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Current Position

Visiting Professor
King's College London
September 2015 to Present

Global Competition Professor of Law and Policy
George Washington University Law School
October 2011 to Present

Director
Competition Law Center
George Washington University Law School
October 2011 to Present

Visiting Scholar
University of Melbourne
Online Global Competition and Consumer Law Programme
June 2016 to Present

Co-Editor (with Ariel Ezrachi)
Journal of Antitrust Enforcement
Oxford University Press
March 2012 to Present

Non-Executive Director
United Kingdom Competition and Markets Authority
August 2013 to Present

Date and Place of Birth



Education

A.B. (cum laude), Princeton School for Public and International Affairs, Princeton University, 1974

J.D., Columbia University, 1978

Harlan Fiske Stone Scholar: 1976-1977, 1977-1978

Teaching Assistant, Trade Regulation, Spring Term 1978

Previous Employment

Commissioner
U.S. Federal Trade Commission
January 2006 to October 2011

Chairman: March 2008 through March 2009

Vice-Chair (Outreach), Int'l Competition Network, June 2009- Sept. 2011

Professor
George Washington University Law School
June 1999 to October 2011

E.K. Gubin Professor of Government Contracts Law: January 2005-March 2008

General Counsel
U.S. Federal Trade Commission
June 2001 through December 2004

Visiting Professor
Washington College of Law
American University
August 1994 through June 1995

Professor
George Mason University School of Law
June 1986 to June 1999

George Mason University Foundation Chair: April 1998 to May 1999.

Full Professor (with tenure): September 1993 to May 1999.

Associate Professor (with tenure): September 1990 through August 1993.

Assistant Professor: May 1986 through August 1990.

Associate

Bryan Cave

September 1983 to June 1986

Attorney Advisor

Commissioner George W. Douglas

U.S. Federal Trade Commission

January 1983 to September 1983

Attorney

Planning Office

Bureau of Competition

U.S. Federal Trade Commission

September 1979 to January 1983

Law Clerk to the Honorable Roszel C. Thomsen

U.S. District Court for the District of Maryland

September 1978 to September 1979

Legislative Assistant, Majority Staff

Subcommittee on Antitrust and Monopoly

U.S. Senate Committee on the Judiciary

U.S. Congress

June 1975 to July 1976

Professional Honors

Doctor *Honoris Causa*, University of Neuchatel, November 2017

Miles W. Kirkpatrick Award for Lifetime Achievement, U.S. Federal Trade Commission,
November 2011

Commendation for Distinguished Service, U.S. Federal Trade Commission, 2004 and
2011

Global Competition Review, Lifetime Achievement Award, March 2012

Global Competition Review, Speech of the Year Award for 2012 and 2013

Jerry S. Cohen Memorial Award for Antitrust Scholarship, American Antitrust Institute, 2011 (with Robert Marshall, Leslie Marx, and Halbert White)

Concurrences Antitrust Writing Award 2017 Best General Interest Academic Article, (with Marianela Lopez-Galdos)

Honorary Professor, Faculty of Law, University of International Business and Economics, Beijing, People's Republic of China, April 2017

J.C. Smith Visiting Scholar, University of Nottingham Law School, Nottingham, United Kingdom (February/March 2016)

Teaching Awards

George Washington Law School: Graduating Class Teaching Award (2001).

George Mason School of Law: Richard S. Murphy Teaching Award (1998); George Mason University Alumni Association Teaching Award (1998); Phi Delta Phi (1992-93); George Mason University Distinguished Faculty Award (1990).

Faculty Speaker at the School of Law Commencement (selected by a vote of graduating students): 1989, 1990, 1991, 1992, 1993, 1995, 1996, and 1998

Washington College of Law, American University: First-Year Class Teaching Award (1994-95)

Publications

Books and Edited Volumes

Antitrust Law in Perspective: Cases, Concepts, and Problems in Competition Policy (Thomson West: First Edition 2002; Second Edition 2008, Third Edition 2017) (with Andrew Gavil and Jonathan Baker)

Antitrust Law and Economics in a Nutshell (Thomson West: 4th Edition 1994 (with Ernest Gellhorn); 5th edition 2004) (with Stephen Calkins and Ernest Gellhorn)

Accelerating China's Growth by Strengthening Competition (Cairncross Foundation 2016) (with Cyril Lin and Derek Morris)

Global Competition Enforcement – New Players, New Challenges (Wolters Kluwer 2019) (edited volume with Paulo Burnier da Silveira)

Chapters in Books and Other Published Collections of Papers

Market Structure and Market Studies, in Competition Law and Economics: Developments, Policies and Enforcement – Trends in the US and Korea 30 (Jay Pil Choi, Wonhyuk Li, and Sang-Hyop Lee, eds., Edward Elgar, 2020)

Formula for Success: A Formula One Approach to Understanding Competition Law System Performance, in **Balancing Efficiency and Equity** 312 (Damien Gerard & Ioannis Lianos ed., Cambridge University Press) (2019)

Norms that Promote Long-Term Institutional Improvement in the Face of Leadership and Regime Changes, in **Judge Douglas H. Ginsburg Liber Amicorum** (Nicolas Charbit ed., Concurrences) (forthcoming 2019)

Competition Lifecycles in Latin America. in **Competition Law in Latin America – A Practical Guide** 7 (Julian Pena & Marcello Calliari eds., Wolters Kluwer 2016)

A Case for Capping the Dosage: Leniency and Competition Authority Governance, in **Leniency Religion -- Anti-Cartel Enforcement in a Contemporary Age** 123 (Caron Beaton-Wells & Christopher Tran, eds., Hart Publishing) (2015)

Distinguished Essay: Good Agency Practice and the Implementation of Competition Law, in **European Yearbook of International Economic Law** 3 (Christoph Hermann, Markus Krajewski & Joerg Philipp Terhechte eds. 2013)

International Convergence: Assessing the Quality of Horizontal Merger Enforcement, in **European Competition Law Annual 2010** at 253 (Philip Lowe & Mel Marquis eds., 2013, Hart Publishing)

General Overview, in **Competition Law in the BRICS Countries** 315 (Vassily Rudomino, Jose Ragazzini & Adrian Emch eds., 2012, Kluwer)

'Jaw-jaw', not 'law-law' – from treaties to meetings: the increasing informality and effectiveness of international cooperation, in **Research Handbook on International Competition Law** 60 (Ariel Ezrachi, ed. Edward Elgar 2012) (with Hugh Hollman and Andrew Robertson)

HSR at 35: The Early US Premerger Notification Experience and Its Meaning for New Systems of Competition Law, in **New Competition Jurisdictions – Shaping Policies and Building Institutions** 9 (Richard Whish & Christopher Townley eds., Edward Elgar,) (2012)

Competition agencies, independence, and the political process, in **Competition Policy and the Economic Approach** 291 (Josef Drexel, Wolfgang Kerber & Rupprecht Podszun eds., Edward Elgar, 2011)

Ensuring integrity and competition in public procurement markets: a dual challenge for good governance, in **The WTO Regime on Government Procurement: Challenge and Reform** 681 (Sue Arrowsmith & Robert D. Anderson eds., Cambridge, 2011) (with Robert Anderson and Anna Caroline Mueller)

A Regulator's Perspective on Getting the Balance Right, in **Intellectual Property, Competition Law and Economics in Asia** 23 (R Ian McEwin ed., Hart, 2011)

Private Rights of Action and the Enforcement of Public Competition Laws, in **Current Developments in European and International Competition Law** 421 (Carl Baudenbacher ed., Helbing Lichtenhahn 2011)

Criminal Enforcement Norms in Competition Policy: Insights from US Experience, in **Criminalising Cartels** 45 (Caron Beaton-Wells & Ariel Ezrachi eds., Bloomsbury Publishing, 2011)

Tackling cartels: lessons for making and entrenching reform, in **Delivering Policy Reform** 123 (Evert A. Lindquist, Sam Vincent & John Wanna eds., ANU Press, 2011)

The International Competition Network: Its Past, Current and Future Role, in **The International Competition Network at Ten: Origins, Accomplishments and Aspirations** 51 (Paul Lugard ed., Intersentia, 2011) (with Hugh Hollman)

Using Ex Post Evaluation to Improve the Performance of Competition Policy Authorities, in **Taiwan 2009 International Conference on Competition Law/Policies: Creating a New Order for Competition in Response to Industrial Restructuring** 43 (Taiwan Fair Trade Commission 2010)

Convergence and Divergence in the EU and US Competition Policy, in **Changes in Competition Policy Over the Last Two Decades** 469 (Malgorzata Krasnodebska-Tomkiel, ed., Office of Competition and Consumer Protection, 2010)

Plea Bargaining and the Enforcement of Competition Law Against Cartels in the United States, in **European Competition Law Annual 2008: Antitrust Settlements under EC Competition Law** 349 (Claus Dieter Ehlermann & Mel Marquis eds., Hart, 2010)

Competition Policy in the European Union and the United States: Convergence or Divergence?, in **Competition Policy in the EU: Fifty Years on from the Treaty of Rome** 314 (Xavier Vives ed., Oxford, 2009)

U.S. Antitrust Policy and Public Restraints on Business Rivalry, in ABA Section of Antitrust Law, **I Issues in Competition Law and Policy** 209 (2008)

Vereinigte Staaten von Amerika (USA), in **Internationales Kartell- und Fusionskontrollverfahrensrecht** 1197 (Joerg Philipp Terhechte ed., Gieseking, 2008)

Lessons for Competition Policy from the Vitamins Cartel, in **The Political Economy of Antitrust** 149 (Vivek Ghosal & Johan Stennek eds., Elsevier, 2007) (with Robert Marshall, Leslie Marx & Matthew Raiff)

Competition policy and cartels: the design of remedies, in **Criminalization of Competition Law Enforcement** 41 (Katalin J. Cseres, Maarten Pieter Schinkel & Floris O.W. Vogelaar eds., Elgar, 2006)

Bidding rings and the design of anti-collusive measures, in **Handbook of Procurement** 381 (Nicola Dimitri, Gustavo Piga & Giancarlo Spagnolo eds. Cambridge, 2006) (with Robert Marshall, Leslie Marx, and Matthew Raiff)

Bounties as Inducements to Identify Cartels, in **European Competition Law Annual 2006: Enforcement of Prohibition of Cartels** 571 (Claus Dieter Ehlermann & Isabela Atanasiu eds., Hart, 2007)

Competition Policy Research and Development, Institutional Interdependency, and the Future Work of Competition Agencies in the Professions, in **European Competition Law Annual 2004: The Relationship Between Competition Law and the (Liberal) Professions** 547 (Claus Dieter Ehlermann & Isabela Atanasiu eds., 2006)

The role of non-litigation strategies: advocacy, reports and studies as instruments of competition policy, **Handbook of Research in Trans-Atlantic Antitrust** 541 (Philip Marsden ed., Elgar, 2006)

Bounties as Inducements to Identify Cartels, in **V Current Competition Law** 689 (Philip Marsden, Michael Hutchings & Peter Whelan eds., British Institute of International and Comparative Law, 2005)

Achieving Better Practices in the Design of Competition Policy Institutions, in **On the Merits –Current Issues in Competition Law and Policy** 195 (Paul Lugard & Leigh Hancher 3eds., Intersentia, 2005)

Competition Policy Cooperation and the Pursuit of Better Practices, in **The Future of Transatlantic Economic Relations: Continuity Amid Discord** 65 (David M. Andrews, Mark A. Pollack, Gregory C. Shaffer & Helen Wallace eds., Robert Schuman Center, European University Institute, 2005)

Toward a Domestic Competition Network, in **Competition Laws in Conflict** 316 (Richard Epstein & Michael Greve eds., American Enterprise Institute, 2004)

Private Participation in the Enforcement of Public Competition Laws, in **II Current Competition Law** 167 (Mads Andenas, Michael Hutchings & Philip Marsden eds., British Institute of International and Comparative Law, 2004).

The Significance of the Microsoft Antitrust Litigation for Postal Services Operators, in **Future Directions in Postal Reform** 18 (Michael A. Crew & Paul R. Kleindorfer eds.: Kluwer, 2001).

Antitrust and Competition Policy in Transition Economies: A Preliminary Assessment, in 1999 **Fordham Corporate Law Institute** 513 (Barry E. Hawk, ed. 2000).

The U.S. Government Sues Microsoft, in **The American Annual 1999**, at 167 (Grolier 1999).

Comments on a Paper by Robert Cooter, in **Economic Dimensions in International Law** 317 (Jagdeep S. Bhandari & Alan O. Sykes, eds.: Cambridge: Cambridge University Press, 1997)

Overview: Public Utility Policymaking in Transition, in **XIX Public Utilities Law Anthology**, Pt. I, Jan.-June 1996 (1997).

Competition Policy Analysis of Joint Ventures and Teaming Arrangements by Government Agencies and the Courts, in **Subcontracting, Teaming and Partnering in the Age of Consolidation and Cooperation** (American Bar Association, Section of Public Contract Law: November 1997).

Predatory Pricing Standards and Competition in Postal Areas, in **Diffusion of New Regulatory Approaches in Postal Services** 67 (Ulrich Stumpf & Monika Plum, eds.: Wissenschaftliches Institut für Kommunikationsdienste GmbH Bad Honnef, Germany, April 1997).

Commissions, Courts, and the Access Pricing Problem, in **Pricing and Regulatory Innovations Under Increasing Competition** 53 (Michael A. Crew, ed.: Kluwer, 1996).

Antitrust and the Evolution of a Market Economy in Mongolia, in **De-monopolization and Competition Policy in the Post-Communist Countries** 89 (Ben Slay, ed.: Westview, 1996) (with Robert S. Thorpe).

Public Choice and the Origins of Antitrust Policy, in **The Causes and Consequences of Antitrust: A Public Choice Perspective** 243 (Fred S. McChesney & William F. Shughart III eds.: University of Chicago, 1995).

The Law and Economics of Privacy: Applications to Regulated Industries, in **Incentive Regulation for Public Utilities** 113 (Michael A. Crew, ed.: Kluwer, 1994).

The Application of Legal Safeguards Against Predation to the Postal Services Industry, in **Commercialization of Postal and Delivery Services: National and International Perspectives** 45 (Michael A. Crew & Paul R. Kleindorfer, eds.: Kluwer, 1994)

Post-Appointment Preference Shaping and Its Influence on Judicial Analysis of Economic Regulation Issues, in **Commercialization of Postal and Delivery Services: National and International Perspectives** 93 (Michael A. Crew & Paul R. Kleindorfer, eds.: Kluwer, 1994).

Determining Constraints on Pricing, in **The Strategy and Tactics of Pricing** 360 (Thomas T. Nagle & Reed K. Holden, eds.: Prentice Hall, 1994) (with Neil E. Graham).

The Changing Equilibrium of Antitrust Policy, in II **The Antitrust Impulse: An Economic, Historical, and Legal Analysis** 575 (Theodore P. Kovaleff, ed.: M.E. Sharpe Publishers, 1994).

Comment: Perennial Gales and the International Mail, in **Regulation and the Evolving Nature of Postal and Delivery Services** 217 (Michael A. Crew & Paul R. Kleindorfer, eds.: Kluwer, 1993).

The Effect of Government Involvement, in American Bar Association, Section of Antitrust Law, **Antitrust Law Developments** 963-1016 (3d edition: American Bar Association, Chicago 1992).

The Antitrust Law and Economics of Essential Facilities in Public Utility Regulation, in **Economic Innovations in Public Utility Regulation** 1 (Michael A. Crew, ed.: Kluwer, 1992).

Antitrust and Competitiveness: Is Legislation to Exempt Production Joint Ventures Necessary?, in **Proceedings of the N.Y. State Bar Association Antitrust Law Symposium** 66 (Jan. 1990).

Government Support for Research and Development, in **The Shrinking Industrial Base: Restructuring the Defense Industry and Ensuring American Competitiveness for the 1990s** (Annual Meeting Program Volume, American Bar Association, Section of Public Contract Law: August 1990).

The Sorcerer's Apprentice: Public Regulation of the Weapons Acquisition Process, in **Arms, Politics, and the Economy: Historical and Contemporary Perspectives** 104 (Robert Higgs, ed.: Holmes & Meier and The Independent Institute, 1990).

Blue Ribbon Defense Commissions: The Acquisition of Major Weapons Systems, in **Arms, Politics, and the Economy: Historical and Contemporary Perspectives** 61 (Robert Higgs, ed.: Holmes & Meier and The Independent Institute, 1990).

Illegal Agreements with Competitors, in **Tales from Toronto** (Annual Meeting Program Volume, American Bar Association, Section of Public Contract Law, August 7-9, 1988)

Federal Regulation of Business: Antitrust and Environmental Law, in Henry M. Butler, William Fischel & William E. Kovacic, **Significant Business Decisions of the Supreme Court, 1986-1987 Term** 57 (Washington Legal Foundation: 1988).

The Federal Trade Commission and Congressional Oversight of Antitrust Enforcement: A Historical Perspective, in **Public Choice and Regulation: A View from Inside the Federal Trade Commission** 63 (Robert Mackay, James C. Miller III & Bruce Yandle, eds.: Hoover Press, 1987).

Antitrust, in **The Business Government Relationship** 173 (William M. Wolff, Jr., ed.: Open University, University of Maryland, 1983)

Current Legal Standards of Predation, in **Strategy, Predation, and Antitrust Analysis** 101 (Steven Salop ed.: Federal Trade Commission 1981) (with James D. Hurwitz, Thomas Sheehan & Robert H. Lande)

Journal Articles

Competition Policy and the Global Economy: Current Developments and Issues for Reflection, 88 **George Washington Law Review** 1421 (2020) (with Robert Anderson, Anna Caroline Müller, Antonella Salgueiro & Nadezhda Sporysheva)

Competition Policy Retrospective: The Formation of the United Launch Alliance and the Ascent of SpaceX, 27 **George Mason Law Review** 863 (2020)

The Chicago Obsession in the Interpretation of Modern US Antitrust History, 87 **University of Chicago Law Review** 459 (2020)

State Enforcement in a Polycentric World, 2019 **Brigham Young Law Review** 1447 (2020)

“Competition Policy in the Broadest Sense”: Michael Pertschuk’s Chairmanship of the Federal Trade Commission 1977-1981, 60(4) **William & Mary Law Review** 1264 (2019)

Preventing Corruption, Supplier Collusion, and the Corrosion of Civic Trust: A Procompetitive Program to Improve the Effectiveness and Legitimacy of Public Procurement, 26(4) **George Mason Law Review** 1233 (2019) (with Robert Anderson and Alison Jones)

Implementing Privacy Policy: Who Should Do What?, 29 **Fordham Intellectual Property, Media & Entertainment Law Journal** 1117 (2019) (with David Hyman)

Serial Collusion by Multi-Product Firms, 6 (3) **Journal of Antitrust Enforcement** 296 (2018) (with Robert Marshall and Michael Meurer)

Risky Business: Should the FDA Pay Attention to Pharmaceutical Prices?, 11 **New York University Journal of Law & Liberty** 426 (2017) (with David Hyman)

Competition Policy and State-Owned Enterprises in China, 16 **World Trade Review** 693 (2017)

Identifying Anticompetitive Agreements in the United States and the European Union: Developing a Coherent Antitrust Analytical Framework, 62(2) **Antitrust Bulletin** 254 (2017) (with Alison Jones)

Health Care Competition Law in the Shadow of State Action: Minimizing MACs, 48 **Loyola University of Chicago Law Journal** 1 (2017) (with David Hyman)

Lifecycles of Competition Systems: Explaining Variation in the Implementation of New Regimes, 79 **Journal of Law & Contemporary Problems** 85 (2016) (with Marianela Lopez-Galdos)

Regulatory Leveraging: Problem or Solution?. 23 **George Mason Law Review** 1163 (2016) (with David Hyman)

Consume or Invest: What Do (and Should) Agency Leaders Maximize?, 91 **University of Washington Law Review** 295 (2016) (with David Hyman)

Can't Anyone Here Play This Game? Judging the FTC's Critics, 83 **George Washington Law Review** 1948 (2015) (with David Hyman)

China's Competition Law Experience in Context, **Journal of Antitrust Enforcement** 12 (Supplement 2015)

William E. Kovacic, *The United States and Its Future Influence on Global Competition Policy*, 22 **George Mason Law Review** 1157 (2015)

Creating a Respected Brand: How Regulatory Agencies Signal Quality, 22 **George Mason University Law Review** 237 (2015)

The Federal Trade Commission as an Independent Agency: Autonomy, Legitimacy, and Effectiveness, 100 **Iowa Law Review** 2085 (2015) (with Marc Winerman)

Why Who Does What Matters: Governmental Design and Agency Performance, 82 **George Washington Law Review** 1446 (2014)

Merger Control Procedures and Institutions: A Comparison of EU and US Practice, 59 **Antitrust Bulletin** 55 (2014) (with Petros Mavroidis and Damien Neven)

The Federal Trade Commission as Convenor: Developing Regulatory Policy Norms without Litigation or Rulemaking, 13 **Colorado Technology Journal** 17 (2014)

Politics and Partisanship in U.S. Federal Antitrust Enforcement, 79 **Antitrust Law Journal** 687 (2014)

Out of Control? Robert Bork's Portrayal of the U.S. Antitrust System in the 1970s, 79 **Antitrust Law Journal** 855 (2014)

Learned Hand, Alcoa, and the Reluctant Application of the Sherman Act, 79 **Antitrust Law Journal** 295 (2013) (with Marc Winerman)

Review of The Economics of Collusion – Cartels and Bidding Rings, by Robert C. Marshall & Leslie M. Marx (MIT Press 2012), 27 **International Review of Economics & Finance** 637 (2013)

Institutional Design, Agency Life Cycle, and the Goals of Competition Law, 81 **Fordham Law Review** 2163 (2013) (with David Hyman)

From Microsoft to Google: Intellectual Property, High Technology, and the Reorientation of U.S. Competition Policy and Practice, 23 **Fordham Intellectual Property, Media, and International Law Journal** 101 (2013)

Competition Agencies with Complex Policy Portfolios: Divide or Conquer, **Concurrences** No. 1-2013 (with David Hyman)

Politics, Hyper-partisanship, and Regulatory Agency Leadership, 10 **Georgetown Journal of Law and Public Policy** 363 (2012)

Competition Agency Design: What's on the Menu?, 8 **European Competition Journal** 527 (2012) (with David Hyman)

Behavioral Economics and Its Meaning for Antitrust Agency Decision Making, 8 **Journal of Law, Economics & Policy** 779 (2012) (with James Cooper)

Antitrust in High-Tech Industries: Improving the Federal Antitrust Joint Venture, **George Mason Law Review** 1097 (2012)

Standard Oil Co. v. United States and Its Influence on the Conception of Competition Policy, 11 **Competition Law Review** 89 (2012)

The Institutions of Antitrust Law: How Structure Shapes Substance -- Book Review of Crane: The Institutional Structure of Antitrust Enforcement, 110 **Michigan Law Review** 1019 (2012)

Behavioral economics: implications for regulatory behavior, 41 **Journal of Regulatory Economics** 41 (February 2012) (with James Cooper).

The International Competition Network: Its Past, Current, and Future Role, 20 **Minnesota Journal of International Law** 274 (2011) (with Hugh Hollman)

Plus Factors and Agreement in Antitrust Law, 110 **Michigan Law Review** 393 (2011) (with Robert Marshall, Leslie Marx and Halbert White).

How Does Your Competition Agency Measure Up?, 7 **European Competition Journal** 25 (2011) (with Hugh Hollman and Patricia Grant).

The William Humphrey and Abram Myers Years: The FTC from 1925 to 1929, 77 **Antitrust Law Journal** 701 (2011) (with Marc Winerman).

US antitrust policy: The underperforming federal joint venture, **Concurrences** 65 (No. 4-2011).

U.S. Convergence with International Competition Norms: Antitrust Law and Public Restraints on Competition, 90 **Boston University Law Review** 1555 (2010) (with James Cooper).

The Digital Broadband Migration and the Federal Trade Commission: Building the Competition and Consumer Protection Agency of the Future, 8 **Journal on Telecommunications and High Technology Law** 1 (2010).

Outpost Years for a Start-Up Agency: The FTC from 1921-1925, 77 **Antitrust Law Journal** 145 (2010) (with Marc Winerman).

Competition Policy and the Application of Section 5 of the Federal Trade Commission Act, 76 **Antitrust Law Journal** 929 (2010) (with Marc Winerman).

Competition Policy and International Trade Liberalisation: Essential Complements to Ensure Good Performance in Public Procurement, 18 **Public Procurement Law Review** 67 (Issue 2, 2009) (with Robert Anderson).

Rating the Competition Agencies: What Constitutes Good Performance?, 16 **George Mason Law Review** 903 (2009).

Cartels as Two-Stage Mechanisms: Implications for the Analysis of Dominant-Firm Conduct, 10 **Chicago Journal of International Law** 213 (2009) (with Randal Heeb, Robert Marshall, and Leslie Marx).

Quantitative Analysis of Coordinated Effects, 76 **Antitrust Law Journal** 397 (2009) (with Robert Marshall, Leslie Marx, and Steven Schulenberg).

Assessing the Quality of Competition Policy: The Case of Horizontal Merger Enforcement, 5 **Competition Policy International** 39 (Spring 2009).

Book Review of Antitrust Stories, 4 **Competition Policy International** 241 (Spring 2008).

Lucky Trip? Perspectives from a Foreign Advisor on Competition Policy, Development and Technical Assistance, 3 **European Competition Journal** 319 (2007).

Competition Policy, Consumer Protection, and Economic Disadvantage, 25 **Washington University Journal of Law & Policy** 101 (2007).

The Intellectual DNA of Modern U.S. Competition Law for Dominant Firm Conduct: The Chicago/Harvard Double Helix, 2007 **Columbia Business Law Review** 1.

The Importance of History to the Design of Competition Policy Strategy: The Federal Trade Commission and Intellectual Property Law, 30 **Seattle University Law Review** 319 (2007).

An Integrated Competition Policy to Deter and Defeat Cartels, 51 **Antitrust Bulletin** 813 (Winter 2006).

Using Ex Post Evaluation to Improve the Performance of Competition Policy Authorities, 31 **Journal of Corporation Law** 503 (2006).

Achieving Better Practices in the Design of Competition Policy Institutions, 50 **Antitrust Bulletin** 511 (Fall 2005).

Measuring What Matters: The Federal Trade Commission and Investments in Competition Policy Research and Development, 72 **Antitrust Law Journal** 861 (2005)

Perspective: Monopoly, Monopsony, and Market Definition: An Antitrust Perspective on Market Concentration Among Health Insurers, 23 **Health Affairs** 25 (2004) (with David Hyman).

The Modern Evolution of U.S. Competition Policy Enforcement Norms, 71 **Antitrust Law Journal** 377 (2003).

Extraterritoriality, Institutions, and Convergence in International Competition Policy, 97 **American Society of International Law Proceedings** 309 (2003).

Economic Regulation and the Courts 1982 to 2001: Ten Cases That Made a Difference, 21 **Journal of Regulatory Economics** 23 (2002).

Institutional Foundations for Economic Law Reform in Transition Economies: The Case of Competition Policy and Antitrust Enforcement, 77 **Chicago-Kent Law Review** 265 (2001).

Private Monitoring and Antitrust Enforcement: Paying Informants to Reveal Cartels, 69 **George Washington Law Review** 766 (2001).

Evaluating Antitrust Experiments: Using Ex Post Assessments of Government Enforcement Decisions to Inform Competition Policy, 9 **George Mason Law Review** 843 (2001).

Transatlantic Turbulence: The Boeing-McDonnell Douglas Merger and International Competition Policy, 68 **Antitrust Law Journal** 805 (2001).

Antitrust After Microsoft: Upgrading Public Competition Policy Institutions for the New Economy, 32 **West Los Angeles Law Review** 51 (2001).

Lessons of Competition Policy Reform in Transition Economies for U.S. Antitrust Policy, 74 **St. John's Law Review** 361 (2000).

Antitrust Policy: A Century of Economic and Legal Thinking, **Journal of Economic Perspectives** 43 (2000) (with Carl Shapiro).

Designing Antitrust Remedies for Dominant Firm Misconduct, 31 **Connecticut Law Review** 1285 (1999).

Competition Policy in the Postconsolidation Defense Industry, 44 **Antitrust Bulletin** 421 (1999).

The Civil False Claims Act as a Deterrent to Participation in Government Procurement Markets, 6 **Supreme Court Economic Review** 201 (1998).

Merger Enforcement in Transition: Antitrust Controls on Acquisitions in Emerging Economies, 66 **University of Cincinnati Law Review** 1075 (1998).

Perilous Beginnings: The Establishment of Antimonopoly and Consumer Protection Programs in the Republic of Georgia, 43 **Antitrust Bulletin** 15 (1998) (with Ben Slay).

Law, Economics, and the Reinvention of Public Administration: Using Relational Agreements to Reduce the Cost of Procurement Regulation and Other Forms of Government Intervention in the Economy, 50 **Administrative Law Review** 141 (1998)

The Quality of Appointments and the Capability of the Federal Trade Commission, 49 **Administrative Law Review** 915 (1997).

Antitrust Policy in Ukraine, 31 **George Washington Journal of International Law & Economics** 1 (1997) (with Roger A. Boner).

Creating Competition Policy: Betty Bock and the Development of Antitrust Institutions, 66 **Antitrust Law Journal** 231 (1997).

Getting Started: Creating New Competition Policy Institutions in Transition Economies, 23 **Brooklyn Journal of International Law** 403 (1997).

Antitrust Policy and Horizontal Collusion in the 21st Century, 9 **Loyola Consumer Law Reporter** 97 (1997).

Administrative Adjudication and the Use of New Economic Approaches in Antitrust Analysis, 5 **George Mason Law Review** 313 (1997).

Antitrust Decisionmaking and the Supreme Court: Perspectives from the Thurgood Marshall Papers, 42 **Antitrust Bulletin** 93 (1997).

Downsizing Antitrust: Is It Time to End Dual Federal Enforcement?, 41 **Antitrust Bulletin** 505 (1996).

Whistleblower Bounty Lawsuits as Monitoring Devices in Government Contracting, 29 **Loyola of Los Angeles Law Review** 1799 (1996).

The Competition Policy Entrepreneur and Law Reform in Formerly Communist and Socialist Countries, 11 **American University Journal of International Law & Policy** 437 (1996).

Procurement Reform and the Choice of Forum in Bid Protest Disputes, 9 **Administrative Law Journal of the American University** 461 (1995).

Designing and Implementing Competition and Consumer Protection Reforms in Transitional Economies: Perspectives from Mongolia, Nepal, Ukraine, and Zimbabwe, 44 **DePaul Law Review** 1197 (1995).

Accounting for Regulation in Determining the Application of Antitrust Rules to Firms Subject to Public Utility Oversight, 40 **Antitrust Bulletin** 483 (1995).

Competition Policy, Rivalries, and Defense Industry Consolidation, 8 **Journal of Economic Perspectives** 91 (1994) (with Dennis Smallwood).

Competitive Access Issues and Telecommunications Regulatory Policy, 20 **Journal of Contemporary Law** 419 (1994) (with Alex Larson and Douglas Mudd).

The Identification and Proof of Horizontal Agreements Under the Antitrust Laws, 38 **Antitrust Bulletin** 5 (1993).

Competition Policy, Economic Development, and the Transition to Free Markets in the Third World: The Case of Zimbabwe, 61 **Antitrust Law Journal** 253 (1992).

The Influence of Economics on Antitrust Law, 30 **Economic Inquiry** 294 (1992).

Regulatory Controls as Barriers to Entry in Government Procurement, 25 **Policy Sciences** 29 (1992)

Commitment in Regulation: Defense Contracting and Extension to Price Caps, 3 **Journal of Regulatory Economics** 219 (1991).

Matsushita: Its Construction and Application by the Lower Courts, 59 **Antitrust Law Journal** 609 (1991) (with Susan S. DeSanti).

Reagan=s Judicial Appointees and Antitrust in the 1990s, 60 **Fordham Law Review** 49 (1991).

Merger Policy in a Declining Defense Industry, 36 **Antitrust Bulletin** 543 (1991).

The Reagan Judiciary and Environmental Policy: The Impact of Appointments to the Federal Courts of Appeals, 18 **Boston College Environmental Law Review** 669 (1991).

Predatory Pricing Safeguards in Telecommunications Regulation: Removing Impediments to Competition, 35 **St. Louis University Law Journal** 1 (1990) (with Alex Larson).

The Antitrust Paradox Revisited: Robert Bork and the Transformation of Modern Antitrust Policy, 36 **Wayne Law Review** 1413 (1990).

Comments and Observations on the Sherman Act: The First Century, 59 **Antitrust Law Journal** 119 (1990).

Antitrust Analysis of Joint Ventures and Teaming Arrangements Involving Government Contractors, 58 **Antitrust Law Journal** 1059 (1990).

Failed Expectations: The Troubled Past and Uncertain Future of the Sherman Act as a Tool for Deconcentration, 74 **Iowa Law Review** 1105 (1989).

Congress and the Federal Trade Commission, 57 **Antitrust Law Journal** 869 (1989).

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Foreign Technical Assistance Consultations

Since 1992, I have served as an advisor on competition policy projects or consumer protection projects for over 40 countries.

Leadership Positions in Professional Associations and Societies

American Bar Association

Section of Administrative Law and Regulatory Practice

Vice-Chair, Antitrust, Competition, & Trade Regulation Committee: 1990-92

Section of Antitrust Law

Co-Chair, Amicus Committee: 1998-2001

Contributing Editor, Antitrust Law Journal: 1997-2001

Chair, Section 1 Committee: 1994-97.

Member, Editorial Board, **Antitrust Law Developments** (4th Edition, 1997)

Section of Public Contract Law

Vice-Chair, Public Contract Law Educators Committee 1996- 2001

Chair, Public Contract Law Educators Committee: 1989-1996

Association of American Law Schools

Council Member, Section of Antitrust and Economic Regulation: 1994-1996

Chair, Section of Antitrust and Economic Regulation: 1997-1998

Federal Bar Association

Chair, Antitrust and Trade Regulation Section: 1990-1993

Recipient, Federal Bar Association Leadership Award: 1989 and 1993