

An Antitrust Fireside Chat with Bill Baer

By Chelsea Bollman

On Tuesday, April 15, Chapter members gathered into a packed room for a discussion about antitrust enforcement with Bill Baer. For many decades, Baer has been at the forefront of antitrust law, both in public service and in private practice at Arnold & Porter. Baer is the only person to have led antitrust enforcement at both the Antitrust Division of the U.S. Department of Justice and the Bureau of Competition at the Federal Trade Commission. He was recently awarded the Justice Department's 2024 John Sherman Award for his contributions to the substantive development of antitrust law.

As the Trump administration settles in, Baer offered insights into Biden-era priorities and predictions on how those priorities and strategies might fare under the new administration.

The discussion began with a reflection on President Biden's approach to antitrust enforcement. Baer commented that the Biden administration had focused its enforcement on areas of the economy that were not working properly and where consumers were harmed, such as "pocketbook issues," healthcare, private equity, pharma, AI, retail consolidation, right to repair, labor market restrictions, and housing. To address these priorities, Baer expressed that the Biden administration was generally successful in its antitrust litigation efforts. Baer opined that the Biden administration had looked beyond litigation and successfully used the "full tool kit," including increased emphasis on studying potential problems; the use of President Biden's Executive Order on Promoting Competition; and using speaking engagements and public comment on the revised Merger Guidelines to bring the public (consumers and businesses alike) into the process more fully.

Top of mind for everyone was how those enforcement priorities and mechanisms will shift under the new Trump administration. Baer was generally hopeful that some of the momentum from the Biden administration would carry forward, referencing the smart attorneys at both agencies, general support for the Justice Department's 2023 Merger Guidelines, and public appreciation of competition. Although it is too early to know how the Trump administration will handle many of those Biden-era initiatives and priorities, Baer expressed concern over, among other things, recent executive orders, and the impacts of personnel and resource limitations.

The event ended after a thoughtful Q&A session.

The discussion was generously co-hosted by the Chapter's Antitrust Practice Group and the Minnesota State Bar Association Antitrust Section.

Chelsea Bollman is an associate in the Business and Tort Litigation group at Jones Day.

Pro Se Project Volunteer Spotlight

Name: Annika C. Misurya

Firm & Title: Maslon, Litigation Associate

Biography

Annika Misurya is an attorney in Maslon's Litigation Group, where she represents clients in complex civil litigation, white-collar criminal defense, tort and product liability defense, and general commercial litigation. She prides herself on her ability to meaningfully translate her client's story to both judge and jury. In each of her cases, Annika demonstrates a keen desire to understand her client's objectives and work toward a successful outcome with diligence and common sense.

Annika's dedication to the profession and the community is evident in her many activities. She has taken on leadership positions with Minnesota Women Lawyers and the Women's White Collar Defense Association, and she volunteers with the Minneapolis Reader/Writer program, among other roles.

While attending the University of Minnesota Law School, Annika served as a law clerk in the Hennepin County Public Defender's office. She also participated on the National Moot Court Competition Team, served as the mentorship program coordinator for the Well-Being Initiative, and volunteered with the Asylum Law Project.

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How long have you been a volunteer with the *Pro Se* Project?

I began volunteering with the Project right after I passed the Bar, so in October 2022. I've been a volunteer since then!

Why did you become involved with the *Pro Se* Project?

As I suspect is the case for many of us, I went to law school because I wanted to help people. I believe strongly that we all have a duty to represent those who do not have the means to pay for representation, yet who have often experienced severe harms, especially folks who have or are interfacing with the criminal system. The Project provided the perfect opportunity for me to provide such representation while also providing opportunities for me to improve my skills in federal court litigation.

What types of cases have you volunteered on?

My volunteer work has involved working with one individual during two different stages of his case. The first stage of my involvement in his case occurred at the pleading stage. The client had filed multiple versions of a *pro se* complaint alleging that he had suffered excessive force at the hands of correctional officers as a pre-trial detainee in Ramsey County. I helped him turn his *pro se* drafts into a more formal complaint which allowed his case to move forward.

A year or so later, the case had progressed to the discovery stage. As this client is currently incarcerated, and suffering from physical disabilities as a result of the use of excessive force, he was struggling to meet the demands of discovery. The Project put us back in touch, and I, along with my colleague, Cari Brunkow, began consulting with the client. We learned early on that because he was wheelchair-bound, there were limitations on his ability to access a confidential legal phone call. Cari and I began making in-person visits to understand how the case had been progressing and what he now hoped to achieve. It became clear that if we could achieve a settlement with the County, our client would consider that a win. We were ultimately able to secure a settlement that allowed our client to put this experience behind him and use the money to seek advanced medical care that will hopefully get him walking again.

Can you share a memorable experience from your volunteer work with the *Pro Se* Project?

I think the most memorable experience arises out of our first visit to meet the client in-person. It clearly meant a lot to the client that we cared enough about him and his case to make the effort to meet with him in-person at the correctional facility where he was incarcerated at the time. Throughout the conversation, I noticed a shift in him. It became apparent that we were there to advocate for him and, perhaps most importantly, believed him. The level of trust only continued to grow after that meeting, and subsequent visits, which I think played a significant role in our ability to achieve a settlement. By the time the numbers were on the table, he was able to trust that we had pushed as hard as we could for him and that we wouldn't recommend he accept the offer unless we felt it was in his best interest.

What have you learned about yourself and others through volunteering?

I think it's nearly impossible to overstate the impact having someone on your team can make. All of us, but especially those who have interfaced with the criminal system or are currently incarcerated, just want to know that someone hears us, believes us, and is there to support us. Simply taking the time to listen to someone's story can make a world of difference in how they view themselves and their ability to overcome the problems ahead of them. And, of course, having an advocate on your team as you navigate a system that is confusing even for those of us who went to school for years to be here never hurts.

What advice would you give to a prospective volunteer with the Project?

Don't be afraid to take on cases that you feel are outside of your usual wheelhouse. Having you on their team, even if you are learning along the way, can lead to a much better outcome for your client than if they were navigating the system alone. An inexperienced lawyer who puts their heart into the work is much better lawyer than no lawyer at all.

What do you enjoy outside of the legal profession and volunteering?

I love spending time outside with my dog, Jack, trying to keep my sourdough starter alive, reading, and traveling to new places with my husband, Shree.

Interested in volunteering, or learning more? Contact:
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