

JUDGE DOUGLAS H. GINSBURG

NON-ACADEMIC EMPLOYMENT

1986 – Present	Judge, U.S. Court of Appeals for the District of Columbia Circuit United States Courthouse 333 Constitution Ave., N.W. Washington, DC 20001 Tel: 202-216-7190
2001 – 2008	Chief Judge, U.S. Court of Appeals for the District of Columbia Circuit
1985 - 1986	Assistant Attorney General Antitrust Division U.S. Department of Justice, Washington, DC
1984 - 1985	Administrator for Information and Regulatory Affairs Office of Management and Budget, Executive Office of the President, Washington, DC
1983 - 1984	Deputy Assistant Attorney General for Regulatory Affairs, Antitrust Division U.S. Department of Justice, Washington, DC
1974 - 1975	Law Clerk to Justice Thurgood Marshall U.S. Supreme Court, Washington, DC
1973 - 1974	Law Clerk to Judge Carl McGowan U.S. Court of Appeals, Washington, DC
1965 - 1968	Vice President, Marketing “Operation Match” computer dating service, Compatibility Research, Inc., Cambridge, MA

FULL TIME TEACHING

2013-	George Mason University School of Law Professor of Law and Chairman, Global Antitrust Institute, International Advisory Board
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2011-2013 New York University School of Law
Distinguished Professor of Law

1975 - 1985 Professor of Law
Harvard University, Cambridge, MA
Teaching Responsibilities:
Antitrust, Economic Regulation of Business,
Banking Law, Regulation of Broadcasting, Labor Law,
Theories of Corporations (on leave 1983-85)

PART TIME TEACHING

2005- University College London, Faculty of Laws
Visiting Professor

2009-2011 Columbia University
Lecturer on Law

1990-2001 University of Chicago Law School
Visiting Senior Lecturer

1988-2010 George Mason University School of Law
Distinguished Adjunct Professor of Law

2006-2009 New York University Law School
Distinguished Visiting Scholar

1988-1989 Harvard University
Lecturer on Law

1987-1988 Columbia University
Visiting Professor of Law

EDUCATION

1973 J.D., UNIVERSITY OF CHICAGO LAW SCHOOL
Articles Editor, The University of Chicago Law Review; Order
of the Coif; Russell Floyd Mecham Prize Scholarship; Casper
Platt Award, 1973

1970 B.S., CORNELL UNIVERSITY, N.Y. School of Industrial and
Labor Relations; Irving M. Ives Award, 1970

- 1976 Economics Institute for Law Professors
Law & Economics Center, University of Miami Law School
- 1992 Basic Science and Public Health, Advanced Course for
Federal Judges, Law and Economics Center, George Mason
University School of Law

BOARDS OF DIRECTORS

Foundation for Research in Economics and the Environment, 1991-2005

Rappahannock County Conservation Alliance, 1998-2004

Rappahannock Association for Arts and the Community, 1997-1999

ADVISORY BOARDS

Chairman, International Advisory Board, Global Antitrust Institute,
Antonin Scalia Law School

Non-Governmental Advisor to the International Competition Network

Jevons Institute for Competition Law and Economics, and Center for Law,
Economics and Society, University College London, Faculty of Laws

Law and Economics Center, George Mason University School of Law

Competition Policy International

Journal of Competition Law and Economics

Journal of Law, Economics & Policy

Supreme Court Economic Review

University of Chicago Law Review

Harvard Journal of Law & Public Policy

2014	Global Competition Review, Article of the Year and Lifetime Achievement Award
2011	Lifetime Service Award, Federalist Society, Georgetown University Law Center
2001	Thomas Jefferson Award Association for Private Enterprise Education
1986	Edmund J. Randolph Award U.S. Department of Justice

Books and Monographs

The Global Antitrust Institute Report on the Digital Economy available at gaidigitalreport.com (ed., with Joshua D. Wright) (2020); https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3733650#

VOICES OF OUR REPUBLIC: EXPLORING THE CONSTITUTION WITH RUTH BADER GINSBURG, ALAN DERSHOWITZ, SANDRA DAY O'CONNOR, RON CHERNOW, AND MANY MORE, (Skyhorse, 2020); <https://www.amazon.com/Voices-our-Republic-Constitution-Dershowitz/dp/1510751572>

GLOBAL ANTITRUST ECONOMICS - CURRENT ISSUES IN ANTITRUST AND LAW AND ECONOMICS (with Joshua D. Wright; Institute of Competition Law March 21, 2016);

REGULATION OF THE ELECTRONIC MASS MEDIA: LAW AND POLICY FOR RADIO, TELEVISION, CABLE AND THE NEW VIDEO TECHNOLOGIES, SECOND EDITION (with M. Botein and M. Director; West, 1991);

1983 SUPPLEMENT TO REGULATION OF BROADCASTING: LAW AND POLICY TOWARDS RADIO, TELEVISION AND CABLE COMMUNICATIONS (with M. Director; West, 1983);

INTERSTATE BANKING, 9 HOFSTRA LAW REV. 1133-1371 (Special Issue 1981);

GOVERNMENT, TECHNOLOGY, AND THE FUTURE OF THE AUTOMOBILE (editor, with W. Abernathy; McGraw-Hill, 1980);

ANTITRUST, UNCERTAINTY, AND TECHNOLOGICAL INNOVATION (National Academy of Engineering/National Research Council, 1980), reprinted at 24 ANTITRUST BULL. 635 (1980);

REGULATION OF BROADCASTING: LAW AND POLICY TOWARDS RADIO, TELEVISION AND CABLE COMMUNICATIONS (West, 1979);

Articles and Book Chapters

Dynamic Competition and Antitrust: Quick-Look Inferences From the Analysis of Big Tech's R&D Expenditure Ratios, forthcoming in the *Antitrust Law Journal* (2024) (with Jorge Padilla and Koren W. Wong-Ervin);

Reimagining Antitrust Institutions: A (Modest?) Proposal, *Review of Law & Economics*, forthcoming in the *Review of Law and Economics* (2024); George Mason Law & Economics Research Paper No. 23-22 (November 21, 2023) (with Joshua G. Wright);

Criminal Sanctions: An Overview of US, EU, and National Case Law, e-Competitions Special Issue (Concurrences, Dec. 2022) (with James R. Conde);

"The Administrative State Before the Supreme Court, Perspectives on the Nondelegation Doctrine", Peter J. Wallison and John Yoo, eds. (AEI Press, 2022);

GAI Report on the Digital Economy: Introduction & Executive Summary
Book Chapter (2020)

GAI Report on the Digital Economy: Specialized Tribunals
Book Chapter

GAI Report on the Digital Economy: Conclusion
Book Chapter (2020)

A Tale of Two Systems: Mergers Reviewed in China and the U.S., 2018-2020, in *Anti Monopoly Law-A Memoir of 12 Years' Enforcement* (CITIC Press, 2021, Li Qing ed.) (with Joanna Tsai);

Challenging Consummated Mergers Under Section 2, *Comp. Policy Int'l*, May 2020 (with Koren Wong-Ervin);

https://privpapers.ssrn.com/sol3/papers.cfm?abstract_id=3590703

AmEx: Beyond Transaction Platforms and Section 1, *Comp. Pol'y Int'l* (May 14, 2020) (with Koren Wong-Ervin);

https://privpapers.ssrn.com/sol3/papers.cfm?abstract_id=3601790

Common Ownership: Solutions in Search of a Problem, Frederic Jenny Liber Amicorum: An Antitrust Tribute (Nicolas Charbit ed., Vol II, 2021)

(with Keith Klovers);

https://privpapers.ssrn.com/sol3/papers.cfm?abstract_id=3279612

The Decline in U.S. Criminal Antitrust Cases: ACPERA and Leniency in an International Context, Albert A. Foer, *Liber Amicorum* (Nicolas Charbit ed., 2020) (with Cecilia (Yixi) Cheng);

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A Bargaining Model v. Reality in FTC v. Qualcomm: A Reply to Kattan & Muris, Competition Policy International (May 2019) (with Joshua D. Wright);

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The Troubling Use of Antitrust to Regulate FRAND Licensing, CPI ANTITRUST CHRONICLE, VOL. 10, NO.1 PP.2-8, (2015) (with Joshua D. Wright and Koren W. Wong-Ervin);
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Bork's "Legislative Intent" and the Courts, 79 ANTITRUST L.J. 941 (2014);
https://privpapers.ssrn.com/sol3/papers.cfm?abstract_id=2518600

Whither Symmetry? Antitrust Analysis of Intellectual Property Rights at the FTC and DOJ, 9 COMP. POL'Y INT'L., No. 2, at 41 (2013) (with Joshua D. Wright);
https://privpapers.ssrn.com/sol3/papers.cfm?abstract_id=2365577

Antitrust Settlements: The Culture of Consent, CONCURRENCES, No. 2–2013, at 56 (with Joshua D. Wright);

https://privpapers.ssrn.com/sol3/papers.cfm?abstract_id=2225894

Antitrust Courts: Specialists versus Generalists, 36 FORDHAM INT'L. L.J. 788 (2013) (with Joshua D. Wright);

https://privpapers.ssrn.com/sol3/papers.cfm?abstract_id=2289488

Dynamic Economics in Antitrust Analysis, 78 ANTITRUST L.J. 1 (2012) (with Joshua D. Wright); https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2084355

Behavioral Law and Economics: Its Origins, Fatal Flaws, and Implications for Liberty, 106 NW. U. L. REV. 1033 (2012) (with Joshua D. Wright); reprinted in LAW AND ECONOMICS: PHILOSOPHICAL ISSUES AND FUNDAMENTAL QUESTIONS (Aristides N. Hatzis & Nicholas Mercurio eds., 2015);

https://privpapers.ssrn.com/sol3/papers.cfm?abstract_id=2147940

The Role of Economic Analysis in Competition Law, in GETTING THE BALANCE RIGHT: INTELLECTUAL PROPERTY, COMPETITION LAW, AND ECONOMICS IN ASIA (Ian McEwin ed., 2011) (with Eric M. Fraser);

https://privpapers.ssrn.com/sol3/papers.cfm?abstract_id=1610189

Originalism and Economic Analysis: Two Case Studies of Consistency and Coherence in Supreme Court Decision Making, 33 HARV. J. OF L. & PUBLIC POL'Y 217 (2010); https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3845594

Antitrust Sanctions, 6 COMP. POL'Y INT'L, No. 2, at 3 (2010) (with Joshua D. Wright);

https://privpapers.ssrn.com/sol3/papers.cfm?abstract_id=1705701

The Future of Behavioral Economics in Antitrust Jurisprudence, 6 COMP. POL'Y INT'L No. 1, at 89 (2010) (with Derek W. Moore);

Rethinking Cartel Sanctions, 6 COMP. POL'Y INT'L (2010) (with Joshua Wright);

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1705701

The Role of Economic Analysis in Competition Law, in GETTING THE BALANCE RIGHT: INTELLECTUAL PROPERTY, COMPETITION LAW, AND ECONOMICS IN ASIA (Ian McEwin ed., 2010) (with Eric M. Fraser);

https://privpapers.ssrn.com/sol3/papers.cfm?abstract_id=1610189

Appellate Courts and Independent Experts, 60 CASE WESTERN L. REV. 303 (2010); https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3845595

The Prosecutor and Post-Conviction Claims of Innocence: DNA and Beyond?, 7

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https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3845596

The Future of Behavioral Economics in Antitrust Jurisprudence, 6 COMP. POL'Y INT'L 89 (2010) (with Derek W. Moore);

Nondelegation and the Unitary Executive, 12 U. PA. J. CONST. L. 251 (2010) (with Steven Menashi);
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The Costs and Benefits of Private and Public Antitrust Enforcement - An American Perspective, in COMPETITION LAW AND ECONOMICS: ADVANCES IN COMPETITION POLICY ENFORCEMENT IN THE EU AND NORTH AMERICA (Abel M. Mateus & Teresa Moreira. eds., 2010);

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https://privpapers.ssrn.com/sol3/papers.cfm?abstract_id=1075502

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https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3845607

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Comparing Antitrust Enforcement in the United States and Europe, 1 J. COMP. L. & ECON. 427 (2005);

Determinants of Private Antitrust Enforcement in the United States, Vol. 1, No. 2 COMP. POL. INT'L 29 (2005) (with L. Brannon);
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https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3847880

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International Antitrust: 2000 and Beyond, 68 ANTITRUST L.J. 571 (2000);
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3847887

Multinational Merger Review: Lessons From Our Federalism, 68 ANTITRUST L.J. 219 (2000) (with S. Angstreich);
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Legal Responses to Bounded Rationality in German Administration: Comment, 150 J. OF INSTITUTIONAL & THEORETICAL ECON. 163 (1994);

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A Property Rights Analysis of the Inefficiency of Investment Decisions by Labor-Managed Firms: Comment, 148 J. OF INSTITUTIONAL AND THEORETICAL ECON. 45 (1992);

The Goals of Antitrust Revisited: Comment, 147 J. of Institutional & Theoretical Econ. 24 (1991);

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Vertical Restraints: De Facto Legality Under the Rule of Reason, 60 ANTITRUST L.J. 67 (1991); https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3847938

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Making Automobile Regulation Work: Policy Options and a Proposal, in GOVERNMENT, TECHNOLOGY, AND THE FUTURE OF THE AUTOMOBILE, *supra*; reprinted in 2 Harv. J. L. & Pub. Pol'y 73 (1979);

Ernst Freund and the First Amendment Tradition: Afterword, 40 U. Chicago L. Rev. 235 (1973); https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3848691

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The Curse of Bigness, by Tim Wu, in Law360: Judging a Book (2018); https://privpapers.ssrn.com/sol3/papers.cfm?abstract_id=3296606

The Behavior of Federal Judges: A view from the D.C. Circuit, review of Lee Epstein, William Landes & Richard Posner, *The Behavioral of Federal Judges*, 97 *Judicature* (no. 2, 2013);

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