

TIMOTHY J. MURIS

**PROFESSIONAL
EXPERIENCE:**

1988 – Present
(On Leave 2001 – 2004)

Antonin Scalia Law School, George Mason University

Foundation Professor
3401 North Fairfax Drive
Arlington, Virginia 22201

Interim Dean (1996-1997)

1985 – 1989

**Executive Office of the President,
Office of Management and Budget**

Executive Associate Director (1985-1988)
Consultant (1988-1989, 2001)

1981 – 1985
1974 – 1977
2001 – 2004

U.S. Federal Trade Commission

Chairman (2001-2004)
Director, Bureau of Competition (1983-1985)
Director, Bureau of Consumer Protection (1981-1983)
Consultant (1977)
Assistant to the Director, Office of Policy Planning
and Evaluation (1974-1976)

1981

Office of the Vice President

Deputy Counsel,
Presidential Task Force on Regulatory Relief

1976 – 1981

**University of Miami
School of Law & Economics Center**

Professor (1981)
Associate Professor (1979-1981)
Assistant Professor (1976-1979)

1979 – 1980

University of Chicago School of Law

Law and Economics Fellow

LAW FIRM

AFFILIATIONS:

2017 – Present	Senior Counsel, Sidley Austin LLP
2011 – 2017	Of Counsel, Kirkland & Ellis LLP
2004 – 2011	Of Counsel, O’Melveny & Myers LLP
2000 – 2001	Of Counsel, Howrey & Simon LLP
1988 – 2000	Of Counsel, Collier, Shannon, Rill & Scott

PROFESSIONAL ACTIVITIES:

2012	Budget & Regulatory Group Leader, Romney Readiness
2006 – 2008	Senior Economic Advisor, McCain/Palin
2005	Member, President’s Advisory Panel on Federal Tax Reform
2000 – 2001	Senior Advisor, Bush/Cheney Transition Team
1999 – 2000	Senior Economic Advisor, Bush/Cheney
1999 – 2000	Consultant, Congressional Budget Office
1997 – 1998	Chairman, Law & Economics Center Advisory Board
1994 – 2001	Adjunct Scholar, The Progress & Freedom Foundation
1994 – 2001; 2004 – Present	Coordinator, Regulatory Law Track, George Mason University, School of Law
1993 – 1994	Acting Associate Dean, George Mason University School of Law
1992 – 1993	Coordinator, International Track, George Mason University, School of Law
1991 – 1992	Consultant, Department of Justice

**PROFESSIONAL
ACTIVITIES:**

(Continued)

1990 – 2001; 2005 – Present	Advisory Board - Antitrust & Trade Regulation Report
1990 – 1993	Advisory Committee - American Enterprise Institute Project on Regulation and Federalism
1990 – 1991	Member, ABA Section of Antitrust Law Special Committee To Study International Antitrust
1988 – 1989	Senior Advisor, Bush/Quayle Transition Team
1988 – 1989	Member, ABA Section of Antitrust Law Special Committee To Study the Role of the Federal Trade Commission
1988 – 1989	Senior Economic Advisor, Bush/Quayle
1986 – 1988	Brookings Institution National Issues Forum Advisory Committee
1982 – Present	Testified before numerous Congressional Committees
1981	Consultant, Council on Wage and Price Stability
1980 – 1981	Reagan/Bush Transition Team for the Federal Trade Commission
1979	Affiliated Scholar, American Bar Foundation

EDUCATION:

1974	J.D., University of California at Los Angeles (UCLA) Honors: Order of the Coif Law Review Associated Editor (Vol. 21) Member (Vol. 20)
1971	B.A., San Diego State University Special Major: Economics, History, Political Science Honors: Graduated with high honors and distinction in major Phi Kappa Phi Phi Eta Sigma

PUBLICATIONS:

Books and Monographs:

A Dozen Facts You Should Know About Antitrust and the Oil Industry
U. S. Chamber of Commerce (2007) (with Richard Parker)

The People's Budget: A Common Sense Plan for Shrinking The Government in Washington
Regnery Publishing (1995) (with Edwin Dale, Jr., Jeffrey Eisenach, Frank Luntz, and William Schneider, Jr.)

The Budget Puzzle: Understanding Federal Spending
Stanford University Press (1994) (with John Cogan and Alan Shick)

Strategy, Structure, and Antitrust in the Soft Drink Industry
Quorum Books (1993) (with David Scheffman and Pablo Spiller)

State and Federal Regulation of National Advertising
American Enterprise Institute (1993) (with J. Howard Beales)

The Limits of Unfairness Under the Federal Trade Commission Act
Association of National Advertisers (1991) (with J. Howard Beales)

The Federal Trade Commission Since 1970: Economic Regulation and Bureaucratic Behavior
Cambridge University Press (1981) (Written and Edited with Kenneth Clarkson)

Articles:

Section 13(b) of the FTC Act at the Supreme Court: The Middle Ground
(with J. Howard Beales III & Benjamin M. Mundel)
Antitrust Source (Dec. 2020)

What Brooke Group Joined Let None Put Asunder: The Need for the Price-Cost and Recoupment Prongs in Analyzing Digital Predation
(with Joseph V. Coniglio)
The Global Antitrust Institute Report on the Digital Economy 35 (2020)

First Principles for Review of Long-Consummated Mergers
(with Jonathan E. Nuechterlein)
5 Criterion Journal on Innovation 29 (Fall 2020)

Chicago and Its Discontents
(with Jonathan E. Nuechterlein)
87 University of Chicago Law Review 495 (2020)

Articles:
(Continued)

Will the FTC's Success Continue?
26 *George Mason Law Review* 1411 (2019)

Generic Drugs, Used Textbooks, and the Limits of Antitrust Liability For Product Improvements
(with Jonathan E. Nuechterlein)
4 *Criterion Journal on Innovation* 207 (2019)

Privacy and Consumer Control
(with J. Howard Beales III)
George Mason Law & Economics Research Paper, No. 19-27, 2019,
<http://ssrn.com/abstract=3449242>
(prepared for Aspen Institute Congressional Program on the Internet, Big Data, and Algorithms)

Antitrust in the Internet Era: The Legacy of United States v. A&P
(with Jonathan E. Nuechterlein)
54 *Review of Industrial Organization* 651 (2019)

The Obama FTC Departed from Its Predecessors To the Detriment of Consumers
31 *Antitrust Magazine* (Summer 2017)
(with J. Howard Beales III)

Bipartisan Patent Reform and Competition Policy
(AEI May 2017)

FTC Consumer Protection at 100: 1970s Redux or Protecting Markets To Protect Consumers
83 *George Washington Law Review* 2157 (2015)
(with J. Howard Beales III)

Tools of Reason: Truncation Through Judicial Experience and Economic Learning
28 *Antitrust Magazine* 46 (Summer 2014)
(with Brady Cummins)

Striking The Proper Balance: Redress Under Section 13(b) of The FTC Act
79 *Antitrust Law Journal* 1 (2013)
(with J. Howard Beales)

Articles:
(Continued)

In Defense of the Pfizer Factors
in *The Regulatory Revolution at the FTC: A Thirty-Year Perspective on
Competition and Consumer Protection*
(James C. Cooper ed., Oxford University Press, 2013)
(with J. Howard Beales and Robert Pitofsky)

*Chicago, Post-Chicago, and Beyond: Time To Let Go of the
20th Century*
78 *Antitrust Law Journal* 147 (2012)
(with Bruce Kobayashi)

Policy, Petroleum, and Politics at the Federal Trade Commission
85 *Southern California Law Review* 843 (2012)
(with Bilal Sayyed)

Antitrust and Bundled Discounts: An Experimental Analysis – A Reply
77 *Antitrust Law Journal* 683 (2011)
(with Vernon Smith, Anil Caliskan and Bruce Kobayashi)

Antitrust and Bundled Discounts: An Experimental Analysis
75 *Antitrust Law Journal* 399 (2008)
(with Vernon Smith)

*Facts Trump Politics: The Complexities of Comparing Merger
Enforcement Over Time and Between Agencies*
22 *Antitrust* 37 (Summer 2008)

*Choice or Consequences: Protecting Privacy in Commercial
Information*
75 *University of Chicago Law Review* 1 (2008)
(with J. Howard Beales)

*Payment Card Regulation and the (Mis)Application of the
Economics of Two-Sided Markets*
4 *Columbia Business Law Review* 515 (2005)

Discordant Notes: A Reply to Professor Wright
1 *Review of Law & Economics* 415 (2005)

*More than Law Enforcement: The FTC's many Tools –
A Conversation With Tim Muris and Bob Pitofsky*
72 *Antitrust Law Journal* 773 (2005)

Articles:
(Continued)

Principles For a Successful Competition Agency
72 University of Chicago Law Review 165 (2005)

*A Response to Professor Goldberg: An Anticompetitive Restraint
by Any Other Name*
1 Review of Law & Economics 65 (2005)

Improving the Economic Foundations Of Competition Policy
12 George Mason Law Review 1 (Fall 2003)

Clarifying the State Action and Noerr Exemptions
27 Harvard Journal Law & Public Policy (2003-2004)

State Intervention/State Action – A U.S. Perspective
Fordham University School of Law, International Antitrust Law
& Policy, Chapter 22 (2003 Corporate Law Institute)

*Looking Forward: The Federal Trade Commission and The
Future Development of U.S. Competition Policy*
2 Columbia Business Law Review 359 (2003)

The Interface of Competition and Consumer Protection
Fordham University School of Law, International Antitrust Law
& Policy, Chapter 2 (2002 Corporate Law Institute)

Robert Pitofsky: Public Servant and Scholar
52 Case Western Reserve Law Reserve 1 (2001)

*California Dental Association v. Federal Trade Commission:
The Revenge of Footnote 17*
8 Supreme Court Economic Review 265 (2000)

The FTC and the Law of Monopolization
67 Antitrust Law Journal 693 (2000)

*Ronald Reagan and The Rise of Large Deficits: What Really
Happened in 1981*
4 The Independent Review 365 (2000)

In Defense of the Old Order, in *The Fall and Rise of Freedom
of Contract*
(F.M. Buckley, ed.) (Duke University Press 1999)

Articles:
(Continued)

The Government and Merger Efficiencies: Still Hostile After All These Years

7 *George Mason Law Review* 729 (1999)

Is Heightened Antitrust Scrutiny Appropriate for Software Markets?

In *Competition, Innovation, and the Microsoft*

Monopoly: Antitrust in the Digital Marketplace

(J. Eisenach & T. Leonard, eds.) (Kluwer Academic Publishers 1999)

The Federal Trade Commission and the Rule of Reason:

In Defense of Massachusetts Board

66 *Antitrust Law Journal* 773 (1998)

Economics and Antitrust

5 *George Mason Law Review* 303 (1997)

Legislative Organization of Fiscal Policy

38 *Journal of Law & Economics* 311 (1995)

(with Mark Crain)

The Foundations of Franchise Regulation: Issues and Evidence

2 *Journal of Corporate Finance* 157 (1995)

(with J. Howard Beales)

Budget Manipulations

4 *The American Enterprise* 24 (May/June 1993)

Information, Competition, and Health: Regulatory Standards For Health Messages in *America's Foods: Health Messages and Claims*

(J. Tillotson, ed.) CRC Press (1993)

(with J. Howard Beales)

Strategy and Transactions Costs: The Organization of Distribution in The Soft Drink Industry

1 *Journal of Economics & Management Strategy* 83 (1992)

(with David Scheffman and Pablo Spiller)

Economics and Consumer Protection

60 *Antitrust Law Journal* 103 (1991)

The Great Budget Shell Game

2 *The American Enterprise* 34 (November 1990)

Articles:
(Continued)

The New Rule of Reason
57 Antitrust Law Journal 859 (1989)

Defining Deception
42 Antitrust and Trade Regulation Reporter 699 (1982)
Reprinted in 19 Journal of Reprints For Antitrust Law and
Economics 335 (1989)

*Regulatory Policymaking at the Federal Trade Commission:
The Extent of Congressional Control*
94 Journal of Political Economy 884 (1986)

*Cost of Completion or Diminution in Market Value:
The Relevance of Subjective Value*
12 Journal of Legal Studies 379 (1983)

Rules Without Reason: The Case of the FTC
6 Regulation 20 (September/October 1982)

The Costs of Freely Granting Specific Performance
1982 Duke Law Journal 1053

Letting Competition Serve Consumers
in *Instead of Regulation* (With Kenneth Clarkson)
(Lexington Books 1982)

Opportunistic Behavior and the Law of Contracts
65 Minnesota Law Review 521 (1981)

*Constraining the Federal Trade Commission: The Case of
Occupational Regulation*
35 Miami Law Review 77 (1980)
(with Kenneth Clarkson)

The Efficiency Defense Under Section 7 of the Clayton Act
30 Case Western Reserve Law Review 381 (1980)

The Federal Trade Commission and Occupational Regulation
in *Occupational Licensure and Regulation*, 107-41
(S. Rottenberg, ed., American Enterprise Institute 1980)
(with Kenneth Clarkson)

Articles:
(Continued)

*Advertising and the Price and Quality of Legal Services:
The Case for Legal Clinics*
1977 American Bar Foundation Research Journal 179
(with Fred McChesney)

Foreward - Civil Liability of Government Officials
42 Law and Contemporary Problems 1 (1978)
(Special Editor of Symposium with Kenneth Clarkson)

Liquidated Damages v. Penalties: Sense or Nonsense?
1978 Wisconsin Law Review 351 (1978)
(with Kenneth Clarkson and Roger Miller)

*Scaling the Welfare Bureaucracy: Expanding Concepts of
Governmental Employee Liability*
21 U.C.L.A. Law Review 624 (1973)

FTC Opinions:

In Re: *In the Matter of Union Oil Company of California*,
Docket No. 9305, (7/06/04)
www.ftc.gov/os/adjpro/d9305/040706commissionopinion.pdf

*Statement in the Matter of Genzyme Corporation / Novazyme
Pharmaceuticals, Inc.* (1/13/04)
www.ftc.gov/bc/compguide/index.htm

In Re: *In the Matter of Polygram Holding, Inc.*, Docket No. 9298,
(7/24/03)
www.ftc.gov/os/adjpro/d9305/030724commissionopinion.pdf

Other Publications:

*Why The FTC Is Right To Go After Qualcomm For
Manipulating Cell Phone Costs*
The Federalist (May 14, 2019)

*The Alignment of Evidence and Economic Theory in FTC v. Qualcomm
A Response to Ginsburg & Wright*
Competition Policy International (April 2019)

Why the FTC's Case Against Qualcomm Protects American Consumers
LawFare (March 15, 2019)

Other Publications:
(Continued)

Missing: the Role and Framework For Truncating the Rule of Reason
30 Antitrust 3 (Summer 2016)

17th Annual Antitrust Symposium: Keynote Panel Discussion
21 George Mason Law Review 1111 (2014)
(with William C. MacLeod, Jon Leibowitz, and James C. Miller III)

Bazaarvoice: Protecting Consumers by Silencing the Customer?
CPI Antitrust Chronicle, March 2014 (1)
(with Christine Wilson)

Panel Discussion: Politics & Policy in 1981, in *The Regulatory Revolution at the FTC: A Thirty-Year Perspective on Competition and Consumer Protection*
(James C. Cooper ed., Oxford University Press, Press, 2013)

I Can See Clearly Now: Lee Benham, Eyeglasses, and the Empirical Analysis of Advertising and the Effects of Professional Regulation
9 Competition Law International 156 (2013)
(with Bruce Kobayashi)

The Benefits, and Potential Costs, of FTC-Style Regulation in Protecting Consumers
8 Competition Law International 11 (2012)
(with Paloma Zepeda)

A Closer Look at Antitrust Reverse Termination Fees
<https://corpgov.law.harvard.edu/2011/09/13>
(with David Fox and Christine Wilson)

Antitrust in a High-Tech World
Wall Street Journal (August 10, 2010)

Three Key Principles for Revising the Horizontal Merger Guidelines
Antitrust Source (April 2010)
(with Bilal. K. Sayyed)

The FTC and Market Manipulation in Wholesale Petroleum Markets
(Chapter 8)
Sixty-First Annual Institute on Oil and Gas Law, October 2010
(with Maryanne S. Kane)

Other Publications:
(Continued)

FTC Issues Notice of Proposed Rulemaking On Mortgage Assistance Relief Services

6 Pratt's Journal of Bankruptcy Law 345 (2010)
(with Brian P. Brooks, Maryanne S. Kane, and Lilit Boskanyan)

Antitrust Advice for the New Administration

22 Antitrust 7 (Summer 2008) (edited panel discussion)

Oil Industry Reality Check

Wall Street Journal (July 17, 2007)
(with Richard G. Parker)

Viewpoints: Price Controls Are Not the Answer for Interchange
American Banker, May 26, 2006

Assessing Part III Administrative Litigation:

Interview with Timothy J. Muris
20 Antitrust 2 (Spring 2006)

The New European Antitrust Regime: Implications For Multinationals

Panel Discussion
13 George Mason Law Review 2 (2005)

The Revolving Door

8 Global Competition Review 8 (October 2005)

Worst U.S. Antitrust Decisions . . . Ever

8 Global Competition Review (August 2005)

The Role of Innovation in Competitive Analysis

4 The Antitrust Source, Issue 6, Pages 1-30 (July 2005)
(Edited Panel Discussion)

What's in Your Wallet

Wall Street Journal A12 (June 24, 2005)

"Commercial Speech: Essential for Health of Consumers and Free Enterprise"

Washington Legal Foundation (March 25, 2005)

Clarifying the State Action and Noerr Exemptions

27 Harvard Journal of Law & Public Policy 443 (2004)

Other Publications:
(Continued)

An Interview with Timothy Muris
Global Competition Review (12/21/04)

Consumer Protection: An Interview with Timothy J. Muris
18 Antitrust 9 (Summer 2004)

Roundtable Conference With Enforcement Officials
72 Antitrust Law Review 283 (2004)

Remarks at Memorial Service For Jim Liebler
12 George Mason Law Review 2 (Winter 2003)

Protecting Competition and Consumers: A Conversation
With Timothy J. Muris
22 Health Affairs 101 (November/December 2003)

Real-World Referee
360, The Magazine of San Diego State University
(Fall/Winter 2003)

Roundtable Conference With Enforcement Officials
71 Antitrust Law Journal 333 (April 4, 2003)

Competition Agencies in a Market-Based Global Economy
Brussels, Belgium, by Timothy J. Muris, Chairman of FTC
7 European Foreign Affairs Review 3 (Autumn, 2002)

Roundtable Conference with Enforcement Officials
70 Antitrust Law Journal 261 (April, 2002)

Interview with Timothy J. Muris, Chairman of the FTC
16 Antitrust 52 (Fall 2001)

Bigger Can Be Better
Washington Times, A19 (June 4, 1999)

*Downplaying a Defense: Agencies Take Overly Narrow View
of Efficiencies in Merger Cases*
Legal Times (March 8, 1999)

*Beyond Block Grants: Eliminating Federal Funding for
Welfare Programs*
1 American Civilization 11 (Feb. 1995)

Other Publications:
(Continued)

Overstating Savings/Underestimating Costs
32 Society 67 (1994)

Congressional Confusion on Labeling and Advertising Could Deny Consumer Information and Free Speech
Legal Opinion Letter, Washington Legal Foundation,
(Oct. 25, 1991)
(with J. Howard Beales)

The Myth of Domestic Spending Cuts
Wall Street Journal (September 6, 1990)
(with John Cogan)

“*The Kirkpatrick Commission: Antitrust Issues*”
58 Antitrust Law Journal 25 (1989)

Antitrust’s Next Decade, in Is Antitrust Dead?
55-58, Betty Bock, ed., Conference Board 1989

“*Interview: Antitrust in the Bush Administration*”
3 Antitrust 6 (Spring 1989)

Behind the Budget’s Baseline Blues
Wall Street Journal (August 3, 1988)

The Consumer Protection Mission: Guiding Principles and Future Direction
51 Antitrust Law Journal 625 (1983)

Antitrust Enforcement At The FTC: The Atomistic Problem
15 Antitrust Law & Economics 91, #3 (1983)
(Interview)

Credit Markets and Market Forces
37 Business Lawyer 1373 (1982)

The Effect of Advertising on the Quality of Legal Services: A Case Study
65 American Bar Association Journal 1503 (1979)
(with Fred McChesney)

Other Publications:
(Continued)

Does Lack of Funds Hinder Antitrust Enforcement?,
in *The Attack on Corporate America: The Corporate Issues*
Sourcebook
285-88 (McGraw Hill 1978)

The Rise of the No-Lose Ethic
2 *Ripon Quarterly* 19 (1975)
(with Jim Liebler and Richard Rahn)

Book Note on J. Fried, *Housing Crisis USA*
20 *U.C.L.A. Law Review* 662 (1973)