

MAURICE E. STUCKE
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ACADEMIC APPOINTMENTS

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

Douglas A. Blaze Distinguished Professor of Law (2020-present)
Professor of Law (2015-2019)
Associate Professor of Law (2007-2015) (tenured in 2011)

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

FELLOWSHIPS AND AFFILIATIONS

UNIVERSITY OF OXFORD [2015, 2017]
United Kingdom

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

UNIVERSITY OF MELBOURNE [2012]
Australia

Senior Fellow of the Law School
Visitor of the University's Competition Law and Economics Network

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

Fulbright Scholar
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)
- Chinese Academy of Social Sciences, Beijing (Sept. 2010)

PROFESSIONAL EXPERIENCE

KONKURRENZ [2020-2022; 2023-present]
Washington, D.C.

As principal of law firm focusing on competition and privacy law,

- Advise small businesses, Fortune 500 firms, consumer advocacy groups, unions, and governments on issues of competition, privacy, and consumer protection law.
- Provide analysis for the media, including the *American Prospect* magazine, *Associated Press*, *The Atlantic*, *The Australian*, *Automotive News*, *BBC*, *Bloomberg*, *Business Insider*, *CNBC*, *CNN-Money*, *CQ Weekly*, *Communications Daily*, *Computerworld*, *The Economist*, *Fast Company*, *Financial Times*, *Forbes*, *Fortune*, *Fox News*, *The Guardian*, *Harvard Business Review*, *Law360*, *Market Watch*, *NPR*, *New Republic*, *New York Times*, *New Yorker*, *Orange County Register*, *Publishers Weekly*, *Radio 3 Hong Kong*, *Reuters*, *Roll Call*, *Science*, *The Scotsman*, *Slate*, *St. Louis Post-Dispatch*, *Times Higher Education*, *USA Today*, *Yahoo Finance*, *Wired*, and *Wall Street Journal*.

FEDERAL TRADE COMMISSION [2022-2023]
Washington, D.C.

As a senior policy advisor,

- Coordinated with other jurisdictions' competition authorities in drafting a report on the intersection of competition and privacy.
- Coordinated with other federal agencies and the White House's Council of Economic Advisers on competition issues.
- With a wide latitude of responsibility, provided advice and analysis with the purpose of informing FTC policy, law enforcement activities, and consumer protection and antitrust missions.
- Advised the Chair, senior Commission leaders, and other Executive agencies on legal and policy issues involving competition, privacy, and consumer protection, and ways to advance the FTC's mission.
- Brought expertise to the Commission and other competition agencies on the synergies and tensions between privacy and competition laws and policies.

KONKURRENZ GROUP [2014-2020]
Washington, D.C.

As co-founder and of counsel of law firm focusing on competition law,

- Helped represent union opposed to the Sprint/T-Mobile merger, including filing comments with the Federal Communications Commission.
- Drafted reports for SumofUs and Friends of the Earth on the antitrust implications of the Bayer-Monsanto merger.
- 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).
- Represent consumer organization 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).

GEYERGOREY
Washington, D.C.

[2013-2014]

Of counsel at law firm focusing on competition law.

U.S. DEPARTMENT OF JUSTICE, ANTITRUST DIVISION
Washington, D.C.

[1994-1996; 1999-2007]

As a Trial Attorney hired 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

As a Special Assistant U.S. Attorney, 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.; and
- 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.
- 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

As a Litigation Associate,

- Drafted and responded to motions in civil securities fraud and competition law litigation;
- Assisted Microsoft in the landmark antitrust case brought by the Department of Justice;
- Represented Goldman Sachs in the private class action alleging price-fixing among Nasdaq market-makers; and

- Represented CS First Boston in the SEC civil action involving Orange County, California, including defeating the SEC's motion to strike CS First Boston's estoppel claims against the government.

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

MEMBERSHIPS AND BOARDS

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

- Executive Board (2010-2022)
- Steering Committee (2010-2017)
- Member (2009-2022)

AMERICAN ANTITRUST INSTITUTE, Washington, D.C.

- Advisory Board (2008-2022)
- Senior Fellow (2009-2019)
- Chair of the media industry committee, which drafted transition report for the incoming Obama administration on competition policy issues involving the media (2008)

AMERICAN BAR FOUNDATION, Chicago, Illinois

- Elected Fellow (2017-present)

INSTITUTE FOR CONSUMER ANTITRUST STUDIES, Chicago, Illinois

- Advisory Board (2009-2022)
- 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

- Non-Governmental Advisor (2009-2022; 2023-present)

- Advise the United States' and other countries' competition authorities on competition policy, including the relationship between competition and privacy policies.

OPEN MARKETS INSTITUTE, Washington, D.C.

- Academic Advisory Board (2020-2022)

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 (2013-2022)

Referee articles for the ANTITRUST BULLETIN, ANTITRUST LAW JOURNAL, JOURNAL OF EMPIRICAL LEGAL STUDIES, United Nations, MIT SLOAN MANAGEMENT REVIEW, MIT Press, Oxford University Press, and SCIENCE

UNIVERSITY OF TENNESSEE INSTITUTIONAL SERVICE

- Academic Standards & Curriculum Committee (Chair, 2011-2012; Member, 2008-11, 2019-2021)
- Adjunct and Visiting Faculty Committee (2007-08)
- Admissions (2012-2016)
- Career Services and Student Professional Development (2021-present)
- Communications and Marketing Advisory (2022-present)
- Community and Inclusion Committee (2007-08, 2020-21)
- Faculty Advisor (2011-2012, 2015-2016)
- Faculty Development Committee (2016-2020, 2021-2022)
- Faculty Senate (2016-2018)
- Committee to Select the W. Allen Separk Faculty Scholarship Award (Chair, 2011, 2018, and 2022; Member, 2012-14, 2019-2020, 2022-present)
- Committee to Select the Marilyn V. Yarbrough Award for Writing Excellence (2015-17, 2022-present)
- Search Committee for Associate Dean for Academic Affairs (2009)
- Search Committee for Associate Dean for Faculty Development (2008)
- Search Committee for Faculty Hire (2019-2020)
- Student Code of Conduct (2021-2022)
- Tenure Review and Promotions Committee (2013-14, 2018-19)

PUBLICATIONS

Books

HOW BIG-TECH BARONS SMASH INNOVATION — AND HOW TO STRIKE BACK (New York, NY: HarperCollins 2022) (with Ariel Ezrachi)

- Top 22 Business Books of 2022 — Next Big Idea Club (December 2022)

- Runner up in 2022 *Porchlight* Business Book Awards: Creativity and Innovation Category (December 2022)
- *Financial Times*'s Best Books for June 2022
- The 2022 *Porchlight* Business Book Awards Longlist (November 2022)
- *Porchlight* Books to Watch (June 2022)

BREAKING AWAY: HOW TO REGAIN CONTROL OVER OUR DATA, PRIVACY, AND AUTONOMY (Oxford, U.K.: Oxford University Press 2022)

- Notable Privacy and Security Books 2022 – TeachPrivacy
- Interviews
 - What Happens when Big Brother Meets Big Tech, INET (July 13, 2022), <https://www.ineteconomics.org/perspectives/blog/what-happens-when-big-brother-meets-big-tech>
 - Giant Tech Firms Plan to Read Your Mind and Control Your Emotions. Can They Be Stopped?, INET (May 31, 2022), <https://www.ineteconomics.org/perspectives/blog/giant-tech-firms-plan-to-read-your-mind-and-control-your-emotions-can-they-be-stopped>

COMPETITION OVERDOSE: HOW FREE MARKET MYTHOLOGY TRANSFORMED US FROM CITIZEN KINGS TO MARKET SERVANTS (New York, NY: HarperCollins 2020) (with Ariel Ezrachi)

- Translated into Korean & Mandarin
- *Publishers Weekly*'s Top 10 List of forthcoming 2020 business and economics books
- *Inc.*'s 16 New Business Books You Need to Read in 2020
- *Porchlight* Books to Watch (March 17, 2020)

VIRTUAL COMPETITION: THE PROMISE AND PERILS OF THE ALGORITHM-DRIVEN ECONOMY (Cambridge, MA: Harvard University Press 2016/paperback 2019) (with Ariel Ezrachi)

- Translated into Mandarin & Russian
- Among *Nature* magazine's highlights of the Fall 2019 season's paperback releases
- *Times Higher Education* magazine Book of the Week (2017)

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

- Translated into Mandarin & Russian

Book Chapters

Algorithmic Tacit Collusion, in RESEARCH HANDBOOK ON CARTELS (Peter Whelan ed., Edward Elgar Publishing March 2023) (with Ariel Ezrachi)

Afterword, in COMPETITION OVERDOSE: EXPLORING THE LIMITATIONS, SEARCHING FOR THE TREATMENT (Oles Andriychuk ed., Concurrences 2022) (book invited prominent competition lawyers and economists – from academic, judicial, enforcement, and practice sides of the profession – to discuss our book, *Competition Overdose*).

Contemplating COVID-19 and Competition – Returning to the Rat Race or Aspiring for Something Nobler?, in *COVID-19 AND BUSINESS LAW* (Horst Eidenmüller, Luca Enriques, Kristin van Zwieten & Geneviève Helleringer eds., CH Beck & Hart 2020) (with Ariel Ezrachi)

The Patient Gardener, in *ALBERT A. FOER LIBER AMICORUM: A CONSUMER VOICE IN THE ANTITRUST ARENA* (Nicolas Charbit & Sonia Ahmad eds., Concurrences 2020)

Here Are All the Reasons It's a Bad Idea to Let a Few Tech Companies Monopolize Our Data, in *MONOPOLIES AND TECH GIANTS: THE INSIGHTS YOU NEED FROM HARVARD BUSINESS REVIEW* (Harvard Business Review Press 2020)

Antitrust Enforcement and Market Power in the Digital Age: Is Your Digital Assistant Devious?, in *RECONCILING EFFICIENCY AND EQUITY: A GLOBAL CHALLENGE FOR COMPETITION POLICY* (Damien Gerard & Ioannis Lianos eds., Cambridge University Press 2019) (with Ariel Ezrachi)

Antitrust, Algorithmic Pricing, and Tacit Collusion, in *RESEARCH HANDBOOK ON THE LAW OF ARTIFICIAL INTELLIGENCE* (Woodrow Barfield & Ugo Pagallo eds., Edward Elgar Publishing 2018) (with Ariel Ezrachi)

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 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

Competition Enforcement in the Digital Economy – Challenges and Opportunities (April 2022) (with Ariel Ezrachi)

- Report commissioned by the World Bank

Invited Submission to the U.S. House Judiciary Subcommittee on Antitrust, Commercial, and Administrative Law (March 13, 2020)

- Requested by the Congressional subcommittee to submit a report on potential areas of antitrust reform.

Competition Policy in the Digital Platform Economy (October 2019) (with Ariel Ezrachi)

- Report commissioned by the World Bank

Written Statement for the Record by Maurice E. Stucke and Ariel Ezrachi for a Hearing before the U.S. House Judiciary Subcommittee on Antitrust, Commercial and Administrative Law titled Online Platforms and Market Power, Part III: The Role of Data and Privacy in Competition (Oct. 18, 2019)

- Requested by the Congressional subcommittee to submit a report on the implications of the digital platform economy on antitrust and privacy.

The Effective Competition Standard: A New Standard for Antitrust, Roosevelt Institute Paper (September 2018) (with Marshall Steinbaum)

- Cited by Presidential candidate and US Senator Bernie Sanders in his [Issues Paper](#), Corporate Accountability and Democracy

Digitalisation and Its Impact on Innovation (16 July 2018) (with Ariel Ezrachi)

- Independent Expert Report commissioned by the European Commission, DG Research & Innovation and [published](#) by the European Commission.

Algorithmic Collusion: Problems and Counter-Measures (23 June 2017) (with Ariel Ezrachi)

- Report commissioned by the Organisation for Economic Co-operation and Development for its Competition Committee's Roundtable on Algorithms and Collusion (21-23 June 2017)

Online Platforms and the EU Digital Single Market (16 October 2015) (with Ariel Ezrachi)

- Report prepared for the UK House of Lords, Internal Market Sub-Committee
- Submission was based on our joint research, which explores the effects Big Data and technology have on competitive dynamics. It reviews the use of technology to facilitate collusion, conscious parallelism, and unilateral price discrimination as well as the effects of online and mobile platforms.

The Implications of Behavioral Antitrust (25 July 2012)

- Report commissioned by the Organisation for Economic Co-operation and Development for its Competition Committee's Hearing on Competition and Behavioural Economics (25 July 2012)
- First time any intergovernmental agency considered the implications of behavioral economics on competition policy.

Articles

The Darker Sides of Digital Platform Innovation, WIRTSCHAFT UND WETTBEWERB (forthcoming 2023) (with Ariel Ezrachi)

The Good, the Bad, and the Ugly of US Antitrust, JOURNAL OF ANTITRUST ENFORCEMENT (forthcoming 2023), <https://doi.org/10.1093/jaenfo/jnad038>

Addressing Personal Data Collection as Unfair Methods of Competition, BERKELEY TECHNOLOGY LAW JOURNAL (forthcoming 2023), draft available at SSRN: <https://ssrn.com/abstract=4186226> or <http://dx.doi.org/10.2139/ssrn.4186226>

The Relationship Between Privacy and Antitrust, 97 NOTRE DAME LAW REVIEW 400 (2022)

Sustainable and Unchallenged Algorithmic Tacit Collusion, 17 NORTHWESTERN JOURNAL OF TECHNOLOGY & INTELLECTUAL PROPERTY 217 (2020) (with Ariel Ezrachi)

The Effective Competition Standard: A New Standard for Antitrust, 86 UNIVERSITY OF CHICAGO LAW REVIEW 595 (2019) (with Marshall Steinbaum) (invited symposium)

- Interviewed by the Law Review for its "Briefly" [podcast](#) in the episode *The Chicago School of Antitrust and the Digital Economy*

Should We Be Concerned About Data-opolies?, 2 GEORGETOWN LAW TECHNOLOGY REVIEW 275 (2018) (invited symposium)

Alexa et al., What Are You Doing With My Data?, 5 CRITICAL ANALYSIS OF LAW 148 (2018) (with Ariel Ezrachi)

How Digital Assistants Can Harm Our Economy, Privacy, and Democracy, 32 BERKELEY TECHNOLOGY LAW JOURNAL 1239 (2017) (with Ariel Ezrachi) (invited symposium)

Emerging Antitrust Threats and Enforcement Actions in the Online World, 13 COMPETITION LAW INTERNATIONAL 125 (2017) (with Ariel Ezrachi)

Artificial Intelligence & Collusion: When Computers Inhibit Competition, 2017 UNIVERSITY OF ILLINOIS LAW REVIEW 1775 (2017) (with Ariel Ezrachi)

Tacit Collusion on Steroids – The Tale of Online Price Transparency, Advanced Monitoring and Collusion, 3 COMPETITION LAW & POLICY DEBATE 24 (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) (invited symposium)

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) (invited symposium)

- 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) (invited symposium)

- 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) (invited symposium)

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

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.*, 838 F.3d 354 (3d Cir. 2016) (Hardiman, J., concurring in part and dissenting in part)

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

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) (invited symposium)

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

Essays

What Can Policymakers Do About Algorithmic Collusion and Discrimination?, University of Chicago's ProMarket, June 27, 2023

Driving Force: Are Tech Barons the Ultimate Innovators?, COMPETITION LAW INSIGHT vol. 21, issue 7 (2022) (with Ariel Ezrachi)

Beware of Toxic Innovation, Institute for New Economic Thinking, August 29, 2022 (with Ariel Ezrachi)

The Tech Barons' Ideological Platter, University of Chicago's ProMarket, August 29, 2022 (with Ariel Ezrachi)

Digital Platforms Inhibit Innovation to Address Today's Most Pressing Issues, LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE BUSINESS REVIEW, August 23, 2022 (with Ariel Ezrachi)

The Darker Sides of Digital Platform Innovation, NETWORK LAW REVIEW, August 11, 2022 (with Ariel Ezrachi)

Data Competition Won't Protect Your Privacy, Institute for New Economic Thinking, April 13, 2022

Why Competition Alone Won't Bring About a More Inclusive Digital Economy, University of Chicago's ProMarket, March 31, 2022

Why Isn't the FTC Tackling Facebook's Data-opoly?, University of Chicago's ProMarket, Jan. 5, 2021

Antitrust Spring, Institute for New Economic Thinking, Dec. 18, 2020

Pricing Algorithms & Collusion, 20 TRANSACTIONS: TENNESSEE JOURNAL OF BUSINESS LAW 1113 (2019)

Here Are All the Reasons It's a Bad Idea to Let a Few Tech Companies Monopolize Our Data, HARVARD BUSINESS REVIEW, March 2018

The Fight Over Antitrust's Soul, 9 JOURNAL OF EUROPEAN COMPETITION LAW & PRACTICE 1 (2018) (with Ariel Ezrachi)

Promoting an Ethical Organizational Culture, 19 TENNESSEE JOURNAL OF BUSINESS LAW 307 (2017)

The Rise, Fall, and Rebirth of the U.S. Antitrust Movement, HARVARD BUSINESS REVIEW, Dec. 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)

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

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)

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

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

Editorials and Other Articles

The Tech Barons' Ideological Platter, Oxford Business Law Blog, September 27, 2022 (with Ariel Ezrachi)

How Big-Tech Barons Smash Innovation, Oxford Business Law Blog, July 1, 2022 (with Ariel Ezrachi)

Toxic Innovation in the Digital Economy, CPI ANTITRUST CHRONICLE, July 27, 2022 (with Ariel Ezrachi)

Contemplating COVID-19 and Competition—Returning to the Rat Race or Aspiring for Something Nobler?, Oxford Business Law Blog, May 10, 2020

The Flawed European Remedy to Bayer-Monsanto Deal, LAW360, April 19, 2018 (with Allen P. Grunes)

Data-opolies, CONCURRENCES No. 2-2017 (2017) (with Allen Grunes)

The Welfare Effects of Digital Butlers – All That Glitters Is Not Gold, CONCURRENCES No 4-2017 (2017) (with Ariel Ezrachi)

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

The Dream of Ultimate Personalization (and the Disturbing Reality of Behavioural Discrimination), CONCURRENCES No 4-2017 (2017) (with Ariel Ezrachi)

The Networks of Control, INSTITUTE OF ART AND IDEAS NEWS, Sept. 4, 2017 (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](#)

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

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

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

SELECTED TESTIMONY

Federal Trade Commission, Hearings on Competition and Consumer Protection in the 21st Century, Algorithmic Collusion (Discussant) (November 2018, Washington, D.C.)

Federal Trade Commission, Hearings on Competition and Consumer Protection in the 21st Century, Alternatives to the Consumer Welfare Standard (Presenter) & the Consumer Welfare Standard in Antitrust Law (Discussant) (November 2018, Washington, D.C.)

House of Commons of Canada, Standing Committee on Access to Information, Privacy and Ethics in view of its study of Breach of Personal Information Involving Cambridge Analytica and Facebook (October 2018, Ottawa), Witness

United Nations, Department of Economic and Social Affairs, Development Policy and Analysis Division, World Economic and Social Survey 2018: "Emerging Technologies and Sustainable Development," Expert Group Meeting (March 2018, New York), Outside Expert ([Report](#))

European Commission, High Level Policy Hearing: 'Building a European Data Economy' (March 2017, Brussels, Belgium), Panelist ([Transcript](#))

AWARDS AND HONORS

Marilyn V. Yarbrough Faculty Award for Writing Excellence

Award recognizes the single best piece of scholarly work recently published by a member of the UT College of Law faculty—

2014: for the article, *Should Competition Policy Promote Happiness?*

2022: for the book, *BREAKING AWAY*

W. Allen Separk Faculty Scholarship Awards

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)

2021: for the book, *COMPETITION OVERDOSE* (with Ariel Ezrachi)

Antitrust Writing Awards by George Washington University and Concurrences Review

Award honors the best antitrust writing —

2016: for the article, *Artificial Intelligence & Collusion: When Computers Inhibit Competition* (with Ariel Ezrachi)

2020: for the article, *Sustainable and Unchallenged Algorithmic Tacit Collusion* (with Ariel Ezrachi)

Carden Award for Outstanding Scholarship

Award recognizes a UT law faculty member for a distinguished record of scholarship developed over a period of years — 2015 & 2020

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

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

University of Tennessee Quest Scholar (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

Award honors the best antitrust writing that is consistent with the principles of economic justice that animated Jerry S. Cohen's professional life—

2007: 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)

SELECTED PRESENTATIONS

2022

Boston University, Law and Technology in a Changing World (October), Panelist.

The University of Hong Kong, International Speaker Series (September), Presented *How Big-Tech Barons Smash Innovation, and How to Strike Back*

In Conversation with IPR and Competition Law (August), Presented *How Big-Tech Barons Smash Innovation, and How to Strike Back* ([Podcast](#))

The Hub (August), Presented *How Big-Tech Barons Smash Innovation, and How to Strike Back* ([Podcast](#))

American Purpose's Bookstack (July), Presented *How Big-Tech Barons Smash Innovation, and How to Strike Back* ([Podcast](#))

Australian Competition and Consumer Commission (July), Presented *Breaking Away*

The Capitol Forum, Solving Data-opoly Problems with Maurice Stucke (May), Presented *Breaking Away* ([Podcast](#))

University of Notre Dame Law School, Data Privacy Symposium (March), Presented *Breaking Away*.

University of Tennessee Howard H. Baker Jr. Center for Public Policy, "Breaking Away How to Regain Control Over Our Data, Privacy, and Autonomy" (Feb.), Presented *Breaking Away* ([Video](#))

Association of American Law Schools Annual Meeting (Jan.), Presented *Breaking Away*.

2021

China Institute of International Antitrust and Investment, International Antitrust Webinar (November), Panelist.

Vidhi Centre for Legal Policy, Book Talk (October), Presented *Competition Overdose*.

Conference Board, Using Antitrust for Social Public Purposes (September), Panelist.

16th Annual ASCOLA Conference (June), Session Chair for Panel on Digital Competition.

University of Oxford, The Antitrust Enforcement Symposium 2021 (June), Moderator.

World Bank, Competition Policy Challenges Posed by Data-Driven Businesses (May), Presented *Breaking Away*.

O.P. Jindal Global University (April), Presented *Competition Overdose*.

Luiss University, The Use of Computational Methods in Competition Law (April), Presenter.

Seoul National University, School of Law, Book Talk (March), Presented *Competition Overdose*.

Swedish Competition Authority (March), Presented *Competition Overdose*.

Institute of New Economic Thinking, Young Scholars Initiative: Monopoly Capital in the Contemporary Global Economy (February), Presented *Competition Overdose*.

University of Chicago Stigler Center, Is There a Problem with Competition? (February), Presented *Competition Overdose*, ([video](#)).

2020

Brazilian Institute for Competition and Innovation, Third International Conference on Competition and Innovation: *Competition Overdose* (December), Presenter ([video](#)).

Japan Fair Trade Commission, 48th Open Seminar (December), Keynote Speech: *Competition Overdose*.

The Economist Corporate Network's Online Session, *Data is the new oil: Unpacking risks and opportunities in a data-fueled marketplace* (October), Featured speaker.

Yale Law School's Information Society Project and Yale School of Management's Thurman Arnold Project, "Big Tech & Antitrust—Competition Policy in the Digital Age" (October)

- Presented the Gamemakers chapter of *Competition Overdose* in the plenary session
- Served as a commentator and moderator of the break-out session, "Essential Platforms."

Instituto de Derecho de la Competencia (September), Presented *Competition Overdose* ([video link](#)).

University of California, Berkeley, Center for Long-Term Cybersecurity Research Symposium: "Data rights, shared value, and re-defining 'privacy' and 'security' with AI/ML and emerging technologies" (September), Presented *A New Conceptual Legal Framework for Data-polies*.

University of Trento, Can Competition Be Toxic? (September), Presented *Competition Overdose* ([video link](#)).

Sussex Centre for Information Governance Research Summer Seminar (June), Presented *Competition Overdose*.

15th Annual ASCOLA Conference (June), Presented *Competition Overdose*, and Session Chair for Panel on Digital Competition.

Cambridge University Center for European Legal Studies & The Competition Law Scholars Forum (May), Presented *Competition Overdose*.

College of Europe, Global Competition Law Center Online Event: Can competition hurt consumers? A discussion about “Competition Overdose” (May), Presented *Competition Overdose*.

Loyola University Chicago School of Law, 20th Annual Loyola Antitrust Colloquium (Apr.), Presented *Competition Overdose*.

Vijaybhoomi University, Competition Overdose: How Much Competition Is Adequate in Normal Times? (Apr.), Presented *Competition Overdose*.

New York University Law School, Competition, Innovation and Information Law Speaker Series (Apr.), Presented *Competition Overdose*.

Information Society Project & Yale Law School, Virtual Cyberlaw Speaker Series (Apr.), Presented *Competition Overdose*.

New York State Bar Association, 2020 Annual Antitrust Symposium, Reassessing the Consumer Welfare Model in the Age of Technology (March, NY, NY), Presenter.

2019

University of North Carolina Hussman School of Media and Journalism, Thwarting the Growth of News Deserts: Strengthening Local News and Democracy (Nov., Chapel Hill, NC), Speaker.

University of North Carolina’s First Amendment Law Review & UNC Center for Media Law & Policy, Symposium, The First Amendment and an Informed Society (Nov., Chapel Hill, NC), Panelist.

World Bank, Law, Justice and Development Week 2019, Is Data Protection the New Competition Regulation? (Nov., Washington, DC), Featured Speaker.

Australian Competition and Consumer Commission & University of South Australia, 17th Annual Competition Law and Economics Workshop (Oct., Adelaide, Australia), Keynote Speaker.

University of Oxford, The Antitrust Enforcement Symposium 2019 (June, Oxford, UK), Commentator.

American Bar Association Section of Antitrust Law, Teleconference: Business Torts as Exclusionary Conduct (June), Panelist.

University of Chicago Law School, Re-Assessing the Chicago School of Antitrust Law (May, Chicago, Illinois), Presented symposium paper.

Loyola University Chicago School of Law, 19th Annual Loyola Antitrust Colloquium (Apr., Chicago, Illinois), Commentator.

Germany's Bundeskartellamt, 19th International Conference on Competition (March, Berlin), Speaker.

American University Washington College of Law, The Antitrust Paradigm: Restoring A Competitive Economy (March, Washington, DC), Speaker.

Santa Clara University School of Law, Antitrust and Silicon Valley Symposium: New Themes and Directions in Competition Law and Policy (March, Santa Clara), Speaker.

The Center for Innovation, Growth, and Society, Institute for New Economic Thinking, Too Deep to Fail: Big Tech and Civil Society (Feb., San Francisco), Speaker.

Georgetown Tech Law and Policy Colloquium (Jan., Washington, DC), Presenter.

2018

University College London, Taming the "Fourth Power": Competition Law and Policy in the Era of Digital Platforms and Intermediaries (Dec., London, UK), Speaker.

BEUC, The European Consumer Organization, Bridge Over Troubled Water – Digital Competition in a Trans-Atlantic Dialogue (Dec., Brussels, Belgium), Speaker.

American Bar Association Section of Antitrust Law, Alternatives to the Consumer Welfare Standard and Media and Technology Mergers (Dec., Washington, DC), Presenter.

Georgetown Law-Cornell Tech Roundtable on the Political Economy of Data (Dec., Washington, DC), Discussant.

European Competition Policy Forum 2018: A Discussion of Competition Policy, Law and Economics (Oct., Villa d'Este, Lake Como, Italy), Keynote Speaker.

Gilbert + Tobin, Data as an Asset (Oct., Sydney, Australia), Keynote Speaker.

Carnegie Corporation, American Academy of Arts and Sciences, & Center for Advanced Studies in the Behavioral Sciences, Workshop on Understanding the Relation of Technology to the Self in the World of the Digital Economy (Sept., Stanford, CA).

University of Tennessee, Law and Business Tech: Cybersecurity, Blockchain and Electronic Transactions (Sept., Knoxville), Speaker.

25th CLSA Investors' Forum (Sept., Hong Kong), Featured Speaker.

Max Planck Institute on Competition and Innovation, Workshop on Competition Law and Policy for Algorithm-Driven Markets (June, Munich, Germany), Panelist.

Chatham House, Global Competition Policy: The Relationship Between Antitrust, Innovation and Investment (June, London, U.K.), Panelist.

University of Chicago Booth School of Business, 2018 Antitrust and Competition Conference - Digital Platforms and Concentration (April, Chicago, IL), Panelist.

Roosevelt Institute, 21st Century Antitrust Project (April, New York, NY), Presenter & Commentator.

American Bar Association Section of Antitrust Law, 66th Spring Meeting, “Price-Bots: Are R2D2 and C3PO Tacitly Colluding?” (April, Washington, D.C.), Panelist.

Georgetown Law’s Institute for Technology Law & Policy, The Governance & Regulation of Information Platforms (Feb., Washington, D.C.), Presenter.

11th Annual Computers, Privacy and Data Protection Conference (Jan., Brussels, Belgium), Panelist ([Video](#)).

Credit Suisse Securities, 2018 Washington Perspective Conference: Deal Making in the New Paradigm (Jan., Washington, D.C.), Panelist.

2017

American Bar Association Section of Antitrust Law, Is Big Data the New IP for Antitrust? (Dec.), Panelist.

Georgia State University Robinson College of Business, Bowles Symposium 2017: Predictive Analytics and Risk Analytics (Nov., Atlanta, Georgia), Presenter.

University College London & College of Europe, Transformations of Competition Law (Oct., London, UK), Panelist.

American Bar Association, 2017 Annual Meeting, Does Antitrust Law Need to Innovate to Stay Relevant in the 21st Century? (Aug., New York, NY), Panelist.

Stockholm University, 12th Annual ASCOLA Conference (June, Stockholm, Sweden), Keynote Speaker (with Ariel Ezrachi).

Scottish Competition Forum (June, Edinburgh, UK), Panelist.

University of Edinburgh, IT and Competition Law Workshop (June, Edinburgh, UK), Panelist.

OECD Forum 2017, Meet the Author (June, Paris, France), Presented with Ariel Ezrachi, *Virtual Competition*.

European University Institute, 22nd Annual EU Competition Law and Policy Workshop: Disruptive Innovation and Implications for Competition Policy (June, Florence, Italy), Speaker.

Berlin Center for Consumer Policies, 2nd Annual BCCP Conference: “Regulatory Challenges in Digital Markets: Algorithms and Platform Competition” (June, Berlin, Germany), Speaker.

University of Oxford, Online Markets and Offline Welfare Effects – The Internet, Competition, Society and Democracy (May, Oxford, UK), Panelist.

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 (Apr., 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](#)).

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

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

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

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

2016

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

European Commission, DG Competition (Nov., 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 (Nov., Paris, France), Panelist.

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

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

Harper's Magazine and the Authors Guild (Nov., 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 (Apr., Chicago, Illinois), Presented *Big Data and Competition Policy*.

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

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

2015

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

University of Oxford, The Antitrust Enforcement Symposium 2015 (June, Oxford, UK), 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, UK), Presented *Artificial Intelligence & Collusion: When Computers Inhibit Competition*.

American Bar Association Section of Antitrust Law, 63rd Spring Meeting, Is False Advertising Anticompetitive? (Apr., 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, UK), 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 (Apr., 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 (Apr., 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 monopsony.

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, UK), 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, UK), 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, UK), 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 Qihoo 360*.

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

- Addressed competition law scholars, lawyers, and policymakers from the European Commission and the UK'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, 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, UK), 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.

EDUCATION

GEORGETOWN UNIVERSITY, J.D., *magna cum laude*, 1994

- Order of the Coif
- Member, LAW & POLICY IN INTERNATIONAL BUSINESS (now the GEORGETOWN JOURNAL OF INTERNATIONAL LAW)

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 varsity heavyweight eight championship (1987)
- Phi Eta Sigma Honors Society
- Assistant editor of literary magazine
- Co-founder of satirical magazine
- Published poet

ADMISSIONS

Admitted to the District of Columbia, New York, and Tennessee 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