

# ROBERT HAROLD LANDE

## PRESENT POSITIONS

UNIVERSITY OF BALTIMORE SCHOOL OF LAW. Venable Professor of Law since 1998. Professor since 1995; Associate Professor 1991 to 1995; Assistant Professor 1987 to 1991. Courses taught: Antitrust, Comparative Antitrust (in Summer Program in Aberdeen, Scotland in 2001, and in Haifa, Israel in 2006), Law & Economics, Law & Economics Seminar, and Torts.

AMERICAN ANTITRUST INSTITUTE. Secretary and a Director of this nonprofit research and advocacy organization since 1998. Full time Senior Research Scholar 2000, 2002, and 2006. Currently volunteer approximately one day a week.

## PRIOR POSITIONS

NIHON UNIVERSITY, Tokyo, Japan. Visiting Professor, Summer 1998.

THE AMERICAN UNIVERSITY, WASHINGTON COLLEGE OF LAW. Visiting Associate Professor, 1993-94.

JONES DAY. Associate, 1984-87. I specialized in antitrust law and other types of regulatory and corporate counseling and litigation.

FEDERAL TRADE COMMISSION, Bureau of Competition, Planning Office, 1978 to 1984. I analyzed antitrust policy issues and worked on complex cases. I received promotions to GM 15, six special awards and was rated "Outstanding."

## EDUCATION

J.D. HARVARD UNIVERSITY 1978

Staff, Harvard Civil Rights-Civil Liberties Law Review.

M.P.P. HARVARD UNIVERSITY 1978

Masters in Public Policy curriculum emphasized microeconomics, industrial organization, and statistics.

B.A. NORTHWESTERN UNIVERSITY 1974

Political Science major; Phi Beta Kappa; Departmental Honors.

## BOOK

Torts: The Civil Law of Reparation For Harm Done By Wrongful Act, by Little, Lidsky & Lande (3rd Ed 2009) (LexisNexis) (revised edition forthcoming)

## U.S. LAW REVIEW ARTICLES

"Defying Conventional Wisdom: The Case For Private Antitrust Enforcement," 48 Georgia L. Rev. 1 (2013) (co-authored with Joshua P. Davis ).

"Should The Internet Exempt The Media Sector From The Antitrust Laws?" 65 Florida L. Rev. 1521 (2013) (co-authored with Thomas J. Horton)

"A Traditional and Textual Analysis of the Goals of Antitrust: Efficiency, Preventing Theft From Consumers, and Consumer Choice," 81 Fordham L. Rev. 2349 (2013)

"Toward an Empirical and Theoretical Assessment of Private Antitrust Enforcement," 36 Seattle U. L. Rev. 1269 (2013) (co-authored with Joshua P. Davis )

"The Extraordinary Deterrence Of Private Antitrust Enforcement: A Reply To Werden, Hammond, and Barnett," 58 Antitrust Bull. 173 (2013) (co-authored with Joshua Davis)

"Cartels As Rational Business Strategy: Crime Pays" (co-authored with Dr. John Connor), 34 Cardozo L. Rev. 427 (2012) (co-winner of the \$8,000 Cohen Foundation Award for best Antitrust & Trade Regulation Scholarship published during 2012)

"Comparative Deterrence from Private Enforcement and Criminal Enforcement of the U. S. Antitrust Laws," 2011 B.Y.U. L. Rev. 315 (2011) (co-authored with Joshua Davis )

"New Options for State Indirect Purchaser Legislation: Protecting the Real Victims of Antitrust Violations", 61 Alabama L. Rev. 447 (2010)

"The Fundamental Goal of Antitrust: Protecting Consumers, Not Increasing Efficiency," 84 Notre Dame L. Rev. 191 (2008) (co-authored with John B. Kirkwood)

"Benefits From Private antitrust Enforcement: An Analysis of Forty Cases," 40 U. San Francisco L. Rev. 879 (2008) (co-authored with Joshua Davis).

"Using The 'Consumer Choice' Approach To Antitrust Law", 74 Antitrust L. J. 175 (2007) (co-authored with Neil W. Averitt) (co-winner of the \$8,000 Cohen Foundation Award for best Antitrust & Trade Regulation Scholarship published during 2007)

"The Size of Cartel Overcharges: Implications For U.S. and E.U. Fining Policies," 51 Antitrust Bulletin 983 (Winter 2006-2007 issue) (co-authored with Dr. John M. Connor)

"Should Predatory Pricing Rules Immunize Exclusionary Discounts?," Utah L. Rev. 879 (2006).

"Five Myths About Antitrust Damages", 40 U. San Francisco. L. Rev. 651 (2006).

"How High Do Cartels Raise Prices? Implications for Optimal Cartel Fines," 80 Tulane L. Rev. 513 (2005) (co-authored with Dr. John Connor)

"Why Antitrust Damage Levels Should Be Raised", 16 Loy. Consumer L.Rev. 329 (2004).

"Using Antitrust To Regulate Big Business," 4 The Long Term View 11 (2003)

"The Perfect Caper? Private Damages and the Microsoft Case," 69 George Washington L. Rev. 902 (2001) (co-authored with Dr. James Langenfeld)

"Consumer Choice As the Ultimate Goal of Antitrust," 62 U. Pitt. L. Rev. 503 (2001)

"Resurrecting Inciency: From *Von's Grocery* to Consumer Choice," 68 Antitrust L.J. 875 (2001)

"The Three Types of Collusion: Fixing Prices, Rivals, and Rules," 2000 Wisc. L. Rev. 941 (2000) (co-authored with Dr. Howard Marvel)

"Proving the Obvious: The Antitrust Laws Were Passed to Protect Consumers (Not Just to Increase Efficiency)," 50 Hastings L.J. 959 (1999).

"Consumer Choice: The Practical Reason For Both Antitrust And Consumer Protection Law," 10 Loyola Consumer L. Rev. 44 (1998) (co-authored with Neil W. Averitt) (modification and update of the next article)

"Consumer Sovereignty: A Unified Theory of Antitrust and Consumer Protection Law," 65 Antitrust L.J. 713 (1997) (co-authored with Neil W. Averitt) (Federal Trade Commission annual award for best trade regulation scholarship by an employee was presented to co-author Oct. 27, 1998).

"Anticonsumer Effects of Union Mergers: An Antitrust Solution," 46 Duke L. J. 197 (1996) (co-authored with Dr. Richard Zerbe)

"Reverse Engineering of Computer Software and U.S. Antitrust Law," 9 Harvard J. L. & Tech. 237 (1996) (co-authored with Sturgis Sobin)

"Beyond Chicago: Will Activist Antitrust Arise Again?" 34 Antitrust Bull. 1 (1994)

"Are Antitrust 'Treble' Damages Really Single Damages?" 54 Ohio S. L. J. 115 (1993)

"Chicago Takes It On the Chin: Imperfect Information Could Play A Crucial Role In the Post-Kodak World," 62 Antitrust L. J. 193 (1993)

"A Law & Economics Perspective on a 'Traditional' Torts Case: Insights for Classroom and Courtroom," 57 Missouri L. Rev. 399 (1992)

"When Should States Challenge Mergers: A Proposed Federal/State Balance," 35 New York Law School L. J. 1047 (1990)

"Price Effects of Horizontal Mergers," 77 Calif. L. Rev. 777 (1989) (co-authored with Dr. Alan Fisher and Dr. Frederick Johnson)

"Chicago's False Foundation: Wealth Transfers (Not Just Efficiency) Should Guide Antitrust," 58 Antitrust L. J. 631 (1989)

"The Rise and (Coming) Fall of Efficiency as the Ruler of Antitrust," 33 Antitrust Bull. 429 (1988)

"Monopoly Power and Market Power In Antitrust Law," 76 Georgetown L. J. 241 (1987) (co-authored with Thomas Krattenmaker & Dr. Steven Salop)

"Do the DOJ Vertical Restraints Guidelines Provide Guidance?" 32 Antitrust Bull. 609 (1987) (co-authored with Dr. Alan Fisher and Dr. Frederick Johnson)

"The End of Antitrust - or a New Beginning?" 31 Antitrust Bull. 301 (1986) (co-authored with Joe Sims)

"Reducing Unions' Monopoly Power: Costs and Benefits," 28 J. L. & Econ. 297 (1985) (co-authored with Dr. Richard Zerbe)

"Afterword: Can a Merger Lead to Both a Monopoly and a Lower Price?" 71 Calif. L. Rev. 1697 (1983) (co-authored with Dr. Alan Fisher and Dr. Walter Vandaele)

"Efficiency Considerations in Merger Enforcement," 71 Calif. L. Rev. 1580 (1983) (co-authored with Dr. Alan Fisher)

"Wealth Transfers as the Original and Primary Concern of Antitrust: The Efficiency Interpretation Challenged," 34 Hastings L. J. 65 (1982)

## **BOOK CHAPTERS**

"Benefits of Private Enforcement: Empirical Background," introductory chapter to *Private Enforcement of Antitrust Law in the United States: A Handbook*, p. 3 (Albert A.

Foer and Randy M. Stutz, Eds) (Edward Elgar, 2012)

"Benefits of Private Enforcement: Empirical Background, Chapter 1 of *The International Handbook on Private Enforcement of Competition Law* (Albert A. Foer & Jonathan W. Cuneo, Eds) (Edward Elgar, 2011)

"The Chicago School's Foundation is Flawed: Antitrust Protects Consumers, Not Efficiency," in *How The Chicago School Overshot the Mark* (Oxford University Press, Robert Pitfosky, Editor, 2008) (co-authored with John. B. Kirkwood) (expanded version subsequently published in the *Notre Dame Law Review*).

## REPRINTS, EXCERPTS AND CONDENSATIONS OF PUBLICATIONS

"Cartel Overcharges and Optimal Cartel Fines, in 3 Issues in Competition Law and Policy 2203 (ABA Section of Antitrust Law 2008) (co-authored with Dr. John M. Connor) , condensation of "How High Do Cartels Raise Prices? Implications for Optimal Cartel Fines," 80 *Tulane L. Rev.* 513 (2005)

"Market Power Without A Large Market Share: The Role of Imperfect Information and Other 'Consumer Protection' Market Failures", reprinted in *Consumer Legal Encounters* 138 (2008, D. Naresh Kumar, Ed) (Icfia University Press, Hyderabad, India), reprint of "Market Power Without a Large Market Share", Testimony presented at joint FTC/DOJ Hearing on dominant firm issues, 2007 (available at [www.ftc.gov](http://www.ftc.gov))

"Revitalizing Section 5 of the FTC Act using Consumer Choice Analysis, Antitrust Source, Feb. 2009. <http://www.abanet.org/antitrust/at-source/09/02/Feb09-Lande2-26f.pdf> (online publication); reprint and expansion of Testimony given at FTC Hearing on Section 5 of the FTC Act, 2008, available at [www.FTC.gov](http://www.FTC.gov)

"Collusion Over Rules," 16 *Antitrust* 36 (2002) (co-authored), condensation of "The Three Types of Collusion: Fixing Prices, Rivals, and Rules," 2000 *Wisc. L. Rev.* 941 (2000)

"Are Antitrust 'Treble' Damages Really Single Damages?" 54 *Ohio S. L. J.* 115 (1993), condensed in 8 *Commercial Damages Rep.* 238 (1993); excerpted in Andrew Gavil, *An Antitrust Anthology* 367-76 (1996); reprinted in 26 *J. Reprints for Antitrust L. & Econ.* 463 (1996)

"Price Effects of Horizontal Mergers," 77 *Calif. L. Rev.* 777 (1989), reprinted in 21 *J. Reprints for Antitrust L. & Econ.* 471 (1991), in 32 *Corp. Prac. Commentator* 153 (1990), and in Eleanor Fox & James Halverson, *Collaborations Among Competitors: Antitrust Policy and Economics* 361-402 (1992)

"The Rise and (Coming) Fall of Efficiency as the Ruler of Antitrust," 33 Antitrust Bull. 429 (1988), reprinted in Eleanor Fox & James Halverson, Collaborations Among Competitors: Antitrust Policy and Economics 105-30 (1992)

"Monopoly Power and Market Power In Antitrust Law," 76 Georgetown L. J. 241 (1987), reprinted in Harry First, Eleanor Fox & Robert Pitofsky, Revitalizing Antitrust In Its Second Century 175 (1991); excerpted in Andrew Gavil, An Antitrust Anthology 245-50 (1996); reprinted in Economic Approaches to Law (series editors: Richard A. Posner and Francesco Parisi) (Edward Elgar Pub., 2007); reprinted in Economics Of Antitrust Law (Benjamin Klein and Andrew V. Lerner, Eds.) (2008)

"Reducing Unions' Monopoly Power: Costs and Benefits," 28 J. L. & Econ. 297 (1985), reprinted in 29 Corp. Prac. Commentator 107 (1987)

Impact Evaluations of Federal Trade Commission Vertical Restraints Cases (1984 FTC Publication), reprinted in 19 J. Reprints for Antitrust L. & Econ. 1 (1986)

"Wealth Transfers as the Original and Primary Concern of Antitrust: The Efficiency Interpretation Challenged," 34 Hastings L. J. 65 (1982), excerpted in E. Thomas Sullivan, The Political Economy of the Sherman Act: The First One Hundred Years 71-84 (1991); in E. Thomas Sullivan & Herbert Hovenkamp, Antitrust Law, Policy And Procedure, at various page numbers in different editions; in 19 J. Reprints for Antitrust L. & Econ. 159-83 (1989); in Andrew Gavil, An Antitrust Anthology 50-53 (1996); in the Hastings Law Journal's 50<sup>th</sup> Anniversary Issue, Volume 50 (1999); and in Rosa Greaves, Competition Law at 45-129 (2003). Reprinted in The International Library of Essays in Law and Legal Theory: Competition Law (2<sup>nd</sup> Series) (Ashgate Publishing, England, 2003)

## FOREIGN PUBLICATIONS

- India - "Price-Fixing: Hefty penalties on big-biz cartels will provide level playing field to small businesses," The Economic Times, Aug 30, 2012 (co-authored short article with Dr. John Connor, based upon our article in the Cardozo L. Review)
- Spain - "Potential Benefits From Private Competition Law Enforcement," in conference volume on Private Enforcement of Competition Laws, in 2011; translated into Spanish and published in Revista de Derecho de la Competencia (Lex Nova 2011)
- England - "Consumer Choice as the Best Way to Recenter the Mission of Competition Law, in ASCOLA volume, More Common Ground for International Competition Law? (Edward Elgar 2011), p. 21.
- France - "Consumer choice is where we are all going - so let's go together", 2 Concurrences (2011) (co-authored).

- England - "FTC v. Intel: Applying the 'Consumer Choice' Framework to 'Pure' Section 5 Allegations," 2 *CPI Antitrust Journal* 2 (2010)
- England - "Of Myths and Evidence: An Analysis of 40 U.S. Cases for Countries considering a Private Right of Action for Competition Law Violations," 2 *Global Comp. Lit. Rev.* 126 (2009) (co-authored with Joshua Davis)
- England - "The Price of Abuse: Intel and the European Commission Decision," 5 *Global Competition Policy*, No. 2, June 2009, online publication
- India - "Market Power Without A Large Market Share: The Role of Imperfect Information and Other 'Consumer Protection' Market Failures", reprinted in *Consumer Legal Encounters* 138 (2008, D. Naresh Kumar, Ed) (Icfia University Press, Hyderabad, India)
- China - "Consumer Choice: The Ultimate Objective of Antitrust", 28 *Civil & Commercial L. Rev.* (2003)
- England - "Rule Fixing: An Overlooked But General Category of Collusion," in Post-Chicago Developments in Antitrust Law 183 (2002) (Cucinotta et al eds.) (co-authored with Dr. Howard Marvel) (condensation of article that appeared at 2000 *Wisc. L. Rev.* 941 (2000))
- Japan - "The Evolution of United States Antitrust Law: The Past, Present, and (Possible) Future," 16 *Nihon U. Comparative L.J.* 149 (1999) (co- authored with Albert A. Foer)
- Peru - "Una teoría de la soberanía del consumidor: la combinación de la ley antimonopolio y de protección al consumidor," in Políticas de Competencia y el Proceso de Reformas Económicas en América Latina at 43, published by INDECOPI, Peru (1998) (translation of speech delivered in Lima)
- Japan - "Recent Trends In Merger Enforcement in the United States: The Increasing Impact of Economic Analysis," 15 *Nihon U. Comparative L.J.* 73 (1998) (co-authored with Dr. James Langenfeld)
- Peru - "La teoría de la política de fusiones," in Políticas de Competencia y el Proceso de Reformas Económicas en América Latina at 141, published by INDECOPI, Peru (1998) (translation and modification of speech delivered in Lima)
- Venezuela - "Consumer Sovereignty: A Unified Theory of Antitrust and Consumer Protection Law," condensed and revised version of article appearing at 65 *Antitrust L.J.* 713 (co-authored), in Temas Fundamentales De Análisis Económico Del Derecho, published by the Venezuelan Law & Economics Ass'n at 449 (1997)

- Japan - "Consumer Choice as the Unifying Goal of Antitrust and Consumer Protection Law," 14 Nihon University Comparative Law Journal 131 (1997) (condensation of article that appeared at 65 Antitrust Law Journal 713)
- Brazil - "Ascensão e queda (próxima da eficiência como reguladora do antitruste)," 23 Revista de Direito Econômico 39 (1996) (Portugese translation of article appearing in 33 Antitrust Bull. 429)
- England - "Chicago's False Foundation: Wealth Transfers (Not Just Efficiency) Should Guide Antitrust," 58 Antitrust L.J. 631 (1989), reprinted in F.M. Scherer, Monopoly and Competition Policy: Volume 1 241 (1993)
- Hong Kong - "More Lessons From Japan: End Industrywide Collective Bargaining?" 4 Asian Economics J. 29 (1990) co-authored with Dr. Richard Zerbe)

## **ADDITIONAL PUBLICATIONS**

- "Comparative Negligence With Joint And Several Liability: The Best of Both Worlds," 1 U. Baltimore Law Review Online 1 (Dec. 13, 2012) (co-authored with James MacAlister))
- "Robert Bork's Controversial Legacy," OpEd published in 820 FTCWATCH, Dec. 2012.
- "How the FTC Could Beat Google," co-authored OpEd in CPI Antitrust Chronicle, October 2012 (1), pp. 2-3
- "As Antitrust Case Ends, Microsoft Is Victorious In Defeat", Baltimore Sun, May 17, 2011 (co-authored OpEd).
- "The Intel and Microsoft Settlements," 770 FTC: WATCH 7, September 27, 2010
- "Revitalizing Section 5 of the FTC Using 'Consumer Choice' Analysis", 8 Antitrust Source 3 (February 2009).
- "Quick - Somebody Call Amnesty International! Intel Says EU Antitrust Fine Violated Human Rights," 746 FTC:WATCH 9, July 19, 2009
- "Revitalizing Section 5 of the FTC Act using Consumer Choice Analysis, Testimony given at FTC Hearing on Section 5 of the FTC Act, Sept. 2008, available at [www.FTC.gov](http://www.FTC.gov)
- "World War 4.0: The Intel Antitrust Wars," Baltimore Sun, p. 11A, July 31, 2008
- "The Microsoft-Yahoo Merger: Yes, Privacy is an Antitrust Concern," 714 FTC:WATCH 9, Feb. 25, 2008

“The Intel Case - is Europe Really Picking on Another American Company?”  
FTC:WATCH, No. 726, p. 9, September 15, 2008

“Intel’s Alleged Schemes Affected U.S. Consumers,” 704 FTCWATCH, Sept.  
24, 2007 (OpEd)

“Market Power Without a Large Market Share”, Testimony presented at joint  
FTC/DOJ Hearing on dominant firm issues, March 8, 2007, available at  
[www.ftc.gov](http://www.ftc.gov))

"What Do Exit Polls & Flu Vaccines Have In Common," 647 FTC:WATCH  
12, Feb 12, 2005 (co-authored)

"Beware Buyer Power", Legal Times, July 12, 2004

"US Admonishes Europe For Protecting Itself From Microsoft's Predation"  
[www.antitrustinstitute.org](http://www.antitrustinstitute.org) (co-authored) March 2004 online publication

“AOL/Microsoft Settlement Could Harm Consumers,” Baltimore Daily Record,  
July 6, 2003

“The European Union’s Microsoft Case: No Time For Jingoism,” 607 FTC:  
WATCH April 7, 2003 (co-authored)

“Media Mergers, Antitrust Law and Consumer Choice,” Baltimore Daily Record,  
March 8, 2003.

“The FTC’s Cruise Lines Decisions: Three Cheers For Transparency,” FTC:  
WATCH, No. 599, Nov. 18, 2002 (co-authored)

“A Test For Competition,” Legal Times, Sept. 20, 2002, at 59 (reprinted in other  
American Lawyer Media publications, sometimes with a different title)

Interview titled, “States of Flux” in L.A. Daily Journal, Verdicts & Settlements,  
June 21, 2002

“Commission’s Request for Comments on the Use of Disgorgement in  
Antitrust Matters,” March 29, 2002 (comments filed with the FTC on behalf  
of the AAI).

“Why Are We So Reluctant to ‘Execute’ Microsoft?” 1 Antitrust Source 1 (2001)  
(online publication available at [antitrustsource.com](http://antitrustsource.com))

“Has Microsoft Committed the Perfect Caper?” 564 FTC: WATCH 11 (2001) (co-authored with Dr. James Langenfeld)

“Professor Waller’s Un-American Approach to Antitrust,” 32 Loyola U. Chi. L.J. 137 (2000)

“Legalizing Merger to Monopoly and Higher Prices: The Canadian Competition Tribunal Gets It Wrong,” 14 Antitrust 71 (2000) (co-authored)

Testimony before the Committee on Commerce, Science and Transportation, U.S. Senate, Hearing on the America Online/Time Warner Merger, March 2, 2000 (the Hearing was published on-line)

“After Microsoft Wins,” 548 FTC: WATCH 14 (2000)

“Antitrust & the Media-II,” 270 The Nation 5 (2000)

“Microsoft Critic Urges Break-Up,” CBS Market Watch, interview by William L. Watts, November 12, 1999

“Yes, Microsoft Did Hurt Consumers” November 30, 1999, Washington Post, A-29 (co-authored with Albert A. Foer)

“Baby Bills”, Parts I and II, Lawnewsnetwork.com/open court/stories, April 1 and 2, 1999 (American Lawyer Media) (co-authored with David Solomon)

“A New Foundation For Antitrust Law,” Legal Times, Nov. 2, 1998 at S 40 (co-authored)

Testimony before the Committee on the Judiciary of the U.S. House of Representatives, Oversight Hearing on Merger Enforcement, Nov. 5, 1997 (the Hearing was published on-line)

“Creating Competition Policy For Transition Economies,” 23 Brooklyn J. Int’l. Law 339 (1997) (Introduction to Symposium)

“From Surrogates to Stories: The Evolution of Federal Merger Policy,” 11 Antitrust 5 (1997) (co-authored with Dr. James Langenfeld)

“Efficiency Considerations In Merger Enforcement.” Testimony published on-line by the Federal Trade Commission (co-authored with Dr. Alan Fisher) (1995)

“Predation Theory after Liggett and American Airlines,” edited transcript of remarks presented at ABA Antitrust Section Meeting, April 6, 1994, p.1

"Must Rates be 'Just' or Only 'Reasonable'? -- The Role of Equity: An Antitrust View," Competition and Regulation -- Compatible Bedfellows? 30 (1992) (ABA pub.)

"Commentary: Implications of Professor Scherer's Research for the Future of Antitrust," 29 Washburn L. J. 256 (1990)

Introductory remarks at panel discussions; "Self Regulation," 57 Antitrust L. J. 809 (1989); and "Antitrust Synthesis," 57 Antitrust L. J. 827 (1989)

"The Federal-State Rhetorical Debate: A Call for Harmony Among Antitrust Enforcers," 2 Federal Bar Ass'n. ATRS Report 3 (Summer 1989)

"A Counterrevolution in Antitrust?" in Antitrust in the 1990's, Institute of Continuing Legal Education in Georgia (1989) (program material)

"'Antitrust Law and Economics:' Responding to an Ivory Tower Critique," 57 U. Cin. L. Rev. 235 (1988) (book rev.)

"A Framework for Evaluating the Antitrust Legacy of the Reagan Administration," 35 Fed. Bar News & J. 228 (1988)

Editor, "The Cutting Edge of Antitrust: Lessons From Deregulation," (ABA Antitrust Section symposium course material) (June 13, 1988)

"Just Where does Judge Bork Stand? -- An Anti-Antitrust Activist?" Nat'l L. J., Sept. 7, 1987 at 13

"Antitrust Plaintiffs and the Future," 1 Fed. Bar Ass'n. ATRS Report 1 (Summer 1987) (co-authored)

"New Forces Chip Away at Agencies' Policy of Antitrust Abandonment," Legal Times, April 20, 1987 at 14 (co-authored with Joe Sims)

"Vertical Restraints Guidelines: A Step Forward," Legal Times, March 4, 1985 at 16 (co-authored with Joe Sims)

"Tying and Exclusive Dealing," Sixth Annual Seminar on Distribution at 53 (Law Journal Seminars Press, 1985) (co-authored with Joe Sims)

"DOJ Adds Revisionist Dollop to '82 Merger Guidelines," Legal Times, June 25, 1984 at 15 (co-authored with Joe Sims)

Impact Evaluations of Federal Trade Commission Vertical Restraints Cases (co-edited with Dr. Ronald Lafferty and John Kirkwood) (1984 FTC Pub.)

"Current Legal Standards of Predation," in Strategy Predation, and Antitrust Analysis (S. Salop ed. 1981) (one of four co-authors) (FTC Publication)

"Peak-Load Pricing Lowers Generation Costs," 207 Electric Rev. Int'l. 66 (1980) (from Master's thesis)

"Divestiture Under Section 5 of the FTC Act," Hearing on Federal Trade Commission - Divestiture Before the Subcommittee for Consumers of the Senate Committee on Commerce, Science, and Transportation, 96th Cong., 1st Sess. 110 (1979) (co-author)

"A Cost-Benefit Analysis of Electric Peak-Load Pricing," 103 Pub. Util. Fort. 9 (1979) (from Master's thesis)

Note, "The Arab Boycott and Title VII," 12 Harv. C. R. C. L. L. Rev. 181 (1977) (student note)

## **SELECTED U.S. PRESENTATIONS**

Press commentary on the Microsoft, Intel, Google, and other antitrust cases. I have spoken with the press many hundreds of times. Some days I talked with more than 20 reporters. I have been quoted in the Wall Street Journal, New York Times, Washington Post, Chicago Tribune, L.A. Times, Business Week, USA Today, Baltimore Sun, U.S. News & World Report, and by the Associated Press. Also gave dozens of radio interviews (including National Public Radio), several press briefings, and have appeared on television in the United States, England, France, and China.

American Antitrust Association. Presentations at 2013, 2012, 2011, 2009 and 2008 Conferences on Private Antitrust Enforcement; presentations at Annual Meetings in June 2008, 2007 and 2005.

George Washington University Law School Conference on the Goals of Antitrust, September, 2012

ABA Antitrust Section Colloquium on Privacy and Antitrust, Oct. 3, 2010, talk was titled, "Antitrust, Privacy, and Consumer Choice"

Federal Trade Commission's Workshop on Section 5 of the FTC Act as a Competition statute, Oct 17, 2008

FTC/DOJ Joint Hearing on dominant firm issues, March 8, 2007, Testimony titled, "Market Power Without a Large Market Share"

Antitrust Modernization Commission, July 28, 2005 Hearing on Civil Remedies Issues, testimony titled, "Four Myths About Antitrust Damages".

National Association of Attorneys General, Annual Antitrust Meeting, Oct. 1, 2003, concerning Illinois Brick issues

American Bar Association Annual Antitrust Meeting, April 2, 2003, panel on damages reform

American Antitrust Institute national conferences. Presentations June 12, 2001 on merger enforcement, and June 15, 2000 on collusion and on consumer choice.

The Conference Board, annual antitrust program, session on merger efficiencies. New York, March 1, 2001.

Press conference on the BP Amoco/ARCO merger (part of public interest coalition), Feb. 8, 2000.

Press Conference on Stories Related to the 10<sup>th</sup> Anniversary of the Exxon Valdez Oil Spill, talk titled "The Exxon/Mobil Merger", February 10, 1999.

"Talk of the Nation," National Public Radio, program on the Exxon/Mobil merger, Dec. 2, 1998 (131 stations).

Press Conference by American Antitrust Institute on important current antitrust cases. Briefed the Press on Coke/Pepsi, Toys-R-Us, and Master Card/Visa cases, Oct. 30, 1998.

Committee on the Judiciary of the U.S. House of Representatives, Oversight Hearing on Merger Enforcement, Nov. 5, 1997.

Association of American Law Schools, Annual Meeting, Antitrust Section panel, "Are We A Cartel: The ABA/DOJ Consent Decree," Jan. 7, 1996.

Federal Trade Commission, Hearings on Global and Innovation-Based Competition. Testimony titled, "Efficiency Considerations in Merger Enforcement," Nov. 14, 1995.

National Association of Attorneys General, Annual State Antitrust Meeting, presented "Predatory and Collusive Option Restriction," Nov. 2, 1995.

ABA Annual Meeting, Antitrust Section Program, "The Role of Antitrust Policy in Shaping the Future of the Information Technology Industry," Aug. 7, 1995.

Brazilian antitrust delegation. Presented insights from U.S. experience relevant to Brazilian competition policy, Nov. 10, 1994.

Post-Chicago Economics Conference, sponsored by the FTC, DOJ Antitrust Division, ABA Antitrust Section and Georgetown U., panel on Systems Competition and Aftermarkets, May 26, 1994.

Judicial Institute of Maryland, continuing legal education program for Judges. Presentations titled "Incorporating 'Law and Economics' into Judicial Decisionmaking," 1994, 1991, and 1989.

Association of American Law Schools, Annual Meeting, Antitrust Section panel on the implications of the Kodak decision, Jan. 7, 1993.

ABA Annual Meeting, Antitrust Section program on the 1992 Merger Guidelines. Aug. 10, 1992.

ABA Regulated Industries Section program on Competition and Regulation, session on the role of antitrust, 1992.

Testimony before Maryland Senate and House Committees, and Governor's Commission on Insurance in Maryland, at hearings on Maryland's antitrust exemption for the insurance industry. 1991, 1990 and 1989.

Public Citizen insurance conference. Presentation titled, "The Insurance Industry's Antitrust Exemption." Feb. 2, 1990.

ABA Annual Meeting, Antitrust Section program on "Challenges to the Chicago School." Presentation titled "Wealth Transfers (Not Just Efficiency) Should Guide Antitrust." Aug. 7, 1989.

National Association of Attorneys General, Antitrust Centennial Symposium. Critiqued paper by F.M. Scherer and presented my own views. May 24, 1989.

Antitrust Policy Institute, Airlie House Conference. Presentation titled "Revitalizing Section 2 of the Sherman Act," March 28, 1987.

American Economic Association, Annual Meeting, presentation titled "Ascertaining Efficiency And Price Effects of Mergers." Dec. 29, 1984.

## **SELECTED FOREIGN PRESENTATIONS**

Italy - European University Institute, Workshop on Private Competition

Enforcement, discussed the U.S. experience. Florence, Oct. 5, 2013

Belgium - Conference on Consumer Choice as the goal of Antitrust and Competition Law, Brussels, June 24, 2012

Spain - Conference on Private Competition Law Enforcement, Oct. 14, 2010, Valladolid

Spain - Presentation about "rule fixing", Madrid, October 21, 2010

Italy — LEAR Conference on Private Competition Law enforcement, Rome, June 26, 2009

Italy — Conference on Post-Chicago Antitrust at Taormina, Sicily on October 27, 2000.

Japan — Antitrust lecture series at Nihon University Law School, Tokyo, July 1998.

Japan — “Current Antitrust Issues In The United States,” International Business Law Institute, Tokyo, July 31, 1998.

Peru — INDECOPI Conference, “International Seminar On Competition Policy”, presentation on the relationship between competition and consumer protection law, Lima, May 28, 1998.

Great Britain — Meetings with South African government officials to advise them on competition issues, April 18-19, 1998, London.

Venezuela — Latin American Law & Economics Ass'n Conference, presented "Consumer Sovereignty" paper, Caracas, June 17, 1997.

Peru — INDECOPI Conference, "Competition Policies and the Economic Reform Process in Latin America," two presentations on implications of U.S. antitrust policy, Lima, Aug. 13, 1996.

## **ADDITIONAL PRESENTATIONS**

American Economic Ass'n; Western Economic Ass'n; Southern Economic Ass'n; Federal Bar Ass'n (many presentations); ABA Antitrust Section (many presentations); U.S. Dept. of Justice Antitrust Division's Economic Policy Office; Eleventh National Conference On Critical Legal Studies; Hoover Institution; New York Law School; St. Mary's Law School; Impact Evaluation Society; National Ass'n of Attorneys General Annual Meeting on State Antitrust Enforcement; FTC

Bureau of Economics; Antitrust Division of the Office of the Maryland Attorney General; Georgia State Bar Ass'n; The Conference Board; Morgan, Lewis & Bockius; Ass'n of American Law Schools; Committee To Support the Antitrust Laws; Loyola U. of Chicago Law School; Loyola U. Consumer Law Center, George Washington U. Law School; U. Cincinnati Dept. of Economics, Ohio State U. Dept. of Economics; Wilmer, Cutler & Pickering, Notre Dame Business School, Washington Legal Foundation.

## **U.S. PRO BONO**

National Ass'n of Attorneys General (many antitrust projects, including Illinois Brick Task Force, insurance litigation, and 1992 and 1987 Merger Guidelines task forces); Center For The Study of Responsive Law (Ralph Nader affiliated consumer group); People For The American Way Bork Supreme Court Nomination project; World Jewish Congress; Federal Trade Commission; Antitrust Divisions of the Offices of the Maryland and Pennsylvania Attorneys General; American Antitrust Institute (hundreds of projects)

## **INTERNATIONAL PRO BONO**

Government antitrust enforcers from Russia, Peru, Singapore, Venezuela, and The Republic of South Africa; Brazilian antitrust delegation; World Bank Russian Antitrust Education Project; Japanese Electronic Industry Development Ass'n.; Catholic University of Venezuela Law School

## **OTHER PROFESSIONAL ACTIVITY**

American Law Institute. Elected 1997

Association of American Law Schools, Antitrust Section. Chair, 1996-1997; Chair-Elect, 1995-96; Secretary, 1994-95; Executive Committee, 1989-92

American Bar Association Antitrust Section. Have been a Committee Chair and a member of several task forces, and helped plan a large number of programs.

Special Master in antitrust case in Federal Court; occasional paid consultant to law firms

Have been outside referee for: Oxford University Press, Research in Law & Economics; Antitrust Law Journal; International Review of Law & Economics; Encyclopedia of Law & Economics

Judge for the "Cohen Foundation Prize" for the best antitrust scholarship; awarded annually, most years since 2002

Outside article evaluator for tenure candidates at U. Houston Law School, U. Iowa College of Law, and Howard U. School of Law

Federal Bar Association Antitrust Section. Held various committee chairs and awarded plaques for outstanding service in 1985 and 1990.

## **HONORS AND AWARDS**

Co-winner of the \$8,000 2013 Cohen Foundation Award for best Antitrust & Trade Regulation Scholarship published in 2012, for "Cartels As Rational Business Strategy: Crime Pays," 34 Cardozo L. Rev. 427 (2012) (co-authored with Dr. John Connor),

SSRN list of Top 15 Antitrust downloads each year from 2008-2012

Co-winner of the \$8,000 2007 Cohen Foundation Award for best Antitrust & Trade Regulation Scholarship published during 2007, for "Using The 'Consumer Choice' Approach To Antitrust Law", 74 Antitrust L. J. 175 (2007) (co-authored with Neil W. Averitt)

University System of Maryland's Regents Award for Scholarship, 2006

Awarded the University of Baltimore Law School's first Chair, the Venable Chair, in the Fall of 1998

University of Baltimore's nominee for the University System of Maryland's Regents Award for Scholarship for 1998

Elected to the American Law Institute, 1997

The Hastings Law Journal, for its 50<sup>th</sup> Anniversary issue, reprinted the most influential scholarship published in the Journal. This included my article, "Wealth Transfers as the Original and Primary Concern of Antitrust: The Efficiency Interpretation Challenged"

Federal Trade Commission's Award for best trade regulation scholarship by an employee during 1997 was presented to my co-author, Neil Averitt, for our article, "Consumer Sovereignty: A Unified Theory of Antitrust and Consumer Protection Law," 65 Antitrust L.J. 713 (1997), presented on Oct. 27, 1998.

University of Baltimore Law School student award for Teaching Excellence, April 2000

## **BAR MEMBERSHIP**

Washington, D.C. (1978)