

MAURICE E. STUCKE

1505 W. Cumberland Avenue
Knoxville, TN 37996-1810
(865) 974-9816 | mstucke@utk.edu

ACADEMIC POSITIONS

UNIVERSITY OF TENNESSEE COLLEGE OF LAW [2007-Present]
Knoxville, Tennessee

Professor (2015-present)
Associate Professor (2007-2015) (tenured in 2011)

Subjects Taught: Business Torts, Competition Law, Consumer Protection Law, Internet and Privacy Law, Evidence, and Law & Economics (with a focus on behavioral economics)

UNIVERSITY OF OXFORD [2015]
United Kingdom

Academic Visitor at Oxford University's Institute of European and Comparative Law; *Fellow* at Oxford's Centre for Competition Law and Policy; and *Senior Associateship* at Pembroke College

DATA COMPETITION INSTITUTE [2014-Present]
Washington, D.C.

Co-Founder -- The Institute (<http://datacompetition.org/>) has several aims:

- First to examine the collection, use, and dissemination of data.
- Second to better understand the socio-economic implications of a data-driven economy.
- Third to promote a better understanding of the threats to a data-driven economy.
- Fourth to promote standards, not for the purpose of directing the day-to-day processes of a data-driven economy, but to provide the structural conditions in which a data-driven economy can enhance citizen welfare.
- Finally, to provide a platform whereby scholars, businesses and policymakers can collaborate to better understand the implications of a data-driven economy so as to capture its potential benefits while mitigating its associated risks.

UNIVERSITY OF MELBOURNE [2012]
Australia

Senior Fellow of the Law School & Visitor of the University's Competition Law and Economics Network
Subjects Taught: Behavioral Law & Economics for Masters program seminar

CHINA UNIVERSITY OF POLITICAL SCIENCE AND LAW [2010]
Beijing, P.R.C.

Fulbright Lecturer

Subjects Taught: Competition Law, Behavioral Law & Economics

Presented research on the implications of behavioral economics on competition policy to faculty and students at

- Shanghai University of Finance and Economics, Shanghai (Dec. 2010);
- Shandong University, Ji'nan (Dec. 2010);
- Jinan University, Guangzhou (Nov. 2010);
- Southwest University of Political Science and Law, Chongqing (Nov. 2010);
- Beijing University of Chemical Technology, Beijing (Nov. 2010);
- China University of Geosciences, Beijing (Nov. 2010);
- Beijing Normal University, Beijing (Nov. 2010);
- China Institute of Competition Policy, University of International Business & Economics, Beijing (Oct. 2010); and
- Chinese Academy of Social Sciences, Beijing (Sept. 2010).

PUBLICATIONS

Books

VIRTUAL COMPETITION: THE PROMISE AND PERILS OF THE ALGORITHM-DRIVEN ECONOMY (Harvard University Press 2016) (with Ariel Ezrachi)

BIG DATA AND COMPETITION POLICY (Oxford University Press 2016) (with Allen P. Grunes)

Book Chapters

When More Is Better and When Less Is More: Behavioral Antitrust and Choice, in CHOICE—A NEW STANDARD FOR COMPETITION LAW ANALYSIS? (Paul Nihoul, Nicolas Charbit, Elisa Ramundo eds., Institute of Competition Law 2016)

Leniency, Whistleblowing and the Individual: Should We Create Another Race to the Competition Agency?, in ANTI-CARTEL ENFORCEMENT IN A CONTEMPORARY AGE: THE LENIENCY RELIGION (Caron Beaton-Wells ed., Hart Publishing 2015)

Greater International Convergence and the Behavioural Antitrust Gambit, in RESEARCH HANDBOOK ON INTERNATIONAL COMPETITION LAW (Ariel Ezrachi ed., Edward Elgar Publishing 2012)

Behavioral Exploitation and its Implications on Competition and Consumer Protection Policies, in THE PROS & CONS OF CONSUMER PROTECTION (Swedish Competition Authority ed., 2012)

What is Competition?, in THE GOALS OF COMPETITION LAW (Daniel Zimmer ed., Edward Elgar Publishing 2012)

Discovery in a Global Economy, in INTERNATIONAL ANTITRUST LITIGATION: CONFLICT OF LAWS AND COORDINATION (Jürgen Basedow, Stéphanie Francq & Laurence Idot eds., Hart Publishing Oxford 2012)

- The European Commission financed this research project on the relationship between

competition law and private international law

Plurality of Political Opinion and the Concentration of the Media, in GENERAL REPORTS OF THE XVIIITH CONGRESS OF THE INTERNATIONAL ACADEMY OF COMPARATIVE LAW (Karen B. Brown & David V. Snyder eds., Springer 2012) (with Allen P. Grunes)

Are People Self-Interested? The Implications of Behavioral Economics on Competition Policy, in MORE COMMON GROUND FOR INTERNATIONAL COMPETITION LAW? (Academic Society for Competition Law ed., Edward Elgar Publishing 2011)

Am I a Price-Fixer? A Behavioral Economics Analysis of Cartels, in CRIMINALISING CARTELS: A CRITICAL INTERDISCIPLINARY STUDY OF AN INTERNATIONAL REGULATORY MOVEMENT (Caron Beaton-Wells & Ariel Ezrachi eds., Hart Publishing Oxford 2011)

Diversity in the Media Sector, in AMERICAN ANTITRUST INSTITUTE, THE NEXT ANTITRUST AGENDA: THE AMERICAN ANTITRUST INSTITUTE'S TRANSITION REPORT ON COMPETITION POLICY TO THE 44TH PRESIDENT OF THE UNITED STATES (2008) (chair of the AAI's media committee)

Reports

Two Artificial Neural Networks Meet in an Online Hub and Change the Future (of Competition, Market Dynamics and Society) (April 9, 2017) (with Ariel Ezrachi) available at <https://ssrn.com/abstract=2949434>

- Prepared for OECD hearing on algorithmic collusion

Online Platforms and the EU Digital Single Market, prepared for the U.K. House of Lords, Internal Market Sub-Committee (October 16, 2015) (with Ariel Ezrachi)

- Submission explores the effects of Big Data and technology on competition, and reviews the use of technology to facilitate collusion, conscious parallelism, and unilateral price discrimination

The Implications of Behavioral Antitrust, prepared for the Organisation for Economic Co-operation and Development, Directorate for Financial and Enterprise Affairs, Competition Committee, Hearing on Competition and Behavioural Economics, DAF/COMP/WD(2012)12 (25 July 2012)

- The OECD commissioned this report on the implications of behavioral economics on competition policy

Articles

Artificial Intelligence & Collusion: When Computers Inhibit Competition, 2017 UNIVERSITY OF ILLINOIS LAW REVIEW (forthcoming 2017), available at <http://ssrn.com/abstract=2591874> (with Ariel Ezrachi)

How Your Digital Helper May Undermine Your Welfare, and Our Democracy, BERKELEY TECHNOLOGY LAW JOURNAL (forthcoming 2017), available at <https://ssrn.com/abstract=2957960> (with Ariel Ezrachi)

Data-opolies, CONCURRENCES (forthcoming 2017) (with Allen Grunes)

Tacit Collusion on Steroids – The Tale of Online Price Transparency, Advanced Monitoring and Collusion, COMPETITION LAW & POLICY DEBATE (forthcoming 2017) (with Ariel Ezrachi)

The Rise of Behavioural Discrimination, 37 EUROPEAN COMPETITION LAW REVIEW 484 (2016) (with Ariel Ezrachi)

When Competition Fails to Optimize Quality: A Look at Search Engines, 18 YALE JOURNAL OF LAW & TECHNOLOGY 70 (2016) (with Ariel Ezrachi)

The Curious Case of Competition and Quality, 3 JOURNAL OF ANTITRUST ENFORCEMENT 227 (2015) (with Ariel Ezrachi)

- Co-authored related post for Oxford University Press's [OUPblog](#) (July 21, 2015)

How Competition Agencies Can Use Behavioral Economics, 59 ANTITRUST BULLETIN 695 (2014)

In Search of Effective Ethics & Compliance Programs, 39 JOURNAL OF CORPORATION LAW 769 (2014)

Looking at the Monopsony in the Mirror, 62 EMORY LAW JOURNAL 1509 (2013)

- Cited in *LifeWatch Servs., Inc. v. Highmark, Inc.*, No. CV 12-5146, 2017 WL 1230824, at *8 n.14 (E.D. Pa. Apr. 3, 2017)

Should Competition Policy Promote Happiness?, 81 FORDHAM LAW REVIEW 2575 (2013)

- Featured in Andrew Longstreth, *Can Antitrust Policy Make Us Happy?*, REUTERS, March 4, 2013

Is Competition Always Good?, 1 JOURNAL OF ANTITRUST ENFORCEMENT 162 (2013)

- Drafted related post for Oxford University Press's [OUPblog](#) (March 25, 2013)

Use of Dominance, Unlawful Conduct, and Causation under Section 36 of New Zealand's Commerce Act 1986: A United States Perspective, 18 NEW ZEALAND BUSINESS LAW QUARTERLY 333 (2012) (with Jeffery M. Cross, J. Douglas Richards, and Spencer Weber Waller)

Occupy Wall Street and Antitrust, 85 SOUTHERN CALIFORNIA LAW REVIEW POSTSCRIPT 33 (2012)

Is Intent Relevant?, 8 JOURNAL OF LAW, ECONOMICS & POLICY 801 (2012)

Behavioral Antitrust and Monopolization, 8 JOURNAL OF COMPETITION LAW & ECONOMICS 545 (2012)

The AT&T/T-Mobile Merger: What Might Have Been?, 3 JOURNAL OF EUROPEAN COMPETITION LAW & PRACTICE 196 (2012) (with Allen P. Grunes)

Reconsidering Antitrust's Goals, 53 BOSTON COLLEGE LAW REVIEW 551 (2012)

Why More Antitrust Immunity for the Media Is a Bad Idea, 105 NORTHWESTERN UNIVERSITY LAW REVIEW 1399 (2011) (with Allen P. Grunes)

Behavioral Antitrust, 86 INDIANA LAW JOURNAL 1527 (2011) (with Amanda P. Reeves)

Antitrust Review of the AT&T/T-Mobile Transaction, 64 FEDERAL COMMUNICATIONS LAW JOURNAL 47 (2011) (with Allen P. Grunes)

Reconsidering Competition, 81 MISSISSIPPI LAW JOURNAL 107 (2011)

How Do (and Should) Competition Authorities Treat a Dominant Firm's Deception?, 63 SMU LAW REVIEW 1069 (2010)

- Cited in *Avaya Inc., RP v. Telecom Labs, Inc.*, No. 14-4174, 2016 WL 5553141, at *45 (3d Cir. Sept. 30, 2016) (Hardiman, J., concurring in part and dissenting in part)

Lessons from the Financial Crisis, 77 ANTITRUST LAW JOURNAL 313 (2010)

Money, Is That What I Want? Competition Policy & the Role of Behavioral Economics, 50 SANTA CLARA LAW REVIEW 893 (2010)

When a Monopolist Deceives, 76 ANTITRUST LAW JOURNAL 823 (2010)

- Cited in *West Penn Allegheny Health System, Inc. v. UPMC*, 627 F.3d 85 (3rd Cir. 2010)

Toward a Better Competition Policy for the Media: The Challenge of Developing Antitrust Policies That Support the Media Sector's Unique Role in Our Democracy, 42 CONNECTICUT LAW REVIEW 101 (2009) (with Allen P. Grunes)

Does the Rule of Reason Violate the Rule of Law?, 42 U.C. DAVIS LAW REVIEW 1375 (2009)

- Featured in Symposium, *Antitrust Marathon: Antitrust and the Rule of Law*, 22 LOYOLA CONSUMER LAW REVIEW 15 (2009)

Should the Government Prosecute Monopolies?, 2009 UNIVERSITY OF ILLINOIS LAW REVIEW 497

Better Competition Advocacy, 82 ST. JOHN'S LAW REVIEW 951 (2008)

Behavioral Economists at the Gate: Antitrust in the Twenty-First Century, 38 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL 513 (2007)

Morality and Antitrust, 2006 COLUMBIA BUSINESS LAW REVIEW 443

Antitrust and the Marketplace of Ideas, 69 ANTITRUST LAW JOURNAL 249 (2001) (with Allen P. Grunes)

- Cited in *Prometheus Radio Project v. F.C.C.*, 373 F.3d 372, 470 (3d Cir. 2004) (Scirica, C. J., dissenting in part, concurring in part); *United States v. Daily Gazette Co.*, 567 F. Supp. 2d 859, 868 (S.D.W. Va. 2008)

Essays, Editorials and Other Articles

Looking Up in the Data-Driven Economy, CPI ANTITRUST CHRONICLE (forthcoming May 2017) (with Ariel Ezrachi)

The Subtle Ways Your Digital Assistant Might Manipulate You, WIRED, Nov. 29, 2016 (with Ariel

Ezrachi)

How Pricing Bots Could Form Cartels and Make Things More Expensive, HARVARD BUSINESS REVIEW, Oct. 2016 (with Ariel Ezrachi)

Virtual Competition, JOURNAL OF EUROPEAN COMPETITION LAW & PRACTICE (2016) (with Ariel Ezrachi)

Debunking the Myths of Anthem's and Cigna's Market Power, LAW360, May 9, 2016 (with Allen P. Grunes)

A Closer Look at the Anthem-Cigna Merger, LAW360, Feb. 18, 2016 (with Allen P. Grunes)

Debunking the Myths Over Big Data and Antitrust, CPI ANTITRUST CHRONICLE, May 2015 (with Allen P. Grunes)

From Smoke-Filled Rooms to Computer Algorithms — The Evolution of Collusion, Columbia Law School Blue Sky Blog, May 14, 2015 (with Ariel Ezrachi), available [here](#)

No Mistake About It: The Important Role of Antitrust in the Era of Big Data, ANTITRUST SOURCE, Apr. 2015 (with Allen P. Grunes)

Dancing Around Data, THE HILL, Dec. 10, 2014 (with Allen P. Grunes)

The Beneficent Monopolist, CPI ANTITRUST CHRONICLE, Apr. 2014 (with Allen P. Grunes)

Another 'Too Big to Fail' Merger from Comcast's Playbook, ROLL CALL, Apr. 17, 2014 (with Allen P. Grunes)

Crossing the Rubicon: Why the Comcast/Time Warner Cable Merger Should Be Blocked, GLOBAL COMPETITION REVIEW, Feb. 25, 2014 (with Allen P. Grunes)

Discovery under 28 United States Code Section 1782, CONCURRENCES 2-2013 (2013)

A Response to Commissioner Wright's Proposed Policy Statements Regarding Unfair Methods of Competition, CPI ANTITRUST CHRONICLE, Sept. 2013

Teaching Antitrust After the Financial Crisis, 8 JOURNAL OF BUSINESS & TECHNOLOGY LAW 209 (2013)

Foreword: The Rise of Behavioral Law and Economics, 13 TENNESSEE JOURNAL OF BUSINESS LAW 309 (2012)

Crony Capitalism and Antitrust, CPI ANTITRUST CHRONICLE, Oct. 2011(2)

Antitrust 2025, CPI ANTITRUST JOURNAL, Dec. 2010

Auditing Self-Interest, AMERICA MAGAZINE, Dec. 14, 2009

Concentrated Media Is Something We Can't Ignore: A Response to Speaker Pelosi, AMERICAN ANTITRUST

INSTITUTE COMMENTARY (March 2009)

New Antitrust Realism, GCP (Global Competition Policy) MAGAZINE, Jan. 2009

Evaluating the Risks of Increased Price Transparency, 19 ANTITRUST 81 (Spring 2005)

Evaluating the Risks of Market Swaps, 18 ANTITRUST 67 (Fall 2003)

Book Reviews for WORLD COMPETITION, a quarterly peer-reviewed law and economics review

Working Papers

Two Artificial Neural Networks Meet in an Online Hub and Change the Future (Of Competition, Market Dynamics and Society) (April 9, 2017), available at <https://ssrn.com/abstract=2949434> or <http://dx.doi.org/10.2139/ssrn.2949434> (with Ariel Ezrachi)

Is Your Digital Assistant Devious?, Oxford Legal Studies Research Paper No. 52/2016 (August 23, 2016), <http://ssrn.com/abstract=2828117> (with Ariel Ezrachi)

MAKING THE PIECES FIT: AN ANALYSIS OF THE DAIMLER-CHRYSLER MERGER (Carolina Academic Press forthcoming 2017)

SELECTED PRESENTATIONS

2017

Berkeley Center for Law and Technology & Berkeley Technology Law Journal, The 21st Annual BCLT/BTLJ Symposium, Platform Law: Public and Private Regulation of Online Platforms (April, Berkeley, CA), Panelist

American Bar Association Section of Antitrust Law, 65th Spring Meeting, Competition and Consumer Law Issues with Customer Profiling (March, Washington, D.C.), Panelist

University of Chicago Booth School of Business, Is There a Concentration Problem in America? (March, Chicago, IL), Panelist ([Video](#))

Harvard University, Berkman Klein Center for Internet & Society (March, Cambridge, MA), Presented *Virtual Competition* ([Video](#))

European Commission, High Level Policy Hearing: 'Building a European Data Economy' (March, Brussels, Belgium), Panelist ([Transcript](#))

King's College London & Concurrences, Innovation Economics for Antitrust Lawyers (February, London, U.K.), Panelist.

University College London, Roundtable Discussion of *Virtual Competition* (February, London, U.K.).

New York State Bar Association Antitrust Section, Annual Meeting (January, New York, New York), Panelist on *Has Antitrust Failed?*

Digital Book World, Roundtable Discussion of *Virtual Competition* (January, New York, New York).

2016

The Liege Competition and Innovation Institute, Roundtable Discussion of *Virtual Competition* (December, Brussels, Belgium).

European Commission, DG Competition (November, Brussels, Belgium), Presented with Ariel Ezrachi *Virtual Competition* to Senior Staff, Lawyers and Economists.

Organisation for Economic Co-operation and Development, Hearing on Big Data: Bringing Competition Policy to the Digital Era (November, Paris, France), Panelist.

New York State Bar Association Antitrust Section (November, New York, New York), Presented *Virtual Competition*.

Federal Trade Commission & U.S. Department of Justice Antitrust Division (November, Washington, D.C.), Presented with Ariel Ezrachi *Virtual Competition* to Senior Staff, Lawyers and Economists.

Harper's Magazine and the Authors Guild (November, New York, New York), Discussion Moderated by Mary Rasenberger, Executive Director of the Authors Guild, on *Virtual Competition*.

U.K. House of Lords, Online Platforms and the Digital Single Market: Stakeholder Event (July, London, U.K.), Discussant.

New America, America's Monopoly Problem, What Should the Next President Do About It? (June, Washington, D.C.), Panelist. [Video](#)

Loyola University Chicago School of Law, 16th Annual Loyola Antitrust Colloquium (April, Chicago, Illinois), Presented *Big Data and Competition Policy*.

New America, Amazon's Book Monopoly – A Threat to Freedom of Expression? (January, Washington, D.C.), Panelist. [Video](#)

Canadian Competition Bureau, Workshop on Emerging Competition Issues: Keeping Pace in a Changing World (January, Ottawa, Canada), Panelist. [Video](#)

2015

European Data Protection Supervisor & Academy of European Law, Competition Rebooted: Enforcement and Personal Data in Digital Markets (September, Brussels, Belgium), Panelist.

University of Oxford, The Antitrust Enforcement Symposium 2015 (June, Oxford, U.K.), Presented *When Competition Fails to Optimise Quality: A Look at Search Engines*.

U.S. Federal Trade Commission, The “Sharing” Economy: Issues Facing Platforms, Participants, and Regulators (June, Washington, D.C.), Panelist. Video available [here](#).

Oxford Centre for Competition Law and Policy, Roundtable Discussion on Information Exchange and Market Transparency (June, Oxford, U.K.), Presented *Artificial Intelligence & Collusion: When Computers Inhibit Competition*.

American Bar Association Section of Antitrust Law, 63rd Spring Meeting, Is False Advertising Anticompetitive? (April, Washington, D.C.), Panelist.

Uría Menéndez, Mesa Redonda: Privacidad y Competencia en la Era del Big Data (March, Madrid, Spain), Panelist.

Bar Ilan University, Fairness in Antitrust (March, Tel Aviv, Israel), Presented *Artificial Intelligence & Collusion: When Computers Inhibit Competition*.

University of Oxford Centre for Competition Law & Policy, Roundtable Discussion on the Microsoft Antitrust Cases (Feb., Oxford, U.K.), Commentator.

Concurrences Journal & Cadwalader, Wickersham & Taft, LLP, Antitrust, Privacy & Big Data (Feb., Brussels, Belgium), Panelist.

2014

Southeastern Association of Law Schools’ 2014 Annual Conference, Workshop on Business Law: Corporate Compliance After the Crisis (Aug., Amelia Island, Florida), Discussant.

American Antitrust Institute, 2014 Annual Conference, The Inefficiencies of Efficiency (June, Washington, D.C.), Guest Speaker on behavioral economics and competition policy.

European Data Protection Supervisor, Workshop on Privacy, Consumers, Competition and Big Data (June, Brussels, Belgium), Workshop participant.

Haifa University and Loyola University Chicago, Conference on Recent Challenges to Antitrust (May, Haifa, Israel), Presented with Ariel Ezrachi, *The Curious Case of Quality*.

2014 SAI Global Customer Conference (April, Atlanta, Georgia), Presented with Elizabeth Stucke, *In Search of Effective Ethics and Compliance Programs*.

Loyola University Chicago School of Law, 14th Annual Loyola Antitrust Colloquium (April, Chicago, Illinois), Commentator on *The Vatican School of Law*, Tihamer Toth, Pázmány Péter Catholic University.

Capitol Forum, Discussion of the Proposed Comcast/Time Warner Cable Merger: An Interview with Allen Grunes & Maurice Stucke (April, Washington, D.C.).

American Bar Association Section of Antitrust Law, 62nd Spring Meeting, Debate Update: Defining Section 5 Unfair Methods of Competition (March, Washington, D.C.), Panelist.

Harvard European Law Association, Informal Enforcement of Competition Law: Perspectives from the U.S. and Europe (March, Cambridge, Massachusetts), Presented *In Search of Effective Ethics and Compliance Programs*.

2013

Southeastern Association of Law Schools' 2013 Annual Conference, Workshop on Business Law: The Future of Fiduciary Duties (Aug., Palm Beach, Florida), Discussant.

University of Colorado Law School, 2013 Subjective Well-Being and Law Conference (June, Boulder, Colorado), Guest Speaker on the implications of the happiness economics literature on competition policy.

European University Institute, the University of Florence, and the University Paris-Dauphine, 17th Annual Conference of The International Society for New Institutional Economics (June, Florence, Italy), Presented *The Implications of Behavioral Antitrust*.

American Antitrust Institute, Symposium--Antitrust as an Interdisciplinary Field: Insights from Business Strategy and Research (June, Washington, D.C.), Guest Speaker on behavioral economics and competition policy.

Irish Competition Authority and the National Consumer Agency, European Competition and Consumer Day, Competition Policy and Consumer Protection: Challenges and Choices (May, Dublin Castle, Ireland), Speaker.

- Presented research on behavioral economics and competition policy to competition authorities from around the world at a conference convened as part of Ireland's Presidency of the Council of the European Union.

Italian Competition Authority, British Institute of International and Comparative Law, Loyola University Chicago School of Law, and the University of Rome I (Sapienza), Antitrust Marathon V: Public and Private Enforcement of Competition Law (March, Rome, Italy), Panelist.

- The transcript of the symposium was published in 9 EUROPEAN COMPETITION JOURNAL 503 (2013).

South Dakota Law Review Symposium: Antitrust and Competition in America's Heartland (March, Vermillion, South Dakota), Guest Speaker on behavioral economics and buyer power.

Assemblée Nationale, 4th International Concurrences Conference: New Frontiers of Antitrust (Feb., Paris, France), Guest Speaker on Panel, Private Enforcement: Will the Wave be Coming from Brussels, London, Paris or . . . Elsewhere?

University of Richmond, Emroch Faculty Colloquy Series (Feb., Richmond, Va.), Presented *Should Competition Policy Promote Happiness?*

COPA-COGECA (European Farmers & Agri-Cooperatives), Conference on the EU Food Chain: from Producers to Consumers (Feb., Brussels, Belgium), Guest Speaker on behavioral economics and monopoly.

Norwegian Agricultural Authority, Conference on Understanding Modern Markets for Food and Groceries (Feb., Oslo, Norway), Guest Speaker on behavioral economics and monopsony.

2012

University College London & University of Notre Dame, Conference on the Present and Future of Behavioural Antitrust (Dec., London, U.K.), Guest Speaker.

George Washington University School of Law, Conference on the Goals of Antitrust (Oct., Washington, D.C.), Presented *Should Antitrust Promote Happiness?*

- ♦ Papers published in *Symposium, The Goals of Antitrust*, 81 FORDHAM LAW REVIEW 2151-2681 (2013).

Washington University in St. Louis, Midwest Law and Economics Association Annual Meeting (Oct., St. Louis, Missouri), Presented *Is Competition Always Good?*

University of Oxford, Oxford's Centre for Competition Law & Policy, and George Washington University Competition Law Center, Antitrust Enforcement Symposium (Sept., Oxford, U.K.), Presented *Is Competition Always Good?*

- ♦ Oxford University Press's JOURNAL OF ANTITRUST ENFORCEMENT published the symposium papers

Southeastern Association of Law Schools' 2012 Annual Conference: Teaching Business Law in a New Economic Environment (Aug., Amelia Island, Florida), Discussant.

American Antitrust Institute's 13th Annual Conference: Civil Liberties and Competition Policy (June, Washington, D.C.), Speaker, *Harmonizing Civil Liberties and Antitrust Policy*. [Audio](#)

Organisation for Economic Co-operation and Development, Hearing on Competition and Behavioural Economics (June, Paris, France), Commissioned to draft and present research [paper](#).

- ♦ First time competition authorities from over 30 jurisdictions collectively discussed the implications of behavioral economics.

University of Melbourne, Competition Law & Economics Discussion Group (May, Melbourne, Australia), Guest Lecturer, *The Relevance of Intent in Competition Law*.

University of Oxford, Centre for Competition Law & Policy, Conference on Buyer Power in Competition Law (May, Oxford, U.K.), Presented *Looking at the Monopsony in the Mirror*.

University of Amsterdam, Amsterdam Center for Law and Economics, Conference on Behavioral Competition and Regulation (Apr., Amsterdam, Netherlands), Keynote Speaker.

Dutch Competition Authority (Apr., The Hague, Netherlands), Guest Lecturer, *Behavioral Antitrust and the Goals of Competition Law*.

American Bar Association Section of Antitrust Law, 60th Spring Meeting (March, Washington, D.C.), Speaker, *Behavioral Economics in Antitrust and Consumer Protection Law*.

2011

Swedish Competition and Market Law Association (Nov., Stockholm, Sweden), Guest Lecturer, *Reconsidering Antitrust's Goals—from a U.S. Perspective*.

Swedish Competition Authority, Conference on the Pros & Cons of Consumer Protection (Nov., Stockholm, Sweden), Presented *Behavioral Exploitation and Its Implications on Competition and Consumer Protection Policies*.

- The Symposium articles, which focused on the implications of the recent developments in behavioral economics on consumer protection and competition policy, were published in *THE PROS & CONS OF CONSUMER PROTECTION* (Swedish Competition Authority ed., 2012).

University of Tennessee College of Law, 2011 Home Football CLE Program (Oct., Knoxville, TN), Speaker, *What is Competition and What are the Goals of Competition Law?*

Podcast, Feds Antitrust Challenge to AT&T Merger with T-Mobile, Lawyer2Lawyer Legal Talk Network (Sept. 8, 2011). [Audio](#)

Southeastern Association of Law Schools' 2011 Annual Conference, Workshop on Business Law: Dodd-Frank One Year Later (July, Hilton Head, South Carolina), Discussant.

Haifa University and Loyola University Chicago, Antitrust Conference on Comparative Monopolization Law and High-Tech Industries (May, Haifa, Israel), Presented *Behavioral Economics and Dynamic Competition*.

- Oxford University Press published the symposium papers in *Antitrust in High-Technology Industries*, 8 JOURNAL OF COMPETITION LAW & ECONOMICS 449-662 (2012).

American Bar Association Section of Antitrust Law, 59th Spring Meeting, Behavioral Economics: Departing from the Rational-Actor Model? (March, Washington, D.C.), Guest Speaker.

Global Competition Review's Antitrust Law Leaders' Forum (Jan., Miami, Florida), Speaker, *Behavioral Economics and Antitrust Analysis*.

2010

China University of Political Science and Law, The Third SHI Disciples' Academic Salon (Nov., Beijing, P.R.C.), Speaker, *Dispute Between Tencent QQ and Qiboo 360*.

University College London, Centre for Law and Economics, Conference on U.S. Antitrust Law Under an Obama Administration: One Year On (June, London, U.K.), Guest Speaker.

Rheinische Friedrich-Wilhelms-Universität Bonn, 5th Annual ASCOLA Conference (May, Bonn, Germany), Presented *Reconsidering Competition and the Goals of Competition Law*.

- Edward Elgar Publishing published the conference papers in *THE GOALS OF COMPETITION LAW*.

Canada's International Development Research Centre (IDRC), 5th IDRC Pre-ICN Forum on Competition and Development (Apr., Istanbul, Turkey), Guest Speaker.

- The Turkish Competition Authority co-sponsored this conference for competition

policy officials attending the International Competition Network's annual conference.

American Bar Association Section of Antitrust Law, 58th Spring Meeting, AALS Scholars' Showcase (Apr., Washington, D.C.), Presented *Lessons from the Financial Crisis*.

European Commission, Conference on International Antitrust Litigation: Conflict of Laws and Coordination (March, Brussels, Belgium), Presented *Discovery in a Global Economy*.

- Papers published in INTERNATIONAL ANTITRUST LITIGATION: CONFLICT OF LAWS AND COORDINATION (Hart Publishing Oxford 2012).

U.S. Federal Trade Commission, Workshop on How Will Journalism Survive the Internet Age? (March, Washington, D.C.), Guest Panelist, *Competitor Collaborations to Aid Journalism*. [Audio](#)

Seattle University School of Law, Faculty Workshop (Feb., Seattle, Washington), Presented *Am I a Price-fixer?*

NYU School of Law, The Association of American Law Schools, and American Bar Association, Conference on the Next Generation of Antitrust Scholarship (Jan., New York, New York), Presented *Am I a Price-fixer?*

Association of American Law Schools Annual Meeting (Jan., New Orleans, Louisiana), Presented, *Lessons from the Financial Crisis*.

- The American Bar Association published the papers in *Symposium: The Effect of Economic Crises on Antitrust Policy*, 77 ANTITRUST LAW JOURNAL 213-341 (2010).

2009

Louvain University, University Paris 2 and the Max Planck Institute, Conference on International Antitrust Litigation—Conflict of Laws and Coordination (Dec., Brussels, Belgium), Presented, *Discovery in a Global Economy*.

- The European Commission sponsored this research workshop on international competition law litigation.

Irish Competition Authority, the Institute for Consumer Antitrust Studies, and the British Institute of International and Comparative Law, Antitrust Marathon Symposium IV (Oct., Dublin, Ireland), Panelist.

- The [transcript of the symposium](#) on competition law and consumer protection was published in 6 EUROPEAN COMPETITION JOURNAL 1 (2010).

Southeastern Association of Law Schools' 2009 Annual Conference, *The Current State of the Mortgage and Credit Markets* (Aug., Palm Beach, Florida), Moderator.

British Institute of International and Comparative Law, Competition Law Forum on Behavioral Economics (July, London, U.K.), Guest Speaker.

- Addressed competition law scholars, lawyers, and policymakers from the European Commission and the U.K.'s Office of Fair Trading on behavioral economics.

Max Planck Institute for Research on Collective Goods (June, Bonn, Germany), Presented *Money, Is That What I Want? Competition Policy & the Role of Behavioral Economics*.

George Washington University, 4th Annual ASCOLA Conference (June, Washington, D.C.), Presented *Money, Is That What I Want? Competition Policy & the Role of Behavioral Economics*.

- Edward Elgar Publishing published the conference papers in the book, MORE COMMON GROUND FOR INTERNATIONAL COMPETITION LAW?

University College London and IMEDIPA, Competition Law Research Workshop: The Limits of Competition Law (May, Santorini, Greece), Presented *Toward a Better Competition Policy for the Media: The Challenge of Developing Antitrust Policies That Support the Media Sector's Unique Role in Our Democracy*.

- Invited to present at research workshop for competition scholars, lawyers, and policymakers from the E.U., U.S., and Asia on the limits of competition law.

Haifa University & Loyola University Chicago, Antitrust Conference on Comparative Monopolization and Abuse of a Dominant Position (May, Haifa, Israel), Presented *How Do (and Should) Competition Authorities Treat a Monopolist's Deception?*

- The American Bar Association published the papers in *Symposium: Issues at the Forefront of Monopolization and Abuse of Dominance*, 76 ANTITRUST LAW JOURNAL 653-986 (2010).

British Consulate-General for Boston, the Institute for Consumer Antitrust Studies, and the British Institute of International and Comparative Law, Antitrust Marathon III: Antitrust and the Rule of Law (Apr., Boston, Mass.), Presented *Does the Rule of Reason Violate the Rule of Law?*

- My issue paper and an edited transcript of the Marathon were published in 22 LOYOLA CONSUMER LAW REVIEW 1 (2009).

University of Colorado Center for Law, Technology & Entrepreneurship, and American Antitrust Institute, Antitrust Law for the New Administration (Jan., Boulder, Colorado), Panelist.

2008

Wissenschaftszentrum Berlin für Sozialforschung & the Research Network on Innovation & Competition Policy (an international and interdisciplinary research network on European competition policy involving eight leading European research institutes and universities), 16th Annual Conference on Markets & Politics (Oct., Berlin, Germany), Discussant.

Southeastern Association of Law Schools' 2008 Annual Conference (Aug., Palm Beach, Florida), Presented *Does the Rule of Reason Violate the Rule of Law?*

American Antitrust Institute's 10th Anniversary Conference (June, Washington, D.C.), Panelist, Behavioral Economics Keynote and Panel Discussion ([audio](#)) and Presenter, Antitrust and the Media.

8th Annual Loyola Antitrust Colloquium (Apr., Chicago, Illinois), Presented *Should the Government Prosecute Monopolies?*

British Institute of International and Comparative Law, Antitrust Marathon Symposium (Part II) on Antitrust Remedies and Merger Policy from a Comparative EU-US Perspective (Apr., London, U.K.), Panelist.

- A transcript of this symposium was published in 4 EUROPEAN COMPETITION JOURNAL 213 (2008).

Pre-2008

Institute for Consumer Antitrust Studies and the Competition Law Forum of the British Institute of International and Comparative Law, Antitrust Marathon Symposium on Single Firm Dominance From a Comparative EU-US Perspective (Oct. 2007, Chicago, Illinois), Panelist.

- A transcript of this symposium was published in *The Antitrust Marathon: A Roundtable Discussion*, 20 LOYOLA CONSUMER LAW REVIEW 114 (2008).

Fourth Seoul International Competition Forum (Sept. 2006, Gyeongju, Korea), Presented *Advocating Competition Advocacy*.

- Presented speech to the leaders of many worldwide competition agencies regarding the importance of competition advocacy and represented the U.S. Department of Justice on the featured panel of E.U., Japanese, Chinese, and Korean enforcement officials on each nation's competition law enforcement efforts.

Participated in roundtables on competition policy and the media at Fordham Law School, the American Antitrust Institute, Georgetown University, and the U.S. Department of Justice.

SERVICE

ACADEMIC SOCIETY FOR COMPETITION LAW (ASCOLA), Munich, Germany

Executive Board (2010-present), Steering Committee (2010-present), Elected Member (2009)

AMERICAN ANTITRUST INSTITUTE, Washington, D.C.

- Senior Fellow (2009-present); Advisory Board (2008-present)
- Chair of the media industry committee, which drafted transition report for the incoming Obama administration on competition policy issues involving the media (2008)

INSTITUTE FOR CONSUMER ANTITRUST STUDIES, Chicago, Illinois

- Advisory Board (2009-present)
- Co-authored white paper, *Use of Dominance, Unlawful Conduct, and Causation Under Section 36 of the New Zealand Commerce Act: A U.S. Perspective* (2012), for the New Zealand government

INTERNATIONAL ACADEMY OF COMPARATIVE LAW

- General Reporter with Allen P. Grunes on *Plurality of Political Opinions and the Concentration of Media*, at the 18th International Congress on Comparative Law, Washington, D.C. (July 2010)

INTERNATIONAL COMPETITION NETWORK, the international body devoted to competition law enforcement and whose members represent over 100 national and multinational competition authorities

- Appointed by the United States as a Non-Governmental Advisor (2009-current)
- Advising the United States' and other countries' competition authorities on (i) developing recommended practices on merger analysis and (ii) examining the enforcement challenges involving, and promoting greater convergence and sound enforcement of laws and policies governing, a dominant firm's unilateral conduct

UNIVERSITY OF TENNESSEE INSTITUTIONAL SERVICE

- Admissions (2012-2016)
- Academic Standards & Curriculum Committee (Chair, 2011-2012; Member, 2008-11)
- Faculty Advisor (2011-2012, 2015-2016)
- Faculty Senate (2016-present)
- Committee to Select the W. Allen Separk Faculty Scholarship Award (Chair, 2011; Member 2012, 2013, 2014)
- Committee to Select the Marilyn V. Yarbrough Award for Writing Excellence (2015, 2016)
- Search Committee for Associate Dean for Academic Affairs (2009)
- Search Committee for Associate Dean for Faculty Development (2008)
- Adjunct and Visiting Faculty Committee (2007-08)
- Tenure Review Committee (2013-14)
- Community Committee (2007-08)

VANDERBILT UNIVERSITY, CURB CENTER FOR ART, ENTERPRISE AND PUBLIC POLICY, Washington, D.C.

Advisory Panel (2005-2007)

WORLD COMPETITION *Law and Economics Review*

U.S. Book Review Editor (with Spencer Weber Waller) (2013-present)

Referee articles for the ANTITRUST BULLETIN, ANTITRUST LAW JOURNAL, JOURNAL OF EMPIRICAL LEGAL STUDIES, and MIT SLOAN MANAGEMENT REVIEW

AWARDS AND HONORS

Virtual Competition — *Times Higher Education* magazine Book of the Week (2017)

W. Allen Separk Faculty Scholarship Awards (2009 & 2017)

Award recognizes an outstanding body of work in any area of legal research written by a member of the UT College of Law faculty—

2009: for the article, *Does the Rule of Reason Violate the Rule of Law?*

2017: for the book, *VIRTUAL COMPETITION* (with Ariel Ezrachi)

Antitrust Writing Award by Concurrences Review and George Washington University (2016)

For the article, *Artificial Intelligence & Collusion: When Computers Inhibit Competition* (with Ariel Ezrachi)

Carden Award for Outstanding Scholarship (2015)

Award recognizes a UT law faculty member for a distinguished record of scholarship developed over a period of years

Chancellor's Honors Award for Research and Creative Achievement—Professional Promise (2014)

Award recognizes University of Tennessee faculty members for their excellence in research, scholarship, and creative achievement early in their careers

Marilyn V. Yarbrough Faculty Award for Writing Excellence (2014)

Award recognizes the single best piece of scholarly work recently published by a member of the

UT College of Law faculty—for the article, *Should Competition Policy Promote Happiness?*

Fulbright Scholar, People's Republic of China, China University of Political Science and Law (2010)

University of Tennessee Quest Scholar (Oct. 6, 2008)

Award for a University of Tennessee, Knoxville faculty member who is doing outstanding work regardless of the field

Jerry S. Cohen Memorial Fund Writing Award (2007)

Award honors the best antitrust writing that is consistent with the principles of economic justice that animated Jerry S. Cohen's professional life—for the article, *Behavioral Economists at the Gate: Antitrust in the Twenty-First Century*

Two awards from The Legal Aid Society in recognition of outstanding *pro bono* criminal appellate and defense work (1998)

Two Performance Awards from the U.S. Department of Justice, Antitrust Division (1995)

Performance Award from the U.S. Securities & Exchange Commission for Outstanding Work (1989)

EDUCATION

GEORGETOWN UNIVERSITY LAW CENTER, J.D., 1994

Magna Cum Laude; Order of the Coif; Member, GEORGETOWN JOURNAL OF INTERNATIONAL LAW (formerly LAW & POLICY IN INTERNATIONAL BUSINESS)

EAST CHINA INSTITUTE OF POLITICS & LAW, Shanghai, P.R.C., Summer Study Program, 1992

GEORGETOWN UNIVERSITY, A.B., 1987

- Crew: Member of undefeated novice team that won Dad Vails championship rowing regatta (1986), Varsity Letter & Dad Vails finalist in heavyweight eight championship (1987)
- Phi Eta Sigma Honors Society; Assistant Editor of literary magazine; co-founder of satirical magazine; published poet

OTHER LEGAL EXPERIENCE

THE KONKURRENZ GROUP

[2014-Present]

Washington, D.C.

Of Counsel -- Co-founded law firm (www.konurrenzgroup.com) focusing on competition law.

- Filed an amicus brief on behalf of the Bar Association of the District of Columbia in support of the appellant NCAA in *NCAA v. O'Bannon*, No. 15-1388 (S. Ct. filed June 14, 2016).
- Drafted report for SumofUs on the antitrust implications of a possible Bayer-Monsanto

merger.

- Represent clients opposed to the Comcast/Time Warner Cable merger, including filing comments with the Federal Communications Commission and a white paper with the Department of Justice.
- Filed an amicus brief on behalf of law and economics and antitrust scholars in support of the appellant NCAA in *O'Bannon v. NCAA*, Nos. 14-16601, 14-17068 (9th Cir. filed November 21, 2014).
- Provide analysis for the media, including the American Prospect magazine, Associated Press, the Atlantic, Automotive News, Bloomberg, CNN-Money, CQ Weekly, Communications Daily, Computerworld, Financial Times, Fortune, Global Competition Review, the Guardian, Law360, Main Justice, New York Times, Orange County Register, Publishers Weekly, Reuters, Roll Call, Slate, St. Louis Post-Dispatch, and the Wall Street Journal.

GEYERGOREY LLP

[2013-2014]

Washington, D.C.

Of Counsel -- Assisted in drafting amended complaint and opposing defendants' motion to dismiss in *In re: Aluminum Warehousing Antitrust Litigation*, Master Action, No. 13-md-02481-KBF (S.D.N.Y.).

PRIVATE CONSULTING

[2007-2013]

Drafted antitrust issues for successful summary judgment motion in *Brentwood Academy v. Tennessee Secondary School Athletic Association*, Civ. Action No. 3-97-1249, 2008-2 Trade Cases & 76,317, 2008 WL 2811307 (M.D. Tenn. July 18, 2008).

U.S. DEPARTMENT OF JUSTICE, ANTITRUST DIVISION

[1994-1996; 1999-2007]

Washington, D.C.

Trial Attorney -- Hired in 1994 through the highly competitive Attorney General's Honors Program.

Conducted numerous civil investigations, which included taking over 60 depositions of defendants, customers, competitors, and investment bankers, working with testifying economic experts on trial testimony and econometric analysis, and negotiating consent decrees involving significant divestiture of assets by the merging parties.

Focused on policy issues involving competition law and the media, including:

- determining the scope of antitrust immunity for newspaper publishers under the Newspaper Preservation Act;
- leading a joint task force with the Offices of the Attorney General for California and Ohio, and the Los Angeles County District Attorney's Office that successfully prosecuted a market allocation agreement between the nation's leading publishers of alternative newsweeklies and led to the publication of the newsweeklies under new owners. *United States v. Village Voice Media LLC & NT Media LLC*, Civil Action No. 1:03CV0164, 2003 WL 22019516 (N.D. Oh. 2003); and
- leading a joint investigation with the Washington State Attorney General's Office involving

Seattle's two daily newspapers.

Other prosecutions include:

- *United States v. Interstate Bakeries Corp. & Continental Baking Co.*, Civil Action No. 95C 4194 (N.D. Ill. 1995) (merger in the white pan bread industry);
- *United States v. Kimberly-Clark Corp. & Scott Paper Co.*, Civil Action No. 3:95 CV 3055-P (N.D. Tex. 1995) (merger in tissue and baby wipes industry);
- *United States v. Georgia-Pacific Corp.*, Civil Action No. 96-164 (D. Del. 1996) (merger in gypsum industry);
- *United States v. L'Oreal USA, Inc., L'Oreal S.A. & Carson, Inc.*, 142 F. Supp. 2d 17 (D.D.C. 2000) (merger in hair care industry);
- *United States v. Kentucky Real Estate Commission*, Civil Action No. 3:05CV188-H (W.D. Ky. 2005) (challenging statewide ban on real estate brokers' offering rebates or inducements); and
- *In re VisaCheck/MasterMoney Antitrust Litig.*, Master File No. CV-96-5238 (E.D.N.Y. 2006) (recovery by the United States, as a matter of equity--and the first time in the Antitrust Division's history--for its share of damages in a private class action settlement).

Service

- Assisted in drafting the Antitrust Division's internal study on coordinated effects analysis in merger investigations.
- Instructed junior attorneys as part of the Division's Deposition Training Team.
- Member of Leadership Skills Committee.

U.S. ATTORNEY'S OFFICE

[2000-2001]

Eastern District of Virginia, Alexandria Division

Special Assistant U.S. Attorney -- As part of detail, had significant courtroom experience, including:

- successfully prosecuting two felony jury trials, three appeals before the U.S. Court of Appeals for the Fourth Circuit, and over twenty misdemeanor bench trials and motion hearings;
- participating in all facets of criminal prosecution before every judge in the Alexandria Division including running a weekly docket before the Honorable Thomas Rawles Jones, Jr., drafting search warrants and criminal complaints, presenting indictments to the grand jury, seeking pretrial detention, defending and prosecuting pretrial motions, negotiating pleas, arguing the United States' position at sentencing, and seeking the revocation of defendants' supervised release; and
- requested by the U.S. Attorney's Office to return and assist in the grand jury investigation and prosecution of a sexual assault on a military base.

SULLIVAN & CROMWELL

[1996-1999]

New York, New York

Litigation Associate -- Drafted and responded to motions in civil securities fraud and competition law litigation, including:

- Department of Justice's prosecution of Microsoft Corp.;
- private class action alleging price-fixing among Nasdaq market-makers; and
- SEC civil action against CS First Boston involving Orange County, California.

As part of *pro bono* services,

- obtained reversal of criminal conviction. *People v. Graham*, 251 A.D.2d 426, 674 N.Y.S.2d 120 (N.Y. App. Div. 2 Dept. 1998). First time the New York State Appellate Division, Second Department reversed in the interest of justice on improper rape trauma syndrome expert testimony; and
- briefed and argued two Article 78 proceedings against the City of New York, Office of the District Attorney, and New York City Police Department.

U.S. SECURITIES & EXCHANGE COMMISSION
Washington, D.C.

[1988-1990]

Research Assistant, Office of Consumer Affairs

ADMISSIONS

Admitted to the District of Columbia and New York bar, U.S. District Court for the Southern and Eastern Districts of New York, the U.S. Court of Appeals for the Fourth Circuit, and the U.S. Supreme Court