The Influence of Robert H. Bork on Antitrust Law: A Retrospective

September 27-28, 2013
Yale Law School

Portrait by Peter Egeli

Sponsored by
The Federalist Society

and

The Kauffman Program in Law, Economics and Entrepreneurship at Yale Law School

With Special Guests:

Mrs. Mary Ellen Bork
Mr. Robert H. Bork, Jr.
Mrs. Diana Culp Bork
Mr. Robert H. Bork, III
Miss Claire Ellen Bork
(All sessions to be held at Yale Law School)

Friday, September 27 (Room 128)

8:00 – 9:00: Registration and Continental Breakfast (Room 128)

9:00 - 10:15 Introductory Remarks: George L. Priest

Session I:

Barak Orbach, “Was the Crisis in Antitrust a Trojan Horse?”


10:15 – 10:30: Coffee Break

10:30 – 11:45: Session II:

D. Daniel Sokol, “The Transformation of Vertical Restraints: Per Se Illegality, the Rule of Reason and Per Se Legality”


11:45 - 1:00: Lunch – Faculty Lounge


1:00 – 2:15: Session III:

Harry First, “Bork and Microsoft: Why Bork was Right and What we Learn about Judging Exclusionary Behavior”

Eric B. Rasmussen, “Exclusive Dealing: Before Bork, and Beyond”

2:15 –2:30: Coffee Break
Friday, September 27 (cont.)

2:30 – 3:45: **Session IV:**

Roger D. Blair and Christina DePasquale, “‘Antitrust’s Least Glorious Hour’: The Robinson-Patman Act”

Kenneth G. Elzinga, “Antitrust Predation and The Antitrust Paradox”

3:45 – 4:00: **Coffee Break**

4:00 – 5:15: **Session V:**

Vivek Ghosal, “Cartel Enforcement Institutional Dynamics”

Alan J. Meese, “Robert Bork’s Forgotten Role in the Transaction Cost Revolution”

*Bus service will be provided from the Law School to the Marriott in Orange leaving the Law School at 5:30 p.m. Bus service will leave the Marriott and the Omni at 6:45 to the Priest home. Busses will return to the area hotels following the dinner.*

7:00 – 9:00: **Cocktails and Dinner**

*At the home of George & Kathy Priest*  
*350 Livingston Street, New Haven*
Saturday, September 28 (Room 129)

8:00 – 9:00:  Continental Breakfast (Room 129)

9:00 – 10:15:  Session V:


10:15 – 10:30:  Coffee Break

10:30 – 11:45:  Session VI:

    Douglas H. Ginsburg, “Bork’s ‘Legislative Intent’ and the Courts”

    George L. Priest, “Bork’s Strategy and the Chicago School” (no paper)

11:45:  Adjournment (box lunches will be available for pickup)
Participants

Jonathan B. Baker, American University, Washington College of Law
Roger Blair, Warrington College of Business Administration, University of Florida, Gainesville
Steven G. Calabresi, Northwestern University School of Law
Daniel Crane, University of Michigan Law School
Christina DePasquale, Ross School of Business, University of Michigan
Kenneth G. Elzinga, Department of Economics, University of Virginia
Harry First, New York University School of Law
Douglas H. Ginsburg, U.S. Court of Appeals for the District of Columbia Circuit and New York University
Vivek Ghosal, Georgia Tech School of Economics
Louis Kaplow, Harvard Law School
William E. Kovacik, George Washington University Law School
Margaret C. Levenstein, Ross School of Business, University of Michigan
Alan J. Meese, William & Mary Law School
Barak Orbach, College of Law, University of Arizona
Sam Peltzman, University of Chicago Booth School of Business
George L. Priest, Yale Law School
Eric B. Rasmussen, Kelley School of Business, Indiana University, Bloomington
D. Daniel Sokol, University of Florida, Levin College of Law
Valerie Y. Suslow, Ross School of Business, University of Michigan
Ralph K. Winter, Jr., United States Court of Appeals for the Second Circuit and Yale Law School

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