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PROFESSIONAL POSITIONS

University of Texas School of Law, Bernard J. Ward Centennial Professor, 2009-
Duke University School of Law, Visiting Professor, 2008-2009
Northwestern University, School of Law, Assistant Professor, 2006-2009
University of Texas at Austin, Dept. of Economics, Visiting Asst. Professor, 2004-2006
Federal Trade Commission, Bureau of Economics, Staff Economist, 1999-2004

EDUCATION

Harvard University, Ph.D. in Economics June 1999
Harvard Law School, J.D. Magna Cum Laude June 1994. Harvard Law Review 1993-1994
Harvard College, A.B. Cum Laude in Applied Mathematics/Economics June 1991

RESEARCH INTERESTS

Law and Economics, Contracts, Antitrust, Settlement, Bargaining

BOOK CHAPTERS REQUESTED

“Option Contracts,” in *Contract Law and Economics* volume of *Encyclopedia of Law and Economics*, B. Bouckaert and Gerrit De Gees eds., Edward Elgar Publishers, Forthcoming 2009.

“Enforcement Issues in Antitrust” (title tentative), *Research Handbook on the Economics of Antitrust Law*, Einer Elhauge ed., Forthcoming.

PUBLISHED AND FORTHCOMING PAPERS

Credible Discovery, Settlement, and Negative Expected Value Suits (with Warren Schwartz), Forthcoming, **RAND Journal of Economics**

Chilling, Settlement, and the Accuracy of the Legal Process (with Ezra Friedman), Forthcoming, 26 **Journal of Law, Economics, & Organization** (2010)

A Right to Silence for Civil Defendants, Forthcoming, 26 **Journal of Law, Economics, & Organization** (2010)

The Perverse Effect of Outside Options on Strategic Delay in Bargaining, Forthcoming, 165 **Journal of Institutional and Theoretical Economics** 210-229 (2009)

Why Divorce Laws Matter: Incentives for Non-Contractible Marital Investments under Unilateral and Consent Divorce, 25 **Journal of Law, Economics, & Organization** 80-106 (2009)

Advantage Defendant: Why Sinking Litigation Costs Makes Negative Expected Value Defenses, but not Negative Expected Value Suits Credible (With Warren Schwartz), 38 **Journal of Legal Studies** 235-253 (2009)

No Free Lunch: How Settlement Can Reduce the Legal System's Ability to Induce Efficient Behavior (with Ezra Friedman), 61 **SMU Law Review** 1355 (2008)

Naked Exclusion, Efficient Breach, and Downstream Competition (With John Simpson), 97**American Economic Review** 1305 (2007)

Bundled Discounts, Leverage Theory, and Downstream Competition (with John Simpson), 9 **American Law and Economics Review** 370 (2007).

Government and the Reverse-Holdup Problem, 9 **Journal of Public Economic Theory** 221 (2007)

The Limitations of Buyer-Option Contracts in Solving the Hold-up Problem, 23 **Journal of Law, Economics, & Organization** 127 (2007)

Bayesian Jurors and the Limits to Deterrence (with Ezra Friedman), 22 **Journal of Law, Economics, & Organization** 70 (2006)

The Inefficiency of Contractually-Based Liability with Rational Consumers, 22 **Journal of Law, Economics, & Organization** 168 (2006)

The Effect of Exit on Entry Deterrence Strategies, 54 **Games and Economic Behavior** 226 (2006)

Managerial Incentives and the Price Effects of Mergers, 53 **Journal of Industrial Economics** 327 (2005)

Affirmative Action: More Efficient than Color Blindness, 10 **Texas Journal on Civil Liberties and Civil Rights** 183 (2005)

Comment on 'Aligning the Interests of Lawyers and Clients', 6 **American Law and Economics Review** 434 (2004)

A Model of Welfare-Reducing Settlement, 3 **Contributions to Economic and Policy Analysis** Article 4 (2004)

Innovation, Market Structure, and the Holdup Problem: Investment Incentives and Coordination, 22 **International Journal of Industrial Organization** 693 (2004)

The State of Critical Loss Analysis: A Reply to Scheffman and Simons (with Daniel O'Brien), 3 **Antitrust Source** (March 2004)

A Critical Analysis of Critical Loss Analysis (with Daniel O'Brien), 71 **Antitrust Law Journal** 161 (2003)

Justifying Imprisonment: On the Optimality of Excessively Costly Punishment, 5 **American Law and Economics Review** 377 (2003)

Damages for Breach of Contract: Should the Government Get Special Treatment?, 17 **Journal of Law, Economics, & Organization** 121 (2001)

WORKING PAPERS

A Simple Mechanism for Improving “Up or Down” Regulation, Revise and resubmit at **Journal of Law, Economics, & Organization**

Unobservable Preparation and the Inevitable Risk of Conflict, Revise and resubmit at **BE Journals of Theoretical Economics**

Approval Regulation with Learning (with Marco Ottaviani), awarded **Robert F. Lanzillotti Prize for best paper in antitrust economics at the 2009 International Industrial Organization Conference**

Optimal Antitrust Enforcement: Competitor Suits, Entry, and Post-entry Competition (with Warren Schwartz)

Outside Options and the Misuse of the Nash Bargaining Solution in Law and Economics

Ideological Persuasion in the Media (with David Balan and Patrick DeGraba)

Exclusive Dealing and Entry, when Buyers Compete: Comment (with John Simpson)

The Economics of Constitutional Rights and Voting Rules

PRESENTATIONS

American Law and Economics Association Annual Meeting, May 2009

Duke University Game Theory and the Law Conference, May 2009

NBER Mid-Year Meeting, Law and Economics, March 2009

USC, Law School Seminar, October 2008

UCLA, Law and Economics Seminar, October 2008

Duke University, Law School Seminar, October 2008

University of Texas, Law School Seminar, September 2008

Symposium on Antitrust Economics and Competition Policy, Northwestern Univ, Sept 2008

American Law and Economics Association Annual Meeting, May 2008

New York University, Law and Economics Seminar, April 2008

Symposium on Insurance Markets and Regulation, Northwestern University, April 2008

Stanford University, Law and Economics Seminar, March 2008

Yale University, Law, Economics, and Organization Seminar, December 2007

Georgetown University, Law and Economics Seminar, November 2007

University of Virginia, Law and Economics Seminar, October 2007

NBER Summer Institute, Law and Economics, July 2007

Chicago-Kent, Law School Seminar, March 2007

NBER Mid-Year Meeting, Law and Economics, March 2007

University of Chicago, Law and Economics Seminar, January 2007

NBER Summer Institute (Discussant), Law and Economics, July 2006

American Law and Economics Association Annual Meeting, May 2006

University of Texas, Law, Economics and Business Seminar, January 2006

University of Maryland, IO/Theory workshop, October 2005
Northwestern University, Law School Seminar, August 2005
NBER Summer Institute, Law and Economics, July 2005
UBC Summer Conference on Industrial Organization, July 2005
American Law and Economics Association Annual Meeting, May 2005
University of Texas at Austin-ITAM Joint Conference, October 2004
IDEI/ZEI Conference on Regulation of Media Markets, October 2004
University of Texas, Department of Economics Seminar, September 2004
American Law and Economics Association Annual Meeting, May 2004
Stanford Conference on Media and Economic Performance, March 2004
Georgetown University, Department of Economics Seminar, February 2004
University of Southern California, Law School Seminar, January 2004
North American Winter Meeting of the Econometric Society, January 2004
University of Texas, Law School Seminar, November 2003
NBER Summer Institute, Law and Economics, August 2003
North American Summer Meeting of the Econometric Society, June 2003
International Industrial Organization Conference, April 2003.
University of Michigan Law & Economics Seminar, March 2003.
North American Summer Meeting of the Econometric Society, June 2002
American Law and Economics Association Annual Meeting, May 2002
Department of Justice, Economic Analysis Group Seminar, March 2002
ITAM, Business School Seminar, February 2002
Rutgers University, Department of Economics Seminar, November 2001
European Economic Association Annual Meeting, September 2001
North American Summer Meeting of the Econometric Society, June 2001
American Law and Economics Association Annual Meeting, May 2001
Federal Trade Commission, Bureau of Economics Seminar, May 2001
International Atlantic Economic Society Spring Meeting, March 2001
Georgetown University, Department of Economics Seminar, October 2000
Federal Trade Commission, Bureau of Economics Seminar, October 2000
Department of Justice, Economic Analysis Group Seminar, July 2000
Federal Trade Commission, Bureau of Economics Seminar, May 2000
Harvard University, Department of Economics Seminar, October 1998
Harvard University, Department of Economics Seminar, October 1997

EDITORIAL AND REFEREEING SERVICE

Associate Editor *Journal of Industrial Economics*, September 2008 - Present

Referee for: *American Economic Review*, *American Law and Economics Review*, *Antitrust Law Journal*, *BE Journals in Economic Analysis and Policy*, *BE Journals in Theoretical Economics*, *Canadian Journal of Economics*, *Economic Journal*, *Economica*, *Games and Economic Behavior*, *International Journal of Economic Theory*, *International Journal of Industrial Organization*, *International Review of Law and Economics*, *Journal of Economic Behavior and Organization*, *Journal of Economics and Management Strategy*, *Journal of the European Economic Association*, *Journal of Industrial Economics*, *Journal of Institutional and Theoretical Economics*, *Journal of Law and Economics*, *Journal of Law, Economics, and Organization*, *Journal of Legal Studies*, *Journal of Policy Analysis and Management*, *Journal of Political Economy*, *Oxford University Press*, *Quarterly Journal of Economics*,

Quarterly Review of Economics and Finance, RAND Journal of Economics, Review of Industrial Organization

“Excellence in Refereeing Award”—*American Economic Review*, 2007-2008.

TEACHING EXPERIENCE

DUKE UNIVERSITY SCHOOL OF LAW

Contracts (1L), Fall 2008

Antitrust, Spring 2009

NORTHWESTERN UNIVERSITY SCHOOL OF LAW

Contracts (1L), Fall 2006 and Fall 2007

Antitrust, Spring 2008

Law and Economics Workshop, Spring 2007 and Spring 2008

UNIVERSITY OF TEXAS AT AUSTIN

Law and Economics (advanced undergraduate), Fall 2004, Spring 2005, Fall 2005

Introduction to Microeconomics (undergraduate), Fall 2005

HARVARD UNIVERSITY—GRADUATE TEACHING FELLOW

Contract Theory (second year Ph.D. course), Fall 1997

Law and Economics (Sophomore Tutorial), Spring 1998