

AAI INVITATIONAL SYMPOSIUM

The Future of Private Antitrust Enforcement

Biographies of Speakers

Joseph P. Bauer, an expert in the field of antitrust, joined the Notre Dame Law School faculty in 1973 as an assistant professor, becoming an associate professor in 1977 and a full professor in 1980. He teaches the required first-year course in civil procedure, and also teaches antitrust, copyright and trademarks, and conflict of laws. He earned his B.A. from the University of Pennsylvania in 1965 and his J.D. from the Harvard Law School in 1969. A member of the New York bar since 1970, he worked as an associate at the New York City law firm of Kaye, Scholer, Fierman, Hays & Handler (1969-72), and served as an instructor at the University of Michigan (1972-73). During the spring and summer of 2002, he was on leave, working in an Of Counsel Status at Kirkland & Ellis in Washington, D.C. He has also held a visiting professorship at Emory Law School (spring, 2004) and at the University of North Carolina (1981-82). Since 1985, Professor Bauer, with the late Earl W. Kintner until his death some years ago, has prepared the annual updates to a seminal work in antitrust law, Kintner and Bauer, *Federal Antitrust Law*, volumes I-XI. In 2002, he published, with Professor William Page of the University of Florida College of Law as his co-author, the revised edition of Volume II of this series, which concentrates on sections 1 and 2 of the Sherman Act. This is the fifth volume in this series written by Professor Bauer. Professor Bauer has also served as a consultant to the Federal Trade Commission's Bureau of Competition (1977-78), and has served on the AALS Antitrust Section Executive Committee (member 1984-89, chair 1987-89). He is a member of the Advisory Board of the American Antitrust Institute. He has testified on numerous occasions before Senate and House committees and subcommittees and in judicial proceedings, and he has served as an expert or consultant for a number of antitrust and intellectual property matters.

Maxwell M. Blecher, renowned for his expertise in antitrust and complex business litigation, has litigated significant cases resulting in many precedent-setting antitrust decisions in federal and state courts throughout the U.S. He has testified before Congressional hearings and is the author of numerous articles on antitrust and civil litigation. He lectures extensively at programs sponsored by federal, state and local Bar associations. Mr. Blecher is a Fellow of the American College of Trial Lawyers and of the American Board of Trial Advocates. In 2000, the California State Bar named him Antitrust Lawyer of the Year. Mr. Blecher served on President Carter's National Commission for the Review of Antitrust Laws and Procedure in 1978 and 1979. Since 1997 he has been listed in *Best Lawyers in America*; profiled in *Chambers USA Guide: America's Leading Business Lawyers*; and is one of 14 attorneys profiled in *America's Top Trial Lawyers*. Mr. Blecher has also been featured in *California Lawyer* and *Los Angeles Magazine* as a leading California lawyer. Mr. Blecher is a graduate of the University of Southern California Law School. He is a partner in Blecher & Collins in Los Angeles and a member of the AAI Advisory Board.

Eric L. Cramer is a shareholder with the Philadelphia law firm of Berger & Montague, P.C., where he has practiced since 1995. Mr. Cramer has been repeatedly selected by *Chambers USA America's Leading Lawyers for Business* as one of Pennsylvania's top antitrust lawyers; has been deemed a "Super Lawyer" by *Philadelphia Magazine*; and was selected as a "Rising Star" by *Lawdragon.com*. Mr. Cramer has focused his practice on complex litigation in the antitrust arena, including prosecuting antitrust class actions in the

pharmaceutical and medical device industries. In the last several years, Mr. Cramer and his colleagues have won substantial settlements for the clients and class members he has represented from pharmaceutical industry defendants for a combined total of more than \$700 million in cases involving the following drugs, among others: *Cardizem CD*, *Buspar*, *Platinol*, *Terazosin*, *Relafen*, and *Remeron*. Mr. Cramer, a member of the advisory board of the American Antitrust Institute, is a frequent speaker at conferences and symposia on issues involving antitrust, public policy, the pharmaceutical industry, and complex litigation more generally. Among other writings, Mr. Cramer co-authored an article entitled *The Superiority of Direct Proof of Monopoly Power and Anticompetitive Effects in Antitrust Cases Involving Delayed Entry of Generic Drugs*, 39 U.S.F. Law Rev. 81 (Fall 2004). He is a *summa cum laude* graduate of Princeton University (1989), where he was elected to Phi Beta Kappa. He graduated *cum laude* from Harvard Law School with a J.D. in 1993.

Joshua P. Davis is Professor and Director, Center for Law and Ethics at the University of San Francisco School of Law. He teaches Civil Procedure, Legal Ethics, Remedies, Legal Theory, and Constitutional Theory. He writes, among other topics, about the intersection of antitrust law, remedies, and the rules of complex litigation. He graduated Order of the Coif from N.Y.U. School of Law, where he served as Articles Editor for the N.Y.U. Law Review, and then clerked for Patrick Higginbotham of the Fifth Circuit Court of Appeals. He became a partner at Lief, Cabraser, Heimann & Bernstein LLP, specializing in the prosecution of antitrust class actions, before accepting his current academic position.

Beth Farmer is a professor of law at Penn State's Dickinson School of Law, where she teaches in the fields of U.S. and comparative antitrust, criminal law, white collar crime and gender and the law. She has also taught in the United Kingdom, where she directed The Dickinson Law School Semester in London program in 2003 and 2004, and has lectured in Turkey, Italy, Belgium, Austria and France, and has participated in numerous conferences throughout the United States. She is actively engaged in researching and writing about U.S. and foreign antitrust and trade regulation law, including issues of federalism and comparative competition policy. She has been awarded a Fulbright fellowship to research and lecture on antitrust law in Beijing, China for the spring semester 2008. Her recent publications include "The European Experience with Merger and Deregulation" in *Competition Policy and Merger Analysis in Deregulated and Newly Competitive Industries*, for which she is a co-editor, and "Global Competition: Implications for Enforcement" in *Harmonizing Law in an Era of Globalization*. Professor Farmer is an affiliated member of the Interdisciplinary Centre for Competition Law and Policy at Queen Mary College, University of London, and former chair of the Association of American Law School's (AALS) section of Antitrust Law and Economic Regulation. After graduation from law school, where she was an executive editor of the *Vanderbilt Journal of Transnational Law*, she served as an antitrust law enforcement attorney with the New York Attorney general's office and as a counsel with the National Association of Attorneys General in Washington, D.C. She is a member of the AAI Advisory Board.

Bert Foer is President of the American Antitrust Institute. A graduate of the University of Chicago Law School, where he was an Associate Editor of the Law Review, he also holds a masters degree in political science from Washington University and an A.B. from Brandeis University (*magna cum laude*). Before founding the AAI, Mr. Foer practiced law with Hogan & Hartson and Jackson & Campbell, both in Washington, DC; was a senior executive of the FTC Bureau of Competition for six years, rising to Acting Deputy Director; and was CEO of a mid-sized chain of retail stores for twelve years. He has played leadership roles in a variety of trade and non-profit associations, has published numerous articles about regulatory and competition policy issues, and has taught antitrust on an adjunct basis at Johns Hopkins and George Washington universities.

George G. Gordon is a partner and co-chair of the antitrust/competition group at Dechert LLP. He is also a member of the commercial litigation group. Mr. Gordon has been rated among the top tier of antitrust attorneys in Pennsylvania by Chambers USA and is also recognized in The Best Lawyers in America. In 2005, The National Law Journal named Mr. Gordon one of its "40 Under 40," a group of the country's 40 leading young lawyers, chosen for their achievements and contributions to the legal profession. Antitrust litigation, counseling, and government investigations are the primary focuses of Mr. Gordon's practice. In addition to class action matters, Mr. Gordon's general antitrust litigation experience includes a substantial number of other significant antitrust actions involving claims of monopolization, unlawful price discrimination, unlawful group boycotts, predatory pricing, and monopoly leveraging. He has also successfully represented clients in a number of non-public investigations by the Federal Trade Commission and the Department of Justice's Antitrust Division. Mr. Gordon is active in the ABA's Antitrust Section.

Jonathan Jacobson is a partner in Wilson Sonsini Goodrich & Rosati's New York office, where he practices antitrust law. Mr. Jacobson has taken a lead role in many of the most significant antitrust matters over the past 30 years. Among other noteworthy cases, Mr. Jacobson was lead counsel for Coca-Cola in *PepsiCo v. Coca-Cola*, a leading monopolization case under Section 2 of the Sherman Act. He also led the representation of American Express in *United States v. Visa USA*, defended Clear Channel in *Heerwagen v. Clear Channel*, co-authored the brief for the respondents in the important Supreme Court case *Eastman Kodak v. Image Technical Services*, and serves as lead defense counsel in several major class action and other litigations. Mr. Jacobson was appointed by Congress to serve on the Antitrust Modernization Commission, which was responsible for reviewing and recommending potential changes to the nation's antitrust laws, and which issued its report in April 2007. He also served as the editorial chair of the ABA Antitrust Section's *Antitrust Law Developments* (6th ed.), published in 2007, and previously chaired a number of the Antitrust Section's committees. He now serves as a member of the Section's Council. He is the author or editor of dozens of books and articles on antitrust topics, and speaks regularly on antitrust subjects at leading programs and enforcement agency hearings.

Richard Kilsheimer first associated with Kaplan Fox & Kilsheimer LLP in 1976, and became a partner in the firm in 1983. His practice is concentrated in the area of antitrust litigation, and he has played significant roles in a number of the largest antitrust class actions in the country. He is currently acting as co-lead counsel for plaintiffs in cases pending in various jurisdictions. He also practices in the areas of securities fraud and commercial litigation. Prior to joining the firm, Mr. Kilsheimer served as law clerk to the Hon. Lloyd F. MacMahon (1975-76), formerly Chief Judge of the U.S. District Court for the Southern District of New York. Mr. Kilsheimer is co-author of "Secondary Liability Developments," ABA Litigation Section, Subcommittee on Secondary Liability, 1991-1994. He has been a member of the Antitrust & Trade Regulation Committee of the Association of the Bar of the City of New York (2004-2007). He received an AB degree from the University of Notre Dame and a JD degree, cum laude, from St. John's University School of Law.

Robert H. Lande, the Venable Professor of Law at the University of Baltimore, is a Director, co-founder, and Senior Fellow of the American Antitrust Institute. Mr. Lande has worked on a number of projects of concern to the AAI, including Illinois Brick reform, the merger incipency doctrine, the Microsoft case, the BP/Arco case and many other mergers, international antitrust issues, and a wide variety of consumer choice issues and collusion issues. A graduate of Harvard University (J.D., M.P.P.) and Northwestern University (B.A.), he has served in the FTC's Bureau of Competition and was associated with Jones, Day, Reavis & Pogue in Washington.

James Langenfeld is a director at LECG, and an adjunct professor at Loyola University School of Law, Chicago. Dr. Langenfeld's professional experience includes ten years of service at the Federal Trade Commission, the last six of which he served as director for antitrust in the Bureau of Economics. He was awarded the Federal Trade Commission Distinguished Service Award, SES Meritorious Service Award, and is an honoree of the Twentieth Anniversary of the Department of Justice 1982 Guidelines. He was also senior economist at General Motors Corporation, where his responsibilities included economic analyses of mergers, production processes, supplier management, and competition issues. In the past, he taught economics at two other universities. He frequently serves as an economic expert in litigation matters relating to antitrust, intellectual property, class certification, government regulation, general conspiracy issues, and contracts. Dr. Langenfeld has testified in court for private parties and government agencies in federal, state, and European litigation. He also frequently makes presentations to government agencies on a variety of matters, including mergers. He publishes in numerous journals and books on a variety of economics topics, including antitrust, intellectual property, regulations, and damages issues. Dr. Langenfeld holds a PhD in economics from Washington University and an AB in economics and English literature from Georgetown University.

Professor Stephen Ross, one of the nation's leading sports law and antitrust scholars, joined The Pennsylvania State University's Dickinson School of Law after over two decades on the faculty of the University of Illinois College of Law. After graduation from the University of California's Boalt Hall School of Law, where he was associate editor of the California Law Review, Professor Ross spent several years in Washington, D.C., with the Federal Trade Commission and the Antitrust Division of the U.S. Department of Justice, clerking for Judge Ruth Bader Ginsburg of the U.S. Court of Appeals for the District of Columbia, and serving as minority counsel for the Senate Judiciary Committee. Professor Ross is the author of the casebook *Principles of Antitrust Law* and has published numerous articles on concerning U.S., Canadian, and Australian antitrust and competition policies, domestic and international sports antitrust issues, and statutory interpretation, as well as comparative Canadian law. His expert testimony and advice on antitrust issues in the sports arena has been sought by various governmental entities in the U.S. and Canada over the years. Additionally, he has served as pro bono counsel to the Consumer Federation of America on sports antitrust litigation. Professor Ross is a senior fellow of the American Antitrust Institute and an active participant in the American Bar Association's Section on Antitrust Law.

Joseph R. Saveri is a partner at Lief Cabraser Heimann & Bernstein, LLP. Mr. Saveri has substantial experience in the areas of antitrust and intellectual property law, as well as complex and class action litigation in the areas of securities, employment and consumer protection. Mr. Saveri has prosecuted antitrust cases in numerous industries, including commercial explosives, computer hardware, computer software, energy and energy markets, carpets, debit and credit card industries, liquid crystal displays, x-ray film, baby food, the travel and transportation industry, dairy, retailing, entertainment, glass, corn products, packaging, paper products, cosmetics, vitamins, and agricultural products. Mr. Saveri currently serves as Lead Counsel in a number of class action antitrust cases pending in federal court. He has substantial jury trial experience in the antitrust field, including cases involving price-fixing of brand name prescription drugs, carpets and commissions paid to travel agents. Mr. Saveri is a frequent speaker on civil practice and procedure, and has been active in The Sedona Conference and other panels regarding proposed amendments to the Federal Rules of Civil Procedure, including the 2006 amendments regarding electronic discovery. Mr. Saveri is one of the authors of *California Antitrust Law* published by the State Bar of California Antitrust and Unfair Competition Section, a contributor to the *California Class Action* treatise, and author of a number of articles and other written pieces in these areas.

John Schmidlein is a partner at Williams and Connelly, LLP. He has an active civil and criminal litigation practice, with a particular emphasis on antitrust litigation. Mr. Schmidlein represents corporations, both as defendants and plaintiffs, in a variety of antitrust suits, and also represents corporations and individual corporate officers in grand jury investigations. He is currently lead counsel in numerous antitrust class action lawsuits pending in federal and state courts throughout the United States. He has represented clients in many of the most significant antitrust cases of the 1990s and today, including *In re Vitamins Antitrust Litigation*, *In re High Fructose Corn Syrup Antitrust Litigation*, *In re Lysine Antitrust Litigation*, *In re Citric Acid Antitrust Litigation*, *In re MSG Antitrust Litigation*, *In re Graphite Electrodes Antitrust Litigation*, and *In re Magazine Publishers Antitrust Litigation*. He also was actively involved in the firm's representation of the nine non-settling States who litigated the closely followed Microsoft antitrust case, *State of New York, et al. v. Microsoft Corporation*. Mr. Schmidlein also is involved in the firm's sports law practice. He has represented both sports teams and individuals in antitrust matters arising in the professional sports context. He has taught Sports Law at the Georgetown University Law Center and George Washington University Law School.

Robert Skitol is a senior partner in the Antitrust Practice Group within the Litigation Department of Drinker Biddle & Reath LLP. He has over 30 years' experience in all facets of antitrust and trade regulation, and with a particular focus on antitrust aspects of mergers, acquisitions and joint ventures. He is a former attorney-advisor to the chairman of the FTC and former special assistant to the director of the Bureau of Consumer Protection. Mr. Skitol has litigated major antitrust cases, guided numerous mergers, acquisitions, and joint ventures through intensive antitrust reviews at the FTC and the U.S. Department of Justice, and has coordinated multinational antitrust reviews of several major transnational transactions. He has represented clients in both FTC and Department of Justice antitrust investigations, and has provided in-depth counseling with regard to antitrust and related ramifications of proposed collaborations, distribution and pricing arrangements. Mr. Skitol is a Director of the American Antitrust Institute.

Daniel A. Small is a partner in the Antitrust Practice Group of Cohen Milstein Hausfeld & Toll. He joined the firm in 1988 after serving as a law clerk to the Honorable Roger Vinson, U.S. District Judge for the Northern District of Florida. Mr. Small has been appointed or served as lead counsel for the plaintiffs in several antitrust class actions, including *Paper Systems, Inc. v. Appleton Papers, Inc.* (E.D. Wis.) (price fixing) (settled on behalf of class of direct purchasers of jumbo rolls of thermal facsimile paper for more than plaintiffs' estimate of single damages); *Meijer, Inc. v. 3M Co.* (E.D. Pa.) (monopolization) (settled for class of direct purchasers of clear and transparent tape for \$28.9 million); *In re Buspirone Antitrust Litigation* (S.D.N.Y.) (monopolization and market allocation) (settled for class of indirect purchasers of Buspar for \$90 million). Mr. Small was also lead counsel for the plaintiffs in *Pease v. Jasper Wyman & Son* (Super. Ct., Knox Cty., Me.), a price-fixing class action on behalf of Maine wild blueberry growers. The case was tried to a jury which returned an \$18.68 million verdict for the class before trebling. Mr. Small's substantial appellate experience includes arguing *Free v. Abbott Laboratories* in the United States Supreme Court and arguing the appeal in *Mack v. Bristol-Myers Squibb* (Fla. 1st DCA 1996), the first case to construe the Florida Deceptive and Unfair Trade Practices Act to permit indirect purchasers to sue for damages for antitrust violations. Mr. Small has been a speaker at events organized by the American Antitrust Institute, the Conference Board, the American Bar Association and the District of Columbia Bar, among others.