In recent years it has become increasingly clear that the "Chicago School" approach to antitrust, which presumes most conduct lawful unless there is clear evidence of actual or incipient harm to consumer welfare, has failed to protect competition in the 21st century economy. Democrats and Republicans have responded to this by introducing competing bills in Congress to grant additional enforcement powers to the Department of Justice and Federal Trade Commission. While there is a tenuous bipartisan consensus that antitrust law needs to be reinvigorated, there is little consensus on the details of such change and many observers believe these proposals have little chance of becoming law. That gridlock threatens to perpetuate and deepen concentrations of economic power and market failures that persist across the US economy. Without new tools to combat America's monopoly problem, the new Administration's economic justice warriors will continue to lose important enforcement actions, as the recent decisions in *Facebook*, *Qualcomm*, *Sprint/T-Mobile*, *American Express, AT&T/Time Warner*, *Rambus*, *Trinko*, etc. amply demonstrate.

Enter New York State. In the wake of obvious federal impotence to stem anticompetitive conduct in markets across the U.S., the 10th largest economy in the world is boldly setting a new course. Following the historic role of states acting as important incubators of public policy, New York is on the verge of enacting significant antitrust reform, empowering New York enforcers—public and private alike—to strike back against the corporate behemoths that dominate our markets at the expense of consumers.

Constantine Cannon invites you to join us for a live and webcast CLE program providing an in-depth examination of potentially the most significant development in U.S. antitrust law since the passage of the Clayton and FTC Acts more than a century ago in 1914. Joining us will be New York State Senator and Deputy Majority Leader Michael Gianaris, the architect of New York's Twenty-First Century Antitrust Act; Professor Eleanor Fox from New York University Law School, one of the foremost international antitrust scholars; and Professor Steven Salop from Georgetown University Law School, one of the preeminent industrial organization economists specializing in antitrust policy and law. Closing Remarks will be given by Lloyd Constantine, former Assistant Attorney General in Charge of Antitrust for New York State, former Chair of the Antitrust Task Force of the National Association of Attorneys General, and founding partner of Constantine Cannon.

Among the many issues our distinguished panel will address will be:

- Whether New York's adoption of the European Union abuse of a dominant position standard would enable the New York Attorney General, as well as private parties, to attack anticompetitive practices such as (a) unilateral refusals to deal, (b) predatory pricing, (c) so called "killer acquisitions" by dominant firms, and (d) misuse of patents and other intellectual property, among other practices.

- How New York's landmark premerger notification program would enable the New York Attorney General to challenge anticompetitive mergers and acquisitions pre-closing, providing a much-needed second level review of transactions, while also reviewing many deals that fall outside of federal review.

- How competitors and investors could effectively challenge anticompetitive mergers and acquisitions in New York courts.

- How changes to traditional evidentiary presumptions may increase the difficulty of defending against antitrust claims made under New York law.

- Whether the New York law would violate the U.S. constitution.

These questions frame the groundbreaking importance of this development in U.S. antitrust law. We look forward to welcoming you on **October 20, 2021, from 5:00 p.m. to 6:30 p.m.** at our New York offices at **335 Madison Avenue, New York, NY 10017**, or at our simultaneous webcast, for what promises to be an engaging and practical discussion of how New York is leading the progressive revolution in antitrust.

An outdoor reception will follow the webinar from 6:30 p.m. to 7:30 p.m.