

## AARON S. EDLIN

### Short Bio

Aaron Edlin is a leading expert in economics and law, specializing in antitrust economics and antitrust law, and is the co-founder of the Berkeley Electronic Press. He holds the Richard Jennings Chair and professorships in both the economics department and law school at UC Berkeley and is a Research Associate at the National Bureau of Economic Research. He served on the Obama campaign's competition policy committee, and as Senior Economist at the Council of Economic Advisers in the Clinton White House covering industrial organization, regulation and antitrust. He is co-author with P. Areeda & L. Kaplow of one of the leading casebooks on antitrust; he has also published many articles on industrial organization, competition policy, antitrust law, and a variety of other issues in economics, law and public policy. He received tenure at UC Berkeley, 1997, his Ph.D. and J.D. from Stanford, 1993; AB *Summa Cum Laude* from Princeton, 1988.

### Offices

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### Academic Appointments

Winter 2008, Roscoe Pound Visiting Professor, Harvard Law School.

Since 2005, Richard W. Jennings Chair, School of Law, UC Berkeley.

Since 1999, Professor, Department of Economics, UC Berkeley.

Since 1998, Professor of Law, UC Berkeley.

Since 2002, Research Associate, National Bureau of Economic Research.

1994-2002, Faculty Research Fellow, National Bureau of Economic Research.

Spring 2001, Visiting Senior Research Fellow, Columbia Law School.

Fall 2000, Visiting Professor, Yale Law School.

1997-1999, Associate Professor of Economics, with Tenure, UC Berkeley.  
1993-1997, Assistant Professor, Department of Economics, UC Berkeley.

### **Public Service**

2007-2008, Member, Competition Policy Committee, Obama Presidential Campaign.  
1997-1998, Senior Economist, President's Council of Economic Advisers.

### **Business Appointments**

Berkeley Electronic Press: President & CEO, 2006-2007.

### **Boards of Directors**

American Law and Economics Association, 2000-2003.  
Berkeley Electronic Press, 1999-present.

### **Consulting**

Consultations have been in a variety of litigation, mostly antitrust and intellectual property for both plaintiffs and defendants.

### **Public Roles**

Visa USA v. First Data. The case involved First Data's efforts to authorize, settle and clear Visa credit card transactions without going through the VisaNet system. I was the primary liability expert for First Data and submitted three expert reports and was deposed. The case settled and Visa agreed to pay First Data \$50 million after First Data won a summary judgment based in part on the opinions in reports.

In re: New Motor Vehicles Canadian Export Antitrust Litigation. I worked for Kecker and Van Nest who represented American Honda in a federal class action lawsuit. The case concerned allegations of conspiracy to raise the price of most new vehicles sold in the U.S. over several years. Ultimately, my client won the case on summary judgment motion.

### **Undisclosed consulting:**

Internet  
Financial Industry  
Auto Industry  
Insurance Industry  
Music Industry

Oil industry.

## **Education**

### **Stanford University, 1988-1993**

Ph.D., Economics

Advisors: Joseph Stiglitz, Donald Brown, John Shoven.

J.D., Law

Advisors: Ian Ayres, William Baxter, A. Mitchell Polinsky.

### **Princeton University, 1984-1988**

A.B., Woodrow Wilson School Science and Policy Program: Physics and Economics

Advisors: Ben Bernanke, Ernest Boyer, P.J.E. Peebles, Christina Romer, Arthur Wightman.

**Research Areas:** Antitrust, Business Strategy, Contracts, Industrial Organization, Law and Economics, Microeconomic Theory, and Public Economics.

**Courses Taught:** Antitrust Law, Industrial Organization, Public Economics, Contract and Agency Theory.

## **Honors, Fellowships, Grants**

*Summa Cum Laude*, A.B., Princeton, 1988.

*Phi Beta Kappa*, Princeton, 1988.

Herrick Prize for Best Thesis in Woodrow Wilson School, 1988.

Highest G.P.A. in Woodrow Wilson School, 1988.

NSF Graduate Fellowship in Economics, 1988-1992.

John M. Olin Fellowship in Law and Economics, 1989-1992.

Center for Economic Policy Research Olin Fellowship, 1990.

Faculty Research Leadership Award, Institute for Business and Economic Research, 1994.

Junior Faculty Fellowship, UC Berkeley, 1995-1996, 1996-1997.

Hoover National Fellowship, Stanford University, 1996-1997.

National Science Foundation Grant, 1997-1999.

John M. Olin Fellowship in Law and Economics, Georgetown University Law Center, 1998.

Alfred P. Sloan Faculty Research Fellowship, 1998-2000.

Board of Directors of the American Law and Economics Association, 2000-2003.

Columbia Law School Olin Fellowship, Columbia Law School, Spring 2001.

Mellon Foundation Grant for Research on Scholarly Journal Competition, 2002-2005.

## **Publications and Government Testimony on Antitrust, Industrial Organization and Competition Policy**

1. "Predatory Pricing," forthcoming in Research Handbook on the Economics of Antitrust Law, 2010.
2. "Perspectives on the Future of Antitrust," *Antitrust*, Vol. 22, No. 3, Summer 2008, pp. 21-22.
3. "[A Christmas Warning](#)," *The Economists' Voice*, Vol. 4, Issue 5, 2007. Translated and reprinted: *Nación* (Costa Rica); *Aripaev* (Estonia); *Welt Debatte* (Germany); *Naftemporiki* (Greece); *The Japan Times*; *The Korea Times*; *Al Jarida* (Morocco); *Taipei Times*; *Les Nouvelles* (Madagascar); *Les Echos* (Mali); *The Independent* (Bangladesh); *The Shanghai Daily* (China); *Modern Weekly* (China); *L'Echo* (Belgium); *De Tijd* (Belgium); *Verslo Zinios* (Lithuania); *Logos Press* (Moldova); *Jornal de Negocios* (Portugal); *Valor* (Brazil); *Reforma* (Mexico); *Al Ghad* (Jordan); *Al Eqtisadiyah* (Saudi Arabia); *Diario Las Americas* (United States).
4. "[Sacrifice, Extreme Sacrifice, and No Economic Sense: The Case Against These Necessary and Sufficient Conditions for Monopolization](#)." Testimony at Department of Justice and Federal Trade Commission Hearings on Section 2 of the Sherman Act, Jan 31 2007.
5. "[Antitrust Analysis: Problems, Text, and Cases](#)," with Philip Areeda and Louis Kaplow, Sixth Edition, 2004. (Aspen Law and Business: New York).
6. "[The Bundling of Academic Journals](#)," with Daniel Rubinfeld, *American Economic Review*, Vol. 95, pp. 441-446, 2005.
7. "[Exclusion or Efficient Pricing: The 'Big Deal' Bundling of Academic Journals](#)," *Antitrust Law Journal*, Vol. 72, No. 1, 128-159, 2004.
8. "[Stopping Above-Cost Predatory Pricing](#)," *Yale Law Journal*, Vol. 111, 941-991, January 2002.
9. "[Do Guaranteed-Low-Price Policies Guarantee High Prices, and Can Antitrust Rise to the Challenge?](#)" *Harvard Law Review*, Vol. 111, No. 2, 528-575, December 1997.
10. "[The American Airlines Case: A Chance to Clarify Predation Policy](#)," with Joseph Farrell, in *The Antitrust Revolution*, Oxford University Press, 4<sup>th</sup> ed. By John Kwoka and Lawrence White, 2004.
11. "[Roundtable: Recent Developments in Section 2](#)" *Antitrust Magazine*, Vol. 18, No. 1, 15-25, Fall 2003.
12. "[The New Palgrave: Surveying Two Waves of Economic Analysis of Law](#),"

*American Review of Law and Economics*, 407-422, Vol. 2, No. 2, 2000.

13. "[Is Perfect Price Discrimination Really Efficient? Welfare and Existence in General Equilibrium](#)," with Mario Epelbaum and Walter P. Heller, *Econometrica*, Vol. 66, No. 4, 897-922, 1998.
14. "[The Welfare Losses from Price-Matching Policies](#)," with Eric Emch. *Journal of Industrial Economics*, Vol. XLVII, No. 2, 145-168, June 1999.
15. "[Microsoft's Billion-Dollar California Consumer Settlement: Coupons for Plaintiffs, Cash for Lawyers, A Cheap Solution For Microsoft](#)," FindLaw.com Writ, Tuesday January 21, 2003.
16. "[A Viable Alternative to Breaking up Microsoft: Compulsory Licensing that Would Make Microsoft Compete with its Past Self](#)," with Ian Ayres, FindLaw.com Writ, Wednesday April 10, 2002.
17. "[The American Airlines Case: Why Airplane Ticket Prices May Soar Unless Courts Step In](#)." FindLaw.com Writ, Thursday August 6, 2001.
18. "[Holdups, Standard Breach Remedies, and Optimal Investment](#)," with Stefan Reichelstein, *American Economic Review*, Vol. 86, No. 3, 478-501, June 1996.
19. "[Contract Renegotiation and Options in Agency Problems](#)," with Benjamin Hermalin, *Journal of Law, Economics and Organization*, Vol. 16, No. 2, 395-423, October 2000.
20. "[Specific Investment Under Negotiated Transfer Pricing: An Efficiency Result](#)," with Stefan Reichelstein, *The Accounting Review*, Vol. 70, No. 2, 275-291, April 1995.
21. "[Recent Initiatives in Antitrust Enforcement](#)," written with Mark Rainey, and supervised by Janet Yellen, then chair of the Council of Economic Advisers, Chapter 6, *Economic Report of the President*, February 1998.

#### OTHER PUBLICATIONS

22. "[What is the Probability your Vote will Make a Difference](#)," forthcoming, *Economic Inquiry*, with Andrew Gelman and Nate Silver, 2009. (reviewed in [The Atlantic](#), reported in AP and Stars and Stripes).
23. "[Show Me the Money](#)" with Dwight Jaffee, *The Economists' Voice*, 2009.
24. "[Getting Serious about Job Creation: Part I](#)" with Edmund Phelps, *The Economists' Voice*, 2009.

25. "[Vote for Charity's Sake](#)," with Andrew Gelman and Noah Kaplan, *The Economists' Voice*, Vol. 5, Issue 6, 2008.
26. "[Dr. StrangeLoan: or How I Learned to Stop Worrying and Love the Financial Collapse](#)," *The Economists' Voice*, Vol. 5, Issue 5, 2008.
27. "[Questioning the Treasury's \\$700 Billion Blank Check: An Open Letter to Secretary Paulson](#)," *The Economists' Voice*, Vol. 5, Issue 5, 2008.
28. "[Quashing the Financial Firestorm](#)," *The Economists' Voice*, Vol. 5, Issue 5.
29. "[Voting as a Rational Choice: Why and How People Vote to Improve the Well-Being of Others](#)," with Andrew Gelman and Noah Kaplan Vol 19(3) 293-314 *Rationality and Society*, August 2007. (reviewed by Julie Rehmeyer in "Math Trek" column in Science News).
30. "[Housing Collapse: Bring It On!](#)" *The Economists' Voice*: Vol. 4: Iss. 1, Article 2, 2007.
31. "[If Voters Won't Go for Taxing Oil to Conserve Energy, How Do We Do It?](#)" *The Economists' Voice*: Vol. 3: Iss. 9, Article 2, 2006.
32. "[The Choose-your-Charity Tax: A Way to Incentivize Greater Giving](#)," *Tax Notes*, Fall 2005. Also in *The Economists' Voice*: Vol. 2: Iss. 3, Article 3, 2005.
33. "[The Accident Externality from Driving](#)," with Pinar Karaca-Mandic, *Journal of Political Economy*, Vol. 114, No. 6, 2006, 931-955.
34. "[Mixed Equilibria are Unstable in Games of Strategic Complements](#)," with Federico Echenique, 2004, Vol. 118, 61-79, *Journal of Economic Theory*.
35. "[The Savings Impact of the Implicit Taxes from College Financial Aid](#)," with Andrew Dick and Eric Emch. *Contributions to Economic Analysis & Policy*, Vol. 2, Issue 1, 2003.
36. "[Optimal Penalties in Contracts](#)," with Alan Schwartz, *Chicago-Kent Law Review*, Vol. 78, No. 1, p. 33 – 54, 2003.
37. "[Forward Discount Bias, Nalebuff's Envelope Puzzle, and the Siegel Paradox in Foreign Exchange](#)," *Topics in Theoretical Economics*: Vol. 2, Article 3, 2002.
38. "[Implementing the First Best in an Agency Relationship with Renegotiation](#)," with Benjamin Hermalin, *Econometrica*, Vol. 69, No. 4 , p. 1391-95 (July, 2001).

39. "[Strict Monotonicity in Comparative Statics](#)," with Chris Shannon. *Journal of Economic Theory*, Vol. 81, No.1, 201-219, July 1998.
40. "[Strict Single Crossing and the Spence-Mirrlees Condition: A Comment on Monotone Comparative Statics](#)," with Chris Shannon. *Econometrica*, Vol. 66, No. 6, November 1998.
41. "[The Implicit Taxes from College Financial Aid](#)," with Andrew W. Dick, *Journal of Public Economics*, Vol. 65, No. 3, 295-322, September 1997.
42. "[Cadillac Contracts and Up-Front Payments: Efficient Investment Under Expectation Damages](#)," *Journal of Law, Economics, and Organization*, Vol. 12, No. 1, 98-118, April 1996.
43. "[Discouraging Rivals: Managerial Rent-Seeking and Economic Inefficiencies](#)," with Joseph E. Stiglitz, *American Economic Review*, Vol. 85, No. 5, 1301-1312, December 1995. Reprinted in *40 Years of Research on Rent Seeking 2*, eds. Roger D. Congleton, Arye L. Hillman, and Kai A. Konrad; Springer 2008.
44. "[Rivalrous Benefit Taxation: The Independent Viability of Separate Agencies or Firms](#)," with Mario Epelbaum, *Journal of Economic Theory*, Vol. 66, No. 1, 33-63, June 1995.
45. "[Efficient Standards of Due Care: Should Courts Find More Parties Negligent Under Comparative Negligence?](#)" *International Review of Law and Economics*, Vol. 14, 21-34, 1994.
46. "[Two-Part Marginal Cost Pricing Equilibria Within Firms: Sufficient Conditions for Existence and Optimality](#)," with Mario Epelbaum, *International Economic Review*, Vol. 34, No. 4, 903-922, November 1993.
47. "[Is College Financial Aid Equitable and Efficient?](#)" *The Journal of Economic Perspectives*, Vol. 7, No. 2, 143-158, spring 1993.
48. *Aspects of the Efficient Recovery of Fixed Costs: A Collection of Essays* (1993).  
Chapter 1: "Specific Investments, Holdups and Efficient Contract Remedies."  
Chapter 2: "A Different Folk Theorem: The Optimality of the Unregulated Monopolist." Chapter 3: "Rivalrous Benefit Taxation: The Viability of Separate Agencies or Firms with Increasing Returns for Partial and General Equilibrium."  
Chapter 4: "Is College Financial Aid Equitable and Efficient?" Doctoral Dissertation, Stanford University, available UMI, Ann Arbor, MI.

## Books

49. [The Economists' Voice: Top Economists Take on Today's Issues](#), Edited with

Joseph Stiglitz and J. Bradford DeLong (Columbia University Press, 2008).

50. [Antitrust Analysis: Problems, Text, and Cases](#), with Phillip Areeda and Louis Kaplow, Sixth Edition. (Aspen Law and Business: New York, 2004).
51. Antitrust Analysis: Problems, Text, Cases, with Phillip Areeda and Louis Kaplow, [2007 Professor's Update](#).
52. Antitrust Analysis: Problems, Text, Cases, with Phillip Areeda and Louis Kaplow, [2009 Professor's Update](#).

**Contributions to Books (other than antitrust, industrial organization and competition policy)**

53. "[Per-Mile Premiums for Auto Insurance](#)," in *Economics for an Imperfect World: Essays In Honor of Joseph Stiglitz*, Ed. Richard Arnott, Bruce Greenwald, Ravi Kanbur, Barry Nalebuff, MIT Press, 2003.
54. "[Breach Remedies](#)," *The New Palgrave Dictionary of Economics and the Law*; Macmillan Press, London, 1998.
55. "[Due Care](#)," *The New Palgrave Dictionary of Economics and the Law*; Macmillan Press, London, 1998.

**Popular Press Writings (other than antitrust, industrial organization and competition policy)**

56. "[Can Immigrants Solve Our Health Care Problems?](#)" with Dana P. Goldman, New York Times, Jan. 19, 2010.
57. "[UC System: Layoffs, not pay cuts](#)" (with Robert Cooter) Los Angeles Times Op-Ed, July 2009.
58. "[Why Legislating Low Tuitions for State Colleges Is a Mistake: They Just Subsidize the Rich](#)," with Ian Ayres, FindLaw.com Writ, Thursday October 30, 2003; reprinted in Freakonomics New York Times blog <http://freakonomics.blogs.nytimes.com/2009/11/23/why-californias-tuition-hike-might-be-a-good-thing/>.
59. "[How a New Auto Insurance Law Could Ease Our Dependence on Oil, by Giving Drivers a Choice](#)," FindLaw.com Writ, Thursday January 17, 2002.
60. Traffic's High Cost," San Jose Mercury News, 7B, February 17, 1999.

## Selected Media Appearances and Quotations

Interview, Forbes Magazine, on bank lending, January 2010.

Interview, NPR's Planet Money, on jargon in Economics, December, 2009.

Interview, ABC News Nightline, on tuition hikes at UC campuses. November 30, 2009.

Quotations, San Francisco Chronicle, Williamson Nobel Prize, October 12, 2009

Interview, Swiss National Radio, October 20, 2008.

Appearance, ABC news, Wed Sept 30, 2008.

Quotations, San Francisco Chronicle, "[Berkeley profs call for quick economic action](#)" by Carolyn Said, Fri Oct 3 2008.

Quotations, The New York Times, "[Not So Free Ride](#)" by Stephen Dubner and Steven Levitt, Sun Apr 20 2008.

Quotations/Interview, San Francisco Chronicle, "[Bailout won't put brakes on downward slide](#)," by Sam Zuckerman, Sat Sept 27, 2008.

Appearance, ABC news, Mon Sept. 22, 2008.

Quotations/Interview, San Francisco Chronicle "[Rescue plan could hinge on value of bad assets](#)" by Sam Zuckerman, Tue Sept 23, 2008.

Interview, Pay as you drive insurance, Contra Costa Times, State weighs 'Pay As You Drive' insurance. 7/12/2008. John Simerman.

Interview, CFO magazine on Predatory price structures, [March 2006](#).

Interview, Associated Press, regarding California Governor's Council of Economic Advisors, September 2004.

"History and Role of Antitrust Laws," *Voice of America* interview, April 9, 2004.

Quotations, The New York Times, "[Schwarzenegger Learning His Lines, and Others', for Debate Tonight](#)," by Charles, LeDuff, Wed Sept 24, 2003.

Quotations, The New York Times, "[Economic Scene: Are Bigger Vehicles Safer? It Depends on Whether You're a Passenger or a Target.](#)" by Hal R. Varian, Thu Dec 18, 2003.

Appearance on BBC, discussing the California gubernatorial recall election, Fall 2003.

Appearance on Bloomberg National Radio, discussing the California gubernatorial recall election, Fall 2003.

Appearance on Fox news, discussing sales tax increases, January 14, 2003.

Appearance on KCBS news, discussing Microsoft verdict, June 8, 2000.

Appearance on CNN's, "The World Today", discussing Microsoft, April 14, 2000.

Appearance on MSNBC's "Cross Talk", August 23, 1999.

Quotes in Wall Street Journal (discussing Microsoft case), Fortune (discussing college financial aid), Forbes (discussing college financial aid, automobile insurance), San Francisco Chronicle (discussing college financial aid), The New York Times (discussing the California recall election); Reuters, 2008 (discussing Yahoo-Google collaboration).

### **Public Proceedings and Comments**

Speaker, California Department of Insurance June 23, 2008 Workshop on Pay-As-You-Drive insurance, San Francisco California.

[Letter to Adam Cole, General Counsel and Deputy Commissioner, California Department of Insurance](#) regarding June 23, 2008 Workshop on Pay-As-You-Drive insurance.

Testimony at Department of Justice and Federal Trade Commission Hearings, on Section 2 of the Sherman Act, Jan 31 2007. "[Sacrifice, Extreme Sacrifice, and No Economic Sense: The Case Against These Necessary and Sufficient Conditions for Monopolization.](#)"

### **Working Papers**

61. Freedom to Trade, with Joseph Farrell, 2010.

62. "[Market-based Transfer Prices and Intracompany Discounts,](#)" with Tim Baldenius and Stefan Reichelstein, February 1999.

### **Seminar Presentations**

"Specific Investments, Holdups and Efficient Contract Remedies"

Kennedy School of Government, Harvard University, 1993.  
Economics Department, Graduate School of Business, Stanford University, 1993.  
Economics Department, Princeton University, 1993.  
Economics Department and Graduate School of Business, University of Chicago,  
1993.  
Economics Department and Kellogg School of Management, Northwestern  
University, 1993.  
Law School, Yale University, 1993.  
Economics Department, Yale University, 1993.  
Business School, University of Southern California, 1993.  
Economics Department University of California, Berkeley, 1993.  
Economics Department, Boston University, 1993.

[“Cadillac Contracts and Up-Front Payments: Efficient Investment Under Expectation Damages”](#)

Economics Department and Haas School of Business, University of California,  
Berkeley, 1995.

[“Is Perfect Price Discrimination Really Efficient? Welfare and Existence in General Equilibrium”](#)

Theory Seminar, UC Berkeley, 1995.

[“Holdups, Standard Breach Remedies, and Optimal Investment”](#)

Law School and Economics Department, Harvard University, 1996.  
University of California, Los Angeles, 1996.  
University of California, San Diego, 1996.  
ITAM, Mexico City, 1994.  
Haas School of Business, University of California, Berkeley, 1994.

[“Welfare Effects of Price-Matching Policies”](#)

Economics Department, University of Texas, 1996.  
Texas A & M, 1996.  
Economics Department, Rice University, 1996.  
Economics Department, Rutgers University, 1996.  
Kellogg School of Management, Northwestern University, 1996.

[“The Implicit Taxes in College Financial Aid”](#)

Hoover Institution, Stanford University, 1996.

[“Contract Renegotiation and Options in Agency Problems”](#)

Hoover Institution, Stanford University, 1997.  
Olin School of Business, Washington University, 1997.  
Cornell Business School, 1998.

[“Do Guaranteed-Low-Price Policies Guarantee High Prices, and Can Antitrust Rise to the Challenge?”](#)

Law School, Stanford University, 1992.  
Law School, Harvard University, 1995.  
Georgetown Law Center, 1995.  
Antitrust Division, U.S. Department of Justice, 1995.  
Law School, University of Michigan, 1996.

[“Per-Mile Premiums for Auto Insurance”](#)

UC Berkeley Department of Economics, 1999.  
Johnson School of Business, Cornell University, 1998.  
Georgetown University Law Center, 1998.  
NBER Industrial Organization and Law and Economics Conference, Joint Session,  
1998.  
Toronto Law School, 1998.  
Stern School of Business, NYU, 1998.  
University Of Pennsylvania Law School, 1998.  
Yale Law School, 1998.  
Yale University Economics Department, 1998.  
Stanford Law School, 1998.  
Brown University Economics Department, 1998.  
Columbia University Economics Department, 1998.

[“Stopping Above-Cost Predatory Pricing”](#)

Yale Law School, Spring 2001.  
Stanford Law School, Spring 2001.  
University of Chicago Law School, Spring 2001.  
Columbia Law School, Spring 2001.  
Harvard Law School, Fall 2001.

[“The Accident Externality from Driving”](#)

Stanford Graduate School of Business, 2000, 2001.  
UC Berkeley School of Law, 2000.  
Columbia Department of Economics and Business School, 2001.  
Department of Economics, Duke University, Spring 2002.  
USC Law School, Fall 2002.  
RAND Corp, Spring 2003.  
Department of Economics, UC Berkeley, Fall 2003.  
DELTA, Paris, Spring 2004.  
University of Lausanne, Spring 2004.  
University of Zurich, Spring 2004.  
Harvard Economics Department, 2006.  
Harvard Law School, 2006.  
Tel Aviv University, 2009.

[“Freedom to Trade”](#)

Tel Aviv University, 2009.

“Predatory Pricing”

UC Berkeley Law and Economics Seminar, Spring 2010

Topics in Economics, UC Berkeley Department of Economics, Spring 2010

NYU Law School Faculty Seminar, Spring 2010

**Conference Presentations**

“Specific Investments, Holdups and Efficient Contract Remedies”

American Law and Economics Association Annual Meetings, Yale Law School, New Haven, CT, 1992.

American Economic Association Annual Meetings, Boston, MA, 1994.

“[Discouraging Rivals: Managerial Rent-Seeking and Economic Inefficiencies](#)”

Center for Economic Policy Research Conference on “Corporate Governance: New Problems and New Solutions,” Menlo Park, CA, 1992.

“[Is Perfect Price Discrimination Really Efficient? Welfare and Existence in General Equilibrium](#)”

Stanford Institute on Theoretical Economics, 1994, 1996, 1997.

NBER General Equilibrium Conference, Brown University, 1994.

“[Cadillac Contracts and Up-Front Payments: Efficient Investment Under Expectation Damages](#)”

Northwestern University Summer Workshop on Industrial Organization, 1994.

American Law and Economics Association Annual Meetings, Stanford Law School, 1994.

“[Contract Renegotiation and Options in Agency Problems](#)”

Econometric Society Annual Meetings, Washington, D.C., 1995.

University of Texas Industrial Organization Conference, Austin, TX, 1997.

American Law and Economics Association Meetings, Toronto, 1997.

University of British Columbia Industrial Organization Conference, Vancouver, 1997.

NBER Summer Institute, Law and Economics, 1997.

The Economics of Contract Law, Tel-Aviv, 1998.

Stanford Institute on Theoretical Economics, 1998.

American Economics Association Meetings, NY, 1999.

“[The Savings Impact of the Implicit Taxes From College Financial Aid](#)”

American Economic Association Meetings, Washington, D.C., 1995.

NBER Higher Education Meetings, 1996.

American Economic Association Meetings, New Orleans, Louisiana, 1997.

“[Do Guaranteed-Low-Price Policies Guarantee High Prices, and Can Antitrust Rise to the Challenge?](#)”

American Law and Economics Association Annual Meetings, Berkeley, CA, 1995.

[“Per-Mile Premiums for Auto Insurance”](#)

American Law and Economics Association Annual Meetings, 1998.

NBER Law and Economics Summer Institute, 1998.

NBER Industrial Organization Summer Institute, 1998.

Economic Policy Institute Conference on Clean Insurance, 1998.

[“The Accident Externality from Driving”](#)

NBER Law and Economics Summer Institute, 2000.

Chair and commentator on “Incomplete Contract and Hold-Up”

Econometrica Society Meetings, Winter 2002.

“The Future of Scholarly Communication”

SLSIAC (UC Librarian association) Annual Meeting, Los Angeles, Fall 2002.

“Competition in the Scholarly Journal Industry”

UC Library Roundtable, UC Berkeley, Spring 2003.

“Scholarly Publishing: Why Service is Poor, Prices are High, and What can be Done About It.”

Economics, Journals, and Libraries Conference, Royal Library, Stockholm, Sweden, August 2003.

European Economics Association Annual Meetings, Stockholm Sweden, August 2003.

“Exclusion or Efficient Bundling? The ‘Big Deal’ Bundling of Academic Journals.”

ABA section on Antitrust and Economic Regulation, Atlanta, Georgia, January 2004.

Loyola Antitrust Colloquium, Loyola Chicago University School of Law, Chicago, Illinois, April, 2004.

Center for Studies in Higher Education, University of California, Berkeley, April, 2005.

Panel: “Abuses by a Dominant Firm,” part of “Antitrust Issues in Today’s Economy,” sponsored by The Conference Board, New York, March 2004.

Panel on Unilateral Conduct, sponsored by The Conference Board, New York, March 2004.

“Scholars Regaining Control of Academic Publishing”

American Library Association Annual Meeting, Orlando, Florida, May 26, 2004.

Panel: "Challenges to Dominant Firm Exclusionary Conduct"

The Conference Board 2005 Antitrust Conference, New York, NY, March 3, 2005.

"Incentives for Editors and Authors"

Faculty Conference on Scholarly Publishing, University of California, Berkeley, March, 2005.

"Exclusionary Pricing Patterns" (with Joseph Farrell)

The Digital Broadband Migration: Confronting the New Regulatory Frontier.  
University of Colorado School of Law, Boulder, Colorado. Feb 19-20, 2006.

"Regulation and Antitrust" George Mason Conference on Antitrust, October 31, 2007.

Panel, Ben Bernanke talk at Mortgage Meltdown conference, October, 2008, University of California, Berkeley.

Panel, BCLBE Conference on Financial Crisis, UC Berkeley, Fall 2008.

Panel, BCLBE, The Financial Crises and the G-20, UC Berkeley, Spring 2009.

"Accident Externality from Driving," Keynote address at conference on "Legal Aspects of Road Accidents, Thursday June 11, 2009, Tel Aviv University Law School.

"Antitrust in the Obama Administration," Director's Roundtable, NY, NY, Sept 30, 2009.

"Tying, Loyalty Discounts and Monopolization," Director's Roundtable, NY, NY, Sept 30, 2009.

**Other Conferences Attended:** NBER Industrial Organization Meetings, Stanford, 1995, 1996, 1997; NBER Tax Policy Conference, Washington, D.C., 1997; NBER Summer Institute, Industrial Organization, 1997; NBER Summer Institute, Law and Economics, 1996, 1997, 1998, 2000, 2007, 2008, 2009; NBER Higher Education Meetings, 1996; CEPR Conference on Fundamental Tax Reform, Stanford, 1995; Burch Center for Tax Policy and Public Finance, University of California, Berkeley, 1996; NBER - Caltech Decentralization Conference, 1995; NBER Public Finance Meetings, 1995; Stanford-Berkeley I-O Fest, Fall 1996; American Economic Association Annual Meetings, 1993, 1994, 1995, 1996, 2001, 2002; American Law and Economics Association Annual Meetings, 1992, 1993, 1994, 1995, 1996, 1997, 1999, 2000, 2001, 2002, 2003; 2006; MEDS Summer Micro Week, Kellogg Graduate School of Management, Northwestern University, 1993; Stiglitz Festschrift Conference, New York, Fall 2003; Tel Aviv Conference on Contracts, 1998; Tel Aviv Finance Conference, 1996; UC Scholarly Communication Conference, Northern California, October 31, 2003; American Association of Law School Meetings,

Atlanta, January 2004; European Economics Association Meetings, August 2003. Conference Board 2005, 2006. Kauffman Summer Legal Institute, Law Innovation and Growth, 2009.

### **Professional Service**

**Founder** of the B.E. Journals, as featured in *The Economist*, August 5-11, 2000, p. 69, found at [www.bepress.com](http://www.bepress.com). Dedicated to speed the publication process from years to 10 weeks at refereed academic journals through innovations such as an Authors' and Reviewers' Bank, which speeds reviewing; Quality-Rating, which eliminates the need for sequential submission; and electronic publication, which eliminates the wait in publication queues.

**Co-Editor and Founder**, *The B.E. Journal of Economic Analysis & Policy*.

**Editor and Founder**, *The Economists' Voice*.

**Editor**: *The B.E. Journal of Theoretical Economics*.

**Board of Directors**: *American Law and Economics Association 2000-2003*.

**Conference Organizing**: Contract Sessions I and II, American Law and Economics Association Meetings, Toronto, 1997. Antitrust Sessions, American Law and Economics Association Meetings, 2000. Chair, Incomplete Contracts and Holdup, Econometric Society Meetings, 2002. Co-Chair, Antitrust Session of the Stanford/Yale Junior Faculty Forum, 2002.

**Editing**: *Journal of Law, Economics, and Organization*, Editorial Board; *International Review of Law and Economics*, Editorial Board. *Journal of Industrial Economics*, Retired Associate Editor.

**Refereeing for Professional Journals**: *American Economic Review*; *Journal of Political Economies*, *Econometrica*; *European Economic Review*; *International Economic Review*; *International Review of Law and Economics*; *International Journal of Industrial Economics*; *Journal of Development Economics*; *Journal of Economic Theory*; *Journal of Law, Economics, and Organization*; *Journal of Legal Studies*; *Journal of Public Economics*; *Journal of Industrial Economics*; *Law and Social Inquiry*; *Quarterly Journal of Economics*; *RAND Journal of Economics*; *Review of Economic Studies*; *Southern Economic Journal*; *The American Review of Law and Economics*; *Journal of Legal Studies*; *The B.E. Journals of Theoretical Economics*.

**Committee Member**, AALS working group on copyright agreements.

**Professional Affiliations**: Active status in American Economic Association,

Econometric Society, American Association of Law and Economics, American Association of Law Teachers. Inactive status in Bar of the United States Court of Appeals for the Ninth Circuit, Bar of the United States District Court for the Northern District of California and California State Bar. Research Affiliate, Berkeley Center for Law and Technology, UC Berkeley. Faculty Associate, Burch Center for Tax Policy and Public Finance, UC Berkeley.

### **Hearings, Testimony and other Presentations**

Deposition and Three Reports, First Data v. Visa. July 2005.

[“Sacrifice, Extreme Sacrifice, and No Economic Sense: The Case Against These Necessary and Sufficient Conditions for Monopolization.”](#) Testimony at Department of Justice and Federal Trade Commission Hearings, Section 2 of the Sherman Act, Jan 31 2007.

“The Externalities of Driving and Pay-As-You-Drive-Auto Insurance.” Speaker, California Department of Insurance, Workshop on Pay-As-You-Drive Insurance, June 24, 2008, San Francisco, CA.

[Letter to Adam Cole, General Counsel and Deputy Commissioner, California Department of Insurance](#) regarding June 24, 2008 Workshop on Pay-As-You-Drive insurance.