



**Antonin Scalia Law School at George Mason University  
Master of Laws (LLM)**

**Syllabus  
Antitrust II: Applications/Law 162  
Spring 2024**

<b>Credit Hours</b>	3 Semester Hours
<b>Instructor(s)</b>	Ian Fraser
<b>Office Hours</b> (by phone or online)	By appointment, with at least 48 hours advanced notice via email.
<b>Phone</b>	703-993-8301
<b>Email</b>	Use Blackboard Learn Course Email tool or email: <a href="mailto:ifraser@gmu.edu">ifraser@gmu.edu</a> will be answered within 2 business days.
<b>Course Delivery Format</b>	This is an online-only course delivered via the Blackboard learning management system.
<b>Course Clock</b>	This course will use Eastern Time Zone for all scheduled due dates.

**COURSE DESCRIPTION**

This course examines advanced topics in antitrust law. Specific topics include unfair methods of competition, illegal price discrimination, prohibitions on interlocking directorates, the legal and economic analysis of vertical agreements and mergers, the relationship between antitrust and intellectual property law, identification of criminal conduct, the role of exemptions and immunities in U.S. antitrust law, the law and economics of antitrust remedies, and the territorial scope of U.S. antitrust law. We will examine Supreme Court doctrine, influential modern lower court decisions, and government enforcement guidelines. Economic concepts and thinking characteristic of modern antitrust analysis are integrated throughout the course. No background in economics is necessary or assumed.

**COURSE OBJECTIVES**

Upon completion of this course, students should be able to:

- Explain the jurisdiction and purpose of the Federal Trade Commission, Antitrust Division of the Department of Justice, and antitrust laws;

- Understand and apply basic concepts and principles underlying antitrust enforcement;
- Understand the relevant statutory framework, case law, economic principles, and antitrust analysis of:
  - agreements among horizontal competitors and firms operating in a vertical relationship;
  - mergers among horizontal competitors and firms operating in a vertical relationship;
  - single firm conduct
  - unfair methods of competition
  - price discrimination
  - conduct among firms that is subject to criminal sanction.

### **REQUIRED TEXTS AND OTHER MATERIALS**

- **Casebook:** Andrew I. Gavil, William E. Kovacic, Jonathan B. Baker, and Joshua D. Wright, **Antitrust Law in Perspective: Cases, Concepts and Problems in Competition Policy (2016) (3<sup>rd</sup> Edition)**. ISBN-13: 978-0314266057; ISBN-10: 0314266054.

**This is the same text used in Antitrust I.**

- We will also read enforcement agency guidelines, scholarly commentary, and other supplementary materials that you will be able to access through blackboard.

### **COURSE STRUCTURE**

This course is organized into 16 learning modules, which are accessible via the Course Menu. The Course Schedule document specifies all module opening dates and due dates. **Please read and follow the Course Schedule carefully.** You will follow a weekly schedule that (except for Modules 1/2, 6/7, and 10/11) will begin each Monday and end the following Sunday. Depending on the module, you will have one to two weeks to complete each module.

### **TECHNOLOGY REQUIREMENTS**

- High-speed Internet connection
- Adobe Reader
- Flash Player
- QuickTime, RealPlayer, or Windows Media Player
- Microsoft Office, 2010 or later

## ACCESS, NAVIGATION, AND SUPPORT

### Student Technical Support

- **Phone:** 1-800-472-8899
- **Email:** [support@lawstudentonline.com](mailto:support@lawstudentonline.com)

### Preferred Communication Method

The best way to contact your professors is via email. All emails should be directed to [ifraser@gmail.com](mailto:ifraser@gmail.com) Students should provide:

- A detailed description of the questions
- An attempted answer
- A demonstration of the students reasoning

### Netiquette

Netiquette consists of the rules and guidelines for acceptable behavior in electronic communication. Remember, while working in an online course you are in an academic setting and should conduct yourself accordingly.

All students are expected to follow netiquette guidelines as outlined below:

- Express yourself with proper spelling, grammar, and punctuation.
- Keep your communications as clear, straightforward, and concise as possible.
- Always review your communications before posting.
- Be constructive, courteous, and respectful of diverse opinions.
- Respect other people's privacy. Do not share others' personal information (e.g., e-mail addresses, phone numbers, etc.) without permission.
- It's fine to disagree with, or critique others' ideas, but personal / ad hominem attacks are not acceptable.
- Follow copyright laws and cite others' work appropriately.
- **Limitations on use of Generative Artificial Intelligence (GAI) in Academic Work**

AR 4-3: (a) Definition: Generative artificial intelligence (GAI) is a type of artificial intelligence that uses algorithms to generate new content, such as text or images, based on the data it has been trained on. For purposes of this regulation, GAI is not intended to encompass legal research databases and word processing applications that, while incorporating AI-based elements or enhancements, do not generate novel text. (b) Papers and coursework: The use of GAI in drafting or writing coursework, including papers and reaction papers, is prohibited unless expressly identified in writing by the instructor as an appropriate resource for the work in the instructor's course. (c) Examinations: The use of GAI in preparing to write or writing exam answers is prohibited unless expressly identified in writing by the instructor as an appropriate resource for the exam in the instructor's course. (d) Instructors permitting the use of GAI outputs shall specify in writing the course parameters of

allowable use and disclosure expectations. Instructors may require students to disclose the GAI outputs relied upon, and further show exactly how and where those outputs were used in the academic work. (e) If not expressly identified as permissible in writing by the instructor, any use of GAI will be considered academic dishonesty involving cheating in violation of Section 1.01.1 and/or 1.01.5 of the Honor Code, and violators may be subject to the disciplinary sanctions set forth in Section 3.01 of the Honor Code. Law School instructors and administrators reserve the right to use AI detection software to find instances of GAI in student submissions.

### **Response Time**

I typically respond to emails within 48 hours. If you do not receive a reply to your email within a reasonable period of time, please send it again. Sometimes email is captured in SPAM filters, is addressed incorrectly, or just simply does not get sent.

I may respond by video. If I do, the video will be posted in Blackboard. Class Assignments will be returned in a reasonable amount of time after the due date.

### **Instructor Expectations**

- Students are expected to keep up with the class, to read the required readings, to watch the required recordings, and to submit assignments by the due dates specified in the Course Schedule.
- Students should log on to Blackboard at least every other day to check for announcements, tests, and the final exam.
- Students are expected to independently complete all activities, assignments, tests, and the final exam.
- To receive maximum points, students need to follow the instructions carefully, and adhere to any word limits or formatting requirements.
- To pass the course, students must complete all required assignments and the final exam. Unless otherwise directed, students must complete all assignments and exams independently.

### **ATTENDANCE POLICY**

This course is delivered asynchronously to accommodate students' other life obligations. Students must access each lecture for an appropriate amount of time, participate substantively in all activities and assignments.

### **EXAMINATION POLICY**

[www.law.gmu.edu/records/exams\\_policies](http://www.law.gmu.edu/records/exams_policies)

The exam will be open book, open note, and open material. Exams submitted outside the permitted time frame without a pre-approved extension will not be accepted.

**COURSE SCHEDULE**

The Course Schedule, located on the Blackboard Learn Course menu, provides due dates for all activities in this course.

**GRADING POLICY**

The Final Exam will account for 80% of your grade, with the other 20% being comprised of all other class assignments. The specific grade breakdown is located in the table below. Final grades will also be subject to a discretionary class participation adjustment of 1/3 of a grade in either direction.

**Readings:**

The readings assigned for each class cover, in detail, the topics and cases that will be discussed in the corresponding lecture. Students should complete the reading prior to watching the lecture.

**Lectures:**

Lectures will be posted to the Blackboard website and will review and expand upon the readings assigned for that day. Students should watch the lectures as many times as they need in order to understand the material. In order to get the most out of the lecture, students should complete the assigned reading prior to watching the lecture.

**Assignments:**

Assignments are related to readings and lectures. Assignments will require students to think critically about the topics discussed and apply law and theory to various factual scenarios. Assignments will be a good primer for the essay portion of the final exam. Assignments will be graded for accuracy, depth of discussion, and timeliness of submission. Length is not necessarily correlated with depth of discussion. Students should expect to spend one hour per assignment. Successful participation in assignments will count for 20% of your final grade.

**Exam:**

The exam will cover all topics covered through the readings, lectures, and assignments. The exam will include only essay questions. Essay questions will be graded for accuracy, depth of discussion, and analytical ability. Students must schedule a 4 hour period of time to take the exam during the exam timeframe listed on the Course Schedule.

This course follows the grading scale and grading policies outlined in the Academic Standards policy: [www.law.gmu.edu/academics/regulations](http://www.law.gmu.edu/academics/regulations)

- Students are expected to submit assignments on time. Late assignments submitted within 12 hours of the deadline will be penalized 20%. Late assignments submitted between 12 and 24 hours of the deadline will be penalized 30%. No assignments will be accepted beyond 24 hours of the deadline.
- Deadlines will be extended only when granted BEFORE the assignment is due.

- Deductions will occur when directions are not followed.
- Exams submitted late (but within 30 minutes of the deadline) will be assessed a penalty of a letter grade. Exams submitted more than 30 minutes late will not be accepted.
- Work may be made up only when an extension was granted before the deadline.
- There is no provision in this course for extra credit.
- Feedback on assignments will be given no later than two weeks after the assignment is submitted.
- Exams can be reviewed upon appointment.

<b>Assignment</b>	<b>Points</b>	<b>Percentage</b>
Assignments	20	20%
Exam	80	80%
<b>Total</b>	<b>100</b>	<b>100%</b>

## **UNIVERSITY POLICIES AND PROCEDURES**

All University policies and procedures can be found at:

[www.law.gmu.edu/academics/regulations](http://www.law.gmu.edu/academics/regulations)

At this link you will find the following:

- Academic standards and policies
- Learning outcomes
- Degree requirements
- Structure of the required curriculum

### **Honor Code:**

[www.law.gmu.edu/academics/honor\\_code](http://www.law.gmu.edu/academics/honor_code)

### **Course Withdrawal Form:**

[www.law.gmu.edu/assets/files/records/course\\_withdrawal\\_form.pdf](http://www.law.gmu.edu/assets/files/records/course_withdrawal_form.pdf)

## **RESOURCES FOR STUDENTS**

[www.law.gmu.edu/students](http://www.law.gmu.edu/students)