

Antitrust Law: Case Development and Litigation Strategy

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LEGAL RESEARCH

An essential part of the writing exercise is legal research. This note summarizes how I approach legal research.

For a summary of the black letter law and the collection of cases, nothing is better than **Antitrust Law Developments (Ninth) (2022)**, published by the ABA Antitrust Section. This two-volume book is current on the case law and administrative and legislative developments through 2021. This is without doubt the best place to start your legal research. I think that you can access an online version through the library. The ABA also publishes an **Annual Review of Antitrust Law Developments** that updates ALD. **Westlaw** and **Lexis/Nexis** are also essential tools for legal research. Among other things, you can use these services to update the case lists contained in ALD.

AppliedAntitrust.com also contains a wealth of material, especially on court papers filed in various cases, but is by no means complete or necessarily up to date.

Don't forget to do a literature search on your topic. On the Internet, I use both the **Google search engine** and **Google Scholar**. The latter searches for responsive books, articles, and papers, critically including unpublished working papers. Working papers will give you the latest on the state of research on any topic. Don't forget to look for topical memoranda to clients that law firms love to publish on the Internet. Importantly, for any paper, Google Scholar also identifies all articles that cite a given paper, quickly allowing up to update the research. **SSRN** is another valuable source for working papers.

When using your favorite Internet search engine, don't forget to look for memoranda to clients that law firms constantly publish. These can be great for giving you an analysis of modern developments.

For current reports on antitrust developments, I look at **Competition Law 360**, which is available online through the library. It is very comprehensive on developments on individual cases and investigations. It also contains the docket sheets to ongoing cases with links to various filings in the case. **Westlaw's Practical Law Antitrust** page is also good. I suspect that **Lexis/Nexis** has something similar, but as Westlaw's antitrust lawyer for about 25 years, I have not used Lexis/Nexis. Finally, you might also search **Competition Policy International** and **Truth on the Market** for short commentary on current antitrust topics.

For tracking individual cases, I create both **Google Alerts** and **Westlaw alerts**. Westlaw alerts come in two flavors. First, you can get alerts for new docket entries in particular cases. You can also create a search query and get alerts whenever a new entry satisfies the search query. All of these alerts are invaluable if your paper is on a topic of contemporary debate or treats an ongoing litigation, investigation, or antitrust development (such as the revision of the merger guidelines or pending legislation).

Finally, the [Antitrust Division](#) and [FTC](#) websites are invaluable. Both sites can be searched, and I find their press releases and enforcement pages especially useful.