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. The Federal Trade Commission Act (1914) created the Federal Trade Commission and regulates advertising and other interstate competition. 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.

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. 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
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”


“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.