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Introduction

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ANTITRUST BEYOND BORDERS

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Introduction

Jeffery M. Cross*

On November 8 and 9, 2001, Freeborn & Peters, in conjunction with the American Lawyer, sponsored a seminar entitled "Antitrust Beyond Borders." At this seminar, antitrust specialists from the world of legal academia, the discipline of economics, the United States Department of Justice, and the private antitrust bar met to discuss the latest issues surrounding antitrust litigation in a global economy. The papers that follow are the result of the presentations made at this seminar.

These papers address some of the critical antitrust and competition law issues confronting the multinational corporation today. Rod Lambert, of the Eversheds firm in Europe, explores the issues posed by parallel investigations of alleged cartel activities by both the EU competition authorities and the United States Department of Justice. In this regard, Mr. Lambert also addresses the European Commission's objections to the GE/Honeywell merger, which had already been approved by United States competition authorities. Professor Spencer Waller, of the Loyola University School of Law, and William Holmes, of Freeborn & Peters, then tackle some of the difficult questions surrounding jurisdiction and standing for litigants in the United States courts for conduct outside of the United States. Jonathan Sinclair, of Eversheds, discusses some of the current developments in Europe concerning damages. Jeffrey

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Dorman, of Freeborn & Peters, who is an economist as well as an attorney, presents his experiences using a sophisticated method of economic analysis to analyze transnational antitrust cases. Scott Hammond, of the United States Department of Justice, provides valuable insight into the United States government's approach towards global antitrust enforcement. Albert Gourley, of the Toronto firm of Macleod Dixon, writes about his proposed revisions to the Canadian Competition Act, to which I provide a response. Finally, David Gustman, of Freeborn & Peters, explores the significance of the trend toward globalization and the impact that antitrust and competition law will have upon that trend.

The discussion found in these papers could not be more timely. As Charles James, the Assistant Attorney General of the United States Department of Justice Antitrust Division reported in a recent speech, over 90 countries currently have antitrust laws of some sort and 20 countries are in the process of drafting such laws.¹ Even those countries with a long tradition of competition law, such as Canada and the UK, are re-thinking their approaches.

The antitrust and competition practitioner today should find the papers that follow a valuable resource for ideas and analysis on this very relevant topic. We thank the *Consumer Law Review* of Loyola University in Chicago for having the foresight to provide a broader forum for these works. Freeborn & Peters is proud to have been able to assist in this effort.

¹ Charles A. James, *International Antitrust in the 21st Century: Cooperation and Convergence*, available at <http://www.usdoj.gov/atr/public/speeches/0330.htm> (last visited Apr. 1, 2002) (This speech was delivered before the OECD Global Forum on Competition in Paris, France on Oct. 17, 2001).