

JAMES CAMPBELL COOPER

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Employment:

- 2022-Present Professor of Law and Director, Program on Economics & Privacy, Antonin Scalia Law School, George Mason University, Arlington, VA
- ❑ Teach Economics for Lawyers, Consumer Protection Law, Economic Foundations for LLM Students, and Digital Information Policy Seminar. Regularly teach on topics related to the economics of consumer protection and competition in educational programs for federal and state judges, federal and international regulators, and state attorney general staff.
 - ❑ Publish and present original scholarly research on topics involving privacy, data security, law & economics, consumer protection, and antitrust.
 - ❑ Lead academic center devoted to fostering economic analysis of privacy and data security policy, including managing grant program for original economic research, organizing and teaching classes related to the economics of privacy & data security for government officials and law professors, and organizing and participating in large-scale public policy and academic programs.
- 2018-2019: Deputy Director for Economic Analysis, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC:
- ❑ Provided legal and economic analysis for the Director of the Bureau of Consumer Protection (BCP) and FTC Chairman on consumer protection cases and broad policy issues surround privacy, data security, remedies, and deception. Directed BCP staff to shape liability and remedy theories for specific cases. Coordinated with Bureau of Economics front office and staff economists on cases and policy issues.
- 2018 - 2022: Associate Professor of Law (with tenure) and Director, Program on Economics & Privacy, Antonin Scalia Law School, George Mason University, Arlington, VA
- 2016-2018: Associate Professor of Law and Director, Program on Economics & Privacy, Antonin Scalia Law School, George Mason University, Arlington, VA
- 2011-2015: Director, Research & Policy, Law and Economics Center, and Lecturer in Law, Antonin Scalia Law School, George Mason University School of Law, Arlington, VA:
- ❑ Created and directed policy initiatives and oversaw large-scale empirical projects for Law & Economics Center. Coordinated and presented original work in academic programs on topics including antitrust, law & economics, privacy, and data security.
 - ❑ Instructor for Law & Economics Center educational programs for state and federal judges, competition officials, attorneys general, and law professors. Teaching modules included behavioral economics, antitrust economics, labor economics, risk & uncertainty, economic theory of torts, and economics of information. Taught economic foundations of legal studies to 1Ls.
- 2009-2011: Advisor for Commissioner William E. Kovacic, Federal Trade Commission, Washington, DC:
- ❑ Advised Commissioner Kovacic on the legal and economic dimensions of antitrust and consumer protection cases and policy. Coordinated with senior staff from the Bureau of Competition, Consumer Protection, and Economics, as well as outside parties on various

antitrust and consumer protection matters, including mergers, coordinated and unilateral conduct, advertising, fraud, and privacy policy.

- 2003-2009: Office of Policy Planning, Federal Trade Commission, Washington, DC:
- ❑ Served as Acting Director (Jan. 2009-May 2009), Deputy Director (2005-2008), Assistant Director (2004-2005), and Attorney Advisor (2003-2004).
 - ❑ Primary responsibility for FTC advocacy program, which involved submission of letters, testimony, and amicus briefs at state and federal level setting forth FTC views on competition and consumer protection matters. Primary or major responsibility for several FTC reports, including those on real estate brokerage, postal reform, innovations in healthcare delivery, and the *Noerr-Pennington* doctrine. Routinely spoke on issues involving FTC competition policy before industry groups and members of foreign competition authorities.
- 2000-2003: Associate, Antitrust Group, Crowell & Moring LLP, Washington, DC:
- ❑ Counseled clients on antitrust ramifications of business transactions. Represented clients before FTC and DOJ on mergers and other business transactions. Worked with economic experts in complex antitrust cases.

Education:

Ph.D. Economics, Emory University, 2003 (Dissertation Advisor: Paul Rubin)

J.D., *Magna Cum Laude*, George Mason University School of Law, 2000 (*George Mason Law Review*; Levy Fellow)

B.A. International Relations, University of South Carolina, 1990

Published and Forthcoming Papers, Edited Books, and Book Chapters:

Antitrust and Privacy: It's Complicated, __ IL. J.L.TECH. & POLICY __ (forthcoming 2022) (with John Yun)

Privacy Rulemaking at the FTC, in CONCURRENCES, FTC'S RULEMAKING AUTHORITY (forthcoming 2022)

Unreasonable: A Strict Liability Solution to the FTC's Data Security Problem, _ MICH. TECH. L.J. __ (forthcoming 2022) (with Bruce Kobayashi)

Equitable Monetary Relief Under the FTC Act: An Opportunity for a Marginal Improvement, 83 ANTITRUST L.J. 301 (2021) (with Bruce Kobayashi) (winner, 2021 Antitrust Writing Awards, Best Antitrust Academic Article, Procedure Category)

Privacy & Antitrust, in GLOBAL ANTITRUST INSTITUTE REPORT ON THE DIGITAL ECONOMY (2020)

Conflicts of Interest on Expert Committees: The Case of FDA Advisory Committees, 62 J.L & ECON. 321 (2019) (with Joseph Golec)

A Chip off the Old Block or a New Direction for Payment Card Security: The Law & Economics of the US Transition to EMV, 2018 MICH. ST. L. REV. 869 (2019) (with Todd Zywicki)

An Enquiry Meet for Occupational Licensing Boards: Lessons from Polygram, in DOUGLAS H. GINSBURG: LIBOR AMICORUM (Nicolas Charbit & Elisa Ramundo, eds., 2018)

The Missing Role of Economics in FTC Privacy Policy, in CAMBRIDGE HANDBOOK OF CONSUMER PRIVACY (Jules Polonetsky et al. eds., 2018) (with Joshua Wright)

State Consumer Protection Acts: An Economic and Empirical Analysis, 81 ANTITRUST L.J. 947 (2018) (with Joanna Shepherd)

Separation Anxiety, 21VA. J.L. & TECH. 1 (2017)

Information & Settlement: Empirical Evidence on Daubert Rulings and Case Outcomes, 51 INT'L REV.L. & ECON. 1 (2017)

Antitrust Liability for Licensing Boards After North Carolina Dental: Antitrust Preemption as a Penalty Default? 5 J. ANTITRUST ENFORCEMENT 1 (2017)

The Costs of Regulatory Redundancy: Consumer Protection Oversight of Online Travel Agents, 17 N.C.J.L. & TECH. 179 (2016)

The Perils of Excessive Discretion: The Elusive Meaning of Unfairness in Section 5 of the FTC Act, 4 J. ANTITRUST ENFORCEMENT 1 (2015)

THE REGULATORY REVOLUTION AT THE FTC: A THIRTY-YEAR PERSPECTIVE ON COMPETITION AND CONSUMER PROTECTION (Editor), Oxford University Press (2013)

Antitrust and Privacy: Underpants Gnomes, the First Amendment, and Rent-Seeking, 20 GEO. MASON L. REV. 1129 (2013)

Alcohol, Antitrust, and the 21st Amendment: An Empirical Examination of "Post and Hold" Law, 32 INT'L REV. L. & ECON. 379 (2012) (with Joshua Wright)

Behavioral Economics and its Implications for Antitrust Agency Decision Making, 8 J.L. ECON. & POLICY 779 (2012) (with William E. Kovacic)

Behavioral Economics: Implications for Regulatory Behavior, 41 J. REG. ECON. 41 (2012) (with William E. Kovacic)

There is a Time to Keep Silent and a Time to Speak, the Hard Part is Knowing Which is Which: Striking the Balance Between Privacy Protection and the Flow of Health Care Information, 16 MICH. TECH. & TELECOM. L. REV. 279 (2010) (with Daniel Gilman)

US Convergence with International Competition Norms: Antitrust Law and State Restraints on Competition, 90 BOSTON UNIV. L. REV. 1555 (2010) (with William E. Kovacic)

The Pattern Exception to the Noerr-Pennington Doctrine, in THE NOERR-PENNINGTON DOCTRINE, ABA Section of Antitrust Law Monograph Series (2009)

The U.S. Federal Trade Commission and Competition Advocacy: Lessons for Latin American Competition Policy, in LATIN AMERICAN ANTITRUST DEVELOPMENTS (Eleanor M. Fox & D. Daniel Sokol eds., 2009) (with Todd Zywicki)

Public versus Private Restraints on the Online Distribution of Contact Lenses: A Distinction with a Difference, 3 J.L. ECON. & POLICY 331 (2007)

Does Price Discrimination Intensify Competition? Implications for Antitrust, 72 ANTITRUST L.J. 327 (2005) (with Luke Froeb, Dan O'Brien, & Steven Tschantz)

Theory and Practice of Competition Advocacy at the FTC, 72 ANTITRUST L.J. 1091 (2005) (with Paul Pautler and Todd Zywicki)

Vertical Antitrust Policy as a Problem of Inference, 23 INT'L J. INDUS. ORG. 639 (2005) (with Luke Froeb, Dan O'Brien, and Mike Vita)

Vertical Restrictions and Antitrust: What About the Evidence?, 1 COMP. POL. INT'L 45 (2005) (with Luke Froeb, Dan O'Brien, and Mike Vita)

A Comparative Study of US and EU Approaches to Vertical Policy, 13 GEO. MASON L. REV. 289 (2005) (with Luke Froeb, Dan O'Brien, and Mike Vita)

Reports:

PRIVATE LITIGATION UNDER THE CALIFORNIA CONSUMER PROTECTION ACT, Law & Economics Center (May 2021)

ELEMENTARY SCHOOL TEACHER USE OF ED TECH, Law & Economics Center (November 2020)

Working Papers:

COPPAocalypse Now: Content Subsidization after the YouTube-COPPA Settlement (with Garrett Johnson & Tesary Lin) (awarded \$10,000 research grant from University of Pennsylvania Economics of Digital Services Initiative)

Why Does the FDA Overrule Its Expert Committees' Recommendations? (with Joe Golec) (under review at *Journal of Law & Economics*)

Health Privacy & Health Outcomes: The Impact of Minor Consent Laws on Teen Health Outcomes

Presentations/Panels:

George State University Law School Antitrust Symposium, April 21, 2022 (panelist)

NAI Forum, December 7, 2021, Fireside Chat with FTC Commissioner Noah Philips (panelist)

TPRC 2021, September 22, 2021 (presenting *Antitrust and Privacy: It's Complicated*)

ABA Spring Meeting, Strategies for FTC Commissioner Meetings, March 24, 2021 (panelist)

GMU Federalist Society Panel on Section 230, February 18, 2021 (panelist)

LEC Civil Justice Fest, Panel on the California Consumer Privacy Act, Nov. 20, 2020 (panelist)

Global Antitrust Institute Panel on Antitrust & Privacy, July 22, 2020 (panelist)

Federalist Society Teleforum on FTC Rule Making, July 8, 2020 (panelist)

Federalist Society Teleforum on FTC Remedial Authority, June 29, 2020 (panelist)

ABA Virtual Spring Meeting Panel on AI, Privacy, and Competition, June 18, 2020 (panelist)

AALS Annual Meeting, Panel on Economics of Consumer Protection, January 4, 2020 (panelist)

FTC Hearing on COPPA Rule Revision, October 7, 2019 (panelist)

ABA Teleforum on Privacy & Data Security at the FTC, Dec. 17, 2018 (interviewed)

Federalist Society, Big Data & Artificial Intelligence: Navigating the Technology World of the Near Future, Nov. 14, 2018 (panelist)

ABA Antitrust Source Roundtable Discussion, *The Big Picture on Big Data*, Nov. 2, 2018 (panelist)

TPI Roundtable on Privacy, Antitrust, and the FTC, April 17, 2018 (panelist)

FTC Workshop on Pet Meds, March 7, 2018 (presented empirical work on lock-in with contact lenses)

George Mason Law Review Antitrust Symposium, Panel on Occupational Licensing, February 15, 2018 (panelist)

FTC Informational Injury Workshop, Dec. 12, 2017 (panelist)

Privacy & Security Forum, Oct. 4, 2017 (keynote on economics of privacy)

Quinnipiac Law School, Sept. 27, 2017 (talk on occupational licensing and antitrust to Federalist Society chapter)

Federalist Society Teleforum on EU Google Case, Sept. 18, 2017 (panelist)

Federalist Society/ABA Occupational Licensing Program, Aug. 9, 2017 (panelist)

University of Connecticut Law Review Symposium, Jan. 27, 2017, (panelist on economics of commercial privacy regulation)

FTC Privacy Con, Jan 12, 2017, (presenting *Anonymity, Autonomy, and the Collection of Personal Data: Measuring the Privacy Impact Google's 2012 Privacy Policy Change*)

Capital Forum Symposium on Antitrust & Tech Policy, Dec. 16, 2016 (panelist on Google antitrust investigation)

Tech Freedom Capital Hill Panel on FCC Privacy, Oct. 24, 2016 (Panelist on privacy and net neutrality)

R Street – Privacy Policy and the Internet of Things, October 13, 2016 (panelist)

IOT Global Conference, Oct. 7, 2016 (afternoon keynote on economics of privacy)

Heritage Foundation Program on FTC Consumer Protection Policy, June 28, 2016 (panelist)

FTC PrivacyCon , Jan 14, 2016 (discussant)

Future of Privacy Forum Debate On FTC Power, Oct. 2015 (panelist)

Oxford University, Pembroke College, June 26, 2015 (presenting *Antitrust Liability for Licensing Boards After North Carolina Dental: Antitrust Preemption as a Penalty Default?*)

National Taxpayers Union FTC Capitol Hill Panel on FTC Reform, June 3, 2015 (panelist)

American University Law Review Symposium, March 20, 2015 (panelist discussing state action doctrine after *North Carolina Dental*)

IAPP World Conference, Mar. 6, 2015 (co-taught panel on economics of privacy)

IAPP Forum, Nov. 3, 2014 (panelist on privacy regulation of big data)

FTC Conference on Veterinarian Meds Pricing, June 12, 2014 (presenting research on contact lens pricing)

George Mason Law Review Symposium, Jan. 17, 2013 (presenting *Antitrust and Privacy: Underpants Gnomes, the First Amendment, and Rent-Seeking*)

AALS Annual Meeting, Jan. 6, 2012 (presenting *Behavioral Economics: Implications for Regulatory Behavior*).

Liberty Fund Conference on Behavioral Law & Economics (Feb. 3, 2012) (presenting *Behavioral Economics: Implications for Regulatory Behavior*)

ABA Teleforum on Privacy & Antitrust (2011) (Panelist)

Center for Research in Regulated Industries (CRRI) Annual Conference, June 2011 (presenting *Behavioral Economics: Implications for Regulatory Behavior*)

ABA Antitrust Section ebooks Antitrust Teleforum, June 11, 2012 (panelist)

Department of Justice, Antitrust Division, (May 2011) (presenting *Alcohol, Antitrust, and the 21st Amendment: An Empirical Examination of "Post and Hold" Law*)

Southern Economic Association Annual Meeting (Nov. 2010) (presenting *Alcohol, Antitrust, and the 21st Amendment: An Empirical Examination of "Post and Hold" Law*)

Op-Eds, Postings, Podcasts, and Testimony:

Walmart's Lesson for Rohit Chopra and the CFPB, WALL STREET JOURNAL (Dec. 15, 2021)

Fix the FTC Act by Making Cos. Pay, REAL CLEAR MARKETS (June 14, 2021)

Written Testimony on the “State of Competition in the Digital Marketplace”, before the U.S. House of Representatives, Committee on the Judiciary, Subcommittee on Antitrust, Commercial, and Administrative Law (Apr. 27, 2020)

Freedom v. License, WEEKLY STANDARD PODCAST (Aug. 16, 2017)

Occupational Licensing Hinders the American Dream, REAL CLEAR POLITICS (July 10, 2017)

The BROWSER ACT: A Worthy Goal, But There’s an Easier Fix to the Net Neutrality Privacy Mess, FORBES (May 26, 2017)

Shining a Spotlight on the FTC’s Most Important Antitrust Role, FORBES (Mar. 29, 2017)

What’s in Store of the FTC’s Privacy and Data Security Program in 2017, FORBES (Mar. 8, 2017)

A Return to Antitrust Populism? THE ANTITRUST SOURCE (Feb. 2017)

The WhatsApp Privacy Policy Change: No Cause for Alarm, FORBES (Sep. 7, 2016)

Did the FTC Just Rewrite its Statute? What LabMD Means for Data Security Cases Going Forward, FORBES (Aug. 4, 2016)

Rational Ignorance and the Privacy Paradox, FORBES (Jul. 18, 2016)

Why the Supreme Court Should Side with The Data Brokers, CHRISTIAN SCIENCE MONITOR (Nov. 2, 2015)

No-Harm-Big-Foul: The FTC’s Latest Overreach in Data Privacy, THE HILL (July 13, 2015)

The Obama Administration’s New Privacy Bill Would Take the FTC back to the Days of Disco, MORNING CONSULT (May 12, 2015)

Does Limiting Conflicts on FDA Advisory Committees Harm Consumers? FORBES (Feb. 9, 2015)

Spain’s New Copyright Law Hurts Consumers, LAW360 (Dec. 22, 2014)

The FTC Deserves Kudos for Clearing the Google-Nest Deal, MAIN JUSTICE (Feb. 18, 2014)

Lessons From the 1980s: The FTC and the Role for Economics in Policymaking, DAILY CALLER (Dec. 5, 2013)

Identity Theft, Not Big Data, Should be at the Top of the FTC’s Priorities, DAILY CALLER (Sept. 24, 2013)

Google and the FTC’s Investigation: A Cautionary Tale, FORBES (Nov. 4, 2012)

Professional Activities and Awards:

FTC Outstanding Scholarship Award, 2005

Referee for: *Antitrust Law Journal; Managerial & Decision Economics; Supreme Court Economic Review; Journal of Law, Economics, & Policy; Economic Inquiry; International Review of Law & Economics; Journal of Regulatory Economics; Journal of Economics & Management Strategy; Oxford University Press*

Member Virginia and District of Columbia Bars

Member American Bar Association, Antitrust Section

References:

Available upon request