

What In-House Lawyers Need to Know About the Federal Trade Commission's Current Initiatives, Ranging from Merger Enforcement Practices to Artificial Intelligence

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In February 2023, Commissioner Christine Wilson broke up with the Federal Trade Commission on Valentine's Day in an opinion piece for the Wall Street Journal entitled Why I'm Resigning as an FTC Commissioner. In the blunt breakup letter, Commissioner Wilson accused Chair Khan of overreaching and violating bedrock legal principles of due process. Commissioner Noah Phillips also stepped down before his term expired, and he has joined Commissioner Wilson in challenging Chair Khan, stating that her ambitions exceed the agency's legal authority.

The exit of these two commissioners signals a new chapter for the FTC—one that operates more aggressively in certain spheres of typical enforcement and regulation, including: (1) Mergers, (2) Collusive Practices, (3) Robinson-Patman Act, (4) Artificial Intelligence, and (5) Robocalls.

This article captures remarks made by Eimer Stahl attorneys when they discussed what the agency's new era of enforcement could mean at a recent legal conference for in-house lawyers.

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