

## Rakoff Clip 2 Transcript

TODD RAKOFF: All right, and then the trial examiner will say, well, here's what I think it adds up to. And after the trial examiner says here's what I think it adds up to, Joseph what then happens?

STUDENT: They make a decision about it.

TODD RAKOFF: Who makes the decision?

STUDENT: The trial examiner makes the decision.

TODD RAKOFF: All right, and what happens after the trial examiner makes a decision?

STUDENT: Well, if the Cement people are upset about it they can do something like what they did here. But if they're not, or if what the FTC has done is accepted by all, the a new rule comes into effect.

TODD RAKOFF: Wait a minute, where did the FTC fit into this?

STUDENT: The FTC were their prosecutors.

TODD RAKOFF: And then what happens after the trial examiner?

STUDENT: After the trial examiner, the trial examiner makes a finding and that becomes the new rule.

TODD RAKOFF: Like a trial judge?

STUDENT: Yeah.

TODD RAKOFF: Yeah, you would think.

STUDENT: Yes, I do think.

[LAUGHTER]

TODD RAKOFF: All right, can anyone see another possibility? Harleen?

STUDENT: The trial examiner's decision has to go back to the FTC and the FTC has to approve it for it to sustain.

TODD RAKOFF: All right, the trial examiner's finding is not as firm as a trial judge's. And the final decision is made by the commission. Then we get a final decision. All right.