathon IV: With Authority was co-sponsored with the Irish Competition Authority as well as our long-time partner, the British Institute of International and Comparative Law. AM IV focused on questions of institutional design and the relationship of competition policy to other regulatory schemes. The papers and discussion dealt with how to integrate competition and consumer protection; concurrent jurisdiction with sectoral regulators; competition concerns in the current financial crisis; and judicial, administrative, and mixed systems of enforcement. The full issue papers and edited transcript of the discussion from the October 2009 session are published in 6 EUR. COMP. J. 1 (2010) and available on the Institute web site.

Brands, Competition, and the Law

The role of brands in competition law is poorly understood. For the past year, Professor and Institute Director Spencer Weber Waller has sought to bring greater clarity to this important and often overlooked area of the law. He has co-authored with trademark expert Deven Desai, Brands Competition and the Law, which will be published in the fall in the BYU Law Review. He has testified before joint FTC/DOJ workshops on the importance of brands in merger analysis and co-organized a panel on the importance of brands at the 2010 annual meeting of the Law & Society Association. The Institute will be co-sponsoring programs on this key issue in competition and intellectual property law in 2011 both in the United States and at University College London. Full details for these programs will be available on the web site.
Recent Publications

Scholarly publications are at the heart of the Institute’s mission. The 2009-2010 academic year produced a bumper crop of publications in both hard copy and electronic form on competition and consumer law. Electronic copies are available on the institute website and limited numbers of hard copy versions are available upon request. In addition to the working papers and news and views on the website, these include:

**Antitrust Marathon III: Antitrust and the Rule of Law, 22 LOY. CONS. L. REV. 1 (2009).**

**Designing Better Institutions to Enforce Competition Law, 41 LOY. U. CHI. L. J. 411 (2010).**

**Issues at the Forefront of Monopolization and Abuse of Dominance, 76 ANTITRUST L.J. 653 (2010).**


**Antitrust Marathon IV: With Authority, 6 EUR. COMP. J. 1 (2010).**

Alumni Fellow Profile: Sam Zabek, Class of 2002.

Samuel B. Zabek (LUC ’02) joined The Leiter Group in Peoria, IL in 2004. He received his Bachelor’s of Science in Finance from the University of Arizona in 1998 and his Juris Doctorate from Loyola University of Chicago. While at Loyola, he was a student fellow at the Institute, on the Dean’s List, and earned a certificate in Health Law, one of the top health law programs in the country. While at Loyola, he clerked at the Federal Trade Commission and a small consumer fraud firm. His experience at the FTC and the law firm furthered his interest and experience in antitrust and consumer fraud matters.

Before joining the Leiter Group, Mr. Zabek was employed by the State’s Attorneys Office in Peoria County as an Assistant State’s Attorney. In the nineteen months he worked at the State’s Attorneys Office, he gained a wealth of trial experience, both civil and criminal. Mr. Zabek’s practice currently is focused primarily on litigation, with a concentration in the area of consumer fraud.

New Fall Course on Corporate Compliance

Beginning in the Fall of 2010, the Law School will offer a new course on corporate compliance, a new area in corporate governance law and practice. The course will be available to all second and third year J.D. students, M.J., and LLM students. The course will be taught by Adjunct Professor and Institute Advisory Board member Ted Banks.

Mr. Banks is one of the true experts in the field. He is Counsel with Schoeman Updike & Kaufman LLP, and President of Compliance & Competition Consultants, LLC, a firm devoted to assisting corporations in development of effective and efficient programs in the areas of corporate compliance, product distribution, internal investigations, and records management. Formerly, he served as Chief Counsel & Senior Director, Global Compliance Policy, at Kraft Foods in Northfield, Illinois.
Privacy-Data Protection Program Co-Sponsored with ABA and Loyola Health Law Institute

On January 25, 2010, the Institute teamed up with the ABA Antitrust Section and the Beazley Health Law Institute to present a program on Privacy and Data Security Relating to Medical Records. The program was part of the ABA Antitrust Section’s brownbag series.

David Zetoony of Bryan Cave LLP, Washington, DC moderated the discussion. The speakers were Loretta Garrison of the Federal Trade Commission, Division of Privacy and Identity Protection; Jerome Meites of Department of Health and Human Services Office of Civil Rights; and Elaine Zacharias, a Chicago practitioner and member of the Loyola University Chicago School of Law adjunct faculty.

The program discussed trends in the regulation, enforcement, and litigation of privacy and data security relating to individuals’ medical records. It began with an overview of the overlapping regulation of privacy and security of medical records in the United States. The speakers then discussed recent investigations and enforcement undertaken by HHS and the FTC. The panel finished with guidance for health care providers on avoiding litigation and liability in connection with the treatment of medical records.

Recordings of the brown bag are posted on the members only section of the ABA Antitrust Section and may be downloaded free of charge at http://www.abanet/antitrust/at-bb/bb-audio.shtml.

Other 2009-2010 Programs

Besides the programs already described in this and earlier newsletters, the Institute sponsored a number of smaller and more informal programs throughout the academic year.

The Institute brown bag lunch series continued to feature speakers to introduce the student fellows and other interested members of the Loyola community to different aspects of competition and consumer law and practice.

The 2009-10 brown bag speakers included:

- Patrick Keenan-Devlin, Legislative Director of Citizen Action/Illinois (consumer advocacy)
- Dr. Joseph Wilson (Pakistani competition law)
- Kalina Tulley, US DOJ Antitrust Division (criminal enforcement)
- Paul Nihoul, Catholic University of Louvain, Belgium (European consumer law)

In addition to the speakers, each brown bag featured the student fellows presentation of their scholarship, conference attendance, and other Institute projects.

In November 2009, the Institute welcomed the legal and policy team from Google who discussed the pending competition investigations and litigation affecting the company.

In December 2009, the Institute hosted an informal workshop on Brands bringing together professors and practitioners to discuss new scholarship stressing the importance of business theory and brand management for competition policy. The workshop was also an opportunity for Professor Waller to test drive his testimony the following day before the joint DOJ-FTC workshop on revisions to the horizontal merger guidelines.

Professor Waller’s testimony at the merger guideline workshop is available at http://www.ftc.gov/bc/workshops/hmg/transcripts/091210transcriptchicago.pdf.
The Institute for Consumer Antitrust Studies is a non-partisan, independent academic center designed to explore the impact of antitrust enforcement on the individual consumer and the public, and to shape policy issues.

The Institute promotes a comprehensive, inclusive view of the benefits of competition law and policy that includes, yet goes beyond, narrow notions of economic efficiency. The Institute fulfills its mission by sponsoring symposia, academic colloquia, research, publication, and a unique student fellowship.

For more information about the Institute, its activities, programs, and publications, visit us on the web at http://www.luc.edu/antitrust, on Facebook, or contact us at antitrust@luc.edu.

Faculty, Staff, and Students of the Institute

Thanks to everyone who through their hard work made the 2009-2010 academic so special and made possible the many activities of the Institute. In addition to the University, the Law School, and the donors over the years who created and enhanced the endowment that makes our work possible, the following people have played a vital role in the Institute for Consumer Antitrust Studies over the past year.

Loyola Faculty
Spencer Weber Waller; Brett Frischmann; Lea Shepard

Visiting Faculty
Philip Fabio, University of Reggio-Calabria
Matthew Sag, DePaul University

Adjunct Faculty
Joanne Gazarek-Bloom; Ted Banks; Ted Donner; James Langenfeld; David Marx; David O’Toole; Michael Sennett; and Gig Specks.

2009-10 Student Fellows
Anna Hamburg-Gal
Michael Patterson
Sarah Riddell
William Schubert
William Tasch
Thomas Weber
Jennifer Woods

Staff
Spencer Weber Waller-Director

Christine Nemes—Administrator
Denice Barnes—Web Master
Michael Patena—Business Manager