

MAX HUFFMAN

Associate Professor of Law
Indiana University School of Law – Indianapolis
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Teaching Experience

Courses: Antitrust, Bankruptcy, Consumer Law, Commercial law (Sales, Secured Transactions), Contracts, Corporations, Comparative and International Antitrust.

Indiana University School of Law – Indianapolis, Indianapolis, Indiana. 2008-present.

Associate Professor of Law, teaching Antitrust, Secured Transactions, Bankruptcy and Consumer Law. Scholarly research on Antitrust and Consumer Protection topics.

Honors/Awards: Dean's Fellow, 2009-2010

West Virginia University College of Law, Morgantown, West Virginia. Fall 2007.

Visiting Associate Professor, teaching Contracts and Consumer Law seminar.

University of Cincinnati College of Law, Cincinnati, Ohio. 2005-2007.

Visiting Assistant Professor. Taught Contracts, Corporations, Sales (U.C.C. Article 2) and Secured Transactions (U.C.C. Article 9). Scholarly writing on issues of statutory interpretation and antitrust standing and extraterritoriality.

Scholarship

Works in Progress:

Revisiting Rescission (draft article proposes a universal rescission remedy in consumer contract cases).

Competition Law and Consumer Protection (invited draft article to be presented at the Fourth Antitrust Maryland, Dublin, Ireland, October 27, 2009, and published in the European Competition Journal).

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Recent Publications and Articles under Submission:

Iqbal, Twombly, and the Expected Cost of False Positive Error (with Professor Mark Anderson; article under submission discussing the application of *Bell Atlantic Corp. v. Twombly* (2007) and *Ashcroft v. Iqbal* (2009) to elements of antitrust claims).

The Necessity of Pleading Elements in Private Antitrust Conspiracy Claims, 10 U. PA. J. BUS. & EMP. L. 627 (2008).

A Retrospective On Twenty-Five Years of the Foreign Trade Antitrust Improvements Act, 44 HOUS. L. REV. 285 (2007).

*Article recognized as an “extraordinary overview” of antitrust extraterritoriality. Ellen S. Podgor, *Reviews in Review*, Champion (Sept./Oct. 2007).

A Standing Framework for Private Extraterritorial Antitrust Enforcement, 60 SMU L. REV. 103 (2007).

Using All Available Information, 25 REV. LITIG. 501 (2006) (Reviewing STEPHEN BREYER, ACTIVE LIBERTY: INTERPRETING OUR DEMOCRATIC CONSTITUTION (2006)).

Other Writing and Commentary:

Co-signatory on professors’ letter regarding federal legislation creating a Consumer Financial Protection Agency (2009).

Will Congress Overrule Leegin?, in eCCP Global Competition Policy Update (Nov. 23, 2007), available at www.globalcompetitionpolicy.org.

Op-ed (with student Brian Hooper), *Charleston Gazette* (WV), regarding mortgage reform.

Case Note: Bell Atlantic v. Twombly, in eCCP Global Competition Policy Update (May 31, 2007), available at www.globalcompetitionpolicy.org.

Co-signatory on professors’ letter regarding allocation of funds to antitrust enforcement agencies for foreign development assistance (2007).

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Brief of *Amici Curiae* Legal Scholars in *Bell Atlantic Corp. v. Twombly*, S. Ct. No. 05-1126 (filed August 2006) (co-signatories included Professors Richard Epstein, Christo Lassiter and Paul Stancil).

Co-signatory on professors' letter regarding federal legislation affecting air carrier access to Dallas, Love Field airport. (2006).

Judge Painter's Forty Rules, 72 U. CIN. L. REV. 1011 (2004).

Book Review, Jonathan W. Singer, *Broken Trusts: The Texas Attorney General Versus the Oil Industry, 1889-1909*, 15 WESTERN LEGAL HISTORY 215 (2002).

Book Review, Mark Scherer, *Imperfect Victories: The Legal Tenacity of the Omaha Tribe, 1945-1995*, 13 WESTERN LEGAL HISTORY 270 (2001).

Panels, Presentations and Debates:

Upcoming Fall 2009:

Revisiting Rescission, presentation at the Washington University in St. Louis Junior Faculty Workshop (December 2009).

Competition Policy in Health Care, with an Emphasis on Reform, meeting and panel discussion, Indiana University - Purdue University Indianapolis (organizer and participant) (December 2009).

Debate on American Needle v. NFL, Indiana University School of Law – Indianapolis (November 2009).

Competition Law and Consumer Protection, Fourth Antitrust Marathon, Dublin, Ireland (October 2009).

Recent:

Iqbal, Twombly, and the Expected Cost of False Positive Error, presentation at the Indiana University School of Law – Indianapolis faculty colloquium series (Fall 2009).

Panel moderator, abstract presenter (*Revising Rescission*), University of Illinois College of Law Untenured Faculty Workshop (August 2009).

Commenter, Loyola University – Chicago Consumer Antitrust Colloquium, regarding paper by Prof. Josh Davis (May 1, 2009).

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Revising Rescission, presentation at the Indiana University School of Law – Indianapolis faculty colloquium series (Spring 2009).

Roundtable Discussion: The Economic Crisis and the Emergency Economic Stabilization Act of 2008, at the Indiana University School of Law – Indianapolis (Oct. 23, 2008) (co-organized, moderated and presented on consumer credit ramifications of the economic crisis of 2008).

Pleading Sherman One, presentation at the West Virginia University College of Law faculty colloquium series (Fall 2007).

Twombly and the Antitrust Conspiracy Claim, presentation at the University of Cincinnati College of Law fall colloquium series (Fall 2006).

Defining the Empagran Exception, presentation at the University of Cincinnati College of Law fall colloquium series (Fall 2005).

Education

University of Cincinnati College of Law, Cincinnati, Ohio. J.D., 1998.

Class rank 2 of 109.

University of Cincinnati Law Review, editor and associate member. 1996-1998.

Awards: Order of the Coif; University Prize for Second Highest Grade-Point Average; Dean's List (each semester); book awards; and merit-based financial assistance.

Activities: Hooding Committee; Fundraising Committee.

Recent Recognition: Recipient, Nicholas Longworth Award, recognizing outstanding alumni achievement, May 2008

Cornell University, Ithaca, New York. B.A. Mathematics, 1995.

Awards: Rotary Club Scholar; Cornell Tradition Fellow.

Activities: Varsity heavyweight rowing team.

Judicial Clerkships

The Honorable Stephen S. Trott, Ninth Circuit Court of Appeals, Boise, Idaho. 1998-1999.

Judicial clerk. Drafted bench memoranda and opinions and advised Judge Trott on issues before the Ninth Circuit.

The Honorable Nathaniel Jones, Sixth Circuit Court of Appeals, Cincinnati, Ohio. 1997.

Judicial extern. Drafted bench memoranda and unpublished dispositions on issues before the Sixth Circuit.

Other Professional Experience

Robbins, Russell, Englert, Orseck & Untereiner LLP, Washington, D.C. Spring 2008; 2003-2005.

Attorney (Associate, Counsel) in a boutique firm engaged primarily in Supreme Court litigation, as well as general appellate and trial litigation and antitrust counseling. Substantial experience briefing matters before the Supreme Court and other federal and state courts on a broad range of substantive issues.

U.S. Department of Justice, Antitrust Division, Washington, D.C. 1999-2002.

Honors Program Attorney. Member of trial teams in *U.S. v. American Airlines*, alleging predatory conduct, and in *U.S. v. Smith/Schlumberger*, alleging contempt of court. Led and participated in other investigations under the Sherman and Clayton Acts.

U.S. Attorney's Office, Eastern District of Virginia, Alexandria, Virginia. 2001.

Special Assistant U.S. Attorney, detailed from the Antitrust Division. Practiced before the U.S. District Court, prosecuting misdemeanors and felonies from arrest through sentencing.

Honors, Activities and Memberships

Recent Honors:

Recipient, Nicholas Longworth Award recognizing outstanding alumni achievement, University of Cincinnati College of Law, May 2008 (awarded annually by the graduating class of the U.C. College of Law to an outstanding alumnus)

Memberships:

Bar: Washington, D.C.; Ohio (inactive); U.S. Supreme Court; Fourth, Ninth, and Federal Circuit Courts of Appeals; U.S. District Court for the District of Columbia.

Other: American Bar Association, Sections on Antitrust Law and Business Law; American Association of Law Schools.

Activities:

Professional:

Justice, Georgetown University Supreme Court Institute, 2003, 2004 and 2005 Terms.

Judge, student moot courts, 1999-2009.

Personal:

Ultramarathon running and cycling, long-course triathlon, and telemark skiing.