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Organisation de Coopération et de Développement Economiques
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**DIRECTORATE FOR FINANCIAL, FISCAL AND ENTERPRISE AFFAIRS
COMMITTEE ON COMPETITION LAW AND POLICY**

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**TRAINING PROGRAMMES:
EXCHANGE OF EXPERIENCES**

-- Note by the United States --

This note is submitted by the US Department of Justice and the Federal Trade Commission to the Committee on Competition Law and Policy FOR DISCUSSION at its forthcoming meeting to be held on 31 May-1 June 2001.

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1. This submission is in two parts, the first describing the training programs of the United States Department of Justice, Antitrust Division, and the second the training programs of the Federal Trade Commission.

US Department of Justice, Antitrust Division

I. Establishment of the Training Program: Structure, Organization & Features

2. In 1993, the Antitrust Division of the Department of Justice established an in-house training program to focus on professional competencies most critical to antitrust legal and economic staffs. Investigative and litigation skills, such as interviewing, deposition practice, and courtroom skills; seminars addressing substantive legal and economic topics; and timely programs on international issues, working with expert witnesses, and federal practice and procedures, are among the most popular courses. The Training Program was initially organized on an experimental basis as a six month effort. Eight years later, the Program is part of the Office of Operations, overseen by the Director of Operations, managed on a daily basis by a Special Counsel for Professional Development and a Training Program Assistant. The Training Office calls upon the expertise of many professionals throughout the Antitrust Division for advice, development, and presentation of programs.

A. Central Functions of the Training Program

3. The formal Training Program has three main features.

1. In-House Programs:

4. The in-house programs, written and taught by Antitrust Division professionals, are the heart of our internal training efforts. These programs may be multi-day conferences such as the Senior Civil Litigator's Conference or the Grand Jury Seminar; one-day sessions such as a recent program on Econometrics, team taught by attorneys and economists; or short one to two hour sessions. The Division has also contracted with private trainers, well-regarded professionals in particular areas of expertise who assist internal staff with the development and instruction of in-house courses.

5. Training Program Calendars for the past three years are appended. Most of the classes focus on substantive or procedural areas of practice, with only 20% of the courses focusing on technique such as courtroom skills or public speaking. While lectures or panel presentations with discussion are the primary teaching method, we also include more interactive teaching formats such as simulations, presenter/audience dialogues or debates. Incorporating the use of audiovisual equipment into many presentations is a priority as well. The fluid use of audiovisual equipment is viewed as a learning opportunity for the instructors, who are increasingly called upon to use such equipment in the courtroom and in other forums today. Video conferencing is also being used, particularly for the shorter seminars, to provide the most effective and immediate training between Washington, DC and our seven Field Office locations: New York City, Atlanta, San Francisco, Chicago, Philadelphia, Cleveland, and Dallas. Staff from other federal agencies, such as the FTC and the FCC, international competition authorities, and state antitrust authorities have attended the courses.

2. *Outside Programs*

6. The Antitrust Division also sends Division employees to outside training programs targeted to our internal professional development needs. The Office of Legal Education (OLE) in Columbia, South Carolina is the Department of Justice's Executive Office for US Attorneys Training Center. OLE has a state-of-the-art facility to which they bring Department of Justice personnel from around the country to teach many courses each year. OLE's course offerings include trial practice, legal ethics, legal writing, management courses and many others. The National Institute of Trial Advocacy (NITA), a private training organization focusing on trial skills and deposition practice, offers high quality interactive programs for attorneys. Courses sponsored by the American Bar Association, State and local Bar Associations, and other private training groups are also good sources of specialized training in discrete areas of study. For the past five years, the Antitrust Division and the District of Columbia Bar Association have co-sponsored an annual lecture on antitrust topics, the Lewis Bernstein Memorial Lecture, attended by public and private practitioners.

3. *Individual Learning Resources (ILRs):*

7. The Training Program has developed and maintains a library of Individual Learning

8. Resources, (ILRs) such as CD-Roms, video and audiotapes, and written materials that can be checked-out at the employee's convenience. A Professional Development Website on the Division Intranet includes a calendar of events, as well as links to written materials from a number of courses, and the list of Individual Learning Resources. A limited pilot program of digitizing our in-house videos for viewing on individual computers is underway. Editions of an internal Antitrust Division Bulletin, "*Competition Matters*," that discusses recent cases, contains a message from top Division Management, and carries articles of substantive interest, can also be accessed on the Professional Development Website.

B. Ancillary Functions and Benefits of the Training Program

9. Aside from the formal classes or seminars, our experience is that the Training Program informs the daily work of the Antitrust Division in a number of ways. First, the Training Program provides "on-the-job" training through vehicles such as mentoring (where newly hired employees are assigned an experienced official with whom they can meet informally to learn about agency procedures), information dissemination, pro bono opportunities, and teaching at in-house seminars. Second, in the Training Program's function of developing courses of study, the Program learns of skills and areas within the organization that need development. The Training Program can therefore be a catalyst to improving internal operations on many levels. For instance in one current assignment, the Special Counsel acts as a mentor for one administrative office, providing training for the non-attorney supervisor and improving some of the office systems. Finally, the Training Program can improve the morale of employees by offering interesting professional opportunities, improving communication among employees, and connecting our employees who are in different cities or different buildings in the same city.

II. Specific Professional Development Plans

A. The Integrated Attorney Development Plan (IADP)

10. The Training Program has a well-developed plan, known as the IADP, of legal competencies required for Antitrust Division attorneys at four different levels of learning: familiarity; knowledge and

understanding; basic application; and advanced application. The competencies and levels of learning are “benchmarked” for achievement within the attorney’s first six years at the Antitrust Division. The competencies are highly detailed and comprehensive in terms of Division practice areas: merger, civil non-merger, criminal, and other specialized areas such as administrative or appellate assignments. The IADP also contains a menu of suggested teaching/learning approaches such as courses, individual learning resources, or on-the-job training regarding how the attorney can acquire the competencies. Junior attorneys are encouraged to identify professional development objectives every six months, based on the competencies most applicable to their individual assignments, strengths, and weaknesses.

B. Training Opportunities for Experienced Attorneys

11. More experienced attorneys not covered by the IADP have a number of professional development opportunities open to them. Writing, teaching, and attending our in-house seminars are excellent learning experiences; fellowship opportunities such as the Victor Kramer Fellowship where an attorney or economist - from either DOJ or the FTC - can study for one year at Harvard or the University of Chicago, and international opportunities, such as the two year Mansfield fellowship for U.S. government officials involving Japanese language training and one year assignments to work in Japanese government agencies, including the JFTC, and six month tours of duty in a US Attorney’s Office, are primarily reserved for more experienced attorneys. A recent Division initiative known as Professional Development Project allows senior attorneys to apply for one to three months of time to pursue a professional interest aligned with his or her work at the Division. For instance, two senior Division attorneys are teaching one course at Georgetown Law School this semester on telecommunications law.

C. Training Plan for the Economists

12. Antitrust Division economists have a professional development plan similar to the IADP. The economists’ plan also sets out the competencies needed as an economist in the Antitrust Division. The economists run a program of regular professional development seminars (see attached calendar) with in-house faculty and outside speakers often drawn from the academic world. Our Economic Sections were the primary organizers of a one-day program on Corporate Governance Issues last Fall and were partners with the lawyers writing and presenting a recent program on Econometrics.

Federal Trade Commission

13. Training for Bureau of Competition attorneys at the FTC consists of a combination of formal and informal programs. The goal is for every attorney to have the greatest exposure to the substantive antitrust laws that the Commission enforces and the greatest mastery of the tools that are necessary for effective and efficient enforcement. Some programs are conducted in-house and some are contracted out.

1. In-house Programs

14. All new attorneys attend a required course of training conducted by staff of the Bureau of Competition. This begins with intensive instruction designed to acquaint them with the organization, role, and policies of the Bureau and the basics of how to conduct an investigation; the remainder of the program is conducted in weekly sessions over the ensuing months. All of the substantive areas of antitrust law that are important to the Commission’s competition mission are presented by experienced Bureau personnel with relevant expertise. Topics include vertical restraints, horizontal restraints, intellectual property issues, remedies, and accounting issues. In view of the significant number of merger filings in recent years and the

increased importance of that aspect of the Commission's activities, we have increased the sessions devoted to merger issues. Separate presentations cover the Hart-Scott-Rodino pre-merger regime and three important aspects of the FTC/DOJ Merger Guidelines: market definition, entry analysis and competitive effects analysis, including efficiencies. Sessions are also devoted to international and state cooperation, the basics of computer-assisted research, and ethics.

15. The remainder of the Commission's in-house programs are less structured but no less valuable. Each new attorney who joins the Commission is assigned a "mentor" who is available to provide general guidance and answer questions about the procedural and substantive aspects of the work of the Commission. At periodic "brown-bag" lunches, speakers from the Commission staff, other agencies, or law firms offer presentations on issues of current relevance. Questions and discussions give all participants a chance to explore the topic in an informal but intensive fashion. Recent sessions have covered issues of evidentiary discovery involving e-mail and back-up tapes, and the use of "second requests" in merger cases. Some of the Divisions within the Bureau of Competition also conduct specialized training sessions for their staff that may include, for instance, videotaped exercises in taking depositions or interviewing witnesses.

2. Outside Programs

16. The second major aspect of lawyer training is the "core program" required of all new attorneys during their first year at the Commission; this is also available to more experienced personnel who wish to refresh or update their knowledge and skills. This program is conducted by outside contractors and is designed to meet the requirements of various bar associations for continuing legal education credits. The current contractor, the George Washington University Law School, uses both permanent and adjunct faculty with extensive experience in the private and public sectors. The courses are specially designed to meet the needs of FTC attorneys and are based on actual Commission cases. Sessions typically run for one to three days, with the longest covering five days. The topics covered are: Deposition Training, Federal Procedures and Process Training, Discovery Training, Motion Practice, Basic Trial Advocacy training, Legal Writing, and Federal Rules of Civil Procedure. A description of the courses is attached as Appendix 5.

17. The last aspect of formal training involves secondment to offices of the United States Attorneys, officials of the U.S. Department of Justice who are charged with enforcing federal laws in every judicial district in the country. Each year, one or two Commission attorneys are assigned to local U.S. Attorney's offices for six months. Although the cases on which these attorneys work during their tenure are not likely to involve antitrust issues, the significance of the program is the opportunity to gain trial experience. In the normal course of the Commission's work, the percentage of cases that are litigated is quite small, but it is important that the FTC have highly skilled lawyers to litigate against very sophisticated outside counsel.

3. Training Programs for Economists

18. The Bureau of Economics conducts a regular Economics Seminar Series in which academic speakers present current research papers. The Spring Schedule is attached as Appendix 6. The series is designed to help staff remain current in theoretical and empirical techniques in economics that may be of use in agency work. An informal training program for new economists exposes to agency-specific issues, examples of past advisory memos, and other analysis designed to help them quickly absorb the merger guidelines, agency law, and relevant economic techniques that will be useful in their role as Commission advisors. A lunch-hour seminar series provides staff on key cases the opportunity to present their analyses of the issues in the cases and techniques for dealing with particular types of problems.

19. There are also more formal training initiatives to address topics of interest in more depth. For instance, in recent years we have offered training in litigation support and economic expert testimony. A summer workshop on modern industrial organization will begin this year, and courses in econometrics and statistical techniques may also be offered in the future. Many economists and research assistants also take advantage of agency provided technical training on computer-related issues and statistical software.

Appendix 1 Antitrust Division Training Program
Calendar of Programs - 1999

<p>January 12, 1999 Noon-2:00pm</p>	<p>Brown Bag: Exclusionary Vertical Agreements All in the Division are welcome. Doug Melamed, Principal Deputy Assistant Attorney General Washington, DC EAG Conference Room 10205 BICN</p>
<p>January 14, 1999 Noon-2:00pm</p>	<p>Brown Bag: First Year Attorneys and Economists Connie Robinson, Director of Operations and Merger Enforcement Washington, DC Operations Conference Room 10000 PAT</p>
<p>January 21, 1999 9:30-11:30am</p>	<p>Protecting Your Testifying Expert: Case Law, Practice and Procedure. All in the Division are welcome. David Malone of Venable, Baetjer, Howard & Civiletti Washington, DC EAG Conference Room 10-205 BICN</p>
<p>January 28, 1999 Noon-2pm</p>	<p>Brown Bag: First Year Attorneys and Economists Connie Robinson, Director of Operations and Merger Enforcement Washington, DC Merger Task Force Conference Room 4620 CCB</p>
<p>February 4, 1999 9:30-11:30am</p>	<p>Protecting Your Testifying Expert: Case Law, Practice and Procedure All in the Division are welcome. David Malone of Venable, Baetjer, Howard & Civiletti Washington, DC EAG Conference Room 10-205 BICN</p>
<p>February 11, 1999 Noon-2:00pm</p>	<p>Monthly Group Meeting: Making & Meeting Objections First Year Attorneys and Economists Tom Horton, Trial Attorney, Litigation II Section Washington, DC Lit II Conference Room 3106 CCB</p>
<p>March 18 & 19, 1999 9:30-11:00am</p>	<p>Fundamentals of Antitrust Analysis: An Introduction to Case Law, Policy and Economics Thomas Krattenmaker Washington, DC EAG Conference Room 10-205 BICN</p>
<p>April 1, 1999 Noon-2:00pm</p>	<p>Brown Bag: Contacts With Represented Parties and Other Possible Issues: The McDade Amendment. All in the Division are welcome. John Powers, Appellate Section Howard Blumenthal, Legal Policy Section Washington, DC Lit II Conference Room 3106 CCB</p>
<p>April 12, 1999 2:00-4:00pm</p>	<p>Presentation to Field Offices by Teleconference Section 530(B) Law John Orr, John Powers & Howard Blumenthal live to answer questions on the new law regarding Federal, State & Local Rules of Ethics</p>
<p>May 11, 1999 9:30am-Noon</p>	

- May 13, 1999
6:00pm-8:00pm
- Videotape Presentation of Section 530(B) Law
John Orr, John Powers & Howard Blumenthal live to answer questions on the new law regarding Federal, State & Local Rules of Ethics.
Washington, DC MTF Conference Room 4620 CCB
- May 18, 1999:30am-Noon
- 4th Annual Lew Bernstein Memorial Lecture
Steve Calkins, Professor of Law, Wayne State University
Hogan & Hartson, Ground Floor Courtroom
Columbia Square, 555 13th St. NW
Washington, DC
- May 25 & 26, 1999:00am
- 5:00pm
- Videotape Presentation of Section 530(B) Law
John Orr, John Powers & Howard Blumenthal live to answer questions on the new law regarding Federal, State & Local Rules of Ethics.
Washington, DC CTF Conference Room 335 LPB
- June 1, 1999:30am-Noon
- Two-Day Deposition Practice Course
NITA-Style - used a fact pattern from the Long Island Jewish Hospital Merger Trial
Washington, DC Lit II Conference Room 3106 CCB
- June 10, 1999:00-4:00pm
- Videotape Presentation of Section 530(B) Law
John Orr, John Powers & Howard Blumenthal live to answer questions on the new law regarding Federal, State & Local Rules of Ethics.
Washington, DC CTF Conference Room 335 LPB
- June 22, 1999:Noon-2pm
- Videotape Presentation of Section 530(B) Law
John Orr, John Powers & Howard Blumenthal live to answer questions on the new law regarding Federal, State & Local Rules of Ethics.
Washington, DC AAG Conference Room 3109 Main
- June 28, 1999:1:00-3:00pm
- Government and Private Law Practice:
Reflections of a Lawyer Who Has Represented Both Sides
Mel Schwarz, Senior Counsel for Civil Enforcement
Washington, DC EAG Conference Room 10205 BICN
- July 15, 1999:12:15pm-1pm
- Videotape Presentation of Section 530(B) Law
John Orr, John Powers & Howard Blumenthal live to answer questions on the new law regarding Federal, State & Local Rules of Ethics.
Washington, DC TEA Conference Room 556 LPB
- October 14, 1999
10:15am-12:30pm
- Monthly Group Meeting: First Year Attorneys & Economists
Meeting with Joel Klein, AAG
Follow-up to Meeting of December, 1998
Washington, DC AAG Conference Room, 3109 Main
- October 28, 1999
Noon-1:30pm
- Consent Decree Modification and Termination:
Current Issues and Possible Strategies
Nancy has considerable experience with the many stages of Division Consent Decrees, in particular the A.T. & T. decree on which she presented most of the appellate arguments. She addressed current trends and issues.

Course outline and relevant cases are available on the Professional Development Website.

Nancy Garrison, Attorney, Appellate Section
Washington, DC 10000 PHB 10th FL Conference Room

- November 17, 1999
9:30am-5:00pm
- Investigating With an Eye to Litigation
Presented by Tom Horton, with appearances from Hays Gorey and Kate Schlech, the lecture/discussion focused on strategies for effective investigations, developing your witnesses, and thinking ahead regarding proof issues at trial.
This course is available on video and background materials are available on the Professional Development Website.
Washington, DC 3106 CCB, Litigation II Conference Room
- November 22, 1999
Noon-2pm
- New Attorney and Economist Orientation - A One-Day Orientation, included new Field Office attorneys, that provided an Introduction to Division Practice, Procedure, and Personnel.
Health Care Task Force Conference Room - 400 LPB
- December 1-3, 1999
9am-4pm
- Deposition Skills Interactive Course - an Encore Presentation of a well-received interactive program teaching the fundamentals of deposition practice.
Tom Horton, with assistance from other litigating attorneys.
TEA Conference Room, 556 LPB
- December 8, 1999
Noon-2pm
- Civil Litigator's Conference
EAG Conference Room
This Course was organized through the Office of Operations
Washington, DC
- December 9, 1999
10:30am-Noon
- Direct and Cross Examinations
Hays Gorey and Kate Schlech
The Division's Senior Litigators provided their valuable insight and knowledge regarding the essential trial skills of Direct and Cross Examination.
Washington, DC
- Reception for First Year Attorneys and Economists
with Joel Klein,
in the Assistant Attorney General's Conference Room
Main Justice, Room 3109

Appendix 2
Antitrust Division Training Program
Calendar of Programs - 2000

February 10, 2000 Noon-2pm	Making and Meeting Objections at Trial Tom Horton, Senior Attorneys, Litigation II Washington, DC 4620 CCB Lit II Conference Room
March 29, 2000 9am-5pm	Best Practices with Expert Witnesses Tom Horton and Andy Dick
April 11, 2000 Noon-2pm	Opening Statements and Other Presentations Angela Hughes and John Read Opening statements and other types of presentations that attorneys are frequently asked to make outside the courtroom. Washington, DC TEA Conference Room, 5th Floor LPB A videotape of this program is available in the Training Office.
May 16-18, 2000 9am-5pm	Senior Criminal Litigator's and Criminal Chief's Conference Atlanta, Georgia This Year's Conference is being hosted by the Atlanta Field Office
May 23, 2000 6-9pm	5th Annual Lewis Bernstein Memorial Lecture "Challenges to Antitrust Enforcement in the Next Century" Assistant Attorney General Joel Klein Thomas Kauper, AAG, Antitrust Division (1972-1976) Arnold & Porter, 555 12th St., N.W., Washington, DC 5:30pm Light refreshments, Rooftop Patio 6:00pm Program, Paul Porter Conference Room, 10th Floor Joel Klein gave a speech on a similar subject May 9, 2000, at the Haas School of Business, University of California at Berkeley: "Rethinking Antitrust Policies for the new Economy". The speech can be found on the Intranet.
June 14, 2000 10am - Noon	Electronic Discovery Pat Finn and Sue Sparrow - ISSG Electronic Discovery, including writing document requests, negotiating with the parties, and using the material once the parties comply. The focus will be on actual Division experiences and common issues. Real-Time Transcription, technology used during depositions and at trial, allows connection to the court reporter's laptop and an immediate feed of any transcript as it is being created. Washington, DC 10000 PHB
July 20, 2000 9:30am - 11am	The ADM Tapes: A Case Study in Price-Fixing James Griffin, Deputy Assistant Attorney General

<p>September 19-21, 2000 9am-5pm</p>	<p>Deposition Practice and Trial Skills Seminar Tom Horton, Attorney, Litigation II Deposition techniques and practice will be covered on the 19th, a mock trial will be conducted on the 20th and 21st, using the skills learned in the deposition portion of the seminar. Litigation II Conference Room, 3000 CCB</p>
<p>September 28, 2000 9am-5pm</p>	<p>Corporate Governance Cindy Alexander, Economist, EAG A workshop discussing how Corporate Governance overlaps in mergers can affect Antitrust issues. Hilton Garden Inn, Georgetown Room 815 14th St., N.W., Washington, DC</p>
<p>October 4, 2000 9am-5pm</p>	<p>Paralegal Orientation EAG Conference Room 10205 BICN</p>
<p>October 25, 2000 9am-5pm</p>	<p>Paralegal Orientation EAG Conference Room 10205 BICN</p>
<p>October 25, 2000 Noon-1:30pm</p>	<p>Brown Bag: Intellectual Property Law Fundamentals The four basic types of intellectual property will be discussed, as well as common licensing arrangements. Joseph Miller, Attorney, CTF Washington, DC TTF Conference Room, 8th Floor, CCB</p>
<p>November 1, 2000 Noon-1:30pm</p>	<p>Brown Bag: Patent Law Fundamentals Patent law discussed in detail. Joseph Miller, Attorney, CTF Washington, DC EAG Conference Room, 10205 BICN</p>
<p>November 9, 2000 Noon-1:30pm</p>	<p>Brown Bag: HCT/FTC Forum How Antitrust Courts Have Addressed Quality and Non-Price Concerns in Health Care Cases Ed Eliasberg, Attorney, HCT Washington, DC HCT Conference Room, 460 LPB</p>
<p>November 28 & 29, 2000 9am-5pm</p>	<p>Attorney and Economist Orientation Washington, DC</p>
<p>December 7, 2000 Noon-3pm</p>	<p>Brown Bag: CD Rom Demonstration David Maher of Practising Law Institute (PLI) will demonstrate the Interactive Courtroom, a series of 9 interactive CDS the Training Program has in its resource library Washington, DC Patrick Henry Building 10th Floor Conference Room</p>

Appendix 3
Antitrust Division Training Program
Calendar of Programs- 2001

January 8, 2001 Noon-2pm	Brown Bag Lunch for New Division Attorneys and Economists Robinson, Director of Operations and Merger Enforcement	Connie
January 10, 2001 Noon-2pm	Brown Bag Lunch for New Division Attorneys and Economists Robinson, Director of Operations and Merger Enforcement	Connie
February 15, 2001 Noon-2pm	An Antitrust-Oriented Introduction to Economics Joseph Farrell Deputy Assistant Attorney General for Economic Analysis EAG Conference Room 10205 BICN	
February 21, 2001 9:30-10:30am	HSR Reform Jack Sidorov, Legal Policy Washington, DC Lit II Conference Room, 4th Floor, CCB	
March 1, 2001 10:00-11:00am	HSR Reform Jack Sidorov, Legal Policy Washington, DC HCT Conference Room, 460 LPB	
March 14, 2001 1:00-2:00pm	HSR Reform Jack Sidorov, Legal Policy Washington, DC PHB Conference Room, 10000 PHB	
March 20, 2001 9:30am-4:00pm	Econometrics Mark Botti, Attorney, Litigation II, and Ken Heyer, Chief, Competition Policy Section, EAG Washington, DC	
June 5-7, 2001	Civil Litigator's Conference Airlie House	
June 11-14, 2001	Grand Jury Seminar San Francisco	
June 11-14, 2001 (tentative)	6th Annual Lew Bernstein Memorial Lecture Washington, DC	
September 11-13, 2001	Senior Criminal Litigator's Conference New York Office	
September 2001	Proposed: Interrogation Skills Seminar Cleveland Office	

Appendix 4
 Antitrust Division - Economic Analysis Group
 2001 Seminar Schedule

Date Speaker Title

March 15	Bernie Black	Does Corporate Governance Matter? A Crude Test Using Russian Data	Stanford Law School
April 5	Joe Farrell	Scale Economies and Synergies in Horizontal Merger Analysis (with Carl Shapiro)	EAG / Berkeley
April 17	Mark Roberts	Sunk Costs and Firm Diversification: A Model of Entry and Exit in Export Structural Model (with S. Das and J. Tybout)	Penn State
April 24	Mary Sullivan	The Effect of the Big Eight Accounting Firm Mergers on the Market for Audit Services	EAG
May 3	Chuck Romeo	Do Newspaper JOAs Charge Monopoly Advertising Rates? (with Russ Pittman and Norm Familant)	EAG
May 8	Gerald Faulhaber	Network Effects and Merger Analysis: Instant Messaging and the AOL-Time Warner Case	Wharton/FCC
May 10	Wally Mullin	Rules, Communication and Collusion: Evidence from the Sugar Institute Case (with David Genesove)	MIT / Michigan State
May 15	David Sappington FCC	Incentives for Sabotage in Vertically Related Industries (with David Mandy)	U. of Florida /
May 22	Keith Hylton	Antitrust Intent Boston U. Law School (with Ron Cass)	

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May 30 Steve Klepper Entry by Spinoffs
Carnegie Mellon (with Sally Sleeper)

Sept. 19 Judy Chevalier Why Don't Prices Rise During Peak U. of Chicago
Demand? Evidence from Scanner Data
(with Anil Kashyap and Peter Rossi)

Appendix 5
FTC Core Program Courses

DEPOSITION TRAINING

Description: This course is three days long, with two days spent primarily taking and critiquing practice depositions.

Topics include:

- Preparation of deposition notices (including subpoenas to non-parties under Fed. R. Civ. P. 45 and duces tecum notices)
- How to prepare yourself for a deposition
- How to prepare a witness for a deposition
- Effective use of documents in preparing for and taking a deposition
- How to take a deposition
- How depositions fit into the discovery process
- Dealing with a friendly witness
- Dealing with a hostile witness
- Dealing with a "forgetful" witness
- Differences in dealing with sophisticated and unsophisticated witnesses
- Dealing with obstreperous counsel
- Development of admissions in deposition testimony
- Defending depositions, including preparing your own witnesses to be deposed
- Use of depositions in the litigation process, including for discovery, for dispositive motions, for impeachment at trial, and in lieu of live testimony at trial
- Technological developments in deposition taking, including real-time transcription

FEDERAL PROCEDURES AND PROCESS TRAINING

Description:

A three-day course intended to help attorneys become more familiar with the rules and procedures relating to motions practice in Federal district court.

Topics include:

- Overview of Federal Rules of Civil Procedure
- Overview of the litigation process
- Rule 11
- Ethics of disclosing bad law and bad facts
- Service, jurisdiction, venue, motion for stay pending appeal

DISCOVERY TRAINING

Description:

A two-day course on discovery techniques designed to help attorneys become more familiar with the discovery process, the different discovery methods that are available under the rules, and when and how to use each method.

Topics include:

- Overview of the discovery process
- Interrogatories
- Requests for production of documents
- Requests for admissions
- Depositions (overview only; note separate course on deposition skills)
- Tips on designing an overall discovery strategy
- Privileges
- Responding to your opponent's discovery

MOTION PRACTICE

Description:

This two-day course in motion practice introduces inexperienced attorneys to the different forms of motions practice, focusing on oral argument and strategy. The course covers informal motions practice up to highly structured motions advocacy and uses scenarios typical to FTC consumer protection and antitrust practice.

Topics include:

- Motion practice strategy
- Pretrial motions, e.g., motions in limine, motions to strike affirmative defenses or requests for jury demand
- Motions for Summary Judgment
- Organizing a persuasive argument

BASIC TRIAL ADVOCACY TRAINING

Description:

This is a five-day course in basic trial advocacy. The course is directed to both new and experienced attorneys who have limited trial experience. The course covers the general skills necessary for trial, especially as they relate to the consumer protection and antitrust missions of the Federal Trade Commission.

Topics include:

Direct and cross examination
Exhibits and demonstrative evidence
Opening statements and closing arguments
Impeachment

LEGAL WRITING

Description:

This one-day program enables participants to draft various specialized legal reports and documents which are powerful, persuasive, and free of mechanical errors. Instruction is provided by experienced attorneys who combine lectures with discussion, writing practice, and peer editing in an informal workshop format. Materials and situations used in the program are drawn from Commission work, when practical.

FEDERAL RULES OF CIVIL PROCEDURE

Description:

An explanation and analysis of the December 1, 2000 amendments to the Federal Rules of Civil Procedure. This course is intended for anyone who does or may litigate in federal court.

Appendix 6
Federal Trade Commission
Economic Seminar Series Speakers
Winter/Spring 2001

DATE	SPEAKER/TITLE	HOST
Feb 15	Meghan Busse (Yale University) "Firm Financial Condition and Airline Price Wars"	E.Friedman
Feb 22	Peter Cramton (University of Maryland) "The Optimality of Being Efficient"	J.Schrag
Mar 1	Ginger Jin (University of Maryland) "The Effects of Disclosure Regulation: Evidence from Restaurants"	D.Hosken
Mar 8	Alan Sorensen (University of California, San Diego) "Price Dispersion and Heterogeneous Consumer Search for Retail Prescription Drugs"	H.Hadeshi
Mar 15	Peter Zorn and Paul Raca (Freddie Mac) "Subprime Lending: An Investigation of Economic Efficiency"	J.Pappalardo
Mar 22	Koleman Strumpf (University of North Carolina) "The Behavioral Dynamics of Youth Smoking"	J.Mulholland
Apr 5	Dan Levin (Ohio State University) "Joint Bidding in Multiple-Units Uniform Price Auctions: Adverse Selection Reduction and Demand Reduction"	A.Thompson

Apr 12	George Deltas (University of Illinois) "TBA"	
Apr 20	Simon Anderson (University of Virginia) "Advertising and the Media"	C.Thomas
May 3	Lanier Benkard (Stanford University) "TBA"	A.Wickelgren
May 10	Shane Greenstein (J.L. Kellogg Graduate School of Management) "Contracting for Internet Access"	D.Balan
May 17	Caroline Hoxby (Harvard University) "Peer Effects in the Classroom: Learning from Race and Gender Variation"	M.Vita