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Senate Judiciary Committee Sets Hearing to Consider Baer Nomination

Jeffrey May (Wolters Kluwer) · Friday, July 20th, 2012

The Senate Judiciary Committee has scheduled a hearing for next Thursday on the nomination of William Baer to serve as Assistant Attorney General in charge of the Department of Justice Antitrust Division. The hearing, will be held at 1:00 p.m. on July 26. It will be chaired by Senator Herb Kohl (Wisconsin), chairman of the Judiciary Committee's antitrust subcommittee.

Baer is currently the head of the antitrust group at the Washington, D.C. office of Arnold & Porter, LLP. He is a former director of the FTC Bureau of Competition. While at the FTC, he also served as assistant general counsel and director of congressional relations and as an attorney advisor to the Chairman. He began his legal career at the agency in 1975, after earning a J.D. at Stanford Law School. Baer joined Arnold & Porter in 1980, becoming a partner at the firm in 1983.

Baer was nominated by President Obama in February, shortly after Sharis Pozen announced her intention to resign as acting antitrust chief. Pozen left the Justice Department at the end of April.

Since that time, Joseph Wayland has served as acting assistant attorney general for antitrust. Pozen is set to join the global antitrust and competition practice at Skadden, Arps, Slate, Meagher & Flom, LLP, in Washington, D.C., according to a July 19 announcement by the firm.

Baer could face difficult questions at the hearing, even from Democratic members of the Judiciary Committee. Senator Charles Schumer (New York) has called on the Justice Department to drop a high profile suit against Apple, Inc. and major publishers for conspiring to fix the sales prices of electronic books. In an op-ed appearing in the July 17 *Wall Street Journal*, Schumer warned that the government's action, [announced in April](#), could restore Google's dominance in digital publishing — dominance that has been threatened by competition from Apple.

Senator Kohl could ask about the Justice Department's plans to close four of its seven Antitrust Division regional offices. Under the proposal, offices in Atlanta, Cleveland, Dallas, and Philadelphia would be closed, leaving regional offices in Chicago, New York, and San Francisco in addition to the office in Washington, D.C. Kohl has questioned the wisdom of the move, contending that the millions of dollars in fines collected by the regional offices for criminal antitrust violations far outweigh the purported savings that would result from closing the offices.

Information on the hearing is available at the Judiciary Committee's [website](#).

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