



FALL 2026 COURSE SYLLABUS

Course Number: Law 156 - 002

Course Title: Antitrust I: Principles

Credit Hours: 3.0

Grading Mode: Letter grade

Meeting Day(s)/ Time(s): Mon, Wed / 6:05 PM – 7:30 PM

Meeting Mode: On-campus

Exam Day(s)/ Time(s): DEC 11, 6:00PM

Final Exam Mode: In-person, Internet Blocked Open

Prerequisite(s): None

Corequisite(s): None

Instructor(s): Mark Niefer

Contact Information: mniefer@gmu.edu

Office Hours: Fridays, Noon-1pm (online); and by appointment

Course Overview

This is an exciting time to study antitrust. The U.S. antitrust agencies (the Department of Justice and the Federal Trade Commission) have filed high-profile cases over the last few years seeking to rein in large tech platforms, such as Google and Facebook; and courts recently have issued decisions finding—to the surprise of many—that some of the largest firms in the world have violated the antitrust laws. In this course, we will explore the development and application of the U.S. antitrust laws to anticompetitive practices by individuals and firms, including anticompetitive agreements and exclusion under the Sherman Act and Clayton Act. Although we largely will focus on important precedential cases, we also will discuss antitrust law as it is applied in practice today, which should give you some insight into more recent cases and policy debates, as well as the contemporary practice of antitrust.

Course Learning Outcomes

By the end of the course, you should be able to analyze the potential liability of various business practices under the U.S. antitrust laws; you also should have an appreciation

of the key policy debates that have driven the development, evolution, and application of the laws.

Reading(s) & Supplement(s):

Casebook (mandatory)

- E. THOMAS SULLIVAN, ET AL., ANTITRUST LAW, POLICY, AND PROCEDURE: CASES, MATERIALS, PROBLEMS (9TH ED. 2024). This casebook will be the primary source of readings for class. Additional mandatory readings will be assigned during the semester (please check the syllabus regularly as it will be updated throughout the semester).

Supplements (optional)

- CHRISTOPHER L. SAGERS, ANTITRUST: EXAMPLES & EXPLANATIONS (4TH ED. 2026) (on reserve at the law library). This relatively simple treatise includes simple problems with answers that may help you better understand the legal and economic principles underlying the contemporary practice of antitrust.
- E. THOMAS SULLIVAN & JEFFREY L. HARRISON, UNDERSTANDING ANTITRUST AND ITS ECONOMIC IMPLICATIONS (7TH ED. 2019) (available online via the Lexis study aids collection). This treatise, co-authored by one of the co-authors of our casebook, covers the basic economic principles underlying many of the cases we will discuss during the semester; it is slightly more sophisticated than SAGERS (2026) in its treatment of antitrust economics.
- HERBERT HOVENKAMP, FEDERAL ANTITRUST POLICY: THE LAW OF COMPETITION AND ITS PRACTICE (6TH ED. 2020) (available online via the Lexis study aids collection). This short hornbook, authored by one of the co-authors of our casebook, covers many of the cases and issues we will discuss in class; it is more focused on legal principles than on economic principles.

Grading Policies

Participation & Preparation %: 15

For each class, I will assign cases to individual students who will be responsible for helping us understand the case; i.e., I will use a modified Socratic method. Even if you have not been assigned a case for class, I expect you to have read the case and to participate actively in our discussion; I may call on you at random if our discussion is lagging. This portion of your grade will be based on attendance, your preparation for cases assigned to you, and your contribution to our class discussions more generally.

Midterm %: N/A

Final %: 85

The final exam will be a traditional written exam, taken in person at the law school. You will not be permitted to access the internet during the exam; that is, it will be an “Internet Blocked Open” exam. You may access files on your computer as well as any hard copy

materials you choose to bring to the exam. You are allowed one laptop computer. Additional laptops or any other electronic devices, including phones, are not allowed in the exam room. The use of AI during the exam is strictly forbidden.

Additional Information:

You are expected to attend every class. I will take attendance. If you cannot attend a class, please let me know as far in advance as possible. Attendance will factor into the Participation & Preparation portion of your grade.

Classroom Policies

Attendance: Per AR 3-1.4, “maintenance of matriculation requires regular class preparation, participation and attendance, registration in the course of study required for the student’s program (full-time or part-time), successive registration for each fall and spring term of each academic year until study is completed, and compliance with all other relevant requirements.”

Absences: Per AR 4-1.1, “if a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session.”

Use of Technology & AI:

You may not record class unless expressly permitted to do so by the law school. You may use generative AI tools outside of class for purposes such as brainstorming, outlining, studying, exploring, or preparing for class. **You may not use any AI tools during class, and you may not use generative AI to prepare any written assignments, or during the final exam.** Misuse will be treated as a violation of academic standards. If you have any questions about the AI policy for this class, please ask me.

Use of Electronic Text Books During Exams:

Students are permitted one laptop computer for exam taking purposes. Additional laptop computers or any other electronic data storage devices are not allowed in an exam room, unless permitted by the course instructor. Electronic text books (e-books) may be used during exams that are designated as open book by the instructor, and the instructor allows text books to be used during the exam and allows access to a student’s computer files during the exam (open exam). E -books may not be used in exams where the instructor does not allow students to access their computer files during the exam (secure exam) even if the instructor permits access to text books. If the instructor has blocked access to the internet or computer files, you must bring a hard copy of the allowed text book(s) you wish to consult. Students will need to borrow or otherwise locate a hard copy of the e -book or print resources needed from the e-book to take into the exam room. The instructor determines the length of the examination and

whether or not it is secure or open and what, if any, study materials are permitted during the exam. Students are responsible for adhering to the instructor's standards for all examinations, which are included in the examination materials.

Course Schedule & Assignments

[To be updated throughout the semester]

Week 1:

Date: Mon Aug 17 & Wed Aug 19

Topic: Introduction to the Competition Model

Assignment(s): Sullivan et al., Chapters 1 & 2, 3-60

Week 2:

Date: Mon Aug 24 & Weds Aug 26

Topic: The Problem of Monopoly

Assignment(s): Sullivan et al., Chapter 6, 671-717

Week 3:

Date: Mon Aug 31 & Weds Sept 2

Topic: Monopolization: Market Power and Conduct

Assignment(s): Sullivan et al., Chapter 6, 717-781

Week 4:

Date: Weds Sept 9 (Note: No class on Labor Day, Mon Sept 7)

Topic: Predatory Pricing and Related Practices

Assignment(s): Sullivan et al., Chapter 6, 794-825

Week 5:

Date: Mon Sept 14 & Weds Sept 16

Topic: Predatory Pricing and Related Practices (cont'd)

Assignment(s): Sullivan et al., Chapter 6, 825-851

Week 6:

Date: Mon Sept 21 & Weds Sept 23

Topic: Vertical Integration, Refusals to Deal, and Exclusionary Contracting

Assignment(s): Sullivan et al., Chapter 3, 851-916

Week 7:

Date: Mon Sept 28 & Weds Sept 30

Topic: Horizontal Restraints

Assignment(s): Sullivan et al., Chapter 4, 181-225

Week 8:

Date: Mon Oct 5 & Weds Oct 7

Topic: The Rule of Reason

Assignment(s): Sullivan et al., Chapter 4, 225-279

Week 9:

Date: Weds Oct 14 (Note: No class on Oct 12 due to Fall Break)

Topic: The Rule of Reason (cont'd), and Hub and Spoke Conspiracies

Assignment(s): Sullivan et al., Chapter 4, 279-308

Week 10:

Date: Mon Oct 19 & Weds Oct 21

Topic: Error Costs, and Proof of Agreement

Assignment(s): Frank Easterbrook, The Limits of Antitrust, 63 Tex. L. Rev. 1 (1984); Jonathan B. Baker, Taking the Error Out of "Error Cost" Analysis, 80 Antitrust L.J. 1 (2015); Sullivan et al., Chapter 4, 309-321

Week 11:

Date: Mon Oct 26 & Weds Oct 28

Topic: Proof of Agreement (cont'd)

Assignment(s): Sullivan et al., Chapter 4, 368-407

Week 12:

Date: Mon Nov 2 & Weds Nov 4

Topic: Market Allocation

Assignments: Sullivan et al., Chapter 4, 407-429

Week 13:

Date: Mon Nov 9 & Weds Nov 11

Topic: Boycotts and Refusals to Deal

Assignment(s): Sullivan et al., Chapter 4, 430-454

Week 14:

Date: Mon Nov 16 & Weds Nov 18

Topic: TBD

Assignment(s): TBD

Student Resources

[Antonin Scalia Law School Academic Regulations](#)

[GMU Common Course Policies Addendum](#)

[Mason Square Services](#)

[Mason Square Police](#)

Van Metre Hall, Room 110

Emergency - Dial 911

Escort Services - 703-993-8070

Dispatch – 703-993-2810

[Student Support and Advocacy Center \(SSAC\)](#)

Mason Square Sexual Assault Services:

Van Metre Hall, Room 222D

703-993-8186

Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703-380-1434 or Counseling and Psychological Services (CAPS) at 703-993-2380. Students may also seek assistance or support measures from Mason’s Title IX Coordinator by calling 703-993-8730, or emailing titleix@gmu.edu.

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-993-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[University Life](#)