

AAI

AMERICAN ANTITRUST INSTITUTE

2020 IMPACT REPORT



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Promoting competition that protects consumers, businesses, and society

The American Antitrust Institute turned the challenges of 2020 into opportunities as we continued to lead in progressive competition research, education, and advocacy. AAI's work has a measurable, positive impact on the consumers, workers, and businesses that are at risk from the accumulation and exercise of market power.

As we enter 2021, AAI's work will continue to promote vigorous enforcement of the antitrust laws and competition policy that supports it. This means working to further enhance our resources, our networks, and our impact.

AAI is committed to fulfilling the vital mission that has defined our organization for more than 20 years. And, it is because of your support that we are proud, able, and excited to serve the public interest.

Sincerely,



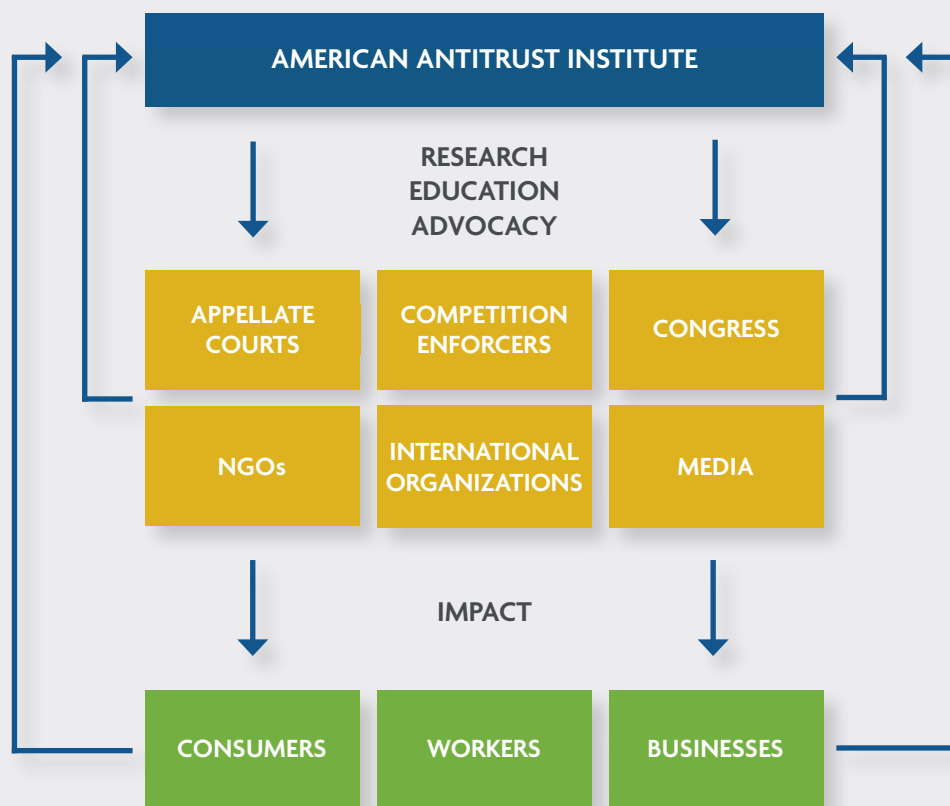
Diana Moss

President, American Antitrust Institute

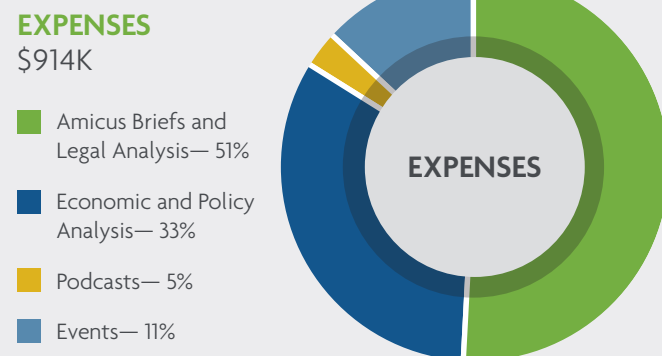
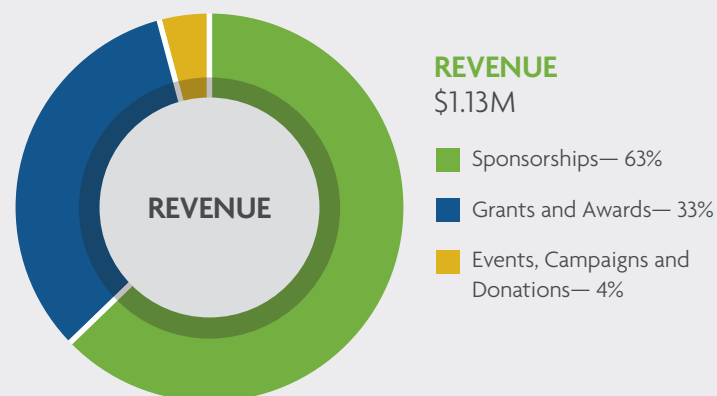
ABOUT AAI

A highly efficient and effective organization

HOW AAI WORKS



FISCAL YEAR 2020 FINANCIALS



OUR IMPACT

*The leader in progressive competition
research, education, and advocacy*



OUR WORK



AAI'S CUTTING-EDGE ANALYSIS AND COMMENTARY

Landmark Report on the State of Antitrust Enforcement and Competition Policy in the U.S.

AAI's analysis reveals that under-enforcement of the U.S. antitrust laws present a political-economic dilemma—stronger federal enforcement should complement private and state antitrust enforcement.

Designing an Effective COVID-19 Pandemic Response that Minimizes Lasting Harm to Competition

After AAI's urging that stronger antitrust safeguards are needed in the government's response to the COVID-19 crisis, new commentary suggests guideposts to ensure that markets remain competitive in the wake of the pandemic.

AAI Says "We've Seen Enough—It is Time to Abandon Amex and Start Over on Two-Sided Markets"

AAI's analysis concludes that if the Amex opinion isn't narrowly cabined by the federal courts or overturned by Congress, it risks serious harm to antitrust law and competition.

AAI Says DOJ Missed an Opportunity to Bust a Monopoly, Comments on Live Nation-Ticketmaster's Violations of the 2010 Merger Settlement

In light of clear evidence that Live Nation-Ticketmaster violated their 2010 merger settlement, AAI advocated for a stronger DOJ response to reign in the ticketing behemoth's market power.

When COVID-19 is the Symptom and Not the Disease: Consolidation, Competition, and Breakdowns in Food Supply Chains

AAI's pathbreaking analysis highlighted that COVID-19 disruptions are a symptom of underlying competition problems in our food system, and an early warning sign of the harms yet to come.

AAI Applauds the States' and FTC's Major Antitrust Cases Against Facebook

AAI applauded the states and FTC for enforcing U.S. monopolization law, highlighting that consumers can be harmed by lower quality and degraded privacy.

AAI has served the public as a pioneer in competition advocacy dedicated to protecting consumers, businesses, and society.

— Congressman David Cicilline, Chair, House Judiciary Subcommittee on Antitrust



AAI has ... been a forceful advocate for vigorous antitrust enforcement; and Congress, the public and the enforcement community have greatly benefited from its candid and thoughtful views.

— William J. Baer, former Assistant Attorney General for Antitrust, U.S. Department of Justice



MAKING INROADS IN THE COURTS: AAI'S AMICUS BRIEFS

AAI Urges Third Circuit to Preserve Product Hopping Case on Behalf of Victims of the Opioid Epidemic (*In re Suboxone Antitrust Litigation*)

AAI successfully persuaded the court to preserve class action claims on behalf of victims of the opioid epidemic, protecting the rights of patients denied affordable, life-saving medications for treating opioid addiction.

AAI Offers Guidance to Eleventh Circuit on Franchise Employee No-Poaching Agreements (*Arrington v. Burger King Worldwide*)

AAI's amicus brief explained how to properly assess harmful intra-franchise employee no-poaching agreements and rigorously evaluate defendants' justifications.

AAI Asks Ninth Circuit for Proper Predominance and Evidentiary Standards in Antitrust Class Actions (*In re Packaged Seafood Antitrust Litig.*)

AAI identified and explained mistakes in defendants' arguments that would have prevented compensation to victims of criminal price fixing by packaged tuna producers.

AAI Asks Seventh Circuit for Better Monopolization Standards (*Viamedia v. Comcast*)

The court accepted AAI's arguments to restore refusal-to-deal and tying claims against a monopolist in the market for commercial advertising slots on cable television networks.

OUR WORK



SHAPING ENFORCEMENT AND POLICY: AAI'S FILINGS BEFORE CONGRESS AND GOVERNMENT AGENCIES

AAI Submits Invited Comments to House Judiciary Committee on Investigation into Market Power in Digital Technology Markets

AAI offered substantive legal, economic, and policy arguments for why U.S. monopolization and merger law have been badly under-enforced for decades, with specific recommendations to strengthen enforcement.

AAI Files Comments With FERC Opposing Utilities' Proposal to Limit Information Needed to Monitor Horizontal Shareholding

AAI opposed a proposal by large electric utilities limiting regulators' ability to assess the competitive effects of financial institutions' ownership of securities in competing utilities, thus harming consumers.

AAI Files Comments in Opposition to FTC's Consent Agreement in Merger of Pharmaceutical Giants Pfizer and Mylan

AAI urged the FTC to withdraw its consent agreement and move to block the proposed merger of pharma giants Pfizer and Mylan to protect competition and consumers, who depend on access to affordable, life-saving medications.

AAI Warns ITC Against Abetting Botox Monopoly

AAI filed comments urging the ITC to reject a decision to allow a drug manufacturer to rely on foreign trade secret misappropriation claims to block a foreign competitor from challenging its monopoly on Botox.

[A] titan in the antitrust arena.

– Chief Judge Rosenstengel, U.S. District Court for the Southern District of Illinois

The AAI... has never been reluctant to speak out. Today it is still promoting competition, while also cautioning that competition law should not be used for purposes other than competition enforcement.

– Stephen Calkins, Professor of Law, Wayne State University



HIGHLIGHTS OF AAI'S 2020 EVENTS

14th Annual Private Antitrust Enforcement Conference

AAI gathered leading private enforcers and experts in our flagship forum to explore cutting edge issues: trends in antitrust class actions, antitrust reforms, bringing private monopolization cases, and litigating successful cases.

What Constitutes Illegal Price Fixing: A Discussion Among Experts on Tightening Judicial Standards

AAI hosted an expert roundtable on the critical issue of why collusion cases are becoming more difficult to bring and win; harnessing the insights of four experts in identifying key issues and cases to strengthen private enforcement.

Antitrust and Legislative Reform: A Ruled by Reason Podcast Conversation with Senator Amy Klobuchar

Diana Moss sat down with Senator Amy Klobuchar to discuss important themes in the debate over strengthening antitrust enforcement in the U.S.

The State of State Antitrust Enforcement – Playing a Critical Role Locally and Nationally: A Ruled by Reason Podcast




Randy Stutz sat down with Colorado Attorney General Phil Weiser and Antitrust Chief of the California Department of Justice Kathleen Foote to discuss important ongoing state enforcement and legislative initiatives.

CONNECT AND SUPPORT

Fulfilling our mission through your support

Promoting competition that protects consumers, businesses, and society is more important than ever. Through our research, education, and advocacy programs, AAI has had impact in focusing public and private competition enforcement priorities and shaping progressive competition policy. The only way for AAI to fulfill its mission is through your support.

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AAI will not accept a sponsorship or donation from a single for-profit corporation or trade association in a calendar year in excess of 5-8% of AAI's operating budget.



AMERICAN ANTITRUST INSTITUTE

American Antitrust Institute

1025 Connecticut Avenue, NW

Suite 1000

Washington, DC 20036

(202) 828-1226

www.antitrustinstitute.org