

## **William Evan Kovacic**

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USA 20124

### **Current Positions**

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

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

Visiting Professor  
King's College London  
September 2015 to Present

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

### **Date and Place of Birth**

October 1, 1952  
Poughkeepsie, New York, USA

### **Education**

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

J.D., Columbia University, 1978

Harlan Fiske Stone Scholar: 1976-1977, 1977-1978  
Teaching Assistant, Trade Regulation, Spring Term 1978

### **Previous Employment**

Non-Executive Director  
United Kingdom Competition and Markets Authority  
August 2013 through March 2022

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

Chairman: March 2008 through March 2009  
Vice-Chair (Outreach), Int'l Competition Network, June 2009- Sept. 2011

Professor  
George Washington University Law School  
June 1999 to October 2011

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

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

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

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

George Mason University Foundation Chair: April 1998 to May 1999.  
Full Professor (with tenure): September 1993 to May 1999.  
Associate Professor (with tenure): September 1990 through August 1993.  
Assistant Professor: May 1986 through August 1990.

Associate  
Bryan Cave  
September 1983 to June 1986

Attorney Advisor  
Commissioner George W. Douglas  
U.S. Federal Trade Commission  
January 1983 to September 1983

Attorney  
Planning Office  
Bureau of Competition  
U.S. Federal Trade Commission  
September 1979 to January 1983

Law Clerk to the Honorable Roszel C. Thomsen  
U.S. District Court for the District of Maryland  
September 1978 to September 1979

Legislative Assistant, Majority Staff  
Subcommittee on Antitrust and Monopoly  
U.S. Senate Committee on the Judiciary  
U.S. Congress  
June 1975 to July 1976

### **Professional Honors**

Lifetime Achievement Award, Antitrust Section, Association of American Law Schools  
(2024)

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

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

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

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

Visiting Scholar, University of Melbourne, Online Global Competition and Consumer  
Law Program, 2016 to 2018

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

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

*Global Competition Review*, Lifetime Achievement Award, March 2012

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

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

### ***Teaching Awards***

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

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

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

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

### **Publications**

#### ***Books and Edited Volumes***

**Combatting Corruption and Collusion in Public Procurement: A Challenge for Governments Worldwide** (Oxford University Press 2024) (with Robert Anderson and Allison Jones)

**Great Antitrust Enforcers** (Concurrences 2023)

**Antitrust Law in Perspective: Cases, Concepts, and Problems in Competition Policy** (Thomson West) [First Edition 2002; Second Edition 2008, Third Edition 2017 with Andrew Gavil and Jonathan Baker]; Fourth Edition 2021 with Andrew Gavil, Jonathan Baker, and Joshua Wright]; Fifth Edition 2025 with Andrew Gavil and Jonathan Baker]

**Antitrust Law and Economics in a Nutshell** (Thomsen West: 4<sup>th</sup> Edition 1994 (with Ernest Gellhorn); 5th edition 2004) (with Stephen Calkins and Ernest Gellhorn)

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

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

#### ***Chapters in Books and Other Published Collections of Papers***

*Australia's Role in a Multipolar Global Competition Policy Environment*, in **II Competition Law and Economics in Australia** 273 (Julie Clarke et al. eds., Taylor-Francis, 2026)

*The Application of Competition Policy vis-à-vis Intellectual Property Rights: The Evolution of Thought Underlying Policy Change*, in **Competition Policy and Intellectual Property in Today's Global Economy** 31 (Cambridge University Press, Robert Anderson Nuno Pires de Carlvaho, and Antony Taubman eds., 2021) (with Robert Anderson)

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

*Policy Hubs and the Formation of Economic Regulatory Norms*, in **The Oxford Handbook of Institutions of Economic Governance and Market Regulation** 248 (Eric Brousseau, Jean-Michel Glachant, and Jerome Sgard eds., 2019, Oxford University Press).

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

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

*Academic Hubs and the Intellectual Infrastructure of Economic Regulation*, in **The Contributions of the Postal and Delivery Sector: Between E-Commerce and E-Substitution** 1 (Per Luigi Parcu, Timothy Brennan, and Victor Glass eds., Springer, 2018)

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

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

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

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

*Building Global Antitrust Standards: The ICN's Practicable Approach*, in **Research Handbook on International Law** 89 (Elgar 2012) (with Hugh Hollman and Andrew Robertson)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Competition Policy and Intellectual Property: Refining the Role of Competition Agencies*, in **Antitrust, Patents and Copyright** 1 (Francois Leveque and Howard Shelanski, eds. 2005, Elgar)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Journal Articles**

*Adaptable Platforms for Platform Regulation: The Role of the Federal Trade Commission*, 7 **Journal of Law & Innovation** 102 (2024)

*Symposium Editor's Essay: Building a Better Competition Policy Corridor*, 85 **Antitrust Law Journal** 217 (2023)

*Antitrust, Transformation, and Enduring Policy Change*, 49 **Journal of Corporation Law** 321 (2023)

*Cartel Issues in Plain Sight*, 11 **Journal of Antitrust Enforcement** 215 (2023) [with Robert Marshall and Michael Meurer].

*Regulating Big Tech: Lessons from the FTC's Do Not Call Rule*, 16 **Virginia Journal of Law and Technology** 1 (2023) [with David Hyman].

*The Durability of the Biden Administration's Competition Policy Reforms*, 29 **George Mason Law Review** 945 (2021).

*Root and Branch Reconstruction: The Modern Transformation of U.S. Antitrust Law and Policy?*, 35 **Antitrust** 46 (2021).

*The Future Adaption of the Per Se Rule of Illegality in U.S. Antitrust Law*, 2021 **Columbia Business Law Review** 33 (2021).

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

*Antitrust's Implementation Blind Side: Challenges to Major Expansion of U.S. Competition Policy*, 65 **Antitrust Bulletin** 227 (2020) [with Alison Jones].

*Keeping Score: Improving the Positive Foundations for Antitrust Policy*, 13 **University of Pennsylvania Journal of Business Law** 49 (2020).

*Patents and Price Fixing by Serial Colluders*, 10 **New York University Journal of Intellectual Property and Entertainment Law** 152 (2020) [with Robert Marshall and Michael Meurer].

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

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

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

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

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

*Competition Policy in the European Union and the United States: Focal Points for Future Trans-Atlantic Cooperation*, 1 **Antitrust and Public Policies** 1 (2019).

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

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

*Be a Shame If Anything Happened to Your Merger*, 41 **Regulation** 22 (2018) [with David Hyman].

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

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

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

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

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

*Criminal Enforcement of Competition Law: Implications of US Experience*, **Concurrences Review** 14 (No. 2-2016).

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

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

*Antitrust in Context: Creating Historical Awareness of Competition Agencies*, 60 **Antitrust Bulletin** 83 (2015)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*From Activity to Accomplishment: Competition Law and Performance Measurement*, 27 **Antitrust** 75 (Fall 2012)

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

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

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

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

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

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

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

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

*US Antitrust Policy Integration: The 2010 US Horizontal Merger Guidelines*, 24 **Canadian Competition Law Review** 51 (2011)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Antitrust in the O'Connor/Rehnquist Era: A View from Inside the Supreme Court*, 20 **Antitrust** 21 (Summer 2006)

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

*The Impact of Leniency and Whistle Blowing on Cartels*, 24 **International Journal of Industrial Economics** 1241 (2006) [with Cecile Aubert and Patrick Rey].

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

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

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

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

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

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

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

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

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**The Federal Trade Commission at 100: Into Our 2<sup>nd</sup> Century** (Federal Trade Commission, January 2009)

*How Institutional Design Affects Statutory Implementation: Lessons from Competition Law* (2008 Canadian Law and Economics Association Annual Meeting) (with David Hyman)

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## **Foreign Technical Assistance Consultations**

Since 1992, I have served as an advisor on competition policy projects or consumer protection projects for over 50 countries.

## **Leadership Positions in Professional Associations and Societies**

### *American Bar Association*

#### Section of Administrative Law and Regulatory Practice

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

#### Section of Antitrust Law

Co-Chair, Thought Leadership Committee, 2023 to present

Co-Chair, Amicus Committee: 1998-2001

Contributing Editor, Antitrust Law Journal: 1997-2001

Chair, Section 1 Committee: 1994-97

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

#### Section of Public Contract Law

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

Chair, Public Contract Law Educators Committee: 1989-1996

### *Association of American Law Schools*

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

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

### *Federal Bar Association*

Chair, Antitrust and Trade Regulation Section: 1990-1993

Recipient, Federal Bar Association Leadership Award: 1989 and 1993

## **Service on Journal Boards and Scientific Committees**

### Public Procurement Law Review

### Journal of Regulatory Economics

### Mannheim Center for Competition and Innovation