

## David Feher and Jeanifer Parsigian Speak at the ABA Antitrust Law Spring Meeting

MARCH 29, 2023

On March 29, Winston Partners David Feher and Jeanifer Parsigian spoke at the American Bar Association's 2023 Antitrust Law Spring Meeting in Washington, D.C., where antitrust, consumer protection, and data privacy professionals gathered for the world's premier antitrust event.

David's panel "Pay Me Now or Pay Me Later" explored the effects of labor equity and restrictions and their intersection with the world of antitrust. Key takeaways include:

- The Biden administration, FTC, and DOJ have made clear that anticompetitive restrictions in labor markets will not be tolerated. State attorneys general are also increasingly becoming involved in labor market issues.
- David discussed the history of antitrust cases focused on the labor market for athletes and how that eventually led to a world in which college athletes now have the right to earn income for the use of their names, images, and likenesses.
- The proposed FTC rule prohibiting employers from imposing non-compete agreements in contracts with workers will have wide-ranging impacts that go beyond just the workers themselves.
- The renewed focus on enforcement in labor markets could benefit underserved and marginalized communities in a way that could lead to greater equity for all.

Jeanifer's panel "Antitrust in Higher Education: Class in Session!" discussed the various legal standards that may apply to antitrust in higher education.

- The discussion was a robust debate about whether the antitrust laws are well-suited for the higher education industry.
- Some panelists expressed the view that colleges are not traditional economic actors that the antitrust laws were designed to police because colleges are not profit maximizers.
- Jeanifer pointed out that in *NCAA v. Alston*, the Supreme Court seemed to suggest that the antitrust laws are flexible enough to apply to all industries, including higher education.

- All panelists agreed that colleges, universities, and the NCAA will continue to have many of their actions shaped by the antitrust laws.

1 Min Read

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