

## SPENCER WEBER WALLER

Loyola University Chicago School of Law  
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### EDUCATION

#### **Northwestern University Law School**

J.D., *cum laude*, 1982

Articles Editor, N.W. J. Int'l L. & Bus.

#### **University of Michigan**

B.A., *cum laude*, Economics and Political Science, 1979

Fellowship, Institute of Public Policy Studies, 1980

### TEACHING EXPERIENCE

2000-Present	Loyola University Chicago School of Law
2022	On leave as Senior Advisor to the FTC
2021	Special Assistant to the Provost for Collective Bargaining
2018-present	John Paul Stevens Chair in Competition Law
2016-2017	Associate Dean for Academic Affairs
2004-2008	Associate Dean for Faculty Research
2000-present	Full Professor and Director Institute for Consumer Antitrust Studies
Spring 2018	Pembroke College, University of Oxford, Visiting Fellow
Fall 2008	Haifa Law School, Visiting Professor of Law
Winter 2004	Northwestern University School of Law, Visiting Professor of Law
1990-2000	Brooklyn Law School
1997-2000	Associate Dean for Academic Affairs
1995-2000	Full Professor
1992-95	Associate Professor
1990-92	Assistant Professor
Winter 1994	DePaul University College of Law, Visiting Associate Professor

Summer 1993            Institute on World Legal Problems, Innsbruck, Austria  
Visiting Associate Professor

1985-89                IIT/Chicago-Kent College of Law, Adjunct Faculty

Courses Taught:        Antitrust, Antitrust and Intellectual Property, International and Comparative  
Antitrust, Civil Procedure, European Union Law, Government Regulation  
and the Market, Health Care Antitrust, International Litigation, International  
Trade Law, International Business Transactions, Introduction to the World  
Trade Organization, Principles of Competition Law, Principles of  
International Economic Law.

### **PRACTICE AND ENFORCEMENT EXPERIENCE**

2022                    Senior Adviser, United States Federal Trade Commission

2003-2004            Of Counsel, Mayer Brown LLP

1996-2003            Of Counsel, Kaye Scholer LLP

1990-1991            Of Counsel, Freeborn & Peters

1987-1990            Senior Associate, Freeborn & Peters, Chicago, Illinois

1985-1987            Special Attorney, Chicago Strike Force,  
Criminal Division, U.S. Department of Justice

1983-1985            Trial Attorney, Foreign Commerce Section,  
Antitrust Division, U.S. Department of Justice

1982-1983            Staff Law Clerk, United States Court of Appeals for the Seventh Circuit

### **REPRESENTATIVE PROFESSIONAL AND PRO BONO ACTIVITIES**

Member, American Law Institute

Contributing Editor, Antitrust Law Journal

### **BAR ADMISSIONS**

Illinois; New York (inactive); United States Supreme Court; United States Courts of Appeals  
for the Second, Seventh, and Federal Circuit; United States District Court for the Southern  
District of New York, Eastern District of New York, and Northern District of Illinois.

## **REPRESENTATIVE PUBLICATIONS**

### **BOOKS**

THE BATTLE FOR BROADWAY: COMPETITION AND COLLUSION IN THE AMERICAN THEATER INDUSTRY (in progress).

FREE ENTERPRISE AND ECONOMIC ORGANIZATION: Antitrust (8<sup>th</sup> ed. Flynn, First & Bush co-authors)(in progress).

ANTITRUST AND AMERICAN BUSINESS ABROAD (4<sup>th</sup> ed. & 2015-2020 ann. supp.)(Andre Fiebig co-author).

BRANDS, COMPETITION AND THE LAW (2015)(co-authors & editors Deven Desai & Ioannis Lianos).

INTERNATIONAL TRADE AND U.S. ANTITRUST LAW (2d ed. 2006) (Jeffrey Kessler co-author).

THURMAN ARNOLD: A BIOGRAPHY (2005).

ANTITRUST AND AMERICAN BUSINESS ABROAD (3rd ed. 1997 & ann. supp. 1998-2014).

BASEBALL AND THE AMERICAN LEGAL MIND (1995)(co-authors Neil Cohen & Paul Finkelman).

SPECIAL DEFENSES IN INTERNATIONAL ANTITRUST LITIGATION, American Bar Association (1995)(editor and contributor).

INTERNATIONAL TRADE AND U.S. ANTITRUST LAW (1992).

### **BOOK CHAPTERS**

*Pairing Public and Private Antitrust Remedies*, in ESSAYS IN HONOR OF ALBERT A. FOER, Concurrences (2020)(co-author Harry First).

*Citizen Fox: The Global Antitrust Vision of Eleanor Fox*, in EQUITY AND EFFICIENCY IN COMPETITION LAW (Cambridge University Press 2019)(co-author Philip Marsden)(short listed for 2018 Concurrences Antitrust Writing Awards).

*Criminalizing Cartels: A Global Trend?*, RESEARCH HANDBOOK ON COMPARATIVE COMPETITION LAW (2015)(Gregory Shaffer & Nathaniel Nesbitt co-authors).

*Consumer Protection in the US: An Overview*, in UNFAIR COMMERCIAL PRACTICES: THE LONG ROAD TO HARMONIZED LAW ENFORCEMENT (2014).

*The Story of Alcoa: The Enduring Questions of Market Power, Conduct, and Remedy in*

*Monopolization Cases*, in ANTITRUST STORIES (2007).

*The United States Experience in Competition Class Action Certification*, in LITIGATING CONSPIRACY: AN ANALYSIS OF COMPETITION CLASS ACTIONS (2006).

*Counseling the Foreign Multinational on United States Antitrust Law*, in 2 ANTITRUST COUNSELING AND LITIGATION TECHNIQUES (2002, 2004).

*Contemporary Antitrust Federalism: Cluster Bombs or Rough Justice?*, in ANTITRUST LAW IN NEW YORK STATE (2002)(co-author Richard Wolfram).

*Anticartel Cooperation*, in ANTITRUST GOES GLOBAL: WHAT FUTURE FOR TRANSATLANTIC ANTITRUST COOPERATION? (The Brookings Institution 2000).

### **SELECTED ARTICLES**

*Bespoke Antitrust*, 68 S. DAKOTA L. REV. 468 (2023)(co-author Harry First).

*The Political Face of Antitrust*, 15 BROOK. J. CORP., FIN. & COMM. L. 75 (2020)(Jacob Morse co-author)(nominated for 2021 Concurrences Antitrust Writing Award- General Antitrust Category).

*Institutions and Incentives in Antitrust Enforcement*, 4 MARKETS & COMP. L. REV. 15 (2020).

*The Omega Man or the Isolation of U.S. Antitrust Law*, 52 CONN. L. REV. 123 (2020).

*Antitrust and Democracy*, 46 FL. ST. U. L. REV. 807 (2019).

*How Much of Health Care Antitrust is Really Antitrust?*, 48 LOY. U. CHI. L.J. 643 (2017).

*The Fall and Rise of the Antitrust Class Action*, 39 WORLD COMP. L & ECON. REV. 29 (2016)(Olivia Popal co-author) (finalist 2016 Concurrences Antitrust Writing Award).

*Promoting Innovation*, 100 IOWA L. REV. 2223 (2015)(Matthew Sag co-author).

*The Telephone Consumer Protection Act of 1991: Adapting Consumer Protection to Changing Technology*, 26 LOY. CONS. L. REV. 343 (2014)(Daniel B. Heidtke & Jessica Stewart co-authors).

*Antitrust's Democracy Deficit*, 81 FORDHAM L. REV. 2543 (2013)(Harry First co-author)(winner 2014 Concurrences Antitrust Writing Award).

*Access and Information Remedies in High-Tech Antitrust*, 8 J. COMP. L. & ECON. 575 (2012).

*Social Networking and Antitrust*, 90 N. CAR. L. REV. 1771 (2012).

*Corporate Governance and Competition Policy*, 18 GEO. MASON L. REV. 833 (2011).

*Consumer Protection in the US: An Overview*, 2011 EUR. J. CONS. L. 803 (Jill Brady & R.J. Acosta co-authors).

*Brands, Competition and the Law*, 2010 BYU L. REV. 1425 (Deven Desai co-author).

*Harmonizing Essential Facilities*, 76 ANTITRUST L.J. 741 (2010)(William Tasch co-author).

*The Law and Economics Virus*, 31 CARDOZO L. REV. 367 (2009).

*The Past Present and Future of Monopolization Remedies*, 76 ANTITRUST L.J. 11 (2009).

*Justice Stevens and the Rule of Reason*, 62 SMU L. REV. 693 (2009).

*Areeda, Epithets, and Essential Facilities*, 2008 WISC. L. REV. 360.

*Revitalizing Essential Facilities*, 75 ANTITRUST L.J. 1 (2008)(Brett Frischmann co-author).

*Microsoft and Trinko: A Tale of Two Courts*, 2006 UTAH L. REV. 741.

*The Jurisprudence of the Infield Fly Rule*, 82 WASH. U. L. Q. 453 (2004) (co-author Neil B. Cohen).

*The Antitrust Legacy of Thurman Arnold*, 76 ST. JOHN'S L. REV. 569 (2004).

*The Incoherence of Punishment in Antitrust*, 78 CHI-KENT L. REV. 207 (2003).

*Suing OPEC*, 64 U. PITT L. REV. 105 (2002).

*The Language of Law and the Language of Business*, 52 CASE WEST. RES. L. REV. 283 (2001).

*Antitrust as Consumer Choice: Comments on the New Paradigm*, 62 U. PITT L. REV. 535 (2001).

*Bringing Globalism Home: Lessons From Antitrust and Beyond*, 32 LOY. U. CHI. L. J. 113 (2000).

Full Publications Available on Request.