

**AARON S. EDLIN**  
**4/10/17**

**Short Bio**

Aaron Edlin specializes in antitrust economics and antitrust law, and is the co-founder of bepress. 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 has published in the American Economic Review, Econometrica, the Journal of Political Economy, the Harvard Law Review, the Yale Law Journal, the New York Times, the Wall Street Journal, and numerous other venues. He is co-author with P. Areeda & L. Kaplow of "Antitrust Analysis: Problems, Text, and Cases," one of the leading casebooks on antitrust. He served on the 2008 Obama Presidential 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 has been a visiting professor or researcher at Stanford, Yale, Harvard, Columbia, and Georgetown. He received tenure at UC Berkeley in 1997, his Ph.D. and J.D. from Stanford in 1993; and AB *Summa Cum Laude* from Princeton in 1988.

**Offices**

School of Law (Boalt Hall)  
University of California  
Berkeley, CA 94720-7200

Or

Department of Economics #3880  
University of California  
Berkeley, CA 94720-3880

Phone: 510-642-4719

Fax: 510-643-3767

Email: [edlin@law.berkeley.edu](mailto:edlin@law.berkeley.edu)

Homepage: [http://works.bepress.com/aaron\\_edlin/](http://works.bepress.com/aaron_edlin/)

**Academic Appointments**

University of California, Berkeley

Co-director, program in law and economics, 2014-present

Professor of Economics, 1999-present

Richard W Jennings Professor of Law, 2005-present

Professor of Law, 1998-present  
Associate Professor of Economics, with tenure, 1997-1999  
Assistant Professor of Economics, 1993-1997

National Bureau of Economic Research  
Research Associate, 2002-present  
Faculty Research Fellow, 1994-present

Harvard University  
Roscoe Pound Visiting Professor of Law, Winter 2008.

Columbia University  
Visiting Senior Research Fellow, Spring 2001

Yale University  
Visiting Professor of Law, Fall 2000

Stanford University  
Visiting Professor of Law, Spring 1999

### **Public Service**

Member, Competition Policy Committee, Obama Presidential Campaign, 2007-2008.

President's Council of Economic Advisers.  
Senior Economist, 1997-1998

### **Business Appointments**

Berkeley Electronic Press  
President & CEO, 2006-2007.

### **Boards of Directors**

American Law and Economics Association, 2000-2003, 2013-2016.  
Executive Committee, Antitrust Section, American Association of Law Schools,  
2013-2016.  
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 successfully opposed a summary judgment motion based in part on the opinions in my reports.

In re: New Motor Vehicles Canadian Export Antitrust Litigation. I was retained by 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:

Auto Industry  
Pharmaceuticals  
Health Care  
Insurance Industry  
Internet  
Financial 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.

National Fellow, National Bureau of Economic Research, 2001-2002 (declined)

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

American Antitrust Institute's Jerry S. Cohen Memorial Fund Writing Award, 2015

Keynote address, American Antitrust Institute, Nov 18, 2015.

## Journal Articles

1. "Conservatism and Switcher's Curse," *American Law and Economics Review*, Vol. 19 p. 49-95 (2017).
2. "[The Actavis Inference: Theory and Practice](#)," with Scott Hemphill, Herbert Hovenkamp, and Carl Shapiro, *Rutgers Law Review*, Vol. 67, p. 585-635, 2015.
3. "Actavis and Error Costs: A Reply to Critics," with Scott Hemphill, Herbert Hovenkamp, and Carl Shapiro, *the Antitrust Source*, October 2014, 1-8.
4. "Activating Actavis," with Herbert Hovenkamp, Scott Hemphill, and Carl Shapiro, *Antitrust*, Vol. 28, No. 1, 16-23, Fall 2013.
5. "Cartels by Another Name: Should Licensed Occupations Face Antitrust Scrutiny," with Rebecca Haw, *University of Pennsylvania Law Review*, Vol. 162, p. 1093-1164 (2014).
6. "The Role of Switching Costs in Antitrust Analysis: A Comparison of Microsoft and Google," with Robert G. Harris, *Yale Journal of Law and Technology* (2013). (Readers vote for Antitrust Writing Award for best article in Monopolization Dominance, 2014)
7. "[What is the Probability your Vote will Make a Difference](#)," *Economic Inquiry*, with Andrew Gelman and Nate Silver, 2010, p. 1-6. (reviewed in [The Atlantic](#), reported in AP and Stars and Stripes).
8. "Perspectives on the Future of Antitrust," *Antitrust*, Vol. 22, No. 3, Summer 2008, pp. 21-22.
9. "[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).
10. "[The Accident Externality from Driving](#)," with Pinar Karaca-Mandic, *Journal of Political Economy*, Vol. 114, No. 6, 2006, 931-955.
11. "[The Bundling of Academic Journals](#)," with Daniel Rubinfeld, *American Economic Review*, Vol. 95, pp. 441-446, 2005.
12. "[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.
13. "[Exclusion or Efficient Pricing: The 'Big Deal' Bundling of Academic Journals](#)," *Antitrust Law Journal*, Vol. 72, No. 1, 128-159, 2004.

14. "[Mixed Equilibria are Unstable in Games of Strategic Complements](#)," with Federico Echenique, 2004, Vol. 118, 61-79, *Journal of Economic Theory*.
15. "[Optimal Penalties in Contracts](#)," with Alan Schwartz, *Chicago-Kent Law Review*, Vol. 78, No. 1, p. 33 – 54, 2003.
16. "[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.
17. "[Roundtable: Recent Developments in Section 2](#)" *Antitrust Magazine*, Vol. 18, No. 1, 15–25, Fall 2003.
18. "[Forward Discount Bias, Nalebuff's Envelope Puzzle, and the Siegel Paradox in Foreign Exchange](#)," *Topics in Theoretical Economics*: Vol. 2, Article 3, 2002.
19. "[The New Palgrave: Surveying Two Waves of Economic Analysis of Law](#)," *American Review of Law and Economics*, 407-422, Vol. 2, No. 2, 2000.
20. "[Stopping Above-Cost Predatory Pricing](#)," *Yale Law Journal*, Vol. 111, 941-991, January 2002.
21. "[Implementing the First Best in an Agency Relationship with Renegotiation](#)," with Benjamin Hermalin, *Econometrica*, Vol. 69, No. 4 , p. 1391-95 (July, 2001).
22. "[Contract Renegotiation and Options in Agency Problems](#)," with Benjamin Hermalin, *Journal of Law, Economics and Organization*, Vol. 16, No. 2, 395-423, October 2000.
23. "[The Welfare Losses from Price-Matching Policies](#)," with Eric Emch. *Journal of Industrial Economics*, Vol. XLVII, No. 2, 145-168, June 1999.
24. "[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.
25. "[Strict Monotonicity in Comparative Statics](#)," with Chris Shannon. *Journal of Economic Theory*, Vol. 81, No.1, 201-219, July 1998.
26. "[Strict Single Crossing and the Spence-Mirrlees Condition: A Comment on Monotone Comparative Statics](#)," with Chris Shannon. *Econometrica*, Vol. 66, No. 6, November 1998.
27. "[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.

28. "[The Implicit Taxes from College Financial Aid](#)," with Andrew W. Dick, *Journal of Public Economics*, Vol. 65, No. 3, 295-322, September 1997.
29. "[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.
30. "[Holdups, Standard Breach Remedies, and Optimal Investment](#)," with Stefan Reichelstein, *American Economic Review*, Vol. 86, No. 3, 478-501, June 1996.
31. "[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.
32. "[Specific Investment Under Negotiated Transfer Pricing: An Efficiency Result](#)," with Stefan Reichelstein, *The Accounting Review*, Vol. 70, No. 2, 275-291, April 1995.
33. "[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.
34. "[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.
35. "[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.
36. "[Is College Financial Aid Equitable and Efficient?](#)" *The Journal of Economic Perspectives*, Vol. 7, No. 2, 143-158, spring 1993.

## **Books**

37. *Antitrust Analysis: Problems, Text, Cases*, 7<sup>th</sup> edition with Phillip Areeda and Louis Kaplow (Aspen, 2013).
38. *The Economists' Voice 2.0: The Financial Crisis, Health Care Reform, and More*, Edited with Joseph Stiglitz (Columbia University Press, 2012)
39. [The Economists' Voice: Top Economists Take on Today's Issues](#), Edited with Joseph Stiglitz and J. Bradford Delong (Columbia University Press, 2008).
40. [Antitrust Analysis: Problems, Text, and Cases](#), with Phillip Areeda and Louis Kaplow, Sixth Edition. (Aspen Law and Business: New York, 2004).

41. Antitrust Analysis: Problems, Text, Cases, with Phillip Areeda and Louis Kaplow, 2011 Professor's Update.
42. Antitrust Analysis: Problems, Text, Cases, with Phillip Areeda and Louis Kaplow, [2010 Supplement](#)
43. Antitrust Analysis: Problems, Text, Cases, with Phillip Areeda and Louis Kaplow, [2009 Professor's Update](#).
44. Antitrust Analysis: Problems, Text, Cases, with Phillip Areeda and Louis Kaplow, [2008 Professor's Update](#)
45. Antitrust Analysis: Problems, Text, Cases, with Phillip Areeda and Louis Kaplow, [2007 Professor's Update](#).
46. *Aspects of the Efficient Recovery of Fixed Costs: A Collection of Essays* (1993). Doctoral Dissertation, Stanford University, available UMI, Ann Arbor, MI. 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?"

### **Contributions to Books**

47. "Freedom to Trade and the Competitive Process," with Joseph Farrell. Forthcoming in Oxford Handbook of International Antitrust Economics, Roger D. Blair and D. Daniel Sokol, editors, Oxford University Press (2014).
48. "Predatory Pricing," in Research Handbook on the Economics of Antitrust Law, Einer Elhauge, editor, Edward Elgar (2013).
49. "Clearings and Thickets: Intellectual Property Law and Growth Economics," with Robert D. Cooter, Chapter 2 in Regulatory Competition in Contract Law and Dispute Resolution, ed. Horst Eidenmueller, Hart Publishing, Oxford UK & Verlag C.H. Beck, Munich, Germany, 2013.
50. "Overtaking," with Robert Cooter in *American Illness: Essays on the Rule of Law*, ed. Frank Buckley, Yale University Press, New Haven, 2013.
51. "The Importance of Law in Promoting Innovation and Growth," Robert Cooter, Aaron Edlin, Robert E. Litan and George Priest. Chapter 1 of Rules for Growth, Kauffman Task Force on Law, Innovation, and Growth. Ewing Marion Kauffman Foundation, 2011.
52. ["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.
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.
  56. "[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.

### Popular Press Writings

57. \*[NAP] "[Letting Dentists Feel the Bite of Competition](#)," with Rebecca Haw Allensworth, Wall Street Journal, Op-Ed., March 9, 2015, A13.
58. "[Don't Tax the Rich. Tax Inequality Itself](#)," with Ian Ayres, The New York Times, print edition, Op-Ed, December 19, 2011. #2 most emailed column in NYT as of 1:30 p.m. PST. Covered by "Morning Edition" at the top of the News Hour, National Public Radio, Friday December 23, 2011.
59. "[An Inequality Tax Trigger: The Brandeis Ratio Explained](#)." Freakonomics column in New York Times by Ian Ayres and Aaron Edlin. December 21, 2011.
60. "[There Will Be Rich Always: Finding a New Way to Think About Income Inequality](#)." Freakonomics column in New York Times by Ian Ayres and Aaron Edlin. December 20, 2011.
61. "[European Popcorn Versus Dominoes](#)" The Wall Street Journal, letter, November 8, 2011.
62. "[Can Immigrants Solve Our Health Care Problems?](#)" with Dana P. Goldman, New York Times, Jan. 19, 2010.
63. "It Works for Mergers, Why not for Finance?" with Richard Gilbert, *Economists' Voice*, April 2010.
64. "[UC System: Layoffs, not pay cuts](#)" (with Robert Cooter) Los Angeles Times Op-Ed, July 2009.

65. "[Show Me the Money](#)" with Dwight Jaffee, *The Economists' Voice*, 2009.
66. "[Getting Serious about Job Creation: Part I](#)" with Edmund Phelps, *The Economists' Voice*, 2009.
67. "[Vote for Charity's Sake](#)," with Andrew Gelman and Noah Kaplan, *The Economists' Voice*, Vol. 5, Issue 6, 2008.
68. "[Dr. StrangeLoan: or How I Learned to Stop Worrying and Love the Financial Collapse](#)," *The Economists' Voice*, Vol. 5, Issue 5, 2008.
69. "[Questioning the Treasury's \\$700 Billion Blank Check: An Open Letter to Secretary Paulson](#)," *The Economists' Voice*, Vol. 5, Issue 5, 2008.
70. "[Quashing the Financial Firestorm](#)," *The Economists' Voice*, Vol. 5, Issue 5, 2008.
71. "[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).
72. "[Housing Collapse: Bring It On!](#)" *The Economists' Voice*: Vol. 4: Iss. 1, Article 2, 2007.
73. "[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.
74. "[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/>.
75. "[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.
76. "[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.
77. "[How a New Auto Insurance Law Could Ease Our Dependence on Oil, by Giving](#)

- [Drivers a Choice](#),” FindLaw.com Writ, Thursday January 17, 2002.
78. [“The American Airlines Case: Why Airplane Ticket Prices May Soar Unless Courts Step In.”](#) FindLaw.com Writ, Thursday August 6, 2001.
79. “Traffic’s High Cost,” San Jose Mercury News, 7B, February 17, 1999.

### **Working Papers**

80. "Affirmative Action and Stereotypes in Higher Education Admissions," with Prasad Krishnamurthy, NBER Working Paper No 20629, October 2014. Revise and Resubmit, *Journal of Legal Studies*.
81. “Hunting Unicorns? Experimental Evidence on Predatory Pricing Policies” with Catherine Roux, Armin Schmutzler, and Christian Thoeni, 2016.
82. “Maximizing Growth vs. Static Efficiency or Redistribution,” with Robert Cooter, 2012.
83. “Law and Growth Economics: A Framework for Research,” 2012, with Robert Cooter.
84. [“Market-based Transfer Prices and Intracompany Discounts,”](#) with Tim Baldenius and Stefan Reichelstein, February 1999.

### **Selected Media Appearances and Quotations**

Quotations in “Obama may give CEA moderate push” by Matt Negrin, 7/19/2011, Politico. <http://www.politico.com/news/stories/0711/59411.html>.

Interview, ABC News, Google investigations, June 24, 2011.

Quotations, “Google likely to face antitrust subpoenas from FTC” San Francisco Chronicle, Re: FTC investigation of Google, June 24, 2011.

Interview, Bloomberg Business Week, February 1, 2011, regarding Janet Yellen as Vic-Chairman at the Federal Reserve and the challenges that the federal reserve faces.

Interview, Bloomberg Business Week, August 2010, regarding Christina Romer returning to Berkeley.

Interview/Quotations, Bloomberg Business Week on April 30, 2010 regarding Yellen appointment to Vice-Chair at Fed.

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

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

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

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

Appearance, 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/Quotations, Reuters, 2008 (discussing Yahoo-Google collaboration)

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**

Brief of Antitrust Scholars as Amici Curiae in Support of Respondent in North Carolina State Board of Dental Examiners v. Federal Trade Commission,” On Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit; Rebecca Haw Allensworth, Aaron Edlin, and Einer Elhauge, Counsel for Amici Curiae, July, 2014.

Proposed Horizontal Merger Guidelines: Economists’ Comment (with Michael R. Baye, Richard J. Gilbert, Jerry A. Hausman, Daniel L. Rubinfeld, Steven C. Salop, Richard L. Schmalensee, and Joshua D. Wright) (2010), submitted to the Department of Justice and Federal Trade Commission.

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.](#)”

**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, Fall 2010  
NYU Law School Faculty Seminar, Spring 2010

"Affirmative Action and Stereotypes in Higher Education Admissions," National Bureau of Economic Research Summer Institute, Chicago Law School, Stanford Law School, 2014 (presented by coauthor Prasad Krisnamurthy)

“Conservatism and Switcher’s Curse” Departmental Seminar Norwegian School of Economics, September 23, 2014 Bergen, Norway.

“Conservatism and Switcher’s Curse”; Departmental Seminar, University of Saint Gallen Switzerland, September 25, 2014.

“Conservatism and Switcher’s Curse,” University of Chicago Law School, May 2016.

Comments on "Busted, Now What?," by Ailin Dong, Massimo Massa, Alminas Zaldokas, November, 2014, Conference on Empirical Legal Studies.

### ***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, Hot Topics Part II. European Developments in European Competition Policy,  
Wed, December 3, 2008, Brussels, Belgium.

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.

“Economics of Scholarly Journals,” Higher Education Group, Apple Computer,  
Cupertino, March 2010.

“Predatory Pricing”

American Law And Economics Association Meetings, May 2010, Princeton  
University, Princeton, NJ.

Searle Conference on antitrust, Sept 2010, Northwestern Law School, Chicago,  
IL

“Law and Growth Economics”

Presentation at the Kauffman Institute, Dana Point, California, July 2010.

“Conservatism and Switcher’s Curse”

Presentation, West Coast Industrial Organization Conference, Haas Business  
School, UC Berkeley Fall 2011.

“Comments on Exclusive Dealing in Decentralized Markets by Christian Riis,”

Peder Sather Workshop on Industrial Organization, November 18, 2013.

“Comments on Instrument Choice by Louis Kaplow,”

National Bureau of Economic Research Law and Economics Meetings, July,  
2013.

"Cartels by Another Name," American Law and Economics Meetings, Chicago, May  
2014, Chicago.

"Affirmative Action and Stereotypes in Higher Education Admissions," National  
Bureau of Economic Research Summer Institute, July 2014 (presented by coauthor  
Prasad Krisnamurthy)

Organized and Moderated Antitrust Careers Panel, Nov 14, 2014 with Hanno Kaiser, Partner, Latham Watkins; Kate Patchen, Assistant Chief of the DOJ SF field office 2. plaintiff side - Judith Zahid ('02), Zell Hoffman - indirect purchaser lead counsel in the LCD indirect purchaser class action. Defense/inside counsel Michelle Lee, Visa.

Organized and Moderated Antitrust Careers Panel, October, 2015 with Doug Melamed, Stanford, former General Counsel, Intel; Sam Weinstein, formerly US DOJ; Jason Yurasek, the JY Firm and outside general counsel craigslist Aaron Sheanin, Pearson, Simon & Warshaw, Ausra Deluard, Jones Day

Comments on "Busted, Now What?," by Ailin Dong, Massimo Massa, Alminas Zaldokas, November, 2014, Conference on Empirical Legal Studies.

"The Rule of Reason After Actavis" at Conference: "After Actavis: Litigating Reverse Payment Cases" February 27, 2015

"Conservatism and Switcher's Curse," Festschrift Conference for Joseph Stiglitz, October, 2015.

["The Actavis Inference: Theory and Practice,"](#) American Law and Economics Annual Conference, May 2015.

["The Actavis Inference: Theory and Practice,"](#) Bates White Research Conference, Washington DC, June 2015.

"Cartels by Another Name and NC Dental," American Antitrust Institute Conference, Keynote Address, Washington DC, November, 2015.

"Conservatism and Switcher's Curse," National Bureau of Economic Research Summer Institute, July 2015.

"Conservatism and Switcher's Curse" American Law and Economics Association Conference, May 2016.

"Hunting Unicorns? Experimental Evidence on Predatory Pricing Policies" Industrial Organization Conference, Bergen, Norway. May 2016.

**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, 2013, 2015; 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, 2005, 2009; American Law and Economics Association Annual Meetings, 1992, 1993, 1994, 1995, 1996, 1997, 1999, 2000, 2001, 2002, 2003; 2006, 2010, 2011, 2013, 2014; 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. Norway-Berkeley Industrial Organization Conference, Fall 2013; Memorial Conference for Suzanne Scotchmer, May 1, 2014.

## **Professional Service**

### **Panelist, Initiative on Global Markets, Economic Experts Panel, 2011-present**

**Founder** of the B.E. Journals, as featured in *The Economist*, August 5-11, 2000, p. 69, once found at [www.bepress.com](http://www.bepress.com), now found at [degruyter.com](http://degruyter.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.

**Board of Directors:** *American Law and Economics Association 2000-2003. 2013-2016.*

**Co-Editor and Founder,** *The B.E. Journal of Economic Analysis & Policy, 2002-2007.*

**Editor and Founder,** *The Economists' Voice, 2004-present*

**Editor:** *The B.E. Journal of Theoretical Economics, 2005-2011*

**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.*

**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.

**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, other Presentations, and Advising**

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, Sherman Act Section 2 Joint Hearing, 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.

Invited participant, White House forum on occupational licensing hosted by CEA Chair Jason Furman and NEC Chair, June 2015.

Consulting for U.S. Department of Justice, 2010-2011