

Federal Trade Commission Seminar

Professor Timothy J. Muris

Syllabus (Fall 2009): Thursdays 6:00 – 7:50 pm

We will study the FTC as an institution, as an enforcement agency, and as an advocacy and research agency.

Grades will be based upon a paper, which will be due the last class period, Thursday, November 19th, at which time we will briefly discuss the papers. (I will ask each class member questions about his or her paper.) I will circulate a list of topics, from which you can choose to write your paper or we can mutually agree on another topic. We will have individual meetings on the topics on September 24th. (I will circulate a sign up sheet on September 17th.)

An outline, of at least 4-5 double spaced pages, will be due on October 1st. Individual meetings with me on the outlines will be on October 8th. (I will circulate a sign-up schedule on October 1st.)

Class sessions other than the final class and the individual meetings will cover:

- Overview of the Agency
- FTC History
- Antitrust: Non Mergers
- Antitrust: Mergers
- Consumer Protection: Privacy
- Consumer Protection: Non-privacy Issues and Proposals for Reform
- Advocacy and Research

Although I may supplement this list from time to time, following are relevant materials:

Overview

- Annual Reports (2004 - 2009)
www.ftc.gov/opa/2004/04/abareport.htm
www.ftc.gov/opa/2005/04/05annualrpt.htm
www.ftc.gov/opa/2006/03annualrpt06.htm
www.ftc.gov/os/2007/04/ChairmansReport2007.pdf
www.ftc.gov/os/2008/03/ChairmansReport2008.pdf
www.ftc.gov/os/2009/03/2009ftcrptsv.pdf

- Clarkson & Muris – Chapters 1 and 15 (**on reserve**)
- *More than Law Enforcement: The FTC's Many Tools – A Conversation with Tim Muris and Bob Pitofsky*
72 Antitrust Law Journal 773 (2005)

History

- www.ftc.gov/ftc/history/ftchistory.htm (Marc Winearman Paper)

Competition - General

- *Improving the Economic Foundations of Competition Policy*
12 George Mason Law Review 1 (Fall 2003)
- *State Intervention/State Action – A U.S. Perspective*
Fordham University School of Law, International Antitrust Law & Policy
Chapter 22 (2003 Corporate Law Institute)
- *Looking Forward: The Federal Trade Commission and The Future Development of U.S. Competition Policy*
2 Columbia Business Law Review 359 (2003)
- *Principles For a Successful Competition Agency*
72 University of Chicago Law Review 165 (2005)
- “Protecting Competition and Consumers: A Conversation With Timothy J. Muris”
22 Health Affairs 101 (November/December 2003), available on [ftc.gov](http://www.ftc.gov)
<http://www.ftc.gov/speeches/muris.htm>
- In Re: *In the Matter of Polygram Holding, Inc.*, Docket No. 9298
www.ftc.gov/os/caselist/d9298.htf (7/24/03), Affirmed D.C. Circuit (7/22/05)
- Antitrust Magazine (Summer 2008)
- Assessing Part III Administrative Litigation:
Interview with Timothy J. Muris
20 Antitrust 2 (Spring 2006)
- FTC v. Staples, 970 F. Supp 1066
- FTC v. Cardinal Health, 12 F. Supp 2d 34
- US v. Sungard, 172 F. Supp 2nd 172
- FTC v. Whole Foods (D.C. Circuit, July '08)
- F.T.C. v CCC Holdings Inc, 605 F. Supp 2d 26 (D.D.C. 2009)

Consumer Protection

- *The Federal Trade Commission and the Future Development of U.S. Consumer Protection Policy*
Remarks by Timothy J. Muris
(on reserve)
- *The Interface of Competition and Consumer Protection*,
Fordham University School of Law, International Antitrust Law & Policy
Chapter 2 (2002 Corporate Law Institute)
- "Commercial Speech: Essential for Health of Consumers and Free Enterprise"
Washington Legal Foundation, Vol. 20, No. 13 (March 25, 2005)
www.wlf.org/upload/032405LBMuris.pdf
- Testimony Re Reform Proposals **(on reserve)**

Advocacy & Research

- www.ftc.gov/opa/2002/09/icnnaples.htm
- www.ftc.gov/reports/index.htm (Patents)
- www.ftc.gov/reports/index.htm (Healthcare)