

## BARAK D. RICHMAN

### CURRENT POSITION

Alexander Hamilton Professor of Business Law  
George Washington University Law School  
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### PROFESSIONAL EXPERIENCE

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| 2024-current        | <b>Alexander Hamilton Professor of Business Law, George Washington University</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 2019-current        | <b>Senior Scholar, Clinical Excellence Research Center, Stanford University School of Medicine</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 2025-current        | <b>Affiliate Scholar, Hopkins Business of Health Initiative, Johns Hopkins University</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Aug. 2024-Jan. 2025 | <b>Special Counsel for Competition Law, Office of the General Counsel, United States Department of Health and Human Services (part time)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2003-2024           | <b>Bartlett Professor of Law and Business Administration, Duke University</b><br>(Asst. Prof. 2003-06; Assoc. Prof. 2006-07; joint appointment with Fuqua School of Business effective 2009; chaired professorship effective 2013)<br><b>Executive Committee, Duke University Academic Council (2022-2024)</b><br><b>Founding Faculty, Duke-Margolis Center for Health Policy (2016-2024)</b><br><b>Senior Fellow, Kenan Institute for Ethics (2011-2024)</b><br><b>Faculty Board Member, Social Science Research Institute (2018-2024)</b><br><b>Faculty Affiliate, Social Science Research Institute (2005-08)</b> |
| Fall 2015           | <b>Robert Braucher Visiting Professor, Harvard Law School</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Spring 2011         | <b>Scholar-in-Residence &amp; Senior Fellow, Center for Contract and Economic Organization, Columbia Law School</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 2002-2003           | <b>Law Clerk for Judge Bruce M. Selya, United States Court of Appeals for the First Circuit</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1996-1997           | <b>Visiting Lecturer in Economics, Hanoi National University</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1993-1996           | <b>Research Assistant</b><br>U.S. Senate Committee on Finance, International Trade Subcommittee,<br>Democratic Staff (Sen. Daniel P. Moynihan, Chairman/Ranking Member)                                                                                                                                                                                                                                                                                                                                                                                                                                              |

Areas of Research: Institutional Economics, Health Law & Policy, Behavioral Economics & Health Policy, Economics of Contracts, US and EC Antitrust Law, Competition & Regulation Policy, Private Law & Religion

Classes Taught: Contracts, Property, Antitrust, Health Law & Policy (cross-listed at Fuqua School of Business), Antitrust and the Digital Platforms, Sports Law, Advanced Health Law Workshop, Health Policy Practicum: Innovation via Legal Reform, Religious Authority in a Secular State, Principles of Strategy (for Duke Medicine executive program), Ethical & Legal Issues in Health Analytics (for Fuqua executive program)

## EDUCATION

2009 **University of California, Berkeley**  
Haas School of Business  
Ph.D. in Business Administration, Program in Business and Public Policy  
Dissertation: “Essays in Private Ordering: Mechanisms, Efficiencies, and the Law”  
Advisors: Oliver E. Williamson & Pablo T. Spiller

2002 **Harvard Law School**  
J.D., *magna cum laude*  
John M. Olin Fellow in Law & Economics

1999 **University of California, Berkeley**  
M.A. in Economics  
Fields: Industrial Organization & International Economics

1993 **Pardes Institute of Jewish Studies** (Jerusalem, Israel)  
Certificate in Biblical and Talmudic Studies

1992 **Brown University**  
A.B. in Urban Studies, *magna cum laude* and with Honors  
Honors Thesis: “Urban Fiscal Crises and the Post-Industrial City: The Cases of Philadelphia and Providence”

## PUBLICATIONS

### Books

STATELESS COMMERCE: THE DIAMOND NETWORK AND THE PERSISTENCE OF RELATIONAL EXCHANGE  
(Harvard Univ. Press, 2017)

INTERNET AND TELECOMMUNICATIONS REGULATION, 2<sup>ND</sup> ED. (Carolina Academic Press, 2023) (with Stuart Benjamin and James Speta)

WHO PAYS? WHO BENEFITS? DISTRIBUTIONAL ISSUES IN HEALTH CARE. *Law and Contemporary Problems* (Autumn 2006) (ed. with Clark Havighurst).

## Articles – Healthcare Law & Policy

1. “The Objectives of Medicaid: The Legal Definition Behind America’s Most Important Health Program,” *American Journal of Law & Medicine* (forthcoming) (with Laura Richman)
2. “ERISA and the Failure of Employers to Perform Their Fiduciary Duties: Evidence from a Survey of Health Plan Administrators,” *Journal of Law, Medicine, and Ethics* (Sept. 2025) (with Amy Monahan, Jeffrey Pfeffer, and Sara Singer)
3. “Medical Staff Bylaws and Shared Governance,” *Journal of the American Medical Association* (July 14, 2025) (with Sean McBride)
4. “Hiding in Plain Sight: ERISA’s Cure for the \$1.5 Trillion Health Benefits Market,” *Yale Journal on Regulation*, vol.42, no.1 (2025) (with Amy Monahan)
5. “Unionization Efforts by Physicians Between 2000 and 2024,” *JAMA Research Letter* (with Hayden Rooke-Ley, Daniel Bowling & Kevin Schulman) (Dec. 18, 2024)
6. “Addressing Surprise Medical Bills and Out-of-Network Prices,” *JAMA Internal Medicine* (with Kevin Schulman) (December 1, 2024)
7. “The Curious Persistence of Site-Dependent Payments,” *JAMA Health Forum* (with Elizabeth Plummer and Ge Bai) (November 1, 2024)
8. “Medical Boards and Interstate Telemedicine in the Courtroom,” *Journal of the American Medical Association* (Sept. 17, 2024)
9. “Reforming Physician Licensure in the United States to Improve Access to Telehealth: State, Regional, and Federal Initiatives,” *The Milbank Quarterly* (August 2024) (with James Jolin, Ateev Mehrotra, and Carmel Shachar)
10. “Religious Hospital Monopolies,” *JAMA Internal Medicine* (August 2024) (with Sam Doernberg and Lauren Taylor)
11. “Hospital Consolidation and Physician Unionization,” *New England Journal of Medicine* (April 20, 2024) (with Kevin Schulman)
12. “A Financial Case for a Medical-Legal Partnership: Reducing Lengths of Stay for Inpatient Care,” *Journal of Law, Medicine, and Ethics* (March 2024) (with Breanna Barrett, Riya Mohan, and Devdutta Sangvai)
13. “Providing Responsible Health Care for Out-of-State Patients,” *Journal of the American Medical Association* (July 2023) (with Carmel Shachar and Ateev Mehrotra)
14. “Still (At Least) One Decade Behind: US Competition Policy in the Healthcare Industry,” *Journal of Antitrust Enforcement* (June 2023)
15. “Differences in Physician Compensation Associated with Simplifications to the CPT/WRVU System,” *Health Management, Policy, and Innovation*, vol.8, issue 1 (2023) (with Kelly McFarlane, David Scheinker, and Kevin Schulman)

16. “When His Doctor Was Unavailable, He Saw a Nurse Practitioner. A Physician Billed for the Visit,” *Health Management, Policy, and Innovation*, vol.8, issue 1 (2023) (with Robert Kaplan)
17. “Limiting Overall Hospital Costs by Capping Out-of-Network Rates,” *Annals of Health Law and Life Sciences* (Summer 2023) (with David Orenlichter and Kyra Morgan)
18. “Engaging Medicare Beneficiaries in Coverage Choices,” *Journal of the American Medical Association* (May 4, 2023) (with Kevin Schulman)
19. “Maintaining Health Care Innovations After the Pandemic,” *JAMA Health Forum* (February 10, 2023) (with Regina Herzlinger and Kevin Schulman)
20. “The PBMs and the FTC: A Relationship Gone Sour,” *Journal of the American Medical Association* (January 9, 2023) (with Eli Adashi)
21. “Editorial: Restoring Physician Authority in an Era of Hospital Dominance,” *Journal of the American Medical Association* (December 27, 2022) (with Kevin Schulman)
22. “Collective Bargaining: Physician Unions and Their Implications for Health Care,” *Health Services Research* (December 2022) (with Daniel Bowling and Kevin Schulman)
23. “Are Patient Satisfaction Instruments Harming Both Patients and Their Physicians?” *Journal of the American Medical Association* (November 17, 2022) (with Kevin Schulman)
24. “Informed Consent as a Means of Acknowledging and Avoiding Financial Toxicity as Iatrogenic Harm,” *AMA Journal of Ethics* (November 2022) (with Kevin Schulman)
25. “Receipt of Out-of-State Telemedicine Visits Among Medicare Beneficiaries During the COVID-19 Pandemic,” *JAMA Health Forum* (Sept. 16, 2022) (with Ateev Mehotra, Haiden Huskamp, Alok Nimgaonkar, Krisda Chaiyachati, and Eric Bressman)
26. “Billing and Insurance Related Administrative Costs: A Cross-National Analysis,” *Health Affairs* (August 2022) (with Robert Kaplan, Japees Kohli, Dennis Purcell, Mahek Shah, Igna Bonfrer, Brian Golden, Rosemary Hannam, Will Mitchell, Daniel Cehic, Garry Crispin and Kevin Schulman)
27. “Shopping for Healthcare: Can We Be Good Consumers?” *Health Management, Policy, and Innovation*, vol.7, issue 2 (2022)
28. “Noncompete Agreements: Time for a Refresh,” *New England Journal of Medicine* (August 11, 2022) (with Samyukta Mullangi and Mohit Agrawal)
29. “The Rise and Potential of Physician Unions,” *Journal of the American Medical Association* (July 28, 2022) (with Daniel Bowling and Kevin Schulman)
30. “Informed Consent as a Means of Acknowledging and Avoiding Financial Toxicity as Iatrogenic Harm,” *JAMA Ethics* (Forthcoming) (with Kevin Schulman)
31. “The No Surprises Act and Informed Financial Consent,” *New England Journal of Medicine* (October 7, 2021) (with Mark Hall and Kevin Schulman)

32. “Macromedical Regulation,” *Ohio State Law Review*, vol. 82 no.5 (2021) (centerpiece for a symposium) (with Steven Schwarcz)  
“On Skepticism, Modesty, and Embracing Those with Whom We Disagree: A Rejoinder” (with Steven Schwarcz)
33. “Will CMS Find Aducanumab Reasonable and Necessary After FDA Approval?” *Journal of the American Medical Association* (July 19, 2021) (with Kevin Schulman and Michael Greicius)
34. “Reducing Administrative Costs in US Health Care: Assessing Single Payer and Its Alternatives,” *Health Services Research* (March 2021) (with David Scheinker and Kevin Schulman)
35. “Telemedicine and Medical Licensure: Potential Paths for Reform,” *New England Journal of Medicine* (February 25, 2021) (with Ateev Mehrotra and Alok Nimgaonkar)
36. “The Shadows of Life: Medicaid’s Failure of Health Care’s Moral Test,” *Annals of Health Law & Life Sciences*, vol.28 (Summer 2019) (with Kushal Kadakia & Shivani Shah)
37. “Toward an Effective Innovation Agenda,” *New England Journal of Medicine* (March 17, 2019) (with Kevin Schulman)
38. “Health Regulation for the Digital Age—Correcting the Mismatch,” *New England Journal of Medicine* (November 1, 2018)
39. “The Evolving Pharmaceutical Benefits Market,” *Journal of the American Medical Association* (April 6, 2018) (with Kevin Schulman)
40. “Administrative Costs Associated with Physician Billing and Insurance-Related Activities at an Academic Health Care System,” *Journal of the American Medical Association* (February 20, 2018) (with Philip Tseng, Robert Kaplan, Mahek Shah, and Kevin Schulman)
41. “Battling the Chargemaster: Remediating Surprise Billing for Out-of-Network Care,” *American Journal of Managed Care* (April 2017) (with Arnold Milstein, Nick Kitzman, and Kevin Schulman)
42. “Achieving Universal Coverage Without Turning to a Single Payer: Lessons from 3 Other Countries,” *Journal of the American Medical Association* (February 27, 2017) (with Regina Herzlinger and Richard Boxer)
43. “Reassessing ACOs and Health Care Reform,” *Journal of the American Medical Association* (Aug. 16, 2016) (with Kevin Schulman)
44. “Outlook for Alternative Payment Models in Fee-for-Service Medicare,” *Journal of the American Medical Association* (July 28, 2015) (with Jeffrey Clough and Seth Glickman)
45. “Shifting Towards Defined Contributions—Predicting the Effects,” *New England Journal of Medicine* (June 26, 2014) (with Regina Herzlinger and Kevin Schulman)
46. “Assessing Competency for Concealed-Weapons Permits—The Physician’s Role,” *New England Journal of Medicine* (April 17, 2013) (with Adam Goldstein, Kathleen Barnhouse, Anthony Viera, and James Tulsky)

47. “Overbilling and Informed Financial Consent – A Contractual Solution,” *New England Journal of Medicine* (Aug. 2, 2012) (with Mark Hall and Kevin Schulman)
48. “Fairness in Health Care: Who Pays? Who Benefits?” *Notre Dame Journal of Law, Ethics & Public Policy*, vol.25 (Spring 2011) (with Clark C. Havighurst) (invited symposium)
49. “The Provider-Monopoly Problem in Health Care” *Oregon Law Review*, vol. 89 (Spring 2011) (with Clark C. Havighurst) (invited symposium)
50. “A Cautious Path Forward on Accountable Care Organizations” *Journal of the American Medical Association* (Feb. 4, 2011) (with Kevin Schulman)
51. “On Doctors and Judges” *Duke Law Journal*, vol.59 (April 2009)
52. “Lessons from India in Organizational Innovation: A Tale of Two Heart Hospitals” *Health Affairs*, vol.27 (Sept./Oct. 2008) (with Krisna Udayakumar, Will Mitchell, and Kevin A. Schulman)
53. “Distributive Injustice(s) in American Health Care” *Law and Contemporary Problems*, vol. 69 (Autumn 2006) (with Clark Havighurst)
54. “The Corrosive Combination of Nonprofit Monopolies and U.S.-Style Health Insurance: Implications for Antitrust and Merger Policy” *Law and Contemporary Problems*, vol.69 (Autumn 2006)
55. “Insurance Expansions: Do They Hurt Those They Are Designed to Help?” *Health Affairs*, vol.26 (Sept./Oct. 2007)
56. “Behavioral Economics and Health Policy: Understanding Medicaid’s Failure,” *Cornell Law Review*, vol.90 (March 2005)

### **Articles – Antitrust Law & Competition Policy**

57. “Consumer Law as an Axis of Inequality: Introduction to a Symposium on Law, Markets, and Distribution,” *Boston University Law Review*, vol. 102 (2022) (with Daniel Markovits and Rory Van Loo)
58. “How to Save Democracy From Technology: Ending Big Tech’s Information Monopoly,” *Foreign Affairs*, January/February 2021 (with Francis Fukuyama and Ashish Goel)
59. “Religious Freedom Through Market Freedom: The Sherman Act and the Marketplace for Religion,” *William & Mary Law Review*, vol.60 (March 2019) (invited symposium)
60. “An Autopsy of Cooperation: Diamond Dealers and the Limits of Trust-Based Exchange,” *Journal of Legal Analysis* (October 2017)
61. “Pharmaceutical M&A Activity: Effects on Prices, Innovation, and Competition,” *Loyola University Chicago Law Review*, vol.48 (Spring 2017) (with Will Mitchell, Elena Vidal, and Kevin Schulman) (invited symposium)

62. “Market-Based Solutions to Antitrust Threats – The Rejection of the Partners Settlement,” *New England Journal of Medicine* (March 4, 2015) (with Regina Herzlinger and Kevin Schulman)
63. “Elhauge on Tying: Vindicated by History” *Tulsa Law Review*, vol.49 (Spring 2014) (with Steven Usselman) (invited symposium)
64. “Saving the First Amendment From Itself: Relief from the Sherman Act Against the Rabbinic Cartels,” *Pepperdine Law Review*, vol. 39 (January 2013) (invited symposium)
65. “Concentration in Health Care Markets: Chronic Problems and Better Solutions,” *Beyond Repeal and Replace: Ideas for Real Health Reform*, AMERICAN ENTERPRISE INSTITUTE (June 2012)
66. “The Antitrust of Reputation Mechanisms: Institutional Economics and Concerted Refusals to Deal” *Virginia Law Review*, vol.95 (April 2009)
67. “Rebuilding *Illinois Brick*: A Functionalist Approach to the Indirect Purchaser Rule” *Southern California Law Review*, vol.81 (November 2007) (with Christopher Murray)
68. “Antitrust and Nonprofit Hospital Mergers: A Return to Basics” *University of Pennsylvania Law Review*, vol.156 (November 2007)

#### **Articles – Contract Law & Theory, Institutional Economics**

69. “The Challenge of Coreligionist Commerce” *Duke Law Journal*, vol.64 (February 2015) (with Michael Helfand)
70. “Norms & Law: Putting the Cart Before the Horse,” *Duke Law Journal*, vol. 62 (November 2012) (invited symposium)
71. “When Money Grew On Trees: *Lucy v. Zehmer* and Contracting in a Boom Market” (with Dennis Schmeltzer), *Duke Law Journal*, vol. 61 (April 2012)
72. “Contracts Meets Henry Ford,” *Hofstra Law Review*, vol. 40 (invited submission to “Ideas” Symposium) (Fall 2011)
73. “Transaction Cost Economics: An Assessment of Empirical Research in the Social Sciences” *Business and Politics*, vol.10: Iss.1, Article 1 (April 2008) (with Jeffrey Macher)
74. “Understanding the ‘Corporate’ in Corporate Social Responsibility” *Harvard Law & Policy Review*, vol.2 (January 2008) (with Aaron Chatterji)
75. “A Bridge, a Tax Revolt, and the Struggle to Industrialize: The Story and Legacy of *Rockingham County v. Luten Bridge Co.*” *North Carolina Law Review*, vol.84 (September 2006) (with Jordi Weinstock and Jason Mehta)
76. “How Communities Create Economic Advantage: Jewish Diamond Merchants in New York” *Law and Social Inquiry*, vol.31 (Spring 2006).
77. “A Transaction Cost Economizing Approach to Regulation: Understanding the NIMBY Problem,” *Yale Journal on Regulation*, vol.23 (Winter 2006) (with Christopher Boerner)

78. “Firms, Courts, and Reputation Mechanisms: Towards a Positive Theory of Private Ordering,” *Columbia Law Review*, vol.104 (December 2004)
79. “Organizational Responses to Discontinuous Innovation: A Case Study Approach” *International Journal of Innovation Management*, vol. VIII (March 2004) (with Jeffrey Macher)
80. “Modeling Supreme Court Strategic Decision Making: The Congressional Constraint” *Legislative Studies Quarterly*, vol. XXVIII (May 2003) (with Mario Bergara and Pablo Spiller)

### **Book Chapters, Amicus Briefs, Blogposts, and Shorter Works**

81. “Growing Market Power Among Catholic Hospitals Restrains Access to Reproductive Health Care,” Center for American Progress Report (September 29, 2025) (with Bailey Sanders and Andrea Ducas)
82. “HHS Dives into Competition Policy,” *Health Affairs Forefront* (July 29, 2025)
83. “The Curious Case of Private Equity in Health Care’s Market Failures,” *ProMarket* (May 13, 2025) (with Richard Scheffler)
84. “Now Is the Time To Correct Residency Match and (Especially) Other Competition Issues in the Physician Market,” *ProMarket* (April 3, 2025)
85. “On Rabbis and Mentors,” in Harry First Liber Amicorum: A Global Vision for Competition Law (Concurrences 2025).
86. “We Need More Robust Post-Market Surveillance for Health Care AI,” *Health Affairs Forefront* (January 31, 2025) (with Sammer Marzouk and Bhav Jain)
87. “Big Swings and Small Steps in the Healthcare Sector,” in *The Trends and Cases That Defined United States Antitrust in 2024*, *Promarket* (December 19, 2024)
88. “Redefining the Role of the Hospital General Counsel,” *Health Affairs Forefront* (September 27, 2024) (with Sean McBride & Carmel Shachar)
89. “Matching Competition Policy in the US Healthcare Industry to Address a New Generation of Challenges in Provider Markets,” Washington Center for Equitable Growth (March 20, 2024)
90. “Reducing Administrative Costs in U.S. Healthcare: Using Precedent Thinking to Develop Pathways to Innovative Solutions,” *Competition Policy International* (February 2024) (with Jacqueline Sandling, Ken Favaro, Stefanos Zenios & Kevin Schulman)
91. “Healthcare Administrative Costs and Competition Policy,” *Competition Policy International* (May 2023) (with Kevin Schulman)
92. “It’s OK to Ask For Help: An Antitrust Rooney Rule,” *Promarket* (April 17, 2023)
93. “Cutting the Gordian Knot of Employee Health Care Benefits and Costs: A Corporate Model Built on Employee Choice,” *Health Affairs Blog* (June 15, 2021) (with Regina Herzlinger)



94. “Preparing Hospitals for the Next Pandemic,” *Harvard Business Review* (June 10, 2021) (with Regina Herzlinger)
95. “Give Employees Cash to Purchase Their Own Insurance,” *Harvard Business Review* (December 9, 2020) (with Regina Herzlinger)
96. “Professional Self-Regulation in Medicine: Will the Rise of Intelligent Tools Mean the End to Peer Review?,” in Cohen, et al., The Future of Medical Device Regulation: Innovation and Protection (Cambridge Univ. Press 2021) (with Anthony Weiss)
97. “How AI Will Change the Regulation and Organization of Medicine,” *Health Affairs Blog* (May 3, 2020) (with Anthony Weiss and Luke Sato)
98. “The New State Medical Board: Life in the Antitrust Shadow,” *Health Affairs Blog* (Jan. 6, 2020) (with Eli Adashi and Reuben Baker)
99. “Hot-Spotting North Carolina’s Medicaid Transformation,” *Health Affairs Blog* (Nov. 5, 2019) (with Kushal Kadakia and Shivani Shah)
100. “Are Air Ambulances Truly Flying Out of Reach? Surprise-Billing Policy and The Airline Deregulation Act,” *Health Affairs Blog* (Oct. 17, 2019) (with Karan Chhabra and Kevin Schulman)
101. “New Institutional Economics,” in The Oxford Handbook of New Private Law (Oxford Univ. Press 2020) (Gold, Goldberg, Kelly, Sherwin, & Smith, eds.)
102. “Resolving Surprise Medical Bills,” *Health Affairs Blog* (July 10, 2019) (with Kevin Schulman and Arnold Milstein)
103. “Antitrust Does Not Require Rx Drug Rebates, and It Does Not Prohibit Discounts,” *Health Affairs Blog* (April 8, 2019) (with Charlie Sangree & Kevin Schulman)
104. “A Preferable Path for Thwarting Pharmaceutical Product Hopping,” *Health Affairs Blog* (May 22, 2018) (with Arti Rai)
105. “A Coasean View of Stateless Commerce,” *Man and the Economy*, vol.4 (October 2017)
106. “The Physician as Dictator,” *The Lancet* (Sept.9, 2017) (with Ethan Ludmir and Muhammad Ali Elahi)
107. “A Novel Look at Antitrust Analysis in Health Insurance Markets,” *Competition Policy International* (July 2017) (with Kevin Schulman)
108. “What U.S. Hospitals Can Still Learn from India’s Private Heart Hospitals,” *NEJM Catalyst* (May 25, 2017) (with Kevin Schulman)
109. “Breaking Good? The Arc of Antitrust Policy in the Health Sector,” *Health Affairs Blog* (March 15, 2016)

110. “A Healthy Skepticism of Incumbents, A Healthy Commitment to Entry,” *Health Affairs Blog* (March 3, 2016)
111. “Accountable Care Organizations: How to Proceed When We Don’t Know What Works,” *Harvard Business Review Insight Center* (November 25, 2014)
112. “Right-Skilling: Rabbis and the Rabbinic Role for a New Century,” in Keeping Faith in Rabbis: A Community Conversation on Rabbinic Education (Avenida Books 2014) (Herring & Roscher, eds.) (with Daniel Libenson)
113. “The Partners Health Care Settlement and the Future of Health Care Organizations,” *The Economists Voice* (December 2014) (with Kevin Schulman)
114. “Organizational Innovation in Health Care,” *Health Management, Policy, and Innovation*, vol.1 no.3 (2013) (with Will Mitchell and Kevin Schulman)
115. “Contracts & Cartels: Reconciling Competition and Development Policy,” in Competition Law and Development (Stanford Univ. Press, 2013) (Sokol & Lianos, eds.)
116. Amicus Brief of Antitrust Professors and Scholars, Hosanna Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission, et al., No. 10-553, Supreme Court of the United States
117. “On the Constitutionality of Health Care Reform” *North Carolina Medical Journal*, vol. 71 (May/June, 2010)
118. “Mechanism Choice” in Public Choice and Public Law (Daniel A. Farber & Anne Joseph O’Connell, eds.), in Handbook of Law and Economics (Edward Elgar, 2010) (with Jonathan Wiener)
119. “Fragmentation in Mental Health Benefits and Services: A Preliminary Examination into Consumption and Outcomes” in Our Fragmented Health System: Causes and Solutions (Oxford Univ. Press, 2010) (Einer Elhauge, ed.) (with Frank Sloan and Daniel Grossman)
120. “Ethnic Networks, Extralegal Certainty, and Globalisation: Peering into the Diamond Industry,” in Legal Certainty Beyond the State (Hart Publishing, 2008) (Volkmar Gessner, ed.)
121. “The King of Rockingham County and the Original Bridge to Nowhere,” in Contracts Stories (Foundation Press, 2007) (Douglas Baird, ed.)
122. “Foreword: Health Policy’s Fourth Dimension” *Law and Contemporary Problems*, vol.69 (Autumn 2006) (with Clark Havighurst)
123. “Fifty Years of Community Service: A Tribute to Mel Shimm” *Law and Contemporary Problems*, vol.69 (Summer 2006)
124. “Mandating Negotiations to Resolve the NIMBY Problem: A Creative Regulatory Response” *UCLA Journal of Environmental Law and Policy*, vol.20 (Spring 2002)

## Op-Eds and Popular Writings

125. “North Carolina Has a Medical Debt Problem. It Can Be Fixed.” *Raleigh News & Observer* (June 22, 2024)
126. “Universities are Prioritizing Their Health Systems Over Teaching. That’s Killing Academic Freedom.” *Politico* (Dec. 31, 2023)
127. “NC Hospitals Use Deceit to Sue Patients, Take Their Homes,” *Charlotte Observer* (Nov. 9, 2023)
128. “Hospitals Are a Problem. Competition is the Answer,” *Politico* (Jan. 19, 2023)
129. “A Cancer Patient’s Brutal Commute,” *Wall St. Journal* (July 12, 2021) (with Ateev Mehrotra)
130. “How to Quiet the Megaphones of Facebook, Google and Twitter,” *Wall St. Journal* (February 12, 2021) (with Francis Fukuyama)
131. “Surprise Medical Bills Continue During Coronavirus Time, and Congress Still Misses Major Points,” *The Conversation* (May 13, 2020). Reprinted in *The National Interest*
132. “Early Lessons from COVID-19 We Already Should Have Learned,” AEIdeas Blog Post (March 26, 2020)
133. “‘Uncut Gems’ Celebrates Manhattan’s Diamond District, a Neighborhood That’s a Window Into the Past,” *Salon.com* (January 18, 2020)
134. “Stop Outrageous Air Ambulance Bills by Disclosing the Transport Price,” *STAT News* (January 8, 2019) (with Kevin Schulman and Arnold Milstein)
135. “Mergers Between Health Insurers and Pharmacy Benefit Managers Could Be Bad for Your Health,” *STAT News* (June 1, 2018) (with Kevin Schulman)
136. “How Healthcare Hurts Your Paycheck,” *New York Times* (Nov. 2, 2016) (with Regina Herzlinger and Richard Boxer)
137. “Religious Freedom Debate Upends Balance Between Establishment, Free Exercise Clauses,” *Raleigh News & Observer* (April 2, 2015)
138. “‘Anti-Shariah’ Bill Clumsy and Dangerous to People of All Faith,” *Raleigh News & Observer* (July 12, 2013)
139. “Privatizing Medicare Won’t Slow Rising Costs” *Des Moines Register* (December 22, 2011), *Pittsburgh Post-Gazette* (December 22, 2011), also appeared as “... Tackle Medical Monopolies Instead,” *Raleigh News & Observer* (December 22, 2011) (with Kevin Schulman)
140. “An Anti-Competitive Get-Together: Why to Oppose the Proposed AT&T-T-Mobile Merger,” *Raleigh News & Observer* (October 4, 2011) (with Andrew Chin)
141. “Resisting Another Threat to Competition in Health Care,” *FTC: Watch*, no.783 (April 15, 2011)

142. “Rabbi Searches Are Tough, but Are They Illegal?” *The Forward* (October 8, 2010)
143. “The New DOJ: Lessons Learned from the Ticketmaster Live Nation Decision,” *The Huffington Post* (Jan. 29, 2010) (with Alan Meese)
144. “Searching for Industry Modernization” *Modern Physician* (February 9, 2009) (with Will Mitchell and Kevin Schulman)
145. “The First Bridge to Nowhere,” *Raleigh News & Observer* (September 21, 2008)
146. “Who Pays for Health Insurance?” *Wall Street Journal* (September 6, 2007) (with Clark Havighurst)
147. “Blood Diamonds’ Many Facets” *Raleigh News & Observer* (January 11, 2007) (with Joost Pauwelyn)
148. “Unintended Consequences: A Critical View of *U.S. v. Nektalov*” *New York Law Journal* (August 10, 2006)
149. “The Adventures of Keeping Kosher in Vietnam” *New York Times* (April 23, 1997)

### **Working Papers & Unpublished Works**

150. “Hospitals Suing Patients: The Rise of Stealth Intermediaries,” GWU Law & Stanford CERC Whitepaper (with others), available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=5261034](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5261034)
151. “Hospitals Suing Patients: How Hospitals Use North Carolina Courts to Collect Medical Debt,” Duke Law School Whitepaper (with Sara Sternberg Greene, Sean Chen, and Julie Havlak), available at: [https://scholarship.law.duke.edu/faculty\\_scholarship/4261/](https://scholarship.law.duke.edu/faculty_scholarship/4261/)
152. “Report of the Working Group on Platform Scale,” Program on Democracy and the Internet (with Francis Fukuyama, Ashish Goel, Roberta Katz, A. Douglas Melamed & Marietje Schaake), available at: [https://fsi-live.s3.us-west-1.amazonaws.com/s3fs-public/platform\\_scale\\_whitepaper\\_cpc-pacs.pdf](https://fsi-live.s3.us-west-1.amazonaws.com/s3fs-public/platform_scale_whitepaper_cpc-pacs.pdf)
153. “Promoting Competition in Healthcare Enforcement and Policy: Framing an Active Competition Agenda” (with Thomas L. Greaney), American Antitrust Institute whitepaper, available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3267556](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3267556)
154. “Consolidation in Provider and Insurer Markets: Enforcement Issues and Priorities” (with Thomas L. Greaney), American Antitrust Institute whitepaper, available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3195331](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3195331)
155. “A Careful Examination of the Live Nation-Ticketmaster Merger” (with Alan J. Meese), available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1542626](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1542626)
156. “Mental Health Care Consumption and Outcomes: Considering Preventative Strategies Across Race and Class” (with Dan Grossman, Craig Chepke, & Frank Sloan), available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1989038](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1989038)

157. “Hidden Costs? Malpractice Allegations and Defensive Medicine Among Cardiac Surgeons” (with Marco Huesch), available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1989035](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1989035)
158. “Examining the Effect of Health Provider Race on Adherence to Asthma Regimes” Research prospectus to the Duke Center for Comparative Biology of Vulnerable Populations, funded by the National Institute of Environmental Health Sciences, 1 P30 ES-011961-01A1. (funding granted) (with Laura Smart Richman and Judith Voynow)

## ACADEMIC HONORS, FELLOWSHIPS & GRANTS

|                |                                                                                                               |
|----------------|---------------------------------------------------------------------------------------------------------------|
| 2022           | Excellence in Teaching Award, Masters of Science in Quantitative Management Program, Fuqua School of Business |
| 2010           | Duke Law School Teacher of the Year                                                                           |
| 2006-2007      | Provost Common Fund Award                                                                                     |
| 2005-2006      | Faculty Fellow, Duke University Social Science Research Institute                                             |
| 2005-2006      | National Institute of Environmental Health Sciences Grant, 1 P30 ES-011961-01A1                               |
| 2000-1, 2001-2 | John M. Olin Fellowship in Law and Economics, Harvard Law School                                              |
| 2000           | John M. Olin Summer Research Grant                                                                            |
| 1997-1998      | Sasakawa Fellowship, Haas School of Business                                                                  |
| 1996-1997      | Henry R. Luce Scholarship, Luce Foundation                                                                    |
| 1992-1993      | Dorot Fellowship, Dorot Foundation                                                                            |
| 1992           | Phi Beta Kappa, Alpha Chapter of Rhode Island                                                                 |

## PROFESSIONAL SERVICE

|                                           |                                                                                                                                             |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 2025-2028                                 | Treasurer, Society for Institutional and Organizational Economics                                                                           |
| 2022-2027                                 | Executive Committee, American Association of Law Schools (AALS) Section on Antitrust & Economic Regulation (Chair in 2027)                  |
| 2024-2025                                 | Commonwealth Fund National Task Force on the Future of Employer Sponsored Health Insurance                                                  |
| 2024-2025                                 | Aspen Institute & Kaiser Family Foundation Working Group on Healthcare Consolidation                                                        |
| 2024-2025                                 | Chair, Laterals Appointments Committee, GW Law School                                                                                       |
| 2022-2024                                 | Executive Committee, Duke University Academic Council                                                                                       |
| 2015-2024                                 | Founding Faculty & Core Faculty, Duke-Margolis Health Policy Center                                                                         |
| 2021-2023                                 | Chair, Diversity Equity & Inclusion Committee, Duke Law School                                                                              |
| 2013-15                                   | Provider Pricing Power in Health Care Markets Study Group, National Academy of Social Insurance (NASI) & the Robert Wood Johnson Foundation |
| 2012-14                                   | President, Beth El Congregation                                                                                                             |
| 2010-13                                   | University Priorities Committee, Duke University                                                                                            |
| 2008-10, 2011-12, 2013-14 (chair) 2016-17 | Faculty Appointments Committee, Duke Law School                                                                                             |
| 2006-2007                                 | Dean Search Committee, Duke Law School                                                                                                      |

## PROFESSIONAL AFFILIATIONS

Member of:     National Academy of Social Insurance  
                    American Antitrust Institute, Advisory Board  
                    American Law Institute  
                    Fellows of the American Bar Foundation  
                    Massachusetts Bar Association  
                    Society for Empirical Legal Studies  
                    American Economic Association  
                    American Law and Economics Association  
                    International Society for New Institutional Economics

On Editorial Board for:

*Business and Politics*  
*International Journal of Strategic Change Management*  
*Journal of Antitrust Enforcement*

## PERSONAL

Wife:             Laura Smart Richman, Ph.D.  
Children:        Ariella Sofi Richman, born January 2001  
                    Eden Mae Richman, born November 2004  
                    Izak Lev Richman, born August 2008  
Hometown:      Philadelphia, PA