



## VITA: Bruce Harold Kobayashi

(Current as of 11/1/2021)

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### PERSONAL DATA:

- OFFICE ADDRESS: Antonin Scalia Law School at George Mason University, 3301 Fairfax Drive, Room 450G, Arlington, Virginia 22201.
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### CURRENT POSITION:

- Paige V. and Henry N. Butler Chair in Law and Economics, Antonin Scalia Law School at George Mason University, Arlington, VA (September 2021 to present).
- Senior Scholar, Global Antitrust Institute, Antonin Scalia Law School, Arlington, VA (August 2015 to present).

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### PAST POSITIONS:

- Professor of Law, Antonin Scalia Law School, Arlington, VA (September 2000 to August 2021).
- Director, Bureau of Economics, U.S. Federal Trade Commission, Washington, D.C. (May 2018 to December 2019).
- Associate Dean for Research and Faculty Development, Antonin Scalia Law School, Arlington, VA (September 2015 to May 2018).

- Founding Director, Global Antitrust Institute, Law & Economics Center, George Mason University School of Law, Arlington, VA (September 2014 to August 2015).
- Associate Dean for Academic Affairs, George Mason University School of Law, Arlington, VA (September 2004 to May 2006).
- Associate Professor of Law with Tenure - George Mason University School of Law, Arlington, VA (September 1997 to September 2000).
- Associate Professor of Law - George Mason University School of Law, Arlington, VA (September 1995 to September 1997).
- Assistant Professor of Law - George Mason University School of Law, Arlington, VA (August 1992 to September 1995). Courses taught include Financial Economics, Litigation Theory and Dispute Resolution, The Legal and Economic Theory of Intellectual Property, Quantitative Forensics, Money and Capital Markets, and International Economics.
- Senior Economist - Federal Trade Commission, Bureau of Economics, Washington, D. C. (December 1989 to August 1992). Authored numerous FTC staff comments on proposed Federal Communications Commission and Federal Aviation Administration Rulemakings. Provided analysis of proposed revisions to the Department of Justice Merger Guidelines and of proposed European Community Antitrust Law policies.
- Senior Research Associate - United States Sentencing Commission, Washington, D. C. (January 1989 to December 1989). Conducted research on how changes to the U. S. Sentencing Guidelines would impact prison populations, and on plea-bargaining and deterrence.
- Economist - United States Department of Justice-Antitrust Division, Washington, D. C. (September 1986 to January 1989). Provided economic analysis of and litigation support for numerous proposed merger transactions and provided testimony in a criminal price fixing trial.
- Economic Associate - Economic Analysis Corporation, Los Angeles, CA (April 1985 to August 1986). Provided economic analysis and litigation support for numerous private antitrust lawsuits.

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#### **PROFESSIONAL ACTIVITIES:**

- Academic Advisor, Committee to Review Uniform Law Commission Acts (October 2021-present).
- Referee, *American Economic Review*, *American Law & Economics Review*, *Economic Inquiry*, *Encyclopedia of Law & Economics*, *International Review of Law & Economics*, *Journal of Competition Law & Economics*, *Journal of Economic Behavior & Organization*, *Journal of Law & Economics*, *Journal of*

*Law, Economics & Organization, Journal of Legal Studies, Journal of Policy Analysis & Management, International Journal of Industrial Organization, Public Choice, RAND Journal of Economics, Research in Law & Economics, Supreme Court Economic Review.*

- Instructor, Global Antitrust Institute:
  - GAI Economics Institute for Competition Judges and Enforcement Officials, Seoul, South Korea (November 2016), Melbourne, Australia (June 2017).
  - Global Antitrust Institute Economics Institute for Competition Officials, Sydney, Australia (May 2015), Kahuku, HI (November 2015), Dubai, UAE (March 2017), Honolulu, HI (March 2018), Santa Monica, CA (June 2018), Huntington Beach, CA (June 2019), Kona, HI (September 2019).
  - Global Antitrust Institute Economics Institute for Competition Judges, Singapore (March 2015), Rio de Janeiro, Brazil (October 2015), Shanghai, China (December 2016), Lisbon, Portugal (June 2018), Scottsdale, AZ (October 2020), Charleston, SC (June 2021).
- Instructor, Law & Economics Center:
  - Antitrust Institute for Federal Judges, Orlando, FL (April 1997).
  - Economics Institute for Law Professors, Hanover, NH (July 1997), Hot Springs, VA (July 2015, July 2016).
  - Workshop on Empirical and Experimental Methods for Law Professors, Arlington, VA (May 2011, May 2012, May 2013, May 2014, May 2015, May 2016).
  - Workshop for Law Professors on the Economics of Litigation and Civil Procedure, Captiva, FL (January 2013), Duck Key, FL (January 2015).
  - Judicial Education Program, Economic Institute for Judges, Arlington, VA (October 2010, March 2011, May 2011, September 2011, May 2012, September 2012, November 2012, February 2013, April 2013, September 2013, October 2013, March 2014, May 2014, September 2014, March 2015, September 2015, October 2015, May 2016, March 2017, May 2017, December 2017 (Chapman University, Orange CA), November 2020 (San Antonio, TX), March 2021 (Destin, FL), April 2021 (Arlington, VA), October 2021 (Arlington, VA).
  - Judicial Education Program, Advanced Law & Economics Institute for Judges, August 2021 (Greenbrier, WVA).
  - Judicial Education Program, Beaver Creek Colloquium, June 2021 (Beaver Creek, CO).

- Attorneys General Education Program, Public Policy Institute, Arlington, VA (December 2010, May 2011, December 2011, March 2012, October 2012, September 2013, September 2014, September 2015).
- Attorneys General Education Program, Advanced Policy Institute on Antitrust Economics, Arlington, VA (June 2011).
- Attorneys General Education Program, Program on Network Effects, Platforms, and the State of Competition in the Digital Economy, Arlington, VA (April 2021).
- Attorneys General Education Program, The Changing Antitrust Frontier: Study Group for State Solicitors General & State Attorneys General, Washington, DC (October 2021).
- LEC/Federal Judicial Center/American Bar Association Section of Antitrust Law Antitrust Law & Economics Institute for Judges, Arlington, VA (October 2011, October 2012, October 2013, October 2014, October 2015).
- Instructor, Center for the Protection of Intellectual Property, Mark Twain Copyright Program, Scottsdale, AZ (May 2014).
- Member, Searle Civil Justice Institute, Board of Overseers (2010 to 2015).
- Chair, Executive Board of the American Association of Law Schools Section on Antitrust and Economic Regulation (2011, member 2006 – 2011).
- Member, Advisory Board of the BNA's *Patent, Trademark & Copyright Journal*, (2005 –2009).
- Member, Mason Investment Committee, (2004 – 2009).
- Consultant for the United States Telecommunications Association, (2005).
- Consultant for Goodwin Procter LLP, (In re Managed Care Litigation, MDL No. 1334, 2004-5).
- Consultant for the CapAnalysis Group (Competition in the Domain Name Registry Industry, 2004).
- Speaker, Law Seminars International Program on Calculating and Proving Patent Damages, (June 2003).
- Consultant for the Brattle Group (Proposed Merger Transaction, 2000).  
Consulting Editor - *Supreme Court Economic Review* (May 1995 – June 2001).
- Expert Witness for IDS Financial Services in *IDS Financial Services, Inc v. State of Florida, Department of Business and Professional Regulation, Division of Public Accounting, et al.*, Circuit Court of the Second Judicial Circuit in and for Leon Count, Florida (1994).

- Expert Witness for American Express Tax and Business Services in American Express Tax and Business Services v. George Stuart, et al., U.S. District Court for the Southern District of Florida, (1995).
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#### **EDUCATION:**

- University of California, Los Angeles B. S., Economics-System Science, June 1981. Summa Cum Laude, Phi Beta Kappa.
  - University of California, Los Angeles M. A., Economics, December 1982.
  - University of California, Los Angeles Ph.D., Economics, December 1986.
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#### **FIELDS OF INTEREST:**

- Law and Economics.
  - Financial Economics.
  - Economic Theory and Applications to Industrial Organization and Antitrust.
  - The Economics of Uncertainty and Information.
  - The Economics of the Legal System.
  - The Economics of Intellectual Property.
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#### **PROFESSIONAL AFFILIATIONS:**

- Member, American Economic Association.
  - Member, American Law and Economics Association.
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#### **DISSERTATION:**

"Patent Licenses and the Incentive to Innovate: An Alternative Viewpoint," Professor John G. Riley, Chair, University of California, Los Angeles, November 1986.

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#### **WORKING PAPERS:**

Recent Working Papers available on SSRN at:  
<http://ssrn.com/author=16451>.

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#### **PUBLICATIONS:**

##### **A. BOOKS**

- ECONOMICS OF FEDERALISM, (with L. Ribstein), Edward Elgar Publishing, Ltd., (2007).

## B. BOOK CHAPTERS

- *Non-Competes & No Poach Agreements in Technology Markets*, GAI Report on the Digital Economy (2021) available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3733724](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3733724).
- *Antitrust and Ex-Ante Sector Regulation* (with J Wright) GAI REPORT ON THE DIGITAL ECONOMY (2021) available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3733740](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3733740).
- *Exemptions and Immunities* (with J. Wright) GAI REPORT ON THE DIGITAL ECONOMY (2021) available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3733747](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3733747).
- *The Effect of Optimal Penalties for Organizations Convicted of Price Fixing in the Presence of Criminal Sanctions for Individuals*, (with M. Burtis) in LIBER AMICORUM IN HONOR OF JUDGE DOUGLAS H. GINSBURG (2018).
- *Economics of Litigation*, THE OXFORD HANDBOOK OF LAW AND ECONOMICS, Vol. III: Public Law & Legal Institutions, Chapter 10, pp. 201-228, F. Parisi, ed. (2017).
- *Private Lawdrafting, Intellectual Property, and Public Laws*, (with L. Ribstein) in REGULATORY COMPETITION IN CONTRACT LAW AND DISPUTE RESOLUTION, Hart Publishing (2013), pp. 43-65.
- *Adversarial versus Inquisitorial Process*, (with L. Froeb) in the ENCYCLOPEDIA OF LAW AND ECONOMICS: PROCEDURAL LAW AND ECONOMICS, C. Sanchirico, ed. (2012).
- *The Law and Economics of Predatory Pricing*, in ANTITRUST LAW AND ECONOMICS, K. Hylton, ed. Edward Elgar Publishing, Ltd. (2009), pp. 116-156.
- *Two Tales of Bundling: Implications for the Applications of Antitrust Law to Bundled Discounts*, in ANTITRUST POLICY AND VERTICAL RESTRAINTS, AEI-BROOKINGS JOINT CENTER, R. W. Hahn, ed. (2006), pp.10-37. Published version available online at: <http://www.aei-brookings.org/publications/abstract.php?pid=1098>.
- *Private Versus Social Incentives in Cybersecurity, Law, and Economics*, in THE LAW & ECONOMICS OF CYBERSECURITY, M. Grady & F. Parisi, eds., Cambridge University Press (2005), pp. 13-28.
- *Multijurisdictional Regulation of the Internet*, (with L. Ribstein) in WHO RULES THE NET? INTERNET GOVERNANCE AND JURISDICTION, A. Thierer & C. W. Crews Jr., eds. Cato Institute (2003), pp. 159-215.

- *Intellectual Property and Antitrust Limitations on Contract*, (with M. Burtis) in DYNAMIC COMPETITION AND PUBLIC POLICY: TECHNOLOGY, INNOVATION AND ANTITRUST ISSUES, J. Ellig, ed. Cambridge University Press (2001), pp.229-263.
- *Civil Procedure*, (with J. Parker) in THE ENCYCLOPEDIA OF LAW AND ECONOMICS, VOL. V, Boudewijn Bouckaert & Garrit DeGeest, eds. Edward Elgar, (2000), pp. 1-26. Published version available online at <http://allserv.rug.ac.be/~gdegeest/7000book.pdf>.
- *Evidence*, (with J. Parker) in THE ENCYCLOPEDIA OF LAW AND ECONOMICS, VOL. V, Boudewijn Bouckaert & Garrit DeGeest, eds. Edward Elgar, (2000), pp. 290-306. Published version available online at <http://allserv.rug.ac.be/~gdegeest/7900book.pdf>.
- *Contract and Jurisdictional Competition*, (with L. Ribstein) in THE RISE AND FALL OF THE FREEDOM OF CONTRACT, F. H. Buckley, ed. Duke University Press, (1999).
- *Performance Rights*, THE NEW PALGRAVE DICTIONARY OF LAW AND ECONOMICS, Peter Newman, ed., (1998).
- *Joint Ventures*, (with L. Ribstein) THE NEW PALGRAVE DICTIONARY OF LAW AND ECONOMICS, Peter Newman, ed., (1998).
- *Gun Control, Strict Liability, and Excise Taxes*, in TAXING CHOICE: THE PREDATORY POLITICS OF FISCAL DISCRIMINATION, William Shughart, II, ed., Transaction Publishers (1997), pp. 309-346.

### C. PUBLICATIONS IN PEER-REVIEWED JOURNALS

- *What's Next in Apple Inc. v. Pepper?: The Indirect Purchaser Rule and the Economics of Pass Through*, (with J. Wright), 2018-2019 CATO SUPREME COURT REVIEW, (2019), pp. 249-269.
- *Economics at the FTC: Quantitative Analyses of Two Chemical Manufacturing Mergers*, (with D. Greenfield, J. Sandford, C. Taylor & N. Wilson), REVIEW OF INDUSTRIAL ORGANIZATION, Vol. 55 (2019), pp. 607-23.
- *Economics at the FTC: Non-price Merger Effects and Deceptive Automobile Ads*, with M. Jones & J. O'Connor), REVIEW OF INDUSTRIAL ORGANIZATION, VOL. 53 (2018), pp. 593-614.
- *Error Costs, Legal Standards of Proof, and Statistical Significance*, (with M. Burtis & J. Gelbach), SUPREME COURT ECONOMIC REVIEW, VOL. 25 (2018), pp. 1-57.
- *I Can See Clearly Now: Lee Benham, Eyeglasses, and the Empirical Analysis of Advertising and The Effects of Professional Regulation*, (with T. Muris). COMPETITION POLICY INTERNATIONAL, VOL. 9 (2013), pp. 156-161.

- *Law as Product and Byproduct*, (with L. Ribstein), JOURNAL OF LAW, ECONOMICS & POLICY, VOL. 9 (2013), pp. 521-567.
- *The Effect of Contract Regulation on Franchising*, (with J. Klick & L. Ribstein) JOURNAL OF INSTITUTIONAL & THEORETICAL ECONOMICS, VOL. 168 (2012), pp. 38-53.
- *Federalism, Substantive Preemption, and Limits on Antitrust: An Application to Patent Holdup*, (with J. Wright) JOURNAL OF COMPETITION LAW & ECONOMICS, VOL. 6 (2009), pp. 469-516.
- *Challenges to the Brooke Group Rule: Has Modern Economics Overcome the Case for Simple Antitrust Rules to Regulate Pricing Behaviour?* COMPETITION & CONSUMER LAW JOURNAL, VOL. 15 (2007), pp. 156-182.
- *Does Economics Provide a Reliable Guide to Regulating Commodity Bundling by Firms? A Survey of the Economic Literature*, JOURNAL OF COMPETITION LAW & ECONOMICS, VOL. 1 (2005), pp. 707-46. Published version available online at:  
<http://jcle.oxfordjournals.org/cgi/reprint/1/4/707?ijkey=7PAxdPovbfmj4Uo&keytype=ref>.
- *The Economics of Loyalty Discounts and Antitrust Law in the United States*, COMPETITION POLICY INTERNATIONAL, VOL. 1 (Autumn 2005), pp. 115-148. Published version available online at:  
<http://www.esapience.org/render cms image.aspx?itemID=614&detailID=151>.
- *An Economic Analysis of the Private and Social Costs of the Provision of Cybersecurity and other Pubic Security Goods*, SUPREME COURT ECONOMIC REVIEW, VOL. 14 (2005) pp. 261-280.
- *When an Original is Better than a Copy: Intellectual Property, the Antitrust Refusal to Deal, and ISO Antitrust Litigation*, (with M. Burtis) SUPREME COURT ECONOMIC REVIEW, VOL. 9 (2001), pp. 143-170.
- *Evidence Production in Adversarial vs. Inquisitorial Regimes*, (with L. Froeb) ECONOMICS LETTERS, VOL. 70 (February 2001), pp. 267-272.
- *Market Failure or Market Efficiency? Evidence on Airport Slot Usage* (with A. Kleit) RESEARCH IN TRANSPORTATION ECONOMICS, VOL. 4 (1996), pp. 1-32.
- *In Defense of Criminal Defense Expenditures and Plea Bargaining*, (with J. Lott) INTERNATIONAL REVIEW OF LAW & ECONOMICS, VOL. 16 (December 1996), pp. 397-416.
- *Case Selection, External Effects, and the Trial/Settlement Decision*, in DISPUTE RESOLUTION: BRIDGING THE SETTLEMENT GAP, David A. Anderson, ed., JAI Press (1996), pp. 17-49.

- *Evolution and Spontaneous Uniformity: Evidence from the Evolution of the Limited Liability Company*, (with L. Ribstein) *ECONOMIC INQUIRY*, VOL. 34 (July 1996), pp. 464-483.
- *Naive, Biased, Yet Bayesian: Can Juries Interpret Selectively Produced Evidence?* (with L. Froeb) *JOURNAL OF LAW, ECONOMICS & ORGANIZATION*, VOL. 12 (Spring 1996), pp. 257-276.
- *An Economic Analysis of Uniform State Laws*, (with L. Ribstein) *JOURNAL OF LEGAL STUDIES*, VOL. 25 (January 1996), pp. 131-199.
- *An Economic Analysis of Performance Rights: Some Implications of the Copyright Act of 1976*, (with B. Yu) *RESEARCH IN LAW & ECONOMICS*, VOL. 17 (1995), pp. 219-251.
- *No Armistice at 11: A Comment on the Amendments to Rule 11 of the Federal Rules of Civil Procedure*, (with J. Parker) *SUPREME COURT ECONOMIC REVIEW*, VOL. 3 (December 1993), pp. 93-152.
- *Indexing Individual Inventors: The Sources of Invention Revisited*, (with B. Yu) *JOURNAL OF ECONOMIC BEHAVIOR & ORGANIZATION*, VOL. 21 (July 1993), pp. 205-222.
- *Deterrence with Multiple Defendants*, *RAND JOURNAL OF ECONOMICS*, VOL. 23:4 (Winter 1992), pp. 507-517.
- *Low Probability-High Penalty Enforcement Strategies and the Efficient Operation of the Plea Bargaining System*, (with J. Lott) *INTERNATIONAL REVIEW OF LAW & ECONOMICS*, VOL. 12:1 (March 1992), pp. 69-78.
- *An Efficiency Rationale for Horizontal Price Fixing: A Market Tournament of Innovation*, (with B. Yu) *ASIAN ECONOMIC JOURNAL*, (September 1990), pp. 96-113.

#### **D. PUBLICATIONS IN LAW REVIEWS**

- *Organizational Form and Enforcement Innovation*, (with L. Froeb & J. Yun), *ANTITRUST LAW JOURNAL* (forthcoming 2022).
- *Unreasonable: A Strict Liability Solution to the FTC's Data Security Problem*, (with J. Cooper), *MICHIGAN TECHNOLOGY LAW REVIEW* (forthcoming 2021).
- *Equitable Monetary Relief Under the FTC Act: An Opportunity for a Marginal Improvement*, (with J. Cooper), *ANTITRUST LAW JOURNAL*, VOL. 83, pp. 645-695 (2021), winner of the Concurrences 2021 Antitrust Writing Award for an academic article in the procedure category.
- *Regarding the Optimality of Cartel Fines*, (with M. Burtis), *ABA ANTITRUST SECTION, CARTEL & CRIMINAL PRACTICE COMMITTEE NEWSLETTER*, (March 2017).

- *The Law and Economics of Proportionality in Discovery*, (with J. Gelbach) GEORGIA LAW REVIEW, VOL. 50, pp. 1093-1120 (2016).
- *Actavis and Multiple ANDA Entrants: Beyond the Temporary Duopoly*, (with J. Wright, D. Ginsburg & J. Tsai) ANTITRUST MAGAZINE, VOL. 29 pp. 89-97 (Spring 2015).
- *Opening Pandora's Black Box: A Coasian 1937 View of Performance Rights Organizations in 2014*, GEORGE MASON LAW REVIEW, VOL 22, pp. 925-942 (2015).
- *Law's Information Revolution as Procedural Reform: Predictive Search as a Solution to the In Terrorem Effect of Externalized Discovery Costs*, UNIVERSITY OF ILLINOIS LAW REVIEW, VOL. 2014, pp. 1473-1519.
- *The Limits of Antitrust and Patent Holdup: A Reply to Cary et al.*, (with J. Wright) ANTITRUST LAW JOURNAL, VOL. 78 (2012), pp. 505-526.
- *Chicago, Post-Chicago, and Beyond: Time to Let Go of the 20th Century*, (with T. Muris) ANTITRUST LAW JOURNAL, VOL. 78 (2012), pp. 147-172.
- *Nevada and the Market for Corporate Law*, (with L. Ribstein) SEATTLE UNIVERSITY LAW REVIEW, VOL. 35 (2012), pp. 1165-1188.
- *Law's Information Revolution*, (with L. Ribstein) ARIZONA LAW REVIEW, VOL. 53 (2011), pp. 1169-1220.
- *Antitrust and Bundled Discounts: An Experimental Analysis-A Reply*, (with T. Muris, V. Smith & A. Caliskan) ANTITRUST LAW JOURNAL, VOL. 77 (2011), pp. 683-699.
- *Delaware for Small Fry: Jurisdictional Competition for Limited Liability Companies*, (with L. Ribstein) UNIVERSITY OF ILLINOIS LAW REVIEW, VOL. 2011 (2011), pp. 91-143.
- *The Non-Uniformity of Uniform Laws*, (with L. Ribstein) JOURNAL OF CORPORATION LAW, VOL. 35 (Winter 2010), pp. 327-392.
- *Federalism, Variation, and State Regulation of Franchise Termination*, (with J. Klick & L. Ribstein) ENTREPRENEURIAL BUSINESS LAW JOURNAL, VOL. 3 (2009), pp. 355-379.
- *Spilled Ink or Economic Progress? The Supreme Court's Decision in Illinois Tool Works v. Independent Ink*, THE ANTITRUST BULLETIN, VOL. 53 (Spring 2008), pp 5-33.
- *The Hypocrisy of the Milberg Indictment: The Need for a Coherent Framework on Paying for Cooperation in Litigation*, (with L. Ribstein), JOURNAL OF BUSINESS & TECHNOLOGY LAW, VOL. 2 (2007), pp. 369-389 (available online at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=955952](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=955952).)
- *Outsider Trading as an Incentive Device*, (with L. Ribstein), U. C. DAVIS LAW REVIEW, VOL. 40 (November 2006), pp. 21-84.

- *Class Action Lawyers as Lawmakers*, (with L. Ribstein), ARIZONA LAW REVIEW, VOL. 46 (Winter 2004), pp. 733-780.
- *Privacy and Firms*, (with L. Ribstein), DENVER UNIVERSITY LAW REVIEW, VOL. 79 (Summer 2002), p. 526.
- *State Regulation of Electronic Commerce*, (with L. Ribstein) EMORY LAW JOURNAL, VOL. 51 (Winter 2002), pp. 1-82.
- *Agency, Amnesty, & Antitrust: An Economic Analysis of the Criminal Enforcement of the Antitrust Laws Against Corporations*, GEORGE WASHINGTON LAW REVIEW, VOL. 69 (October/December 2001), pp. 715-744.
- *Choice of Form and Network Externalities*, (with L. Ribstein) WILLIAM & MARY LAW REVIEW, VOL. 43 (2001), pp. 79-140.
- *Introduction: Microsoft Remedies*, GEORGE MASON LAW REVIEW, Vol. 9, (Spring 2001), pp. 631-632.
- *Uniformity, Choice of Law, and Software Sales*, (with L. Ribstein) GEORGE MASON LAW REVIEW, Vol. 8 (Winter 1999), pp. 261-306.
- *Game Theory and Antitrust: A Post Mortem*, GEORGE MASON LAW REVIEW, Vol. 5 (Spring 1997), pp. 411-421.
- *In re 101 California Street: A Legal and Economic Analysis of Strict Liability for the Manufacture and Sale of Firearms Defined as 'Assault Weapons'* (with J. Olson) STANFORD LAW AND POLICY REVIEW, Vol. 8, (1997), pp.41-62.
- *Uniform Laws, Model Laws and Limited Liability Companies*, (with L. Ribstein) UNIVERSITY OF COLORADO LAW REVIEW, Vol. 66 (July 1995), pp. 947-999.

#### E. OTHER PUBLICATIONS:

- *A Key FTC Case Goes Down the Regulatory Rabbit Hole*, (with T. Muris), BARRON'S (10/01/2021), available online at: <https://www.barrons.com/articles/grail-illumina-ftc-case-misguided-51633096615>
- *Screening Out Innovation: Vertical Merger Principles and the FTC's Misapplication in the Illumina-GRAIL Case* (with T. Muris), COMPETITIVE ENTERPRISE INSTITUTE REPORT (August 2021), available online at: <https://cei.org/studies/screening-out-innovation/>
- *After the MOU Extension: More Competition, Less Regulation is the Solution to ICANN's Problems*, PROGRESS & FREEDOM FOUNDATION PROGRESS ON POINT, Release 13.29 (October 2006), available online at <http://www.pff.org/issues-pubs/pops/pop13.29solutiontoicannsproblems.pdf>.
- *A Recipe for Cookies: State Regulation of Consumer Marketing Information*, (with L. Ribstein), AMERICAN ENTERPRISE INSTITUTE FEDERALISM PROJECT

ROUNDTABLE PAPER SERIES (2001), available online at <http://www.federalismproject.org/>.

**F. WRITTEN COMMENTS:**

- Testimony before the House Subcommittee on Antitrust, Commercial and Administrative Law, on Reviving Competition, Part 4: 21<sup>st</sup> Century Antitrust Reforms and the American Worker, September 28, 2021, Written Testimony available online at <https://docs.house.gov/meetings/JU/JU05/20210928/114057/HHRG-117-JU05-Wstate-KobayashiB-20210928.pdf>
- Comment of the Global Antitrust Institute to the New York Senate Committee on Consumer Protection in Connection with Its Pending Consideration of the Twenty-First Century Antitrust Act (S.933) (June 4, 2021), available online at <https://ssrn.com/abstract=3860427> or <http://dx.doi.org/10.2139/ssrn.3860427>.
- Comment of the Global Antitrust Institute, Antonin Scalia Law School at George Mason University, on the Proposed Amendments to the Competition Law of the Socialist Republic of Vietnam, May 7, 2017, electronic version available at [https://gai.gmu.edu/wp-content/uploads/sites/27/2016/07/GAI-Comment\\_Vietnam-Competition-Law\\_5-7-17\\_FINAL.pdf](https://gai.gmu.edu/wp-content/uploads/sites/27/2016/07/GAI-Comment_Vietnam-Competition-Law_5-7-17_FINAL.pdf).
- Comment of the Global Antitrust Institute, Antonin Scalia Law School at George Mason University, on the Japan Fair Trade Commission's Draft Guidelines Concerning Distribution Systems and Business Practices Under the Antimonopoly Act, May 4, 2017.
- Comment of the Global Antitrust Institute, Antonin Scalia Law School at George Mason University, on the Communication from the Commission on Standard Essential Patents for a European Digitalised Economy, April 28, 2017.
- Comment of the Global Antitrust Institute, Antonin Scalia Law School at George Mason University, on the Anti-Monopoly Commission of the State Council's Anti-Monopoly Guidelines on the Abuse of Intellectual Property Rights, April 13, 2017
- Comment of the Global Antitrust Institute, Antonin Scalia Law School at George Mason University, on the Proposed Revisions to the People's Republic of China Anti-Unfair Competition Law, March 19, 2017
- Comment of the Global Antitrust Institute, Antonin Scalia Law School at George Mason University, on the U.S. Antitrust Agencies' Proposed

- Update of the Antitrust Guidelines for the Licensing of Intellectual Property, September 19, 2016.
- Comment of the Global Antitrust Institute, Antonin Scalia Law School at George Mason University, on the Japan Fair Trade Commission's Consultation on the Administrative Surcharge System, August 6, 2016.
  - Comment of the Global Antitrust Institute, Antonin Scalia Law School at George Mason University, on the Proposed Revisions to the Guidelines of the Anti-Monopoly Commission of the State Council on Determining the Illegal Gains Generated from Monopoly Conduct and on Setting Fines, July 9, 2016.
  - Comment of the Global Antitrust Institute, Antonin Scalia Law School at George Mason University, on the India Department of Industrial Policy and Promotion's Discussion Paper on Standard Essential Patents, March 31, 2016.
  - Comment of the Global Antitrust Institute, Antonin Scalia Law School at George Mason University, on the Proposed Revisions to the People's Republic of China Anti-Unfair Competition Law, March 24, 2016.
  - Comment of the Global Antitrust Institute, George Mason University School of Law, on the National Development and Reform Commission's Draft Anti-Monopoly Guideline on Intellectual Property Abuse, (with D. Ginsburg, K. Wong-Ervin, & J. Wright), available as George Mason Law & Economics Research Paper No. 16-04 (January 2016), electronic version available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2715173](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2715173).
  - Comment of the Global Antitrust Institute, George Mason University School of Law, on the State Administration for Industry and Commerce Anti-Monopoly Guidelines on the Abuse of Intellectual Property Rights, (with D. Ginsburg, K. Wong-Ervin, & J. Wright), available as George Mason Law & Economics Research Paper No. 16-02 (January 2016), electronic version available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2713763](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2713763).
  - Comment of the Global Antitrust Institute, George Mason University School of Law, on the Korea Fair Trade Commission's Amendment to Its Review Guidelines on Unfair Exercise of Intellectual Property Rights, (with D. Ginsburg, K. Wong-Ervin, & J. Wright), available as George Mason Law & Economics Research Paper No. 16-01 (January 2016), electronic version available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2710281](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2710281).
  - Comment of the Global Antitrust Institute, George Mason University School of Law, on the European Commission's Public Consultation on the Regulatory Environment for Platforms, (with J. Cooper, D. Ginsburg, K.

- Wong-Ervin, and J. Wright), available as George Mason Law & Economics Research Paper No. 15-58 (December 2015), electronic version available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2709188](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2709188), summary published as Problems with the European Commission's Platform Survey and Lessons Learned from the Economics of Multi-Sided Platforms and Privacy, Competition Policy International Europe Column, (January 2016).
- Comment of the Global Antitrust Institute, George Mason University School of Law, on the Questionnaire for the Revision of China's Anti-Monopoly Law, (with D. Ginsburg, K. Wong-Ervin, & J. Wright), available as George Mason Law & Economics Research Paper No. 15-56 (December 2015), electronic version available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2702169](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2702169).
  - Comment of the Global Antitrust Institute, George Mason University School of Law, on the National Development and Reform Commission's Anti-Monopoly Guide on Abuse of Intellectual Property Rights, (with D. Ginsburg, K. Wong-Ervin, & J. Wright), available as George Mason Law & Economics Research Paper No. 15-52 (November 2015), electronic version available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2689870](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2689870).
  - Comment of the Global Antitrust Institute, George Mason University School of Law, on the Korea Fair Trade Commission's Revised Review Guidelines on Unfair Exercise of Intellectual Property Rights, (with D. Ginsburg, K. Wong-Ervin, & J. Wright), available as George Mason Law & Economics Research Paper No. 15-45 (October 2015), electronic version available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2669510](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2669510).
  - Comment of the Global Antitrust Institute, George Mason University School of Law, on the National Development and Reform Commission's Questionnaire on Intellectual Property Misuse Antitrust Guidelines, (with D. Ginsburg, K. Wong-Ervin, & J. Wright), available as George Mason Law & Economics Research Paper No. 15-42 (September 2015), electronic version available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2667839](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2667839).
  - Comment (with L. Ribstein) on Warranty Protection for High-Tech Products and Services, Federal Trade Commission, P994413, September 11, 2000.
  - Comment of the Staff of the Bureau of Economics, Before the Federal Communications Commission, In the Matter of Evaluation of the Syndication and Financial Interest Rules, MM Docket No. 90-162, September 5, 1990.
  - Further Comment of the Staff of the Bureau of Economics, Before the Federal Communications Commission, In the Matter of Evaluation of the

- Syndication and Financial Interest Rules, MM Docket No. 90-162, December 21, 1990.
- Comment of the Staff of the Bureau of Economics, Before the Federal Communications Commission, In the Matter of Bundling of Cellular Customer Premises Equipment and Cellular Service, CC Docket No. 91-34, July 31, 1991.
  - Comment of the Staff of the Bureau of Economics, Before the Federal Aviation Administration, In the Matter of High Density Traffic Airports: Slot Allocation and Transfer Methods, Docket No. 25758, November 15, 1991.
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#### **SELECTED CONFERENCES AND PRESENTATIONS:**

- Panelist, A Dawning Era for Vertical Mergers?: The New Vertical Merger Guidelines, the FTC's Challenge to Illumina/Grail, and the Future of Enforcement, The Federalist Society, Regulatory Transparency Project, online, July 2021.
- Presented *Economic Innovation at the Antitrust Agencies*, (with Luke Froeb & John Yun) at the Antitrust Law Journal's Antitrust Institutions Symposium, online, May 2021.
- Moderator, The Future of FTC Remedies, George Mason Law Review Symposium, online, February 2021.
- Discussant, Law and Economics Center Program on Economics and Privacy Scholars Research Roundtable, online, February 2021.
- Discussant, Tenth Annual Manne Faculty Forum, Antonin Scalia Law School, Arlington, VA, August 2020.
- Moderator, Northwestern Center on Law, Business, and Economics, Panel Discussion on Prospects for the Protection of Intellectual Property Rights, 13<sup>th</sup> Annual Conference on Innovation Economics, online, August 2020.
- Panelist, Competition Policy International Antitrust Roundtable, online, July 2020.
- Panelist, The Impact of State Antitrust Enforcement, George Mason Law Review 23<sup>rd</sup> Annual Antitrust Symposium, Arlington, VA, February 2020.
- Panelist, Mergers: Magical thinking: Considering modern theories of harm, GCR Live 9<sup>th</sup> Annual Antitrust Law Leaders Forum, Miami, FL, February 2020.
- Presented *An Unreasonable Solution: Rethinking the FTC's Current Approach to Data Security*, at the Cyber Insurance and Cyber Resilience Workshop, University of Pennsylvania Law School, Philadelphia, PA, December 2019.

- Panelist, International Center for Law and Economics and Charles Koch Institute Program, Is Big Business Bad: The Law and Economics of Innovation, Entrepreneurship and Antitrust, Ft. Lauderdale, FL, November 2019.
- Keynote Speaker, *Innovation, Antitrust and Regulation*, Northwestern Center on Law and Business Twelfth Annual Conference on Innovation Economics, Northwestern University, Chicago, IL, June 2019.
- Moderator, What Should the FTC's Retrospective Program Be Over the Next Decade? Federal Trade Commission Hearings on Competition and Consumer Protection in the 21<sup>st</sup> Century, Washington, DC, April 2019.
- Panelist, ABA Section of Antitrust Law 67<sup>th</sup> Annual Spring Meeting, Agency Update with the FTC Bureau Directors, Washington, DC, March 2019.
- Panelist, US Chamber of Commerce Panel on Procedural Fairness in Antitrust Proceedings, Washington, DC, March 2019.
- Opening Remarks, FTC Consumer Protection Economics Symposium, Washington, DC (December 2018).
- Speaker, ABA Section of Antitrust Law, Economics Committee, Meet the Director: New Initiatives at the Federal Trade Commission, Washington, DC, November 2018.
- Panelist, Measuring Market Concentration, Challenges to Antitrust in a Changing Economy, Harvard Law School, Cambridge, MA, November 2018.
- Moderator, Vertical Mergers, Federal Trade Commission Hearings on Competition and Consumer Protection in the 21<sup>st</sup> Century, Washington, DC, November 2018.
- Panelist, Searle Center Public Policy Forum on Coordination and Collusion in Standard Development Organizations – Governance and Antitrust Implications, Washington, DC, October 2018.
- Panelist, Antitrust Economics Workshop Panel on Merger Retrospectives, Fordham Law School, New York, NY, September 2018.
- Presented *Legal Sufficiency of Statistical Evidence*, at the American Law and Economics Association Annual Meetings, Boston, MA, May 2018.
- Moderator, Revisiting Vertical Antitrust Enforcement, George Mason Law Review 21<sup>st</sup> Annual Antitrust Symposium, Arlington, VA, February 2018.
- Presented *Error Costs, Legal Standards of Proof, and Statistical Significance*, at the *Supreme Court Economic Review's* Research Roundtable on the Economics of Legal Error, Antonin Scalia Law School, Arlington, VA, February 2018.

- Moderator, Panel on Rethinking the IP/Antitrust Interface, Center for the Protection of Intellectual Property Fall Conference, Antonin Scalia Law School, Arlington, VA, October 2017.
- Moderator and Discussion Leader, Seventh Annual Manne Faculty Forum, Antonin Scalia Law School, Arlington, VA, September 2017.
- Presented *Error Costs, Legal Standards of Proof, and Statistical Significance*, at the Law & Economics Colloquium, University of Michigan Law School, Ann Arbor, MI, March 2017.
- Moderator and Discussion Leader, Sixth Annual Manne Faculty Forum, George Mason Law School, Arlington, VA, September 2016.
- Panelist, 12<sup>th</sup> Annual Symposium of the Journal of Law, Economics, and Policy – The Enduring Legacy of Henry G. Manne, Arlington, VA, January 2016.
- Participant, Law & Economics Center Research Roundtable for Privacy Fellows, George Mason Law School, Arlington, VA, December 2015.
- Moderator and Discussion Leader, Fifth Annual Manne Faculty Forum, George Mason Law School, Arlington, VA, September 2015.
- Participant, Law & Economics Center Research Roundtable on Competition in Higher Education, George Mason Law School, Arlington, VA, June 2015.
- Participant, Law & Economics Center Research Roundtable for Economists on the Law and Economics of Privacy and Data Security, George Mason Law School, Arlington, VA, January 2015.
- Presented, “The Law and Economics of Proportionality in Discovery,” Implementing Discovery Proportionality Standard Conference, Duke Law Center for Judicial Studies, Arlington, VA, November 2014.
- Presented, “Antitrust Sanctions,” OECD Competition Law Workshop for Judges: Evidence in Cartel Proceedings, Seoul, Korea, October 2014.
- Presented “Opening Pandora’s Box: A Coasian ‘37 View of Performance Rights Organizations,” at the CPIP Conference, Common Ground: How Intellectual Property Unites Creators and Inventors, Arlington, VA, October 2014.
- Moderator, Reverse Settlements Panel, Global Antitrust Institute Conference, Global Antitrust Challenges for the Pharmaceutical Industry, Washington DC, September 2014.
- Presented “Antitrust Law as Legal Reform,” at the 6<sup>th</sup> International Legal Ethics Conference, London, England, July 2014.
- Participant, Faculty Roundtable on Ronald Coase, University of Notre Dame, Law & Economics Program, Chicago, IL, May 2014.

- Presented “An Economic Analysis of Relitigation Rules” at the 2014 American Law and Economics Association Annual Meetings, Chicago, IL, May 2014.
- Panelist, “Economic Efficiency, Civil Litigation, and Discovery Reform,” The Congressional Civil Justice Caucus Academy, Washington, DC, April 2014.
- Panelist, “The Economics of Hot Antitrust-IP Issues,” ABA Section of Antitrust Law Economics and Intellectual Property Committees and the Section of Intellectual Property Law, Washington, DC, April 2014.
- Panelist, Roundtable Discussion on “Antitrust and IP”, LeadersHIP 2014 Conference, San Diego, CA, March 2014.
- Participant, Law & Economics Center Research Roundtable on the Law and Economics of Privacy and Data Security, George Mason Law School, Arlington, VA, December 2013.
- Commentator, “The Unique Contributions of Alchian, Bork, & Buchanan to Law and Economics at George Mason University School of Law,” Arlington, VA, November 2013.
- Presented “Law’s Information Revolution as Procedural Reform,” at the Conference in Honor of Larry Ribstein, University of Illinois College of Law, Champaign, IL, October 2013.
- Presented “Law’s Information Revolution as Procedural Reform,” at the Law & Economics Center Roundtable on Law’s Information Revolution, George Mason Law School, Arlington, VA, September 2013.
- Moderator and Discussion Leader, Fourth Annual Manne Faculty Forum, George Mason Law School, Arlington, VA, September 2013.
- Presented “Law’s Information Revolution as Procedural Reform,” at the 2013 American Law and Economics Association Annual Meeting, Vanderbilt Law School, Nashville, TN, May 2013.
- Participant, Law & Economics Center Research Roundtable on Austrian Law & Economics, George Mason Law School, Arlington, VA, April 2013.
- Presented “Law’s Information Revolution as Procedural Reform,” at the Robert A. Levy Workshop, George Mason Law School, Arlington, VA, February 2013.
- Participant, Law & Economics Center Research Roundtable on Privacy, Arlington, VA, December 2012.
- Presented “Law’s Information Revolution as Procedural Reform,” at the American College of Business Court Judges, Arlington, VA, December 2012.

- Moderator, Law & Economics Center, Second Annual Manne Conference on Unlocking the Law: Building on the Work of Larry E. Ribstein, George Mason Law School, Arlington, VA, November 2012
- Participant, Law & Economics Center Research Roundtable on Environmental Markets, Arlington, VA, October 2012.
- Moderator and Discussion Leader, Law & Economics Center Research Roundtable on Unlocking the Law, George Mason Law School, Arlington VA, September 2012.
- Moderator and Discussion Leader, Third Annual Manne Faculty Forum, George Mason Law School, Arlington, VA, September 2012.
- Panelist, Unlocking the Law: A Tribute to Larry Ribstein, 5<sup>th</sup> International Legal Ethics Conference, Banff, Canada, June 2012.
- Presented "Private Lawdrafting, Intellectual Property and Public Laws," at the 2012 American Law and Economics Association Annual Meeting, Stanford Law School, Palo Alto, CA, May 2012.
- Presented "Law as Product and Byproduct," at the 2012 Murphy Conference on Corporate Law, Fordham Law School, New York, NY, May 2012.
- Program Chair, Behavioral Economics in Antitrust and Consumer Protection Law, ABA Section of Antitrust Spring Meetings, Washington, DC, April 2012.
- Participant, Liberty Fund Conference on Behavioral Economics, Captiva, FL, February 2012.
- Panelist, Mergers, George Mason Law Review Antitrust Symposium, George Mason Law School, Arlington, VA, January 2012.
- Commenter, 2012 ABA/NYU Next Generation of Antitrust Scholarship Conference, NYU Law School, New York, NY, January 2012.
- Presented "Nevada and the Market for Corporate Law," at the Berle III conference, Seattle University School of Law, Seattle, WA, January 2012.
- Program Chair and Moderator, AALS Section on Antitrust and Economic Regulation Program on Behavioral Economics and Antitrust Law, AALS Annual Meetings, Washington, DC, January 2012.
- Participant, Law and Economics Center Research Roundtable on The Law & Economics of Search Engines and Online Advertising, George Mason Law School, Arlington, VA, November 2011.
- Moderator, Lessons from the Reagan Revolution at the FTC: A 30-Year Perspective on Current Policies, George Mason Law School, Arlington, VA, September 2011.

- Presented “Law as a Byproduct: Theories of Private Law Production,” at the 15th Annual Conference of The International Society for New Institutional Economics, Stanford University, Palo Alto, CA, June 2011.
- Participant, Law and Economics Center Research Roundtable on Austrian Law & Economics, George Mason Law School, Arlington, VA, April 2011.
- Participant, Center for Law, Economics & Finance Conference on Financing Innovation: Our Economic Future, at the George Washington University Law School, Washington, DC, March 2011.
- Panelist, George Mason Judicial Education Program, Fifth Annual Judicial Symposium on Civil Justice Issues, Fairfax, VA, December 2010.
- Presented “Owning the Law: The Birth of Legal Information Firms,” at the Entrepreneurship for Government Innovation Conference at the George Washington University Law School, Washington, DC, November 2010.
- Presented “An Economic Analysis of Preclusion, Vacatur, and Limitations on Settlement in Intellectual Property Litigation” at the Searle Public Policy Roundtable on Civil Procedure, Northwestern University Law School, Chicago, IL, April 2010.
- Presented “Jurisdictional Competition for Limited Liability Companies” at the Conference on Empirical Legal Studies, at the USC Law School, Los Angeles, CA, November 2009.
- Participant, Searle Center Research Roundtable on the Third Party Financing of Litigation, at the Northwestern University Law School, Chicago, IL, September 2009.
- Presented “Jurisdictional Competition for Limited Liability Companies” at the American Law and Economics Association Annual Meetings, San Diego, CA, May 2009.
- Presented “Jurisdictional Competition for Limited Liability Companies,” at the Mid Term Meetings of the European Master in Law and Economics, Hamburg, Germany, February 2009.
- Presented “Federalism, Substantive Preemption, and Limits on Antitrust: An Application to Patent Holdup,” at the Tilburg Law and Economics Center Workshop on Innovation, Intellectual Property and Competition Policy, Tilburg, Netherlands, December 2008.
- Presented “Jurisdictional Competition for Limited Liability Companies,” at the Georgetown Law and Economics Workshop, October 2008.
- Presented “Federalism, Substantive Preemption, and Limits on Antitrust: An Application to Patent Holdup,” at the George Mason/Microsoft Conference on the Law and Economics of Innovation, Arlington, VA, May 2008.

- Presented “Federalism, State Variation, and Franchise Regulation,” at the Ohio State University Moritz College of Law, Entrepreneurial Business Law Journal’s 2008 Symposium, Marry Me and Make Me Rich: Franchise Law in the 21st Century, March 2008.
- Participant, Searle Center Research Roundtable on the Law and Economics of Innovation, at the Northwestern University Law School, Chicago, IL, December 2007.
- Presented “Spilled Ink or Economic Progress, The Supreme Court’s Decision in *Illinois Tool Works v. Independent Ink*,” at the Southern Economic Association Meetings, New Orleans, LA, November 2007.
- Presented “What’s Wrong with Paying Plaintiffs?” at the University of Maryland School of Law 2006 Business Law Conference: The Fall and Rise of Federal Corporation Law, Baltimore, MD, October 2006.
- Panelist, Defining Security Issues: Their Nature and Magnitude, The Progress & Freedom Foundation Conference on Securing the Internet: The Role of Consumers, Industry and Government, Washington, DC, May 2006.
- Presented “Outsider Trading as an Incentive Device” at the George Mason University Interdisciplinary Center for Economic Studies, Arlington, VA, February 2006.
- Speaker, “Overview: Antitrust Meets Patent Law,” 2005 Advanced Patent Law Institute, Alexandria VA, November 2005.
- Presented “Outsider Trading” at the Midwestern Law and Economics Association Annual Meetings, Chicago, IL, October 2005.
- Panelist, Single Firm Conduct, George Mason Law Review Symposium, Washington, DC, September 2005.
- Participant and author of the principal paper, George Mason University School of Law Roundtable on The Theoretical and Empirical Analysis of Bundling, Arlington, VA, May 2005.
- Panelist, Criminal Antitrust Sentencing, American Bar Association Spring Meetings, Washington, DC, April 2005.
- Panelist, The New European Antitrust Regime: Implications for Multinationals, George Mason Law Review Symposium, Washington, DC, October 2004.
- Presented “An Economic Analysis of the Private and Social Costs of the Provision of Cybersecurity and other Public Security Goods” at the George Mason University Law School / Critical Infrastructure Project on the Law and Economics of Cybersecurity, June 2004.

- Panelist, The Cato Institute's Seventh Annual Technology & Society Conference on Who Rules the Net? Debating Internet Jurisdiction and Governance, Washington, DC, October 2003.
- Panelist, The Progress & Freedom Foundation / George Mason University Conference on Promoting Markets in Creativity: Copyright in the Internet Age, Washington, DC June 2003.
- Presented "Agency, Amnesty and Antitrust" at the George Washington University Law Review Antitrust Symposium, March 2001.
- Presented "State Regulation of Consumer Marketing Information" at the American Enterprise Institute Federalism Project Roundtable, Washington DC, January 2001.
- Moderator, Microsoft Remedies Panel, George Mason Law Review Symposium, Washington, DC, October 2000.
- Panelist, Warranty Protection for High-Tech Products and Services, Federal Trade Commission, Washington, DC, October 2000.
- Presented "Factors Determining the Success of Business Forms: The Case of LLCs and LLPs" at the Law & Entrepreneurship Conference, Portland, OR, October 2000.
- Presented "The Fable of the B.A.'s: Network Externalities and the Choice of Business Form" at the George Mason University Department of Economics, March 2000.
- Presented "The Fable of the B.A.'s: Network Externalities and the Choice of Business Form" at the Canadian Law and Economics Association Annual Meetings, Toronto, Canada, September 1999.
- Presented "Intellectual Property and Limitations on Contract: Antitrust, Preemption, and the First Sale Doctrine" at the Mercatus Institute Conference on Antitrust and Dynamic Competition, Washington, D.C., December 1998
- Presented "Contract and Jurisdictional Competition" at the Donner Conference on Conflict of Laws, Alexandria, VA, November 1997.
- Presented "Federalism, Efficiency, and Competition" at the Center for the Study of Public Choice, George Mason University, October 1997.
- Presented "The Process of Procedural Reform: Centralized Uniformity and Local Experimentation" at the University of Virginia Law School, June 1997.
- Panelist, Antitrust in the Information Revolution: New Economic Approaches for Analyzing Antitrust Issues, George Mason University Law Review Symposium, Arlington, Virginia, October 1996.
- Panelist, Gun Rights Policy Conference, Arlington Virginia, September 1996.

- Presented “The Process of Procedural Reform: Centralized Uniformity and Local Experimentation” at the Department of Economics, Clemson University, October 1995.
- Presented “The Process of Procedural Reform: Centralized Uniformity and Local Experimentation” at the Department of Economics, American University, October 1995.
- Panelist for Cato Institute Policy Forum, “Is Microsoft a Danger to Competition?” Washington, DC, August 1995.
- Presented “The Process of Procedural Reform: Centralized Uniformity and Local Experimentation” at the Western Economic Association Meetings, San Diego, CA, July 1995.
- Presented “Strict Liability, Gun Control and Sin Taxes” at the Independent Institute's Conference on De-Taxing America: Alternatives to Predatory Politics, Washington DC, July 1995.
- Presented “The Process of Procedural Reform: Centralized Uniformity and Local Experimentation” at the Center for Study of Public Choice, George Mason University, April 1995.
- Presented “Judicial Reputation and the Efficiency of the Common Law” at the Public Choice Meetings, Long Beach, CA, March 1995.
- Presented “Strict Liability, Gun Control and Sin Taxes” at the Public Choice Meetings, Long Beach, CA, March 1995.
- Presented “Evolution and Spontaneous Uniformity: Evidence from the Evolution of the Limited Liability Company” at the Department of Economics, North Carolina State University, March 1995.
- Presented “Uniform Laws, Model Laws and Limited Liability Companies” at the University of Colorado Law School Symposium on LLCs, LLPs, and the Evolving Corporate Form, February 1995.
- Presented “Evolution and Spontaneous Uniformity: Evidence from the Evolution of the Limited Liability Company” at the Department of Economics, Tulane University, December 1994.
- Presented “An Economic Analysis of Uniform State Laws” at the University of Chicago Law School, November 1994.
- Presented “The Process of Procedural Reform: Centralized Uniformity and Local Experimentation” at the John M. Olin Conference on the Law and Economics of Litigation Reform, Georgetown University Law School, October 1994.
- Presented “Evolution and Spontaneous Uniformity: Evidence from the Evolution of the Limited Liability Company” at the Western Economic Association Meetings, Sessions in Honor of Armen A. Alchian, Vancouver, B.C., Canada, July 1994.

- Presented “Competition Between Expert Witnesses” at the American Law and Economic Association Meetings, Stanford University Law School, May 1994.
- Presented “Judicial Reputation and the Efficiency of the Common Law” at the American Economic Association Meetings, Boston, MA, January 1994.
- Presented “Judicial Reputation and the Efficiency of the Common Law” at the Center for Study of Public Choice Seminar, George Mason University, Fairfax, VA, December 1993.
- Presented “A Theory of Uniform Laws” at the American Law and Economics Association Meetings, at Northwestern University Law School, May 1, 1993.
- Presented “Judicial Reputation and the Efficiency of the Common Law” at the American Law and Economics Association Meetings, at Northwestern University Law School, April 30, 1993.
- Panelist for Session on the Efficiency of the Common Law, Conference in Honor of Richard A. Posner's Fourth Edition of the Economic Analysis of Law, at George Mason School of Law, Arlington, VA, April 1992.
- Presented “Market Failure or Market Efficiency? Evidence on Airport Slot Usage” at the Southern Economic Association Meetings, Washington, D.C., November 1992.
- Presented “In Defense of Criminal Defense Expenditures and Plea Bargaining” at the American Economic Association Meetings, Washington, D.C., December 1990.
- Presented “In Defense of Criminal Defense Expenditures and Plea Bargaining” at the Western Economic Association Meetings, South Lake Tahoe, NV, June 1989.