

Curriculum Vitae

**DANIEL L. RUBINFELD**

**PRESENT POSITIONS:**

Robert L. Bridges Professor of Law, Professor of Economics, Emeritus  
University of California, Berkeley, Room 453,  
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Current teaching (2017): Antitrust Law & Economics, Quantitative Methods in Law  
(with Katherine Forrest)

**ACADEMIC STUDIES:** Princeton, Mathematics, B.A., June 1967  
M.I.T., Economics, M.S., September 1968  
M.I.T., Economics, Ph.D., June 1972

**TEACHING EXPERIENCE:**

Suffolk University, Boston, Massachusetts  
Full-time Economics Instructor, 1968-70  
Wellesley College, Wellesley, Massachusetts  
Full-time Economics Instructor, 1970-71  
University of Michigan, Ann Arbor, Michigan  
Assistant Professor of Economics, 1972-77  
Associate Professor of Economics and Law, 1977-82  
Professor of Economics and Law, 1982-83  
Research Associate, Institute of Public Policy Studies, 1972-82  
University of California, Berkeley, 1983 - present  
Robert L. Bridges Professor of Law and Professor of Economics, 1983-Present  
Stanford University  
Visiting Professor of Law, Spring 1989 (Economics and Public Policy)  
University of Geneva  
Visiting Professor, May 1991 (Antitrust Law and Economics)  
Swiss National Bank, Studienzentrums Gerzensee (one week for each visit)  
Visiting Professor of Law and Economics, Spring 1995-97 (Economics of Private Law), 2002  
(Political Economy of Federalism), 2004, 2007 (Competition Law and Economics), 2009,  
2011 (Competition Law and Economics)

New York University  
Visiting Professor, Professor of Law, Spring 1999, Fall 2000, 2003, 2005-2006, 2008-2022  
(Quantitative Methods in Law, Antitrust Law and Economics)

University of Virginia  
Visiting Professor of Law, January 2004 (Antitrust Law and Economics)

University of Hamburg  
Visiting Professor of Law, May 1999, 2002 (Quantitative Methods), June, 2008 (Antitrust  
Law and Economics)

University of Bergen  
Visiting Professor of Law, August 2006, August 2007, August 2008, August 2010 (Antitrust  
Law and Economics)

Catholic University of Portugal, Lisbon  
Visiting Professor of Law, April 2009, April 2010 (Antitrust Law and Economics)

Kiev School of Economics  
Visiting Professor, April 2010

## **GOVERNMENT POSITIONS**

Economist, Staff of President's Council of Economic Advisers, Summer, 1969  
Deputy Assistant Attorney General, Antitrust Division, U.S. Department of Justice, June 1997-Dec  
1998

## **GOVERNMENT CONSULTING**

Member, Ann Arbor Rent Control Study Commission, 1973  
Consultant, Urban Institute, 1973  
Consultant, U.S. Treasury, Program in State and Local Finance, 1984-85  
Consultant, National Academy of Sciences, Panel on Taxpayer Compliance, 1985-86  
Consultant, U.S. Consumer Product Safety Commission, Safety of  
All-Terrain Vehicles, 1987-88  
Consultant and Lecturer, Federal Judicial Center, 1993-present, Use of Statistical  
Analysis by the Courts  
Consultant, World Bank (South Africa Mission), 1995-1997  
Consultant, Antitrust Division, 1999, *U.S. v. Microsoft*  
Consultant, Competition Directorate, European Union, 2003-2004, Merger Simulation  
Lecturer, Federal Trade Commission, June-July, 2003, Antitrust Economics  
Consultant, Federal Trade Commission, Antitrust Division, Dept. of Justice, various State Attorneys  
General

## **OTHER POSITIONS HELD:**

Research Assistant, William G. Bowen, 1966-67  
Research Assistant, Paul A. Samuelson, 1971  
Consultant, M.I.T.- Harvard, Joint Center for Urban Studies, Spring and Summer, 1972  
Consultant, Urban Institute, 1973  
Consultant, National Academy of Sciences, Committee on the Costs of Automobile  
Emission Control, Summer 1974  
Consultant, National Academy of Sciences, Panel on Statistical Assessments as  
Evidence in the Courts, 1984  
Consultant, National Academy of Sciences, Panel on Taxpayer Compliance, 1985-86

Chair, Program in Law and Economics, UC Berkeley, 1986-97, Co-Chair, 2000-  
Member, National Academy of Sciences, Working Panel on Field Experimentation in Criminal  
Justice, 1986-87  
Chair, Program in Jurisprudence and Social Policy, U.C. Berkeley, 1987-1990, 1998-1999  
Member, Board of Directors, American Law and Economics Association, 1994-1996, 2001-2003  
Secretary-Treasurer, American Law and Economics Association, 2003-2004  
Vice President, American Law and Economics Association, 2004-2005  
President, American Law and Economics Association, 2005-2006  
Vice Chair, ABA Section on Antitrust, Committee on Economics, 1997-1999  
Member, National Academy of Sciences, NSF Blue Ribbon Commission on Digital Preservation,  
2007-2010

#### **ACTIVITIES AND HONORS:**

Princeton University, 1967, Magna Cum Laude, Phi Beta Kappa  
Woodrow Wilson Fellow, 1967  
National Science Foundation Fellowship, 1968-69  
National Science Foundation Dissertation Fellowship, 1971-72  
Winner, National Tax Association, Outstanding Doctoral Dissertation Award, 1972  
Research Fellow, National Bureau of Economic Research, Cambridge, Massachusetts, 1975-76  
Editorial Board, Public Finance Quarterly, 1980-2003  
Editorial Board, Law and Society Review, 1982-1985, 1989-1999  
Advisory Panel, NSF, Program in Law and Social Science, 1982-84  
Editorial Board, Evaluation Review, 1985-1987  
Faculty Advisory Board, U.C. Berkeley, Center for Real Estate and Urban Economics, 1983-97,  
2000-  
Co-Editor, International Review of Law and Economics, 1987-2003  
Lecturer, California Continuing Judicial Studies Program, 1988-1989  
Oversight Panel, NSF Program in Law & Social Science, 1988  
Board of Directors, LECG, 1995-1997  
Board of Directors, Atlas Assets, Inc., 1989-1997, 1999-2008  
Member, Correspondent Comm., Interuniversity Consortium for Political & Social Research, 1991-  
Editorial Board, Law and Social Inquiry, 1992-1999, 2002-2004  
Fellow, Center for Advanced Study in the Behavioral Sciences, 1992-93  
Ida Beam Distinguished Lecturer in Law and Economics, University of Iowa, Spring 1995  
John Simon Guggenheim Fellowship, 1995  
Faculty Advisory Board, UC Berkeley, Burch Ctr. for Tax Policy & Public Finance, 1994-97, 1999-  
Elected to American Academy of Arts and Sciences, 2001  
Advisory Council, Master Program on Law & Economics, Universidad de Buenos Aires, 2003-  
Research Associate, Law School, Australian National University, 2003-  
Editorial Board, Journal of Australian Economic Education, 2003-  
Editorial Board, The Review of Law and Economics, 2004-  
Fellow, National Bureau of Economic Research, 2004-  
Member, International Academic Council, U. of St. Gallen, Masters in Law & Economics, 2005-  
Honorary Doctorate, U. of Basel, November 2008.  
Co-Editor, Journal of Legal Analysis, 2008-2015, Editorial Board, 2015-  
Concurrence, 2015: Antitrust Writing Awards: Dominance Category (with Jim Ratliff)  
Editorial Board, Asia-Pacific Journal of Regional Science, 2016-2021  
Concurrence, 2017 Antitrust Writing Awards: Unilateral Conduct Category (with Michal Gal)  
American Antitrust Institute: Jerry S. Cohen Memorial Fund Writing Award, 2017 –  
Best Antitrust and Platform Markets Article (with Michal Gal)

Global Competition Review, Team Enforcement Award for the Blue Cross Blue Shield Litigation, 2021

Who's Who in Competition Law, Compass Lexecon Winner, in the U.S., Rubinfeld and Carlton given special mention

Selected Keynote Lectures:

Asian Law and Economics Association, Bangkok, (Antitrust and Big Data), Fall, 2018,  
French Law and Economics Association, Nancy, France (Data Standardization  
Spring, 2018.

OECD (Common ownership), Spring, 2018

## **PUBLICATIONS:**

### Books

1. STATISTICAL ANALYSIS OF ECONOMIC AND FINANCIAL DATA, Dynamics Associates, Cambridge, 1971, Revised Edition, 1974.
2. ECONOMETRIC MODELS AND ECONOMIC FORECASTS (with Robert S. Pindyck), McGraw-Hill, January 1976. Second Edition, 1981, Spanish, Japanese, and Chinese versions available; Third Edition, 1990; Fourth Edition, 1998.
3. ESSAYS ON THE LAW AND ECONOMICS OF LOCAL GOVERNMENTS (Editor), COUPE Papers on Public Economics, Urban Institute, December 1979.
4. AMERICAN DOMESTIC PRIORITIES: AN ECONOMIC APPRAISAL (Co-editor with John M. Quigley), University of California Press, 1985.
5. MICROECONOMICS (with Robert S. Pindyck), MacMillan, 1989, Second Edition, 1992, Italian, Spanish, and Russian editions, Third Edition, 1995, Portuguese edition; Fourth edition, 1998, Japanese, Chinese editions; Fifth Edition, 2000, Uzbek, Indonesian, German, Korean editions, Sixth Edition, 2005, Seventh Edition, 2009, Croatian, French, Taiwanese, and Basque editions, Eighth Edition, 2013, Ninth Edition, 2018.
6. DID MICROSOFT HARM CONSUMERS: TWO OPPOSING VIEWS (with David S. Evans, Franklin M. Fisher, and Richard L. Schmalensee), AEI-Brookings Joint Center for Regulatory Studies, 2000.
7. ECONOMETRICS: LEGAL, PRACTICAL, AND TECHNICAL ISSUES (Co-editor with John Harkrider), ABA Antitrust Section, 2005.
8. DEMOCRATIC FEDERALISM: THE ECONOMICS, POLITICS, AND LAW OF FEDERAL GOVERNANCE (with Robert Inman), Princeton University Press, 2020.

### Journal Articles

1. "Credit Ratings and the Market for General Obligation Municipal Bonds," National Tax Journal, March 1973, pp. 17-27.
2. "The Determination of Equalized Valuation: A Massachusetts Case Study," Public Finance Quarterly, April 1975, pp. 153-161.

3. "Voting in a Local School Election: A Micro Analysis," Review of Economics and Statistics, February 1977, pp. 30-42.
4. "Suburban Employment and Zoning: A General Equilibrium Analysis," Journal of Regional Science, March 1978, pp. 33-44.
5. "Hedonic Housing Prices and the Demand for Clean Air" (with David Harrison, Jr.), Journal of Environmental Economics and Management, March 1978, pp. 81-102, in Joseph Herriges and Cathy Kling, eds., REVEALED PREFERENCE APPROACHES TO ENVIRONMENTAL VALUATION: Volume II, Ashgate Publishing Limited, 2008.
6. "The Long-Run Effects of a Residential Property Tax and Local Public Services" (with A. Mitchell Polinsky), Journal of Urban Economics, April 1978, pp. 241-262, reprinted in John M Quigley, ed., THE ECONOMICS OF HOUSING, Edward Elgar, 1997.
7. "On the Measurement of Benefits in an Urban Context: Some General Equilibrium Issues" (with Paul N. Courant), Journal of Urban Economics, June 1978, pp. 346-356.
8. "The Air Pollution and Property Value Debate: Some Empirical Evidence" (with David Harrison, Jr.), Review of Economics and Statistics, November 1978, pp. 635-638.
9. "The Distribution of Benefits from Improvements in Urban Air Quality" (with David Harrison, Jr.), Journal of Environmental Economics and Management, December 1978, pp. 313-332.
10. "Tax Limitation and the Demand for Public Services in Michigan" (with Paul N. Courant and Edward M. Gramlich), National Tax Journal, Supplement, June 1979, pp. 147-157.
11. "Public Employee Market Power and the Level of Government Spending" (with Paul N. Courant and Edward M. Gramlich), American Economic Review, December 1979, pp. 806-817. Reprinted in W. Patrick Beaton (ed.) MUNICIPAL EXPENDITURES REVENUES AND SERVICES (New Brunswick: Rutgers University, 1983), pp. 180-202.
12. "Why Voters Support Tax Limitation Amendments: The Michigan Case" (with Paul N. Courant and Edward M. Gramlich), National Tax Journal, March 1980, pp. 1-20. Also in TAX AND EXPENDITURE LIMITATIONS (H. Ladd and N. Tideman, editors), COUPE Papers on Public Economics, Urban Institute, 1981, pp. 37-72.
13. "On the Economics of Voter Turnout in Local School Elections," Public Choice, Fall 1980, pp. 315-331.
14. "Why Voters Turn Out for Tax Limitation Votes" (with Edward M. Gramlich and Deborah Swift), National Tax Journal, March 1981, pp. 115-124.
15. "On the Welfare Effects of Tax Limitation" (with Paul N. Courant), Journal of Public Economics, December 1981, pp. 289-316.
16. "Multiple Regression with a Qualitative Dependent Variable," Journal of Economics and Business, January 1982, pp. 67-78.
17. "Micro Estimates of Public Spending Demand Functions and Tests of the Tiebout and Median Voter

- Hypotheses" (with Edward M. Gramlich), Journal of Political Economy, June 1982, pp. 536-560.
18. "The Dynamics of the Legal Process" (with Lawrence Blume), Journal of Legal Studies, June 1982, pp. 405-421.
  19. "Voting on Public Spending: Differences between Public Employees, Transfer Recipients, and Private Workers" (with Edward M. Gramlich), Journal of Policy Analysis and Management, Summer 1982, pp. 516-533. Reprinted in PROBLEMI DI AMMINISTRAZIONE PUBBLICA, No. 2/1983, pp. 55-88.
  20. "Micro-Based Estimates of Demand Functions for Local School Expenditures" (with Theodore C. Bergstrom and Perry Shapiro), Econometrica, November 1982, pp. 1183-1205.
  21. "The Distributional Impact of Statewide Property Tax Relief: The Michigan Case" (with Michael Wolkoff), Public Finance Quarterly, April 1983, pp. 131-153.
  22. "The Taking of Land: When Should Compensation Be Paid?" (with Lawrence Blume and Perry Shapiro), Quarterly Journal of Economics, February 1984, pp. 71-92.
  23. "On Determining the Optimal Magnitude and Length of Liability In Torts," Journal of Legal Studies, August 1984, pp. 551-563.
  24. "Budget Reform and the Theory of Federalism" (with John Quigley), American Economic Review, May 1986, pp. 132-137.
  25. "The Efficiency of Comparative Negligence," Journal of Legal Studies, June 1987, pp. 375-394.
  26. "Tax Reform: Implications for the State-Local Public Sector" (with Paul Courant), Journal of Economic Perspectives, Summer, 1987, pp. 87-100. Reprinted in Samuel Baker and Catherine Elliot (eds.) READINGS IN PUBLIC SECTOR ECONOMICS (Lexington, Massachusetts: D.C. Heath and Company, 1990) pp. 585-507.
  27. "Efficient Awards and Standards of Proof in Judicial Proceedings (with David Sappington), Rand Journal, Summer 1987, pp. 308-315.
  28. "Tiebout Bias and the Demand for Local Public Schooling" (with Perry Shapiro and Judith Roberts), Review of Economics and Statistics, August 1987, pp. 426-437.
  29. "The Welfare Implications of Costly Litigation for the Level of Liability" (with A. Mitchell Polinsky), Journal of Legal Studies, January 1988, pp. 151-164, in Alan O. Sykes (ed.) ECONOMICS OF TORT LAW, Elgar, 2007, and in Chris William Sanchirico (ed.), ECONOMICS OF EVIDENCE, PROCEDURE, AND LITIGATION, Elgar, 2007, Chapter 19.
  30. "A Test for Efficiency in the Supply of Public Education" (with Theodore Bergstrom, Perry Shapiro and Judith Roberts), Journal of Public Economics, April 1988, pp. 289-307.
  31. "Robbing Peter to Pay Peter: The Economics of Local Public Residency Requirements" (with Paul N. Courant), Journal of Urban Economics, May 1988, pp. 291-306.
  32. "The Deterrent Effect of Settlements and Trials" (with A. Mitchell Polinsky), International Review of Law and Economics, June 1988, pp. 109-117.

33. "Micro-Estimation of the Demand for Schooling: Evidence from Michigan and Massachusetts" (with Perry Shapiro), Regional Science and Urban Economics, January 1989, pp. 381-398.
34. "Unobservables in Consumer Choice: Residential Energy and the Demand for Comfort" (with John Quigley), Review of Economics and Statistics, August 1989, pp. 416-425.
35. "Economic Analysis of Legal Disputes and their Resolution" (with Robert Cooter), Journal of Economic Literature, September, 1989, pp. 1067-1097. Reprinted in Richard Posner and Francesco Parisi, eds., ECONOMIC FOUNDATIONS OF PRIVATE LAW, Edward Elgar Publishing, 2002, reprinted in Eric B. Rasmusen (ed.), GAME THEORY AND THE LAW, Edward Elgar Publishing, 2008.
36. "A Note on Optimal Public Enforcement with Settlements and Litigation Costs" (with A.M. Polinsky), Research in Law and Economics, 1989, pp. 1-8.
37. "Trial Courts: An Economic Perspective" (with Robert D. Cooter), Law and Society Review, 1990, pp. 2501-2514.
38. "A Model of Optimal Fines for Repeat Offenders" (with A. Mitchell Polinsky), Journal of Public Economics, September, 1991, pp. 291-306. Reprinted in Peder Andersen, Vibeke Jensen and Jorgen Birk Mortensen, eds., GOVERNANCE BY LEGAL AND ECONOMIC MEASURES, Copenhagen, G-E-C Gad Publishers, 1993, pp. 33-52.
39. "Statistical and Demographic Issues Underlying Voting Rights Cases," Evaluation Review, December, 1991, pp. 659-672.
40. "Private Guarantees for Municipal Bonds: Evidence from the Aftermarket" (with John M. Quigley), National Tax Journal, December 1991, pp. 29-39.
41. "Fiscal Federalism in Europe: Lessons from the American Experience" (with Robert P. Inman), European Economic Review, 1992, pp. 654-660.
42. "Evaluating the Injury Risk Associated with All-Terrain Vehicles: An Application of Bayes' Rule" (with Gregory B. Rodgers), Journal of Risk and Uncertainty, May 1992, pp. 145-158.
43. "Contingent Fees for Attorneys: An Economic Analysis," (with Suzanne Scotchmer), Rand Journal, Autumn, 1993, pp. 343-356.
44. "An Economic Model of Legal Discovery" (with Robert Cooter), Journal of Legal Studies, January, 1994, pp. 435-463, reprinted in Chris William Sanchirico (ed.), ECONOMICS OF EVIDENCE, PROCEDURE, AND LITIGATION, Elgar, 2007, Chapter 14..
45. "The EMU and Fiscal Policy in the New European Community: An Issue for Economic Federalism" (with Robert Inman), International Review of Law and Economics, June, 1994, pp. 147-161 (Reprinted in ECONOMICS OF EUROPEAN LAW, Paul Stephan and Lewis Powell (eds.)).
46. "Designing Tax Policy in Federalist Economies: An Overview," (with Robert P. Inman), Journal of Public Economics, 60, 1996, pp. 307-334. (Reprinted in ECONOMICS OF FEDERALISM, Bruce Kobayashi, Larry Ribstein, and Marie Corman, (eds.)).

47. "Antitrust Settlements and Trial Outcomes," (with Jeffrey M. Perloff and Paul Ruud), Review of Economics and Statistics, 1996, pp. 401-409.
48. "Optimal Awards and Penalties when the Probability of Prevailing Varies Among Plaintiffs," (with A. Mitchell Polinsky), Rand Journal, 27, 1996, pp. 269-280.
49. "Federalism and Reductions in the Federal Budget," (with John M. Quigley), National Tax Journal, 49, 1996, pp. 289-302.
50. "Rethinking Federalism," (with Robert P. Inman), Journal of Economic Perspectives, 11 (Fall 1997), pp. 43-64, reprinted in John Kincaid ed., HISTORICAL AND THEORETICAL FOUNDATIONS OF FEDERALISM, Sage, 2001.
51. "Does the English Rule Discourage Low-Probability-of-Prevailing Plaintiffs?" (with A. Mitchell Polinsky), Journal of Legal Studies, June 1998, pp. 519-534.
52. "Antitrust Enforcement in Dynamic Network Industries," The Antitrust Bulletin, Fall-Winter 1998, pp. 859-882. (Translated as "Wettbewerb, Innovation und die Durchsetzung des Kartellrechts in dynamischen, vernetzten Industrien," in GRUR International Gewerblicher Rechtsschutz und Urheberrecht Internationaler Teil, Heft 6, 1999).
53. "Empirical Methods in Antitrust: Review and Evidence," (with Jonathan B. Baker), American Law and Economics Review, Fall 1999, pp. 386-435.
54. "The Primestar Acquisition of the News Corp./MCI Direct Broadcast Satellite Assets," Review of Industrial Organization, Vol. 16, No. 2, March, 2000, pp. 191-209.
55. "Market Definition with Differentiated Products: The Post-Nabisco Cereal Merger," Antitrust Law Journal, Vol. 68, No. 1, 2000, pp. 163-185. (Reprinted in GLOBAL COMPETITION POLICY: ECONOMICS ISSUES AND IMPACTS, David S. Evans and A. Jorge Padilla, eds., LECG, 2004; also available in Peking University, International and Comparative Law Review, Vol.5:8, July 2007, pp. 94-111.)
56. "Structuring Intergovernmental Grants to Local Governments: Lessons from South Africa," Constitutional Political Economy, Vol. 12, 2001, pp. 173-187.
57. "Can We Decentralize Our Unemployment Policies? Evidence from the United States" (with Robert Inman), Kyklos, March 2001, Vol. 54, pp. 287-308.
58. "U.S. v. Microsoft - An Economic Analysis" (with Franklin M. Fisher), The Antitrust Bulletin, Spring, 2001, pp. 1-69.
59. "Vertical Foreclosure in Broadband Access" (with Hal J. Singer) Journal of Industrial Economics, September, 2001, Vol. 49, pp. 299-318.
60. "Merger Simulation: A Simplified Approach with New Applications" (with Roy Epstein), Antitrust Law Journal, Volume 69, No. 3, December 2001, pp. 883-919, reprinted in Stefan Vogt, Max Albert, and Dieter Schmidtchen (eds.), THE MORE ECONOMIC APPROACH TO EUROPEAN COMPETITION LAW, (Conferences on the New Political Economy), Tubingen, 2007.
61. "A Note on Settlements under the Contingent Fee Method of Compensating Lawyers" (with A.



- Mitchell Polinsky), International Review of Law and Economics, Volume 22, No. 2, September 2002, pp. 217-225.
62. “Aligning the Interests of Lawyers and Clients” (with A. Mitchell Polinsky), American Law and Economics Review, Volume 5, No. 1, Spring, 2003, pp. 165-188.
  63. “Merger Simulation with Brand-Level Margin Data: Extending PCAIDS with Nests” (with Roy Epstein), Advances in Economic Analysis & Policy: Vol. 4: No. 1, Article 2, Berkeley Electronic Press, March 2004.
  64. “Exclusion or Efficient Pricing? The “Big Deal” Bundling of Academic Journals” (with Aaron S. Edlin), Antitrust Law Journal, Volume 72, No. 1, August 2004, pp. 128-159.
  65. “Federalism and the Democratic Transition: Lessons from South Africa” (with Robert P. Inman), American Economic Review, Vol. 95, No. 2, May 2005, pp. 39-43, reprinted in ECONOMIC APPROACHES TO LAW: DESIGN OF CONSTITUTIONS, Richard Posner and Francesco Parisi, (eds.).
  66. “The Bundling of Academic Journals” (with Aaron S. Edlin), American Economic Review, Vol. 95, No. 2, May 2005, pp. 441-446.
  67. “Academic Journal Pricing and the Demand of Libraries” (with Aviv Nevo and Mark McCabe), American Economic Review, Vol. 95, No. 2, May 2005, pp. 447-452.
  68. “A Damage-Revelation Rationale for Coupon Remedies (with A. Mitchell Polinsky), Journal of Law, Economics & Organization, Vol. 23, No. 3, October 2007, pp. 653-661.
  69. “The Deadweight Loss of Coupon Remedies for Price Overcharges” (with A. Mitchell Polinsky), Journal of Industrial Economics, Vol. LVI, No. 2, June 2008, pp. 402-417.
  70. “Econometric Issues in Antitrust Analysis,” Journal of Institutional and Theoretical Economics, Vol. 166(1), 2010, pp. 62-77.
  71. “Understanding UPP” (with Roy J. Epstein), B.E. Journal of Theoretical Economics: Policies and Perspectives,” Vol. 10, Issue 1, 2010, Article 21.
  72. “Online Advertising: Defining Relevant Markets” (with James Ratliff), Journal of Competition Law and Economics, September, 2010, 6(3), pp. 653-686.
  73. “On the Pretrial Use of Economists,” The Antitrust Bulletin, Vol. 55, No. 3, Fall 2010, pp. 679-687.
  74. “Federal Institutions and the Democratic Transition: Learning from South Africa, Journal of Law, Economics, and Institutions, Vol. 28, Issue 4, October, 2012, pp. 783-817.
  75. “Would the *Per Se* Illegal Treatment of Reverse Payment Settlements Inhibit Generic Drug Investment?” (with Bret M. Dickey), Journal of Competition Law and Economics, Vol.8, No. 3, 2012, pp. 615-625.
  76. “The Use and Threat of Injunctions in the RAND Context,” (With James Ratliff), Journal of Competition Law and Economics, March 2013, 9(1), 1-22.
  77. “Understanding the Democratic Transition in South Africa,” (with Robert Inman), American Law and

Economics Review, January 2013, 2-23.

78. "Airline Network Effects and Consumer Welfare," (with Mark Israel, Bryan Keating, and Bobby Willig," Review of Network Economics, November 2013, 1-36.
79. "Measuring Benchmark Damages in Antitrust," (with Justin McCrary), Journal of Econometric Methods, Vol. 3, January 2014, 63-74.
80. "Is There a Market for Organic Search Engine Results and Can Their Manipulation Give Rise to Antitrust Liability" (with James Ratliff), Journal of Competition Law and Economics, 10(3), September, 2014, 517-541.
81. "The Hidden Costs of Free Goods: Implications for Antitrust Enforcement," (with Michal Gal), Antitrust Law Journal, Volume 80, Issue 3, 2016, 521-562.
82. "Antitrust for Institutional Investors," (with Edward B. Rock), Antitrust Law Journal, Vol. 82, Issue 1, 2018, pp. 221-278.
83. "Scientists as Experts Serving the Court" (with Joe S. Cecil), Daedalus, Vol. 147, Issue 4, Fall 2018, pp. 152-163.
84. "Pharmaceutical Product Hopping: Is There a Role for Antitrust Scrutiny?" (with Bret Dickey and Kun Huang), Antitrust Law Journal, Vol. 82, 2018, pp. 601-621.
85. "Common Ownership and Coordinated Effects" (with Edward B. Rock), Antitrust Law Journal, Vol. 83, Issue 1, 2020, pp. 201-251.
86. "A Retrospective on *U.S. v. Microsoft*: Why Does It Resonate Today?" Antitrust Bulletin, 2020, pp. 1-8.
87. "Data Portability," CPI Antitrust Chronicle, November 26, 2020, pp. 1-8.
88. "On the Misuse of Regression of Price on the HHI in Merger Review," (with Nate Miller and others), Journal of Antitrust Enforcement, Vol. 10, Issue 2, July, 2022, pp. 248-259.
89. "Revising the U.S. DOJ-FTC Horizontal Merger Guidelines – Accounting for Algorithmic Collusion," (with Michal Gal), CPI Antitrust Chronicle, October, 26, 2022, pp. 1-9.

#### Law Review Articles

1. "The Judicial Pursuit of Local Fiscal Equity" (with Robert P. Inman), Harvard Law Review, June 1978, Vol. 92, pp. 1662-1750 (reprinted in Ellickson and Tarlock, *Land-Use Controls: Case and Materials*, Little-Brown).
2. "Quantitative Analysis in Antitrust Litigation" (with Peter O. Steiner), Law and Contemporary Problems, Autumn 1983, pp. 69-141.
3. "Compensation for Takings: An Economic Analysis" (with Lawrence Blume), California Law Review, July, 1984, pp. 569-628. Also in Austin Jaffe (ed.) *RESEARCH IN LAW AND ECONOMICS*, Volume 10, 1987, pp. 53-103 as well as Kenneth G. Dau-Schmidt and Thomas S.

Ulen (eds.), LAW AND ECONOMICS ANTHOLOGY, 1988, PP. 226-234.

4. "Econometrics in the Courtroom," Columbia Law Review, Volume 85, June 1985, pp. 1048-1097.
5. "The Assignment of Temporary Justices in the California Supreme Court" (with Stephen Barnett), Pacific Law Journal, July 1986, pp. 1045-1197.
6. "Regulatory Takings: The Case of Mobile Home Rent Control," Chicago Kent Law Review, Vol. 67, No. 3, Fall 1992, pp. 923-929.
7. "Sanctioning Frivolous Suits: An Economic Analysis" (with A. Mitchell Polinsky), Georgetown Law Journal, Vol. 82, No. 2, December 1993, pp. 397-435. (translated as "Liti Temerarie E Sanzioni Giudiziarie: Un'Analisi Economica", 14 Rivista Critica del Diritto Privato (1996)).
8. "Reforming the New Discovery Rules" (with Robert Cooter), Georgetown Law Journal, Vol. 84, No. 1, November 1995, pp. 61-89.
9. "Making Sense of the Antitrust State Action Doctrine: Balancing Political Participation and Economics Efficiency in Regulatory Federalism" (with Robert Inman), Texas Law Review, Vol. 75, May 1997, pp. 1203-1299.
10. "On Federalism and Economic Development," Virginia Law Review, Vol. 83, No. 7, October 1997, pp. 1581-1592.
11. "Open Access to Broadband Networks: A Case Study of the AOL-Time Warner Merger" (with Hal J. Singer), Berkeley Technology Law Journal, Vol. 16, No. 2, Spring 2001, pp. 631-675.
12. "3M's Bundled Rebates: An Economic Perspective," Chicago Law Review, Vol. 72, 2005, pp. 243-264.
13. "Antitrust Class Certification: Towards an Economic Framework" (with Bret M. Dickey), N.Y.U. Annual Survey of American Law, Vol. 66, No. 3, 2011, pp. 459-486.
14. "Access Barriers to Big Data" (with Michal Gal), Arizona Law Review, Vol. 59, Summer 2017, pp. 339-381.
15. "IP Privateering in the Markets for Desktop and Smartphone Operating Systems," Berkeley Technology Law Review, Vol. 33, 2018, pp. 89-134.
16. "Data Standardization," NYU Law Review, Vol, 94, October 2019, pp.737-770, Chinese translation in the Journal of Cyber and Information Law, 2021.

#### Articles in Books

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