

Antitrust Law



What is Antitrust Law?

Antitrust law refers to laws that prevent anticompetitive business practices. Antitrust lawyers can work for the government to enforce antitrust laws by suing companies and individuals that have unreasonably restricted competition in the market or represent defendants in these suits or advise corporate mergers.

Antitrust law consists primarily of three federal laws: The Sherman Act (1890) prohibits conspiracies to create monopolies and anticompetitive conduct. The Clayton Act (1914) regulates mergers ([Hylton](#)). The Federal Trade Commission Act (1914) created the Federal Trade Commission and regulates advertising and other interstate competition ([DOJ](#)). Cases related to these laws are either decided using the “reasonable rule” which requires the plaintiff prove that defendants’ actions created an “unreasonable” restriction of competition in the market; or by the *per se* rule which infers the conduct and intent of the defendant based on their actions’ result ([Hovenkamp](#)).

The Supreme Court and lower court decisions establish the interpretative framework of the three laws. The Federal Trade Commission and the Antitrust Division of the Department of Justice are responsible for enforcing the laws through litigation. Private citizens may also sue businesses that engage in anticompetitive practices (Blumenthal, “Models for Merging US Antitrust Agencies”). State Attorneys General also enforce federal and state antitrust violations.

Where Do Antitrust Lawyers Work?

Government

Federal Trade Commission— [ranked one of the best places to work in the federal government](#)

Department of Justice [Antitrust Division](#) with offices in New York, Chicago, San Francisco, and Washington

Department of Defense [Industrial Policy Mergers and Acquisitions Office](#)

Senate Judiciary Committee— [Subcommittee on Antitrust, Competition Policy and Consumer Rights](#)

House Judiciary Committee— [Subcommittee on Antitrust, Commercial and Administrative Law](#)

Tennessee Attorney General— [Consumer Protection Division](#)

Private Sector

[The American Antitrust Institute](#) a nonprofit that promotes competition

Firms with departments related to mergers and acquisitions

In-house counsel for companies looking to merge with or acquire other companies

Types of Clients

Businesses or individuals accused of engaging in anticompetitive practices

Businesses or individuals that suffered as a result of an anticompetitive practice

Organizers of a boycott

Companies seeking advice related to a corporate merger

Antitrust Law Resources



Resume Boosters for Antitrust Law

Antitrust lawyers are required to understand and analyze high levels of economic theory so it is wise to consider pursuing a Masters of Business Administration or a [Graduate Certificate in Business Economics](#), or to consider taking a few economics courses

Join the Business and Tax Law Society

Intern or extern with a business law firm

Intern or extern with an antitrust division of a government agency

What Classes Should I Take?

Antitrust
Business Organizations
Mergers and Acquisitions
International Business Transactions
International Economic Law
Discovery
Economic Analysis of Law
Intellectual Property Survey

Professional Associations

American Bar Association

All University of Memphis law students have free membership to the [American Bar Association](#). Their website provides routinely updated information and interest-specific career advice. Join different sections to find out what they offer. Check out the [Antitrust Law Section](#).

The Future of Antitrust Law

[“A ‘Primarily Property’ Presumption Is—Still—Really Needed for the IP/Antitrust Interface”](#)

This article by Lawrence J. White, an economist at New York University, explores a new dimension of antitrust law: intellectual property on the internet. June 22, 2020.

[“Is Microsoft Sure it Wants to Buy Tiktok?”](#)

This *New York Times* article by Greg Bensinger examines the possible merger of Microsoft and Tiktok, and the implications of antitrust law in this high profile case. August 4, 2020.