

NON-COMPETE CLAUSES IN THE WORKPLACE

Examining Antitrust and Consumer Protection Issues



An FTC Event | January 9, 2019
Agenda

8:30-8:35 am **Welcome and Introductory Remarks**

Bilal Sayyed

Director, Federal Trade Commission, Office of Policy Planning

8:35-9:05 am **Statutory and Judicial Treatment of Non-Compete Clauses**

Orly Lobel

Warren Distinguished Professor of Law and Director of Employment and Labor Law Program, University of San Diego School of Law

9:05-9:20 am **Applying State and Federal UDAP Principles to Non-Compete Clauses**

William E. Kovacic

Professor and Director of Competition Law Center, George Washington University Law School

9:20-9:35 am **Break**

9:35-11:05 am

FTC Authority to Address Non-Compete Clauses

Participants:

Jane Flanagan

Visiting Scholar
IIT Chicago-Kent College of Law

Eric A. Posner

Kirkland & Ellis Distinguished Service
Professor of Law
University of Chicago Law School

William E. Kovacic

Professor and Director of Competition
Law Center
George Washington University Law
School

Damon A. Silvers

Director of Policy and Special Counsel
AFL-CIO

Orly Lobel

Warren Distinguished Professor of Law
and Director of Employment and Labor
Law Program
University of San Diego School of Law

Randy M. Stutz

Vice President of Legal Advocacy
American Antitrust Institute

Moderators:

Sarah Mackey, Acting Deputy Director, Federal Trade Commission, Office of Policy
Planning

Jacob Hamburger, Attorney, Federal Trade Commission, Office of Policy Planning

11:05-11:20 am

Break

11:20-11:30 am

Remarks

Rebecca Kelly Slaughter

Commissioner, Federal Trade Commission

11:30-12:00 pm **Effects of Non-Compete Clauses: Economic Literature Review**

Ryan Nunn

Fellow in Economics Studies and Policy Director for the Hamilton Project, Brookings Institution

12:00-1:00 pm **Lunch Break (on your own)**

1:00-2:30 pm **Effects of Non-Compete Clauses: Analysis of the Current Economic Literature and Topics for Future Research**

Participants:

Kurt J. Lavetti

Associate Professor of Economics
Ohio State University

Evan Starr

Assistant Professor of Management &
Organization
Robert H. Smith School of Business,
University of Maryland

Ryan Nunn

Fellow in Economics Studies and Policy
Director for the Hamilton Project
Brookings Institution

Ryan Williams

Finance Professor
University of Arizona

Moderator:

John McAdams, Economist, Federal Trade Commission, Bureau of Economics

2:30-2:45 pm **Break**

2:45-2:55 pm **Remarks**

Noah Joshua Phillips

Commissioner, Federal Trade Commission

2:55-3:25 pm

Federal Rulemaking Process: Key Principles and Considerations

Aaron L. Nielson

Professor, Brigham Young University Law School

3:25-5:25 pm

Should the FTC Initiate a Rulemaking Regarding Non-Compete Clauses?

Participants:

Sally Katzen

Professor of Practice and Distinguished
Scholar in Residence
New York University School of Law

Richard J. Pierce, Jr.

Lyle T. Alverson Professor of Law
George Washington University Law
School

Kristen C. Limarzi

Partner
Gibson, Dunn & Crutcher

Howard Shelanski

Professor
Georgetown University Law Center

Aaron L. Nielson

Professor
Brigham Young University Law School

Moderators:

Derek Moore, Attorney Advisor, Federal Trade Commission, Office of Policy Planning

Kenny Wright, Legal Counsel, Federal Trade Commission, Office of General Counsel

5:25-5:30 pm

Closing Remarks

Sarah Mackey

Acting Deputy Director, Federal Trade Commission, Office of Policy Planning