

Stephen Calkins

Wayne State University Law School
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Current Position: Professor of Law
Wayne State University Law School, 1988 to date

Courses: Antitrust, consumer law, and torts; formerly corporations, and seminars on trade regulation and comparative EU-US competition law

University: Academic Senate (election committee and facilities, support services and technology committee, 2016-18); Faculty Hearing Panel, 2018-20; budget committee, 2001-07, 2018-19 (chair 2004-05); parliamentarian, 2000-07, 2017-19; policy (executive) committee, 2001-04, 2005-06, 2007); Sabbatical Committee (2016-18); Type I Centers and Institutes Advisory Committee (chair 2006-08); Graduate Council (2005-07); University committee on committees (2000-01); Review Advisory Panel for Department of Economics (2001-02); University tenure and promotion (1994, 2006, 2007 (chair)); University Board of Governors Academic Affairs (faculty alternate representative, 1995); University Research Award Selection (1999); Liberal Arts Graduate Research Assistant Review Panel (2000)

Law School: Graduate studies, 1999-2000, 2001-02 (chair), 2015-17, 2018-19 (chair 2016-17, 2018-19); Curriculum (2016-17); International programs (1991-92, 2015-18 (chair 2017-18); Student Affairs (2017-19); PILF (2017-18); Program on Entrepreneurship and Business Law (2016); appointments (1984-91, 1994-95, 1997-98 (chair), 1998-99, 2003-04); budget (elected) (1993-94, 1997-2008 (chair three years)); strategic plan implementation committee (2003-04) (elected); curriculum and academic affairs (chair) (1991-92, 2000-01, 2006-07); Gibbs Chair search (2001-02); tenure & promotion (1993-96, 2004-07); faculty representative to University tenure and promotion (1998); tenure subcommittee (1990-91) (chair); capital improvements and/or library (1997, 2001-05 (chair 2003-04)); self-study (1994-95); dean search (1986); task force on student recruitment (chair) (1986); enrollment management (2007-08); readmissions (1990-91, 1994, 2003-05) (chair 1991, 1994, 2003); career services (1988-89, 2003-04); programs (1983-84, 1990-91); clerkships (1999-2001); ad hoc committee on U.S. News (1998-99 (chair)); scholarships (2005).

OTHER POSITIONS:

Adjunct Professor, University College Dublin Sutherland School of Law
(2013-2016)

Member of the Competition and Consumer Protection Commission of Ireland (2014-2015)

Member and Director of Mergers Division, The Competition Authority of Ireland (2011-2014)

Associate Vice President for Academic Personnel (Associate Provost), Wayne State University

Of Counsel, Covington & Burling, Washington, D.C., 2000-2011 (special counsel,
1998-2000)

Director of Graduate Studies, Wayne State University Law School, 2004-2008

Special Master, *Auto Industries Supplier Employee Stock Ownership Plan (ESOP)
v. Snapp Systems, Inc. v. Ford Motor Co.*, No. 03-74357 (E.D. Mi. 2006)

General Counsel, Federal Trade Commission, Washington, D.C., 1995-97

Interim Dean, Wayne State University Law School, 1992-93

Visiting Professor, Europa Instituut, Rijksuniversiteit te Utrecht (The Netherlands),
fall 1989 (exchange)

Visiting Associate Professor, University of Pennsylvania Law School, spring 1987

Visiting Associate Professor, University of Michigan Law School, summer 1985

Associate Professor, Wayne State University Law School, 1983-88

Associate, Covington & Burling, Washington, D.C., 1976 to 1983

Law Clerk ("Attorney-Advisor"), Commissioner Stephen A. Nye, Federal Trade
Commission, Washington D.C., 1975-76

PROGRAM DIRECTOR: Conference Board's annual Conference on Antitrust Issues
in Today's Economy (New York City), starting March 2002

OUTSIDE REVIEWER: Aspen Law & Business (1999); The University of Michigan
Press (1999)

EDITORSHIPS

Law360 Competition Editorial Advisory Board (member, 2018 to date)

Advisory Board, LOYOLA CONSUMER LAW REVIEW (2009 to date)

Legal Book Review Editor, THE ANTITRUST BULLETIN (1986 to date)

Editorial Board, ABA Antitrust Section, ANNUAL REVIEW OF ANTITRUST LAW DEVELOPMENTS (1992, 1997)

Articles Editor, ANTITRUST (1991-95)

Board of Editors, MATTHEW BENDER'S ANTITRUST REPORT (1992-95)

Member, American Bar Association Section of Antitrust Law, Monograph Series Committee (1991-92)

HONORS AND AWARDS

American Bar Association Section of Antitrust Law, Fiftieth Anniversary Publications Award (2002)

Life Member, American Law Institute (2013 to date); Member, 1993-2013

Fellow, European Law Institute, 2015 to date

Life Fellow, American Bar Foundation, 2015 to date (Fellow 2004-2015)

The Third Robert Baxt Lecturer at the University of Melbourne (by "an eminent international or national figure in this field" of competition law and economics)

Donald H. Gordon Award for Excellence in Teaching (2006)

Federal Trade Commission Award for Distinguished Service, 1997

Martindale-Hubbell AV® Preeminent™ 5.0 out of 5

Who's Who in America (2005 to date) and other listings

Hamburg N.Y. Bulldog Distinguished Wall of Fame (2011)

Fulbright Scholarship under the European Union Affairs Research Program awarded for study during 1995-96 (surrendered to accept position at Federal Trade Commission)

Wayne State University Career Development Chair, 1990-91

BOOKS AND ARTICLES:

ABA ANTITRUST SECTION, CONSUMER PROTECTION LAW DEVELOPMENTS (2009) (member of e

ANTITRUST LAW: POLICY AND PRACTICE (4th edition 2008) (w. Rogers, Patterson & Anderson)

ANTITRUST LAW AND ECONOMICS IN A NUTSHELL (5th ed. 2004) (w. Gellhorn & Kovacic), *translated into Spanish and published in Mexico by Comisión Federal de Competencia Mexico, USAID, and the US Embassy* (2008).

ABA ANTITRUST SECTION, ANTITRUST LAW DEVELOPMENTS (SECOND), FIRST SUPPLEMENT 1983-1986 (vice-chair of editorial board); SECOND SUPPLEMENT 1983-1988 (vice-chair of editorial board)

ABA ANTITRUST SECTION, ANTITRUST LAW DEVELOPMENTS (2d ed. 1984) (member of five-person editorial board for this 900 page book).

Can a Single FTC Commissioner Constitute a Quorum?, in LAW360 COMPETITION, CONSUMER PROTECTION, CYBERSECURITY, INTELLECTUAL PROPERTY, MERGERS AND ACQUISITIONS, AND TELECOMMUNICATIONS (Expert Analysis April 23, 2018) (with John Villafranco)

Reflections on Matsushita and 'Equilibrating Tendencies': Lessons for Competition Authorities, 82 ANTITRUST LAW JOURNAL 201 (2018) (symposium issue)

Competition Law in the United States of America, COMPETITION LAW TODAY: CONCEPTS, ISSUES, AND THE LAW IN PRACTICE ch. 18 (Vinod Dhall, ed., 2d ed.) (Oxford University Press 2018)

The Antitrust Conversation (Continued), EUROPEAN COMPETITION LAW ANNUAL 2013 ch. VIII (Philip Lowe, Mel Marquis & Giorgio Monti, eds. 2016)

Editorial – Both Sides Now, 8 COMPETITION L. REV. 217 (December 2012) (with Marek Martyniszyn)

A Cautionary Word about Competition Law, in TIM CALKINS, DEFENDING YOUR BRAND: HOW SMART COMPANIES USE DEFENSIVE STRATEGY TO DEAL WITH COMPETITIVE ATTACKS (Palgrave Macmillan 2012)

Wrong Turns in Exclusive Dealing Law, in HOW THE CHICAGO SCHOOL OVERSHOT THE MARK 156

The Antitrust Marathon, 20 LOYOLA CONSUMER L. REV. No. 2 (2008 (panel participant)

Broadcast Music, Inc. v. Columbia Broadcasting System, Inc., in ANTITRUST STORIES ch. 7 (Eleanor M. Fox & Daniel A. Crane eds. 2007)

Coming to Praise Criminal Antitrust Enforcement, in EUROPEAN COMPETITION LAW ANNUAL: 2006, at 343 (Claus-Dieter Ehlermann & Isabela Atanasiu eds., 2007)

Vereinigte Staaten von Amerika (USA) (with William E. Kovacic & Derek Ludwin), in INTERNATIONALES KARTELL-UND FUSIONS-KONTROLLVERFAHRENSRECHT § 46 (Jörg Philipp Terhechte, ed.) (Verlag Ernst und Werner Gieseking 2008)

Roundtable Discussion: The Report of the Antitrust Modernization Commission, 21 ANTITRUST SOURCE 9 (summer 2007) (panel participant)

Competition Law in the United States of America, in COMPETITION LAW TODAY: CONCEPTS, ISSUES, AND THE LAW IN PRACTICE (Vinod Dhall, ed.) (Oxford University Press 2007)

Civil Monetary Remedies Available to Federal Antitrust Enforcers, 40 U.S.F. L. REV. 567 (2006) (symposium issue)

Antitrust Modernization: Looking Backwards, 31 J. CORP. L. 421 (2006) (symposium issue)

90 Years and Two Days in Forty-Five Minutes, 72 ANTITRUST L.J. 1183 (2005) (Symposium in honor of the FTC's 90th Anniversary)

Arnold Schwarzenegger's Antitrust 2002-03, THE ANTITRUST SOURCE, [HTTP://WWW.ABANET.ORG/ANTITRUST/SOURCE/HOME.HTML](http://www.abanet.org/antitrust/source/home.html) (Jan. 2004)

The State Attorney and the World of Antitrust (panel presenter), conference proceeding from a Columbia Law School conference on state attorneys general (2004)

Perspectives on State and Federal Antitrust Enforcement, 53 DUKE L.J. 673 (2003) (symposium issue), *reprinted in abbreviated form in* STATE ANTITRUST ENFORCEMENT (ABA Committee Newsletter) Spring 2005, at 3 (featured article).

Passion, Exaggeration, and Importance: Comments on Japanese Industrial Policy and American Extraterritorial Antitrust, 48 ANTITRUST BULL. 667 (2003) (symposium issue)

The Organized Bar and Antitrust: Change, Continuity and Influence, 14 LOYOLA CONSUMER L. REV. 393 (2002) (symposium issue)

The Antitrust Year of the Baseball Bat, THE ANTITRUST SOURCE, www.antitrustsource.com, Vol. 1, Issue 2 (Jan. 2002).

American Antitrust: Almost Ready for the 21st Century, in NEUESTE ENTWICKLUNGEN IM EUROPÄISCHEN UND INTERNATIONALEN KARTELLRECHT, ACHTES ST. GALLER INTERNATIONALES KARTELLRECHTSFORUM 2001 (Carl

Baudenbacher ed. 2002) (Symposium Publication for the Eighth St. Gallen University (Switzerland) International Competition Law Conference)

FTC Unfairness: An Essay, 46 WAYNE L. REV 1935 (2001) (symposium issue)

The Antitrust Conversation, 68 ANTITRUST L.J. 625 (2001) (symposium issue).

Counterpoint: The Legal Foundation of the Commission's Use of Section 5 to Challenge Invitations to Collude, ANTITRUST, Spring 2000, at 69.

California Dental Association: *Not the Quick Look But Not the Full Monty*, 67 ANTITRUST L.J. 495 (2000)

Novartis: *Is Corrective Advertising Back?*, ANTITRUST, Fall 1999, at 20.

Corporate Compliance and the Antitrust Agencies' Bi-Modal Penalties, 60 LAW & CONTEMPORARY PROBLEMS 127 (1998)

In Praise of Antitrust Litigation: The Second Annual Bernstein Lecture, 72 ST. JOHN'S U. L. REV. 1 (1998).

Vertical Restraints of Trade Competition Laws in an Integrated World Economy, in Conference Proceedings of the Oslo Norway Competition Conference (1997)

An Enforcement Official's Reflections on Antitrust Class Actions, 39 AZ. L. REV. 413 (1997)

Copperweld in the Courts: The Road to Caribe, 63 ANTITRUST L.J. 345 (1995)

The October 1992 Supreme Court Term and Antitrust: More Objectivity Than Ever, 62 ANTITRUST L.J. 327 (1994)

Supreme Court Antitrust 1991-92: The Revenge of the Amici, 61 ANTITRUST L.J. 269 (1993)

The 1990-91 Supreme Court Term and Antitrust: Toward Greater Certainty, 60 ANTITRUST L.J. 603 (1992)

The October 1989 Supreme Court Term and Antitrust: Power, Access, and Legitimacy, 59 ANTITRUST L.J. 339 (1990)

Counsel's Summary: The ABA Special Committee's Report on the FTC (Kirkpatrick II); Kirkpatrick II: Counsel Responds; and "Unfair Methods of Competition" in the 1990s: The Example of Frequent Flyer Programs, in P. MURPHY & W. WILKIE, EDS., *MARKETING AND ADVERTISING REGULATION: THE*

FEDERAL TRADE COMMISSION IN THE 1990s, at 7, 60, 374 (Notre Dame University Press 1990).

Developments in Antitrust and the First Amendment: The Disaggregation of Noerr, 57 ANTITRUST L.J. 327 (1988)

Developments in Merger Litigation: The Government Doesn't Always Win, 56 ANTITRUST L.J. 855 (1988), *reprinted in* 21 JOURNAL OF J. REPRINTS FOR ANTITRUST LAW AND ECONOMICS 793 (1992) *and* ELEANOR M. FOX & JAMES T. HALVERSON, COLLABORATIONS AMONG COMPETITORS: ANTITRUST POLICY AND ECONOMICS (1991).

Equilibrating Tendencies in the Antitrust System, with Special Attention to Summary Judgment and to Motions to Dismiss, in LAWRENCE J. WHITE, ED., PRIVATE ANTITRUST LITIGATION: NEW EVIDENCE, NEW LEARNING ch. 5 (MIT Press 1988)

Antitrust 1986-87: Power and Access (Part II), 32 ANTITRUST BULL. 699 (1987) (with Briggs; I contributed to and revised this article)

Antitrust 1986-87: Power and Access (Part I), 32 ANTITRUST BULL. 275 (1987) (with Briggs; I wrote all but one section), *reprinted in part*, 18 J. REPRINTS FOR ANTITRUST L. & ECON. No. 2, at 227 (1988)

Summary Judgment, Motions to Dismiss, and Other Examples of Equilibrating Tendencies in the Antitrust System, 74 GEO. L.J. 1065 (1986), *summarized*, 36 L. REV. DIGEST No. 3, at 37 (May/June 1987), *reprinted in part in* M. HANDLER, H. BLAKE, R. PITOFKY, & H. GOLDSCHMID, CASES AND MATERIALS ON TRADE REGULATION 514-15 (4th ed. 1997)

The Merger Guidelines and the Herfindahl Index, 71 CALIF. L. REV. 402 (1983) (symposium issue on the Guidelines)

OTHER PUBLICATIONS:

How Might A Justice Kavanaugh Impact Antitrust Jurisprudence?, in Pro-Market, The blog of the Stigler Center at the University of Chicago Booth School of Business (July 20, 2018), at https://promarket.org/might-justice-kavanaugh-impact-antitrust-jurisprudence/?mc_cid=a6c3283e82&mc_eid=e5293d4df4, *reprinted*, Competition Policy International (July 23, 2018).

Consumer advice on no foreign transaction fee credit cards, WalletHub (July 2018), at https://wallethub.com/credit-cards/no-foreign-transaction-fee/#Stephen_Calkins

Consumer advice on “fair-credit” credit cards, WalletHub (April 2017), at https://wallethub.com/credit-cards/fair-credit/#Stephen_Calkins

Antitrust Marathon (participant), in the LOYOLA CONSUMER LAW REVIEW (edited conference tra

Evaluating the Competitive Effects of Exclusive Dealing Arrangements, THE ANTITRUST SOURCE (Nov. 2005), available at <http://www.abanet.org/antitrust/source/11-05/Nov05-Telesem11=29.pdf> (panel participant)

Copperweld, *The Basics and Beyond*, THE ANTITRUST SOURCE (Mar. 2003), available at <http://www.abanet.org/antitrust/source/march03/copperweld.pdf> (panel participant)

Adjudication, ABA Section of Administrative Law & Regulatory Practice, DEVELOPMENTS IN ADMINISTRATIVE LAW & REGULATORY PRACTICE 1998-99, Ch. 1

Expansion of FTC Enforcement—Justifiable Consumer Protection or Unnecessary Regulatory Power Grab?, Presentation at THE FEDERAL TRADE COMMISSION: A 1999 REPORT CARD, available at <http://www.fed-soc.org/FTCReportCard.htm>

Roundtable Conference with Enforcement Officials, 67 ANTITRUST L.J. 453 (1999) (panelist)

Energy Deregulation: A Special Role for FTC's Unique Mix of Authority, FTC:WATCH No. 513, at 9 (Dec. 21, 1998)

Justice Barks Softly at Microsoft, DETROIT FREE PRESS, May 27, 1998, at 9A

Antitrust Year in Review: Antitrust Olympics 1995-96, ANTITRUST 22 (Fall 1996)

Schizophrenic Antitrust, MATTHEW BENDER'S ANTITRUST REPORT, August 1994

Commentary: *Federal Trade Commissioner Terms Are Too Long*, 8 ANTITRUST 46 (Spring 1994)

The Clinton Administration--An Antitrust Perspective (interview), MICHIGAN TRADE REG., No. 18 (Dec. 1993)

60 Minutes with John W. Clark, Acting Assistant Attorney General, Antitrust Division, U.S. Department of Justice, 62 ANTITRUST L.J. 271 (1993) (panelist).

The Supreme Court Term: Even More Objectivity, MATTHEW BENDER'S ANTITRUST REPORT, August 1993

Do Pigs Need Wings? Introductory Thoughts on Law Reviews, Errors, and the Coase Theorem, 38 WAYNE L. REV. 1 (1991).

Federal Trade Commission 75th Anniversary Symposium, 58 ANTITRUST L.J. 797 (1989) (participant)

The Kirkpatrick Committee--Objectives and Procedures, and Selected Insights into the Report, 58 ANTITRUST L.J. 17, 33 (1989)

Comment: *The Detroit Joint Operating Arrangement*, 7 WAYNE LAW. No. 1, at 15 (fall 1987)

Comments on Presentation of Steven C. Salop, 56 ANTITRUST L.J. 65 (1987); also *Economic Concepts and Antitrust Analysis: A Critical Reexamination*, 56 ANTITRUST L.J. 91 (1987) (participant in panel discussion)

State Merger Enforcement, 18 J. REPRINTS FOR ANTITRUST L. & ECON. 353 (1988), reprinted from ABA Antitrust Section, Clayton's Commentaries § 7 (July 1986), excerpts previously reprinted, 1 ANTITRUST 18, 20 (Fall 1986).

The Antitrust Sand Dune, 7 ANTITRUST No. 3, at 14 (June, 1986) (with Briggs)

Illinois Brick and its Legislative Aftermath, 47 ANTITRUST L.J. 967 (1978)

GM/Toyota May Curb Access to Injunctive Relief: *Business Standing in Antitrust Action in Question*, 6 LEGAL TIMES, No. 44, at 10 (April 9, 1984) (with Briggs)

GOVERNMENT-INVITED PROJECTS:

Luncheon Address: Antitrust Year in Review 2018, National Association of Attorneys General Antitrust Litigation Training Program (Denver, Colo., Oct. 18, 2018)

Luncheon Address: Antitrust Year in Review 2017, National Association of Attorneys General Antitrust Litigation Training Program (Providence, R.I., Nov. 16, 2017)

Luncheon Address: Antitrust Year in Review 2016, National Association of Attorneys General Antitrust Litigation Training Program (San Francisco, Sept. 29, 2016)

Enhancing Competition Law in Asia, with a Focus on Procedural Law: a non-Asian Perspective, at the 18th International Workshop on Competition Policy (Seoul 5 September 2014)

Competition Enforcement and Competitive Neutrality, at the 8th Seoul International Competition Forum (Seoul 4 September 2014)

Use of Commitment Decisions, at European Competition Authorities Annual Meeting (Prague 22 May 2014)

Chair, Roundtable I: *Improvements to EU Merger Regulation - Making Life Easier for Undertakings?*, at Poland's Office of Competition and Consumer Protection Workshop on New Challenges in Merger Control in Europe (Warsaw 12 September 2013)

Roundtable on Agency Effectiveness, at the Federal Trade Commission (April 9, 2013)

Thoughts on Global Merger Review and Powerful Buyers, Remarks to the ACCC (Melbourne, Australia Oct. 24, 2012)

Lead Respondent on Paul Gorecki, *Economic Regulation and Economic Recovery*, at Second Economic Regulators' Network Workshop on Change Management (Dublin Sept. 5, 2012)

How I Learned to Love Consumer Protection, in-house seminar at The Competition Authority (Dublin Ireland March 20, 2012)

Luncheon Address: Antitrust Year in Review 2011, National Association of Attorneys General Antitrust Litigation Training Program (New Orleans, LA., Sept. 19, 2011).

Try Something New, Luncheon address at the National Association of Attorneys General Antitrust Litigation Training Program (Columbus, OH, Sept. 23, 2010)

Horizontal Merger Guidelines Review Project: Panelist at the Third FTC/DOJ Workshop (Northwestern University Law School Dec. 10, 2009)

Restrictive Agreements - Vertical and Horizontal, the fifth two-day workshop for Caribbean judges organized by the Jamaican Fair Trading Commission (Ocho Rios, Jamaica, July 18 & 19, 2009)

Testimony, *Proposed Consumer Financial Protection Agency: Implications for Consumers and Businesses* (2009)

Member, Special advisory panel to the New Zealand Commerce Commission, 2008-09

Competition Law: The View from Across the Border, at the Comisión Federal de Competencia Mexico (Mexico City Oct.30, 2008)

The History of Section 5: 1972 to Present, at FTC Workshop on Section 5 of the FTC Act as a Competition Statute (Washington, D.C., Oct. 17, 2008)

The FTC at 100, panelist on “The effectiveness of the competition mission” (Washington,

Resetting the Balance in Antitrust, at the National Association of Attorneys General Centennial Symposium: One Hundred Years of State Antitrust Enforcement (St. Louis Oct. 9, 2007).

Wrap-Up Session, at Federal Trade Commission/Department of Justice Hearings on Single-Firm Conduct (Washington D.C. May 1, 2007) (transcript to be available on a

Exclusive Dealing, at Federal Trade Commission/Department of Justice Hearings on Single

Government Civil Remedies, Testimony Before the Antitrust Modernization Commission (Washington, D.C., Dec. 1, 2005), available at http://www.amc.gov/commission_hearings/pdf/051201_Transcript_Govt_Civil.pdf

Private Enforcement, at Office of Fair Trading Workshop on Private Enforcement of Competition Law (London, Oct. 19-20, 2006)

Reflections on US and New Zealand Monopoly Law, to the New Zealand Commerce Commission (Wellington, New Zealand, Aug. 2005)

International Academic Roundtable on the Linkages of Competition and Consumer Protection, an FTC-organized workshop at the Canadian mission to OECD featuring top enforcement officials from the EU and a half dozen countries (academic presenter) (Oct. 2004)

Current Antitrust in Perspective, at the annual National Association of Attorneys General Antitrust Seminar (Columbus, Ohio (Sept. 2010); Santa Fe, New Mexico, Sept. 1994; Fort Lauderdale, Florida, Sept. 1997; Chicago, Ill., Sept. 1998; Austin, Texas, Oct. 1999; San Diego, Cal., Oct. 2000; Minneapolis, Minn., Oct. 2001; Portland, Or., 2002; Washington, D.C., 2003; Chicago, Ill, Oct. 2004)

Testimony on use of credit scores in setting insurance rates before the Michigan Office of Financial

90 Years and Two Days in 45 Minutes: What Did We Learn?, at the Symposium in honor of the 90th Anniversary of the Federal Trade Commission (Washington, D.C. Sept. 23, 2004)

Instructor for one-week USAID-funded course for commissioners and staff members of the Indonesian competition commission (Jakarta, March 2004)

Legal and Economic Perspectives, at a Federal Trade Commission Public Workshop on Possible Anticompetitive Efforts to Restrict Competition on the Internet, Washington, D.C. (Oct. 8, 2002) (comments available at <http://www.ftc.gov/opp/ecommerce/anticompetitive/panel/calkins.pdf>)

Illinois Brick: *Past and Future*, at the National Association of Attorneys General Antitrust Seminar, Minneapolis, Minn., Oct. 2001

Co-leader of one-week course on Indonesian competition policy funded by the United States Agency for International Development sponsored by Georgetown University, the Center for Indonesian Law & Public Policy Studies, the Partnership for Business Competition, and the Partnership for Economic Growth, Yogyakarta, Indonesia, Aug. 2000

Indonesian Competition Law and Enforcement, Workshop with Candidates to be Commissioners and Staff of Indonesia's new Competition Commission, co-sponsored by the government of Indonesia and the United States Agency for International Development, Jakarta, Jan. 2000

Co-leader of a two-week course on competition policy organized by the Government of Indonesia and U.S. AID, June-July 1999

The Fourth Annual Lewis Bernstein Memorial Lecture at the US Department of Justice Antitrust Division: *Reflections on the Role of Litigation in Antitrust Enforcement Policy* (May 1999)

Vertical Restraints of Trade Competition Laws in an Integrated World Economy, at the Oslo (Norway) Competition Conference (June 1996)

Moderator, Round Table on Issues in Antitrust, at a conference on "Post-Chicago Economics: New Theories -- New Cases?," sponsored by the Federal Trade Commission, the Department of Justice, the ABA Section of Antitrust Law, and Georgetown University Law Center, Washington, D.C. (May 26-27, 1994)

Arbitrator of the Minnesota Attorney General's objection to the merger of St. Paul Children's Hospital and Minneapolis Children's Medical Center, Spring 1994

IVHS and Antitrust: A Preliminary Assessment, at a U.S. DOT Conference, Washington, D.C. (Dec. 14, 1993)

Discussion leader and reporter at the 1992 Sixth Circuit Judicial Conference, Columbus Ohio (May 27-79, 1992)

Interpretation of Supreme Court Precedents: Report on the 1989 Term, at the National Association of Attorneys General State Antitrust Enforcement Seminar (Boston, Mass., Nov. 12, 1990)

US and EEC Competition Policy, at the US Embassy's Washington Irving Center, Madrid, and at the Hotel Holiday Inn, Madrid (February 1990)

Merger Policies in the US and the EC, at the Colegio de Economistas, Barcelona (February 1990) (sponsored by the US State Department)

Symposium in Honor of the Federal Trade Commission's 75th Anniversary: Panel Discussion on Implementation of the Kirkpatrick Report Recommendations (discussant) (Nov. 29, 1989), *published* in 58 ANTITRUST L.J. 797 (1989)

FTC Authorization: Hearing before the Subcommittee on the Consumer of the Senate Committee on Commerce, Science and Transportation, on reauthorization of the Federal Trade Commission, 101st Cong., 1st Sess. 67 (June 7, 1989)

Michigan Senate Committee on the Judiciary, on S. 790 (concerning newspaper JOA's) (June 12, 1986)

REPORTS AND UNPUBLISHED PAPERS:

The Presidential Appointment/Confirmation Process, a report to the American Bar Association Section of Antitrust Law (June 2000)

IVHS and Antitrust: A Preliminary Assessment, presented at *Evaluation of Legal Constraints, Barriers or Concerns to the Intelligent Vehicle Highway Systems (IVHS) Program*, a U.S. Department of Transportation conference

Report of the American Bar Association Section of Antitrust Law, Special Committee on the Role of the Federal Trade Commission, 58 ANTITRUST L.J. 43 (1989) (counsel to committee), *reprinted in* Special Supp., 56 ANTITRUST & TRADE REG. REP. (BNA) No. 1410 (Apr. 6, 1989); TRADE REG. REP. (CCH) No. 46 (extra ed. Apr. 13, 1989); EARL KINTNER & JOSEPH BAUER, VIII *FEDERAL ANTITRUST LAW* (Supp. 1990); *and* PATRICK MURPHY & WILLIAM WILKIE, *MARKETING AND ADVERTISING REGULATION: THE FEDERAL TRADE COMMISSION IN THE 1990S* (1990)

Report on State Merger Enforcement, by the State Merger Enforcement Task Force of the Section 7 (Clayton Act) Committee, American Bar Association Antitrust Section (1984) (chair of committee), *reprinted*, 18 J. REPRINTS ANTITRUST L. & ECON. 361 (1988); Partial supplement (1986), *reprinted*, 18 J. REPRINTS ANTITRUST L. & ECON. 413 (1988)

Report of the Independent Committee on Admissions Policies in the Cranbrook Schools (April 1985) (counsel to the Committee)

Antitrust Update, 1984-85 (Mar. 7, 1985) (with J. Briggs)

GOVERNMENT CONTRACTS:

Federal Highway Administration Contract DTFH61-93-C-00087 (1993)

PRESENTATIONS AT ACADEMIC AND PROFESSIONAL PROGRAMS:

Antitrust Fundamentals, at ABA Antitrust Section Spring Meeting (Washington, D.C. March 27, 2019) (scheduled)

Vertical Mergers: An Irish Perspective, at the Northwestern University Kellogg School of Management conference, Navigating the Uncertain Climate of Vertical Merger Enforcement (Evanston, IL, Jan. 25, 2018) (scheduled)

Private Antitrust Enforcement and the New Supreme Court, at the American Antitrust Institute Private Antitrust Enforcement Conference (Washington, D.C., Nov. 14, 2018)

Comments on "The Global Dominance of European Competition Law Over American Antitrust Law," at the 13th Annual Conference on Empirical Legal Studies at the University of Michigan Law School (Ann Arbor, MI, Nov. 9, 2018)

Developments and Hot Topics, at Antitrust Judicial Law and Economics Institute for Judges (Berkeley Law School Oct. 24, 2018)

Oyez! Antitrust and the Supreme Court, at American Antitrust Institute annual conference (Washington, D.C., June 21, 2018)

Teaching Consumer Law in a New Environment, at the University of Houston Law Center conference: Teaching Consumer Law: Where Have We Been—Where Are We Going? (Santa Fe N.M. May 18, 2018)

Merger Reform?, at ABA Antitrust Section Annual Spring Meeting Luncheon (moderator of panel) (Washington D.C. April 11, 2018)

Introduction to EU Competition Law, at University College Dublin Sutherland School of Law (Dublin, Ireland February 2, 2018)

Trump Antitrust, at the Oregon State Bar Antitrust Conference (Portland Nov. 10, 2017)

Competition Law Enforcement: Convergence and Divergence, at University College Dublin Sutherland School of Law (Dublin, Ireland October 2, 2017), with financial support of Irish Research Council

Greatest Hits in Antitrust, at American Antitrust Institute 18th Annual Conference (Washington D.C. June 21, 2017)

Comments on *The Meaning and Determination of Market Power*, at 17th Annual Loyola Antitrust Colloquium (Chicago April 21, 2017)

Goldfarb v. Virginia State Bar: *Looking Back and Forward*, at ABA Antitrust Section Annual Spring Meeting Luncheon (Washington D.C. March 29, 2017)

Observations on the Year in International Antitrust, at American Antitrust Institute annual global antitrust conference (Washington D.C. February 8, 2017)

Hot Topics in U.S. Enforcement and Policy, at the Global Antitrust Enforcement Symposium at Georgetown (Washington D.C. Sept. 20, 2016)

Primer on Antitrust Law and Pleading Standards, luncheon presentation for the Federal Bar Association Antitrust Committee (Detroit June 28, 2016)

Mergers with International Dimensions: Coordination, Due Process, and Other Issues, at the American Antitrust Institute's 17th Annual Conference: Living with Market Concentration? New Perspectives on Merger Policy (Washington D.C. June 16, 2016)

Teaching Consumer Law in Ireland, at the University of Houston Law Center conference: Teaching Consumer Law in our Popular Culture and Social Media (Santa Fe N.M. May 20, 2016)

Chair's Showcase: Examining the Per Se Rule, at the ABA Antitrust Section Annual Spring Meeting (Washington D.C. April 7, 2016)

An American Academic in Dublin, in the Wayne State University Political Science Department Colloquium Series (Detroit Oct. 5, 2015); in the Wayne State University Law School Faculty Presentation Series (Detroit Oct. 7, 2015); and in the Wayne State University Humanities Center Brown Bag Colloquium Series (Detroit November 4, 2015).

Money Skills for Life, at Irish Red Cross (Clane Ireland July 15, 2015)

Both Sides (of the Pond) Now: Reflections on Competition Enforcement in the US and the EU, at Queens University (Belfast 28 April 2015)

Introduction to Strategic Planning for Competition Agencies, class for Competition Law in Practice (LAW 30640) at University College Dublin Sutherland School of Law (26 February 2015)

A Conversation about Amalgamating Regulatory Institutions, at UCD Sutherland School of Law (Dublin 26 February 2015)

Money Skills for Life, at Core Media (Dublin 20 February 2015)

Glogg, Eggnog and a Review of Both Sides of the Pond, the inaugural ABA Antitrust Section Global Seminar (Brussels 18 December 2014)

Money Skills for Life, for Bridgestone employees (Dublin 12 December 2014)

The View from the Commission, class for Understanding Markets (Econ 8005), Trinity College Dublin (5 December 2014)

The Future of the FTC (closing roundtable), at George Washington Law Review, The FTC at 100: Centennial Commemorations and Proposals for Progress (Washington D.C. Nov. 8, 2014)

Amalgamation of competences v specialization; Integration v bifurcation; Administrative v judicial, at the College of Europe, 10th Global Competition Law Centre Annual Conference: 10 Years of Regulation 1/2003: Challenges and Reform (Brussels Nov. 6, 2014)

Top Tips: Your Business and Competition Law, at Taking Care of Business, Dublin Castle (October 22, 2013; Oct. 16, 2014)

Varied Structures for Competition and Consumer Protection, at the Canadian Bar Association National Competition Law Section's 2014 Annual Competition Law Fall Conference (Ottawa Sept. 18, 2014)

Thoughts and Observations on Case Handling Procedures, at 2014 Seoul National University, Korea University, and Sookmyung Women's University Mini-Conference (Seoul Sept. 3, 2014)

Competition Law in Times of Crisis, at 8th Annual IMEDIPA Conference, New Challenges in Competition Law Enforcement (Istanbul June 6, 2014)

Economic Analysis and Oligopoly in Competition Law, at 8th Annual IMEDIPA Conference, New Challenges in Competition Law Enforcement (Istanbul June 6, 2014)

Fostering Convergence in Merger Analysis, resource person at breakout session at 13th annual International Competition Network conference (Marrakech April 25, 2014)

An American (Still) in Dublin, luncheon address at the ABA Section of Antitrust Law Spring Meeting (Washington, D.C. March 26, 2014)

Moderator, Irish Society for European Law Competition Law Forum - Reforming the EU Merger Regulation - Minority Interests (Dublin March 5, 2014)

Participant, Global Antitrust Institute Competition Law & Economics Symposium for International Competition Officials (Arlington Virginia February 14, 2014)

The Antitrust Conversation (continued), at the 18th annual European University Institute EU Competition Law and Policy Workshop: Effective and Legitimate Enforcement of Competition Law (Fiesole Italy 19-20 July 2013).

Anticompetitive Practices, at an Irish Small and Medium Enterprises Association Briefing Session (Dublin June 12, 2013)

Public Interest Objectives in Merger Review: How to Reconcile Them with Competition Policy, at International Competition Network Annual Meeting 2013 (Warsaw April 25, 2013).

An American in Dublin, luncheon address at the ABA Section of Antitrust Law Spring Meeting (Washington, D.C. April 10, 2013)

The View from the Authority, class for Understanding Markets (Econ 8005), Trinity College Dublin (7 December 2012)

Perspectives from Irish Competition Law, class for Advanced Issued in European Competition Law (LAW 40360), in the University College Dublin School of Law Master's Program (23 November 2012)

Merger Review: A View from Both Sides, at Gilbert & Tobin (Melbourne Australia, Oct. 24, 2012)

The Global Conversation about Merger Review and Powerful Buyers, the third annual Baxt Lecture (Melbourne Australia, Oct. 23, 2012)

Where Else Would You Rather Be Than Right Here, Right Now?, Keynote Luncheon Address at International Bar Association Antitrust Committee Annual Meeting (Dublin Oct. 3, 2012)

Robert Pitofsky's Scholarship: An Irish Perspective, at a Georgetown University Law School conference honoring Dean Emeritus Robert Pitofsky (Washington, D.C., May 30, 2012)

Roundtable discussant on competition analysis and unfair practices at the Institute of European and Comparative Law/Centre for Competition Law and Policy conference, Trends in Retail Competition: Private Labels, Brand and Competition Policy (Oxford UK May 25, 2012)

Merger Control, at the Conference on Competition and Financial Regulation – Contemporary and Comparative Issues sponsored by the National Law School of India University's Centre on Competition and Regulation (Bangalore, India, April 30, 2012).

The Real World of Irish Competition Law, class for Competition Law in Practice (LAW 30640) at University College Dublin School of Law (April 19, 2012)

Keynote Speech at the Sixth Annual Postgraduate Workshop, *In Search of Effectiveness: Current Trends and Challenges in Competition Law Enforcement*, University College Dublin College of Law, March 22, 2012

A View from the Competition Authority – How They Deal with Regulation and Enforcement, Law Society of Ireland Diploma in In-House Practice 2011 (Dublin March 13, 2012)

Antitrust Albom Fall 2011, luncheon address at the Oregon State Bar Antitrust & Trade Regulation Section Annual Meeting (Portland Oct. 21, 2011)

Advertising Litigation Update, at the National Advertising Division Annual Conference 2011 (New York October 3, 2011)

Deep Globalization: Concept and Antitrust Challenges, at 12th annual American Antitrust Institute Conference (Washington, D.C. June 2011) (co-moderator)

What's Hot?, at the ABA Antitrust Section Spring Meeting (Washington, D.C. April 2011)

Horizontal Restraints, at the Fordham Competition Law Institute Refresher Course for Experienced International Agency Staff and Judges (New York July 2011, 2010, 2009, 2008) (w. Andreas Reindl or Barry Hawk)

Single Firm Conduct: Refusals to Deal and Monopoly Leveraging, at Conference on Antitrust Enforcement in Global Technology Markets (Seattle, WA, June 17, 2010).

It's Complicated: Current Issues in U.S. Antitrust Law, luncheon address to the Antitrust Law Section of the Georgia State Bar (Atlanta June 10, 2010)

Hot Topics, at ABA Antitrust Section Spring Meeting (Washington, D.C. April 22, 2010).

Annual Banquet Speaker, Journal of Corporation Law (Iowa City March 2010)

The Agenda Meets the Courts, at the ABA Antitrust Section Fall Forum (Washington D.C. November 12, 2009)

Developments in U.S. Enforcement, at the 4th Academic Society for Competition Law Conference (George Washington University Law School June 16, 2009)

What's Hot?, at the ABA Antitrust Section Spring Meeting (April 2009)

Lessons from the “Old World”—the U.S. Experience, discussant at the George Washington University Law School Competition Law Center program: Private Enforcement of Competition Law: New Directions (Washington, D.C. Feb. 27, 2009)

Obama Antitrust, at a post-inaugural program, Wayne State University (Detroit Jan. 20, 2009)

Antitrust in 2009, at the ABA Antitrust Section Midwinter Meeting (Hawaii Jan. 12, 2009)

Competition Agency Challenges, the keynote address at a conference on The Challenges of Competition and Regulation sponsored by the CIDAC (Center of Research for Development) and the Mexican Network of Competition and Regulation (Mexico City Oct. 29, 2008).

Remembering Writing the Nutshell at the CIDAC/Mexican Network of Competition and Regulation conference (Mexico City Oct. 29, 2008)

Principal Lecturer (w. Gavil, Vance & Williams), Antitrust Masters Course IV (The Homestead, Virginia, Sept. 25-28, 2008)

My Crystal Ball, at post-annual meeting of ABA Antitrust Section (New Brunswick, Canada, Aug. 14, 2008)

Consumer Law or Consumer Protection? at the University of Houston Center for Consumer Law program on Teaching Consumer Law (Houston May 23, 2008)

Do You Know Who I am?: Keynote Address, at 4th Annual In-House Counsel Forum on Pharmaceutical Antitrust (National Harbor, Maryland, May 20, 2008)

One Year Later: The Antitrust Modernization Commission’s Report and the Challenges That Await Antitrust, New York University Law School (New York April 11, 2008) (program participant)

Hot Topics, at the ABA Antitrust Section Spring Meeting (Washington March 27, 2008)

What Does It Take? Challenging Mergers that Involve Differentiated Products?, at the ABA Antitrust Section Spring Meeting (Washington March 26, 2008) (program chair)

An Update on IP & the Agencies: N-Data and Rambus, a Brownbag Program sponsored by the ABA Section of Antitrust Law Computer & Internet and Federal Civil Enforcement committees (panelist) (Washington, D.C. Feb. 29, 2008)

Antitrust Marathon (participant), sponsored by the Loyola Law School and the Competition Law Forum of the British Institute for International and Comparative Law (Chicago Oct. 5, 2007)

Supreme Court Antitrust, at a Wayne State University Law School “Welcome Back Week” program (Detroit Sept. 17, 2007).

After-Dinner Remarks, at the Law Council of Australia Business Law Section Trade Practices Workshop (Surfers Paradise, Australia, Aug. 11, 2007)

Recent Developments in U.S. Competition Modernization, at the Law Council of Australia Business Law Section Trade Practices Workshop (Surfers Paradise, Australia, Aug. 11, 2007)

What’s Going On?, luncheon address sponsored by the Law Council of Australia Business Law Section (Melbourne, Australia, Aug. 8, 2007)

Horizontal Restraints, at the Fordham Competition Law Institute Refresher Course for Experienced Agency Staff and Judges (New York July 10, 2007) (full day session) (w. Andreas Reindl)

Equilibrating Tendencies in Competition Law: Implications for European Reforms, at the ESRC Centre for Competition Policy, University of East Anglia, Conference on Comparative Perspectives in Multi-Jurisdictional Antitrust Enforcement (Norwich, England June 14, 2007)

Moderator, *Master the Basics Brown Bag Series Lesson VIII: International Antitrust* (teleconference April 25, 2007)

Chair’s Showcase Program, at the annual ABA Antitrust Section Spring Meeting (Washington, D.C. April 19, 2007)

Luncheon Address, at the annual ABA Antitrust Section Spring Meeting (Washington, D.C. April 18, 2007)

Wrong Turns in Exclusive Dealing Law, at the Conference on Conservative Economic Influence on U.S. Antitrust Policy, Georgetown University Law School (April 17, 2007)

Private Interests and Public Antitrust Enforcement, at the University of Amsterdam Center for Law & Economics conference on Strategic Firm-Authority Interaction in Antitrust, Merger Control and Regulation (Amsterdam March 2007)

Reflections from Across the Pond, to the Dutch Association for Competition Law (Amsterdam March 2007)

New Directions in Competition Policy: What Lies Ahead?, at the Conference Board's Antitrust Conference (session leader) (March 2006 & 2007) (NY)

Principal Lecturer (w. Hylton, Kovacic & Wood), Antitrust Masters Course III (Kiawah Island, S.C., Sept. 28-Oct. 1, 2006)

The Antitrust Modernization at Mid-Course, at the ABA Section of Antitrust Law Program on the Antitrust Modernization Commission (Georgetown University Law Center, June 8, 2006)

Public Enforcement of EU Competition Law, at the 11th European University Institute Competition Law and Policy Workshop: *Enforcement of Prohibition of Cartels* (Florence, Italy, June 2-3, 2006)

The FTC: Past, Present, and Future, at the University of Houston Center for Consumer Law program on Teaching Consumer Law (Houston May 19, 2006) (session chair)

Comments on Antitrust and Bankruptcy, at the sixth annual Loyola Antitrust Colloquium (Chicago, Apr. 28, 2006)

Patriotic Antitrust 2005-06, the luncheon address at the 54th annual ABA Antitrust Section Spring Meeting (Washington, D.C., March 29, 2006)

The FTC's International Consumer Protection and Competition Programs, a Brown Bag Program sponsored by four ABA Antitrust Section Committees (moderator) (Feb. 2, 2006)

The AMC: What is It and Where is It Going?, at the University of San Francisco Law Review Fall Symposium on "The Uncertain Future of Antitrust" (San Francisco, Oct. 8, 2005)

Development in U.S. Monopoly Law: Much Ado About ____?, the Distinguished Overseas Guest Lecture at the 2005 Annual Workshop of the Competition Law and Policy Institute of New Zealand (Christchurch, New Zealand, Aug. 6, 2005)

Evaluating the Competitive Effects of Exclusive Dealing Agreements, an ABA Antitrust Section TeleSeminar (panelist) (June 24, 2005)

A Model Commissioner, luncheon remarks at the American Antitrust Institute annual program (Washington, D.C., June 21, 2005)

Politics and Competition Policy, a commentary at the 5th Annual Loyola Antitrust Colloquium (Chicago Apr. 8, 2005)

Lessons from the History of Antitrust Modernization, at the Antitrust Enterprise

Conference, University of Iowa College of Law (Iowa City April 1, 2005)

Should the Antitrust Laws be Modernized?, panelist at afternoon program at the ABA Section of Antitrust Law Spring Meeting (Washington, D.C. March 31, 2005)

Patriotic Antitrust, the luncheon address at the ABA Section of Antitrust Law Spring Meeting (Washington, DC March 30, 2005)

Antitrust Update (with Jonathan Baker, Andrew Gavil, William Kovacic, or J. DeQ. Briggs), at the Conference Board's annual Conference on Antitrust Issues in Today's Economy (New York City, March 1984-88, 1990-99, 2001-05)

Blue States, Red States, and Antitrust, luncheon address at the Utah Law & Economics Society fall seminar (Salt Lake City Nov. 5, 2004)

Unsettled Antitrust Issues, at the annual meeting of the Oregon State Bar Antitrust Section (Portland Oct. 27, 2004)

The Concept of Vertical Competition: A Peripatetic Observer's Summary of the AAI's Roundtable on Combining Horizontal and Vertical Analysis in Antitrust, at the American Antitrust Institute annual program (Washington, D.C., June 22, 2004)

The Role of the FTC in a Consumer Protection Course, at the University of Houston Center for Consumer Law program on Teaching Consumer Law (Houston May 21, 2004)

Potential Comments, at 4th Annual Loyola Antitrust Colloquium (Chicago April 16, 2004)

Detroit Tigers Antitrust, luncheon address at the ABA Antitrust Section Spring Meeting (Washington April 2004)

The Reemergence of the Unfairness Doctrine in FTC and State Consumer Protection Cases, at the ABA Antitrust Section Spring Meeting (Washington April 2004)

The Anna Karenina Principle at Work in Sports and Entertainment Law Cases, the after-dinner speech at a meeting of the Michigan State Bar Arts, Communication, Entertainment, and Sports Section (Feb. 25, 2004)

The State Attorney General and the World of Antitrust, at Columbia Law School's Symposium, *The Newest Federalism* (New York Dec. 5-6, 2003) (proceedings to be published)

Joint Venture Analysis and the Three Tenors Decision: A Virtuoso Performance or a Song Out of Tune?, an ABA Antitrust Teleseminar (Sept. 17, 2003)

Arnold Schwarzenegger's Antitrust 2002-03, at the ABA Antitrust Section Annual Meeting (San Francisco, Aug. 11, 2003).

Comments on Lessons from the Papers of Justice Lewis F. Powell, Jr., at the Third Annual Loyola Antitrust Colloquium (Chicago April 2003)

The Good Antitrust Shepherds, at the ILEP/Duke Law School Conference on Agencies, Economic Justice and Private Initiatives (San Diego April 2003)

Chair's Showcase Program: Just When Do Horizontal Agreements Unreasonably Restrain Trade?, Presenter at the ABA Antitrust Section Spring Meeting (Washington, DC, April 2003)

Moderator and presenter at multiple sessions of the 2002 Sedona Conference on Antitrust Law & Litigation, Sedona AZ (Nov. 2002)

Moderator, *Standards Setting: What Should be the Antitrust Role?*, at the 2002 ABA Antitrust Section Fall Forum, Washington, DC (Nov. 2002)

Panel participant on *Antitrust and Business Strategy* at the Harvard Business School Strategy Research Conference, Cambridge, MA (Oct. 25-26, 2002)

Panel participant in Copperweld, *the Basics and Beyond*, a "virtual brown bag" symposium sponsored by the ABA Antitrust Section Corporate Counseling Committee (Oct. 2002)

Passion, Exaggeration, and Importance: Comments on Japanese Industrial Policy and American Extraterritorial Antitrust, at the University of Minnesota conference on Global Antitrust Law and Policy in honor of Dean E. Thomas Sullivan, Minneapolis, MN (September 19-21, 2002)

Antitrust Insights, at ABA Antitrust Section Annual Meeting, Washington, D.C., Aug. 2002. I also served as moderator for this full-day program

The Role of the FTC in a Consumer Law Course, at a conference on Teaching Consumer Law, Houston, Texas, April 26, 2002

The Antitrust Section in Historical Perspective, at the ABA Antitrust Section's 50th Anniversary Luncheon, Washington, D.C. (April 2002)

Reflections on State Antitrust Enforcement, at Spring Meeting of ABA Antitrust Section, Washington, D.C. (April 24, 2002)

Commentator and panelist at the Oracle/ANSI/George Washington University Symposium on Patent and Related Issues in Standard Setting, Washington, D.C. (April 2002)

Commentator at First and Second Annual Midwest Antitrust Colloquia, sponsored by the Institute for Consumer Antitrust Studies at Loyola University Chicago School of Law (Chicago, April 2001-02)

The History of the ABA Antitrust Section, at the Midwinter Meeting of the ABA Antitrust Section, St. Thomas, USVI (Jan. 2002)

Reflections on the Role of the ABA Antitrust Section, at the the annual meeting of the Section of Antitrust and Economic Regulation, Association of American Law Schools (New Orleans, January 2002)

Current Antitrust Issues, Ohio Bar Association Antitrust Institute, Columbus, Ohio (Nov. 2, 2001)

Antitrust's Year of the Baseball Bat, at ABA Antitrust Section Annual Meeting, Chicago, IL (August 2001)

New Developments in U.S. Antitrust, at the Eighth St. Gallen University (Switzerland) International Competition Law Conference (April 2001)

Antitrust and Trade Regulation in Transition: Lessons from the Past; Lessons for the Future, Luncheon address to the Antitrust and Trade Regulation Section of the Houston Bar Association (April 2001)

Rules of Ethics or Restraints of Trade?, at Spring Meeting of ABA Antitrust Section, Washington, D.C. (March 2001)

Indonesia's New Competition Law, at a conference on Indonesia's New Competition Law and its Trade and Investment Climate, sponsored by Georgetown University Law Center and the Program on International Business and Economic Law (Washington, D.C., October 2000) (conference co-chair)

An Appreciation of Amicus Briefs, at Antitrust at the Millennium, sponsored by Washington College of Law Program on Law and Government at American University and the ABA Antitrust Section (September 2000)

What's Been Going On? "Who Wants to Be a Millionaire?," "Survivor," and "Big Brother," at the annual meeting of the ABA Antitrust Section, New York City (July 2000)

A New Framework for Collusion (panelist), at the American Antitrust Institute's An Agenda for Antitrust for the 21st Century, Washington, D.C. (June 2000)

Antitrust and Consumer Protection in Cyberspace, at the ABA Antitrust Section's Spring Meeting, Washington, D.C. (April 2000)

Unfairness and the Internet, at a Symposium on this topic that I helped organize for the Wayne State University Law Review (March 2000)

New Rules and Good Reasons: The Future of Antitrust Analysis After California Dental Association, Speaker at the Luncheon Session at the Conference Board's annual Conference on Antitrust Issues in Today's Economy (New York City, March 2000)

Administrative Adjudication, at the ABA Administrative Law Conference, Washington, D.C. (Oct. 15, 1999)

Antitrust Meets Consumer Protection, at Advanced Distribution Workshop: Antitrust and Advertising Issues, New York (Sept. 1999)

Supreme Lessons, at the Annual Meeting of the ABA Antitrust Section, Atlanta (August 1999)

Panelist, *Expansion of FTC Enforcement—Justifiable Consumer Protection or Unnecessary Regulatory Power Grab?*, a Federalist Society program (Washington, D.C., May 1999)

Panelist, *Roundtable Conference with Enforcement Officials*, ABA Antitrust Section Spring Meeting (Washington, D.C., April 1999)

Panelist, *Antitrust Compliance In The Era Of Globalized Enforcement: Practical Implications*, a program presented by the Corporate Counseling and the International Antitrust Committees at the ABA Antitrust Section Spring Meeting (Washington, D.C., April 1999)

Moderator, *Antitrust in the 21st Century: How to Promote Innovation*, and Judge for the mock oral argument in *Intergraph Corp. v. Intel Corp.* at the Advanced Antitrust Workshop: Antitrust and High-Tech Industries (Scottsdale, AZ, February 1999)

Commentator, *Antitrust Turnpikes to the Millennium: Beyond Microsoft's Toll-gates*, at the annual meeting of the Section of Antitrust and Economic Regulation, Association of Schools (New Orleans, January 1999)

How Do Antitrust Laws Apply in the Wake of Convergence and Deregulation?, at the 30th Annual Institute of Public Utilities Conference (Colonial Williamsburg December 1998)

Panelist, Advanced Antitrust Counseling Workshop (New York Sept. 24-25, 1998)

Practical Lessons from Headline Antitrust Disputes, at the annual program of the

Michigan State Bar Business Law and Antitrust Law Sections (Lansing, MI, Sept. 16, 1998)

Monica Lewinsky and Antitrust Law, at the Annual Meeting of that ABA Section of Antitrust Law (Toronto, Canada, August 1998)

An Antitrust Enforcer Returns to Academia: Reflections on Antitrust and Intellectual Property, luncheon address at the Intellectual Property Law Section of the State Bar of Michigan 1998 Spring Seminar (Lansing, MI, March 1998)

The Regulatory Character of Modern Antitrust Policy, at the annual meeting of the Section of Antitrust and Economic Regulation, Association of American Law Schools (San Francisco, January 1998)

Individual Compared with Entity Sanction: The Relationship Between Compensation and Deterrence, at the Duke University School of Law-Institute for Law and Economic Policy conference on Deterring Corporate Misconduct (Naples, Florida, November 1997)

Parting Thoughts, at the monthly Covington & Burling partnership luncheon (Washington, D.C., August 1997)

Antitrust Finding Itself, at the annual meeting of the ABA Antitrust Section (San Francisco, August 1997)

Are High Profile Cases Such as OJ and the Menendez Brothers Bankrupting 'Justice' in Our Legal System?, panelist at 25th Reunion program, Yale College Class of 1972 (New Haven, Connecticut, June 1997)

In Praise of Antitrust Litigation: The Second Annual Bernstein Lecture at St. John's University Law School (New York, April 1997)

Consumer Protection: The Developing Tension Between Self-Regulation of Advertising, Antitrust Law, and the First Amendment, at the ABA Antitrust Section Spring Meeting (Washington, D.C., April 1997)

Opening Comments (and moderator), *Antitrust Fundamentals*, at the ABA Antitrust Section Spring Meeting (Washington, D.C., April 1997)

An Enforcement Official's Reflections on Antitrust Class Actions, at Rule 23: Class Actions at the Crossroads, a conference sponsored by The University of Arizona College of Law and the Institute for Law and Economic Policy (Tucson, Arizona, December 1996)

The Antitrust Olympics, at the ABA Antitrust Section Annual Meeting (Orlando, Florida, August 1996)

Avoiding Antitrust Liability, at Business Development Associates' "Product Distribution Institute" (co, May 1996) (spoke and led workshop)

Reflections on the Year in Antitrust, at the ABA Antitrust Section Annual Meeting (Chicago, August 1996)

Luncheon Address: Litigation Reform at the Federal Trade Commission, at the New England Antitrust Conference (November 1995)

Luncheon Address at the 29th Annual Ohio State Bar Association Antitrust Section Program: Timely Litigation Issues Facing Antitrust Practitioners (Columbus, Ohio, October 1995)

The U.S. Model of Fair Trading, at the International Conference on Fair Trading sponsored by Consumers International and the Hong Kong Consumer Council, Hong Kong (June 1995)

The Antitrust Perspective, at a University of Michigan Law School program, Mergers and Acquisitions in the '90's (Ann Arbor, MI, April 1995)

Teaching Antitrust: Antitrust's Special Role in the Law School Curriculum (moderator of panel), at annual meeting of AALS Section of Antitrust and Economic Regulation (New Orleans, January 1995)

While the Cat's Away: Antitrust in the Courts of Appeals, 1993-94, at the ABA Antitrust Section's Annual Meeting (New Orleans, August 1994)

Panelist at *Using Mediation in Complex Litigation--A Simulated Mediation of an Antitrust Dispute*, co-sponsored by the ABA Antitrust and Dispute Resolution Sections (New Orleans, August 1994)

Democratic Antitrust (moderator of panel), at annual meeting of AALS Section of Antitrust and Economic Regulation (Orlando, January 1994)

Supreme Court Antitrust: More Objective than Ever, at ABA Antitrust Section's Annual Meeting (New York, August 1993)

60 Minutes with the Assistant Attorney General, at ABA Antitrust Section Spring Meeting, Washington, DC (panelist) (Apr. 1993), *published in* 62 ANTITRUST L.J. 271 (1993).

Antitrust and the Supreme Court's 1991-92 Term: The Revenge of the Amicci, at ABA Antitrust Section Annual Meeting (San Francisco, August 1992)

The Role of Power Buyers in Antitrust Analysis, at the Spring Meeting of the ABA

Antitrust Section (Washington, D.C., April 1992)

Current Developments Under the Robinson-Patman Act, at a mini-seminar sponsored by the Antitrust, Franchising and Trade Regulation Section of the State Bar of Michigan (Detroit, February 1992)

Competition in International Markets: Developing Antitrust Rules in Foreign Countries (moderator of program at annual meeting of the Association of American Law Schools, San Antonio, January 1992).

Comments on Presentation of Sir Gordon Borrie QC, Director General of Fair Trading for the UK, at meeting of leadership of ABA Antitrust Section, Asheville, NC (August 1991)

Antitrust Law Developments: Supreme Court Cases, at ABA Antitrust Section Annual Meeting, Atlanta, Ga (August 1991)

60 Minutes with FTC Chairman Steiger, at ABA Antitrust Section Spring Meeting, Washington, DC (panelist) (April 1991)

Antitrust Enforcement Symposium at the annual meeting of the American Economic Association Industrial Organization Society, Washington, D.C., December 30, 1990 (invited participant)

Antitrust Law Developments: Supreme Court Cases, at ABA Antitrust Section Annual Meeting, Chicago, IL (August 1990)

Reflections on the 1989 ABA Kirkpatrick Report and Developments Since its Issuance, luncheon address at the Michigan ICLE seminar, Unfair Competition: 1990 Annual Antitrust Section Seminar, Ann Arbor, MI (July 1990)

Robinson-Patman Act, at 1990 and 1984 Intensified Antitrust Law Courses, Columbus, Ohio, sponsored by Ohio Legal Center Institute (with J.R. Wilson)

The State of Antitrust in 1990, at the Cato Institute conference, A Century of Antitrust: The Lessons, the Challenges, Washington, D.C., April 1990 (with Dr. F. Warren-Boulton)

Consumer Protection and the Kirkpatrick Report, at the Thirteenth Annual Conference of the National Association of Consumer Agency Administrators (Orlando, May 1989)

The ABA Section of Antitrust Law Special Committee's Report on the FTC, at a conference on the FTC in the 1990's (Notre Dame, May 1989)

The Kirkpatrick Committee--Its Objectives and Procedures, and Selected Insights,

at the ABA Antitrust Section's Spring Meeting (Washington, D.C., April 1989)

Is Antitrust Dead?: Participant in The Conference Board 1989 Antitrust Forum (New York City, January 1989)

Developments in Antitrust and the First Amendment, at the annual meeting of the ABA Antitrust Section, Toronto, Canada (August 1988)

Insider Trading: Common Law Intersections, at a Mini-Workshop on Insider Trading sponsored by the American Association of Law Schools (Miami, January 1988)

Bank Mergers and Competition, at the Banking Law Institute sponsored by the University of Texas School of Law and the Texas Department of Banking, Austin, Texas (September 1987)

Merger Analysis and the Courts, at the Section 7 Committee Program at the 1987 annual meeting of the ABA Antitrust Section, San Francisco, California (August 1987)

Our Generation of Lawyers: What's Right with Us? What's Wrong with Us?--The Academic Perspective, at 15th reunion, Yale College Class of 1972, New Haven, Conn. (May 1987)

Developments in Antitrust, for the University of Pennsylvania Law School Continuing Legal Education Program, Philadelphia, Pennsylvania (April 1987)

Economic Concepts and Antitrust Analysis: A Critical Reexamination, at the spring meeting of the ABA Antitrust Section (April 1987) (commentator on a presentation, and participant in panel discussion)

Equilibrating Tendencies in the Antitrust System, with Special Attention to Summary Judgment and Motions to Dismiss, prepared for the Georgetown Private Antitrust Litigation Conference, November 1985

Antitrust Developments, at the Michigan Institute for Continuing Legal Education's Corporate Counsel Program (March 1985, '86)

State Merger Enforcement, at a mini-program, Getting a Green Light from the Government: The Nuts and Bolts of Structuring and Defending Acquisitions, at the 1986 Annual Spring Meeting of the ABA Antitrust Section, *transcript printed*, ABA Antitrust Section, Clayton's Commentaries § 7 (July 1986), *excerpts reprinted*, 1 ANTITRUST 18, 20 (Fall 1986); *transcript reprinted*, 18 J. REPRINTS FOR L. & ECON. 353 (1988).

State Merger Enforcement, a Section 7 Committee Program, at 1985 Annual Spring Meeting of the ABA Antitrust Section

The Agent Orange Litigation, at the "Agent Orange Information Program," Wm. P. Tutro VFW Post, Detroit, Mich. (September 1984)

The Hart-Scott-Rodino Act, at University of Texas, Corporate Counsel Institute, Houston, Texas (February 1984)

PUBLIC TESTIMONY AND SOCIAL MEDIA

Twitter: @scalkins2

LinkedIn (1,649 connections)

WalletHub expert consumer advice (misc postings)

Michigan Department of Labor & Economic Growth Office of Financial and Insurance Services Public Hearing on Proposed Rule: Clarification of Reasonable Classification System under Insurance Code (Detroit, Mi., July 26, 2004)

Letters to the editors

EXPERT WITNESS:

Submitted affidavit and was deposed in *T. Rowe Price Recovery Fund, L.P. v. Rubin*, C.A. No. 18013 (Del. Ct. Ch. 2000) (testified that corporate reorganization was unlikely to be challenged as per se illegal price fixing).

PROFESSIONAL ACTIVITIES:

American Bar Association, Section of Antitrust Law: Council member 1988-91, 1997-2000, 2006-09; Member, Publications Advisory Board (2009-12); Task Force on Antitrust Modernization (2004-07); co-chair, Section Advocacy Committee (2005-06); Task force on Exemptions and Immunities (2003-05); Special Committee on Minority Clerkships (1999-03); co-chair, 50th Anniversary Committee, 2001-02; co-chair, Amicus Committee (2000-05); co-chair, Public Service Committee (2000-05); Nominating Committee, 2001-02; Vice-Chair, Ethics and Professionalism Committee (2000-01); Task Force on the Section of Litigation Recommendation and Report on Ancillary Business Activities of Lawyers (1990-91); vice-chair of editorial board, Antitrust Law Developments (1st and 2nd

supps.); chair of task force on state merger enforcement (1984-86)

American Bar Association, Section of Administrative Law & Regulatory Practice: Council member 1999-2002; co-chair, Adjudication Committee, 1997-99; member of Joint Committee, with the Conference of Administrative Law Judges of the ABA's Judicial Division, on administrative rules of practice (1998-99)

American Bar Association, Section of Business Law, Consumer Financial Services Committee (2017 to date)

The American Law Institute (member, 1988-2013; life member 2013 to date) (member, Members Consultative Groups for Restatement of the Law, Consumer Contracts, and Restatement of the Law Third, Torts).

Member, 2018 Law360 Competition Editorial Advisory Board

Member, American Society for Competition Law, 2018 to date; member of ASCOLA Working Group on Code of Conduct, 2017-18

Association of American Law Schools, Section on Antitrust and Economic Regulation (secretary, 1987-91; chair-elect, 1991-93, chair, 1993-95); various other sections

Member, Advisory Board, American Antitrust Institute, 1998 - 2004 and 2011 to date (Senior Fellow, 2004 - 2011)

Advisory Board, The Sedona Conference (research and education relating to antitrust, complex business litigation, and intellectual property) (Member, 1999 - date)

Associate Member, Irish Centre for European Law, 2012 - 2015

U.S. Advisory Committee to the U.S.-Indonesia Project on Competition and Trade Law (Member, 1999 - 2003)

American Bar Association Coordinating Committee on Legal Education (member 1993-95)

American Bar Association/Association of American Law Schools Site Evaluation Team, Loyola Law School, Los Angeles (Oct. 1993)

Reporter, 1992 Sixth Circuit Judicial Conference, Columbus, Ohio, May 27-29, 1992

American Bar Association Section of Antitrust Law, Special Committee on the Role of the Federal Trade Commission (counsel to committee, 1988-89)

PUBLIC SERVICE:

Alternate member, City of Northville Board of Zoning Appeals, 2018-21; 1987-95

Chair, Class of 1972 Yale Alumni Fund, 2007 to date (co-chair, 2004-07); Member, Yale Class of 1972 30th, 35th & 40th Reunion Gift Committees, 2001-02 and 2006-07; Class agent, Yale Alumni Fund, 1986 to date

Class agent, Harvard Law School Fund, 2007 - date; 2015 Reunion Engagement Committee

Money Skills for Life Trainer, National Consumer Agency of Ireland, 2013 to 2015 (multiple presentations)

Board of Directors, Yale Alumni Association of Michigan, 1993-95, 2002-2011; Alumni Interviewer, 1999-2-11; Representative-At-Large to the Association of Yale Alumni Assembly, 1989-92

Elder, First Presbyterian Church of Northville (elder commissioner to Presbytery and member of finance committee), 1989-92, 1994; Deacon, 2001; lay reader 2000 - 2011; children sermon leader, 2005 - 2011

Member, Community Editorial Advisory Board, THE NORTHVILLE RECORD (2000-01)

Counsel to the Independent Committee on Admissions Policies in the Cranbrook Schools, 1984-85

The Source Theatre Company, Washington, D.C., Chair, Board of Directors, 1982-84

EDUCATION:

Harvard Law School
Cambridge, Massachusetts
Juris Doctor *cum laude*, 1975

Activities: Board of Editors, HARVARD JOURNAL ON LEGISLATION; faculty research assistant; Law School Council; Dormitory Council

Yale University, New Haven, Connecticut
Bachelor of Arts *magna cum laude*, 1972
Political science and economics, with honors

PERSONAL DATA:

Born: March 20, 1950

Family Status: Married, three grown children

Elected member of management committee of Barking Waters Partnership, a family partnership, 2010-19.

References available upon request

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