

Merger Antitrust Law: Hornbooks and Other Antitrust Study Aids

Dale Collins
Georgetown University Law Center

dale.collins@shearman.com
www.appliedantitrust.com

There is no book that covers merger antitrust law systematically, much less the way we are going to do it. That said, if you are looking for something that will give you more background, the general antitrust hornbooks and other study aids might be helpful. Here are my thoughts on them:

Christopher L. Sagers, *Antitrust (Examples & Explanations)* (2d ed. 2014). This book provides a treatise-like treatment of antitrust law with many examples and is reasonably current. If you are looking for supplemental material, I think that you will find this a very good investment.

Herbert Hovenkamp *Principles of Antitrust (Concise Hornbook Series)* (2017)
Hovenkamp is an insightful and prolific antitrust scholar and is rightly considered the “dean” of the U.S. antitrust academic community. Written in the traditional hornbook style. Another very good investment and current.

Daniel A. Crane, *Antitrust (Aspen Student Treatise Series)* (2014). I have not studied this, but Crane is a serious antitrust scholar and, at only 200 pages is half the length of Sagers. Like Sagers, it is reasonably current. Crane is quite conservative in approach to antitrust law, and I no doubt that perspective has found its way into the book.

Ernest Gellhorn, Willaim E. Kovacic, and Stephen Calkins, *Antitrust Law and Economics in a Nutshell* (2004). For many years this was the “go to” book for students. The book provides a generally excellent overview of antitrust law in a relatively compact format. Unfortunately, it is dated. I would go with Sagers or Hovenkamp before the Nutshell.

Herbert Hovenkamp, *Antitrust (Black Letter Outlines)* (6th ed. 2015)
Mark A. Lemley & Christopher Leslie, *Antitrust (Gilbert Law Summaries)* (11th ed. 2011)
***Antitrust (Casenote Legal Briefs)* (2010)**
Hovenkamp and Lemley/Leslie are the standard commercial outlines. However, they are both written by serious scholars and their take on the state of antitrust law should be both current and correct. I have a slight preference for Hovenkamp, but if you are looking for a commercial outline you cannot go wrong with either.

The Antitrust Casenote Legal Briefs is what it says it is: a page or so summarizing each of the major cases in antitrust law. There is no author listed, so I suspect it was compiled by the legal editorial staff of Wolters Kluwer. I often disagree with some point or another on a particular case (and I suspect that you will too), but if you need something to jog your memory about the facts or result of a case this is not a bad resource. Just do not rely on it too much.

Herbert Hovenkamp, *Federal Antitrust Policy* (5th ed. 2015). This is a real hornbook written by one of the best antitrust scholars around today. It is very balanced. With a publication date of 2015, it is reasonably current. If you like hornbooks, this is the one to read.

***Antitrust Law Developments (Eight)*.** This is a two-volume treatise published by the ABA Section on Antitrust Law and updated with a new edition every four or five years. It is without doubt the best single source on “black letter law” propositions and supporting cases. It is nonideological and a great book for brief writers and counsellors who want to know the current state of the law.