

**JONATHAN B. BAKER**

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**FIELDS OF SPECIALIZATION**

antitrust law, economics, and policy; regulatory law, economics, and policy

**PROFESSIONAL POSITIONS**

Washington College of Law, American University

Research Professor of Law, September 2017 to date

Professor of Law, September 2002 to August 2017

Associate Professor of Law, January 1999 to August 2002

Federal Communications Commission

Chief Economist, August 2009 to May 2011

Senior Economist for Transactions, June 2011 to November 2011

New York University School of Law

Visiting Professor of Law, January 2010 to June 2010

European Commission, Competition Directorate-General

Visitor, June 2005 to July 2005

Federal Trade Commission

Director, Bureau of Economics, April 1995 to December 1998

Consultant (on merger policy), 2002 to May 2004

Attorney Advisor to the Acting Chairman and Office of the Commissioner  
October 1985 to July 1986

Council of Economic Advisers, Executive Office of the President

Senior Economist, June 1993 to April 1995

(regulation, industrial organization and law)

Antitrust Division, U.S. Department of Justice

Special Assistant to the Deputy Assistant Attorney

General for Economics, May 1991 to June 1993

Director of Litigation Studies, Economic Analysis Group,  
September 1990 to June 1993

Georgetown University Law Center

Adjunct Professor of Law, September 1990 to June 1995

Duke University School of Law

Olin Lecturing Fellow (visiting professor)

August 1992 to December 1992

The Amos Tuck School of Business Administration, Dartmouth College  
Assistant Professor of Business Administration  
September 1986 to August 1990  
leave of absence, September 1990 to July 1992

Foley & Lardner (Washington, D.C.)  
Attorney, June 1982 to September 1985

## EDUCATION

Ph.D. in economics, Stanford University, 1986  
J.D., Harvard University, 1982  
M.A. in economics, Stanford University, 1978  
A.B., magna cum laude, Harvard University, 1977

## AWARDS

American Antitrust Institute  
Jerry S. Cohen Award for Antitrust Scholarship, June 2016

American University  
University Faculty Award for Outstanding Scholarship, Research, and  
Other Professional Accomplishments, April 2004  
Emalee C. Godsey Scholar, 2015  
Elizabeth Payne Cubberly Scholar, 2008  
Egon Guttman Casebook Award, April 2004

Federal Trade Commission  
Award for Distinguished Service, October 1998

## PUBLICATIONS

The Antitrust Paradigm: Restoring a Competitive Economy  
2019, Harvard University Press (forthcoming)

Cartel Ringmaster or Competition Creator? The Ebooks Case against Apple  
(2013)

in John E. Kwoka, Jr. and Lawrence J. White, eds., The Antitrust  
Revolution (7<sup>th</sup> ed. 2019) (forthcoming)

working paper available at <http://ssrn.com/abstract=3009492>

Antitrust Enforcement Against Platform MFNs  
Yale Law Journal  
vol. 127, 2018, pp. 2176-2018  
(with Fiona Scott Morton)

Introduction: Unlocking Antitrust Enforcement  
Yale Law Journal  
vol. 127, 2018, pp. 1916-2202  
(with Jonathan Sallet & Fiona Scott Morton)

Antitrust Law in Perspective: Cases, Concepts and Problems in Competition Policy  
Thomson West, American Casebook Series  
3d ed. 2017; 2d ed. 2008; 1st ed. 2002  
(1st & 2d ed. with Andrew I. Gavil and William E. Kovacic; 3d ed. with Gavil, Kovacic and Joshua D. Wright)

Overlapping Financial Investor Ownership, Market Power, and Antitrust Enforcement: My Qualified Agreement with Professor Elhauge  
Harvard Law Review Forum  
vol. 129, 2016, pp. 212-32

Evaluating Appropriability Defenses for the Exclusionary Conduct of Dominant Firms in Innovative Industries  
Antitrust Law Journal  
vol. 80, 2016, pp. 431-61

Exclusionary Conduct of Dominant Firms, R&D Competition, and Innovation  
Review of Industrial Organization  
vol. 48, 2016, pp. 269-87

Taking the Error Out of “Error Cost” Analysis: What’s Wrong with Antitrust’s Right  
Antitrust Law Journal  
vol. 80, 2015, pp. 1-38  
reprinted in translation in  
Competition Policy Research (China), 2018 (4), pp. 95-119  
Winner, Jerry S. Cohen Award for Antitrust Scholarship, June 2016

Antitrust, Competition Policy and Inequality  
The Georgetown Law Journal Online  
vol. 104, 2015, pp. 1-28  
(with Steven C. Salop)  
reprinted in translation in 1 Mercato Concorrenza Regole 7 (2016)

Channeling and Contending with Bill Kovacic  
in Nicolas Charbit et al., eds, II William E. Kovacic - Liber Amicorum: An Antitrust Tribute, 2014, pp. 1-9

Antitrust Enforcement and Sectoral Regulation: The Competition Policy Benefits of Concurrent Enforcement in the Communications Sector

Competition Policy International

vol. 9, pp. 4-11, Spring 2013

Chair's Showcase Session: Competition in the Context of Financial Crisis

The Antitrust Source

June 2013 (co-moderator)

Exclusion as a Core Competition Concern

Antitrust Law Journal

vol. 78, pp. 527-89, 2013

Finalist, Jerry S. Cohen Award for Antitrust Scholarship, June 2014

Economics and Politics: Perspectives on the Goals and Future of Antitrust

Fordham Law Review

vol. 81, pp. 2175-96, 2013

The Competitive Consequences of Most-Favored-Nation Provisions

Antitrust

vol. 27, pp. 20-26, 2013

(with Judith A. Chevalier)

Research Topics in Unilateral Effects Analysis

in Einer Elhague, ed., Research Handbook on the Economics of Antitrust Law, 2013

working paper available at <http://ssrn.com/abstract=1504863>

(with David Reitman)

Evaluating Merger Enforcement During the Obama Administration

Stanford Law Review Online

vol. 65, pp. 28-34, Aug. 2012

(with Carl Shapiro)

The Year in Economics at the FCC, 2010-11: Protecting Competition Online

Review of Industrial Organization

vol. 39, pp. 297-309, 2011

(with Mark Bykowsky, Patrick DeGraba, Paul LaFontaine, Eric Ralph & William Sharkey)

*Comcast/NBCU*: The FCC Provides a Roadmap for Vertical Merger Analysis

Antitrust

vol. 25, pp. 36-42, 2011

Merger Simulation in an Administrative Context

Antitrust Law Journal  
vol. 77, pp. 451-72, 2011

Sector-Specific Competition Enforcement at the FCC

New York University Annual Survey of American Law  
vol. 66, pp. 413-20, 2011

The Year in Economics at the FCC: A National Plan for Broadband

Review of Industrial Organization

vol. 37, pp. 279-90, 2010

(with Paul de Sa)

revised and reprinted in Soumitra Dutta & Irene Mia, eds., The Global Information Technology Report 2010-2011, World Economic Forum, available at <http://reports.weforum.org/global-information-technology-report/>

Preserving a Political Bargain: The Political Economy of the Non-Interventionist Challenge to Monopolization Enforcement

Antitrust Law Journal  
vol. 76, pp. 605-52, 2010

Market Concentration in the Antitrust Analysis of Horizontal Mergers

in Keith Hylton, ed, Antitrust Law & Economics, 2010, pp. 234-60

corrected working paper available at <http://ssrn.com/abstract=1092248>

“Dynamic Competition” Does Not Excuse Monopolization

Competition Policy International, vol. 4, No. 2., pp. 243-51, 2008  
technical appendix available at <http://ssrn.com/abstract=1285223>

Turning On Itself: How Dueling Agencies In The Bush Administration Made Mincemeat Of Antitrust Regulation Policy

The New Republic (on-line), Sept. 15, 2008

<http://www.tnr.com/politics/story.html?id=97981a77-c668-421b-947a-a8282ca3b121>

Detecting and Reversing the Decline in Horizontal Merger Enforcement

Antitrust  
vol. 22, pp. 29-36, 2008  
(with Carl Shapiro)

Merger to Monopoly to Serve a Single Buyer: Comment  
Antitrust Law Journal  
vol. 75, pp. 637-46, 2008  
(with Joseph Farrell and Carl Shapiro)

Reinvigorating Horizontal Merger Enforcement  
in Robert Pitofsky, ed., How the Chicago School Overshot the Mark: Effect of Conservative Economic Analysis on U.S. Antitrust,  
2008, pp. 235-91 (with Carl Shapiro)

Economic Evidence in Antitrust: Defining Markets and Measuring Market Power  
in Paolo Buccirossi, ed., Handbook of Antitrust Economics,  
2008, pp. 1-42  
(with Timothy F. Bresnahan)

Beyond Schumpeter vs. Arrow: How Antitrust Fosters Innovation  
Antitrust Law Journal  
vol. 74, pp. 575-602, 2007  
reprinted in Shubha Ghosh, ed., Intellectual Property and Innovation,  
2017, pp. 575-602

A Turning Point in Merger Enforcement: *Federal Trade Commission v. Staples*  
in Daniel A. Crane & Eleanor M. Fox, eds., Antitrust Stories,  
2007, pp. 311-330  
(with Robert Pitofsky)

Market Definition: An Analytical Overview  
Antitrust Law Journal  
vol. 74, pp. 129-73, 2007  
revised and reprinted in ABA Section of Antitrust Law,  
Issues in Competition Law and Policy, 2008, pp. 315-52

Empirical Methods in Merger Analysis:  
Econometric Analysis of Pricing in *FTC v. Staples*  
International Journal of the Economics of Business  
vol. 13, pp. 265-79, 2006  
(with Orley Ashenfelter, David Ashmore, Suzanne Gleason & Daniel S.  
Hosken)  
reprinted in George Norman, ed., Recent Developments in Monopoly and Competition Policy, 2008

Competition Policy as a Political Bargain  
Antitrust Law Journal  
vol. 73, pp. 483-530, 2006

My Summer Vacation at the European Commission

Antitrust Source

September 2005

(available at <http://www.abanet.org/antitrust/source/>)

Two Modern Antitrust Moments: A Comment on Fenton and Kwoka

Antitrust Law Journal

vol. 72, pp.1029-37, 2005

Roundtable Discussion: Unilateral Effects after *Oracle*

Antitrust

vol. 19, pp. 8-19, Spring 2005 (Moderator)

Why Did the Antitrust Agencies Embrace Unilateral Effects?

George Mason University Law Review,

vol. 12, no. 1, pp. 31-38, Fall 2003

The Case for Antitrust Enforcement

Journal of Economic Perspectives

vol. 17, pp. 27-50, Fall 2003

(and Comment, Journal of Economic Perspectives,

vol. 19, p.243, Fall 2003)

reprinted in George Norman, ed., Recent Developments in Monopoly and Competition Policy, 2008

Responding to Developments in Economics and the Courts: Entry in the Merger Guidelines

Antitrust Law Journal

vol. 71, pp. 189-206, 2003

Efficiencies and High Concentration: Heinz Proposes to Acquire Beech-Nut (2001)

in John E. Kwoka, Jr. and Lawrence J. White, eds., The Antitrust Revolution (4<sup>th</sup> ed. 2004), pp. 150-69 (updated with postscript in 5<sup>th</sup> ed. 2008)

working paper available at <http://ssrn.com/abstract=3041876>

Competitive Price Discrimination: The Exercise of Market Power Without Anticompetitive Effects (Comment on Klein and Wiley)

Antitrust Law Journal

vol. 70, pp. 643-54, 2003

Economist's Roundtable

Antitrust

vol. 17, pp. 8-18, Spring 2003

(Moderator)

Mavericks, Mergers, and Exclusion: Proving Coordinated Competitive Effects Under the Antitrust Laws

New York University Law Review

vol. 77, pp. 135-203, April 2002

reprinted in Benjamin Klein & Andres V. Lerner, eds.,

Economics of Antitrust Law, 2008

Horizontal Merger Analysis Grows Up: A Review of Chapter 5 of Richard Posner's *Antitrust Law* (2d ed. 2001)

The Antitrust Source

January 2002

New Horizons in Cartel Detection

George Washington Law Review

vol. 69, pp. 824-28, October/December 2001

Ill-Gotten Gains: Toothless Settlement Lets Microsoft Keep Rewards of Monopolization

Legal Times, November 12, 2001, p. 51

(with Andrew I. Gavil)

Should Concentration be Dropped from the Merger Guidelines?

in ABA Antitrust Section Task Force Report

Perspectives on Fundamental Antitrust Theory

pp. 339-54, July 2001

reprinted in University of West Los Angeles Law Review

vol. 33, pp. 3-16, 2001

(with Steven C. Salop)

A Preface to Post-Chicago Antitrust

in Roger van den Bergh, Roberto Pardolesi and Antonio Cucinotta, eds.,

Post Chicago Developments in Antitrust Law, 2002, pp. 60-75

Can Antitrust Keep Up? Competition Policy in High-Tech Markets

Brookings Review, Winter 2001, pp. 16-19

Editor's Note: Antitrust at the Millennium (Part II)

Antitrust Law Journal

vol. 68, no.3, pp. 621-24, 2001

Stepping Out in an Old *Brown Shoe*: In Qualified Praise of Submarkets

Antitrust Law Journal

vol. 68, no. 1, pp. 203-218, 2000



Editor's Note: Antitrust at the Millennium (Part I)  
Antitrust Law Journal  
vol. 68, no.1, pp. 1-3, 2000

Empirical Methods in Antitrust Litigation:  
Review and Critique  
American Law and Economics Review  
vol. 1, no. 1/2, pp. 386-435, 1999 (with Daniel L. Rubinfeld)

Law Leans Toward Joel Klein  
Legal Times, October 25, 1999, p. 40

Entry and Competition in the U.S. Airline Industry: Issues and  
Opportunities  
Special Report 255, Transportation Research Board,  
National Research Council, July 1999  
(with other members of the Committee for a Study of Competition  
in the U.S. Airline Industry)

Promoting Innovation Competition Through the *Aspen/Kodak* Rule  
George Mason University Law Review,  
vol. 7, no. 3, pp. 495-521, Spring 1999

Econometric Analysis in *FTC v. Staples*  
Journal of Public Policy & Marketing  
vol. 18, no 1., pp. 11-21, Spring 1999

Policy Watch: Developments in Antitrust Economics  
Journal of Economic Perspectives  
vol. 13, no. 1., pp. 181-94, Winter 1999

From Open Access to Convergence Mergers: An Antitrust Perspective on  
the Transition to Electricity Competition  
Power, vol. 3, no. 1, pp. 3-8, Winter 1998 (with John C. Hilke)

"Continuous" Regulatory Reform at the Federal Trade Commission  
Administrative Law Review  
vol. 49, pp. 859-874, Fall 1997

Contemporary Empirical Merger Analysis  
George Mason University Law Review  
vol. 5, pp. 347-61, Spring 1997

Unilateral Competitive Effects Theories in Merger Analysis  
Antitrust, vol. 11, no. 2, pp. 21-26, Spring 1997

Product Differentiation Through Space and Time: Some Antitrust Policy Issues

The Antitrust Bulletin  
vol. 42, pp. 177-96, Spring 1997

The Problem with *Baker Hughes* and *Syufy*: On the Role of Entry in Merger Analysis

Antitrust Law Journal  
vol. 65, pp. 353-74, Winter 1997

Identifying Horizontal Price Fixing in the Electronic Marketplace

Antitrust Law Journal  
vol. 65, pp. 41-55, Fall 1996

Vertical Restraints with Horizontal Consequences: Competitive Effects of "Most-Favored-Customer" Clauses

Antitrust Law Journal  
vol. 64, pp. 517-34, Spring 1996

Fringe Firms and Incentives to Innovate

Antitrust Law Journal  
vol. 63, pp. 621-41, Winter 1995

Predatory Pricing After Brooke Group: An Economic Perspective

Antitrust Law Journal  
vol. 62, pp. 585-603, Spring 1994  
reprinted in Andrew Gavil, ed., An Antitrust Anthology, 1996

Two Sherman Act Section 1 Dilemmas: Parallel Pricing, the Oligopoly Problem, and Contemporary Economic Theory

The Antitrust Bulletin, vol. 38, pp. 143-219  
Spring 1993

reprinted in Benjamin Klein & Andres V. Lerner, eds.,  
Economics of Antitrust Law, 2008

Empirical Methods of Identifying and Measuring Market Power

Antitrust Law Journal  
vol. 61, pp. 3-16, Summer 1992

(with Timothy F. Bresnahan)  
reprinted in Benjamin Klein & Andres V. Lerner, eds.,  
Economics of Antitrust Law, 2008

Entry Analysis Under the 1992 Horizontal Merger Guidelines  
Antitrust Law Journal  
vol. 61, pp. 139-46, Summer 1992  
(with Janusz A. Ordover)

Per Se Rules in the Antitrust Analysis of Horizontal Restraints  
The Antitrust Bulletin  
vol. 36, pp. 733-43, Winter 1991

Identifying Cartel Policing Under Uncertainty:  
The U.S. Steel Industry 1933-1939  
Journal of Law and Economics  
vol. 32:2, pt. 2, pp. S47-S76, October 1989

Recent Developments in Economics that Challenge Chicago School Views  
Antitrust Law Journal  
vol. 58:2, pp. 645-655, 1989

Book Review  
Larner & Meehan, eds., Economics and Antitrust Policy  
The Antitrust Bulletin  
vol. 34, pp. 919-930, Winter 1989

The Antitrust Analysis of Hospital Mergers and the Transformation of the  
Hospital Industry  
Law and Contemporary Problems  
vol. 51:2, pp. 93-164, Spring 1988

Vertical Restraints Among Hospitals, Physicians, and Health Insurers that  
Raise Rivals' Costs  
American Journal of Law & Medicine  
vol. 14, pp. 385-408, 1988

Private Information and the Deterrent Effect of Antitrust Damage  
Remedies  
Journal of Law, Economics and Organization  
vol. 4, pp. 385-408, 1988

Estimating the Residual Demand Curve Facing a Single Firm  
International Journal of Industrial Organization  
vol. 6, pp. 283-300, 1988  
(with Timothy F. Bresnahan)  
reprinted in Andrew N. Kleit, ed., Antitrust and Competition  
Policy, 2005

Dramatization: The Merger Transaction -- Legal Evaluation  
(with other program faculty)

Introduction and Fact Summary  
in National Institute: The Contested Merger  
Antitrust Law Journal, vol. 56, pp. 603-637, 1988

The Gray Market in Video, Consumer Welfare, and Public Policy: An  
Economic Analysis  
in E. Noam & J. Millonzi, eds.  
The International Market in Film and Television Programs, 1993  
(proceedings of a 1987 conference)

Horizontal Mergers: Law and Policy  
American Bar Association Antitrust Section Monograph, 1986  
(with other members of Merger Standards Task Force)

The Gains from Merger or Collusion in Product Differentiated Industries  
Journal of Industrial Economics, vol. 33, pp. 427-444 1985  
reprinted in P. Geroski, L. Philips & A. Ulph, eds. Oligopoly,  
Competition and Welfare, 1985  
(with Timothy F. Bresnahan)

Has the Contract Clause Counter-Revolution Halted? Rhetoric, Rights  
and Markets in Constitutional Analysis  
Hastings Constitutional Law Quarterly, vol. 12, pp. 71-104, Fall  
1984

## **SELECTED PRESENTATIONS, WORKING PAPERS, AND INFORMAL PUBLICATIONS**

Competition, Market Power, and Inequality  
OECD Global Forum on Competition  
November 29, 2018  
(slides and video available at  
<http://www.oecd.org/competition/globalforum/how-can-competition-contribute-to-fairer-societies.htm>)

Market Power in the US Today  
FTC Hearings on Competition and Consumer Protection in the 21<sup>st</sup>  
Century, Sept. 13, 2018  
(slide and video available at <https://www.ftc.gov/news-events/events-calendar/2018/09/ftc-hearing-1-competition-consumer-protection-21st-century>)

- Market Power and Market Concentration in the US  
OECD Competition Committee Hearing on Market Concentration  
June 7, 2018  
(slides available at <http://www.oecd.org/competition/market-concentration.htm>)
- DOJ v. AT&T: Discussion and Preview of Key Arguments at Trial  
The Capitol Forum, March 15, 2018  
(transcript at 6 The Capitol Forum No. 97, March 16, 2018)
- Input/Customer Foreclosure Conference Call (AT&T/Time Warner)  
The Capitol Forum, Nov. 9, 2017  
(interview transcript available at <https://t.co/HvdtlV1sZ0>)
- Overcoming *Amex*: Multi-sided Platforms and Antitrust  
Comment on Enforcing Fully Under Existing Laws  
Conference on Unlocking the Promise of Antitrust Enforcement  
Washington College of Law, Oct. 27, 2017  
(*Amex* slides and video with both presentations available at <https://www.wcl.american.edu/impact/initiatives-programs/lawandgov/recent-events/untitrust-enforcement/>)
- Market Power in the U.S. Economy Today  
Washington Center for Equitable Growth  
March 2017  
(available at <http://equitablegrowth.org/research-analysis/market-power-in-the-u-s-economy-today/>)
- Is There a Concentration Problem in America?  
Stigler Center, University of Chicago Booth School of Business  
Panel on Is there A Role for Political Antitrust, Mar, 29, 2017  
(discussion summarized at <https://promarket.org/case-made-political-antitrust/> and video available at <https://research.chicagobooth.edu/stigler/events/single-events/march-27-2017>)  
Interview, March 21, 2017  
(interview transcript available at <https://promarket.org/market-power-inequality/>)
- Making Antitrust Work for the 21<sup>st</sup> Century: Economics of Antitrust  
Washington Center for Equitable Growth  
Oct. 6, 2016  
(video available at <http://equitablegrowth.org/event/making-antitrust-work-for-the-21st-century/>)

The Productivity Puzzle: How Can We Speed Up the Growth of the Economy?

Brookings Institution, Sept. 9, 2016

(video available at <https://www.brookings.edu/events/the-productivity-puzzle-how-can-we-speed-up-the-growth-of-the-economy/>)

The Capitol Forum Interview Series with Jonathan Baker, American University

April 2016

(video available at <https://thecapitolforum.com/portfolio/jonathan-baker-american-university/>)

Panel on Congress and the FCC After Title II

Technology Policy Institute Aspen 2015 Forum

August 17, 2015

(video available at <https://www.techpolicyinstitute.org/aspen2015/agenda>)

The Great Net Neutrality Debate: Should the FCC Ban Paid Prioritization?

Nov. 20, 2014

(video available at <http://techfreedom.org/post/102369660044/the-great-net-neutrality-debate-should-the-fcc-ban>)

FCC Open Internet Roundtable on the Economics of Broadband: Market Successes and Market Failures

Oct. 2, 2014

(video available at <http://www.fcc.gov/events/open-internet-roundtable-economics>)

FTC/DOJ Workshop on Conditional Pricing Practices: Economic Analysis & Policy Implications

Panel on Where Do We Go From Here: Open Questions and Policy Considerations, June 23, 2014

(transcript at <http://www.ftc.gov/news-events/events-calendar/2014/06/conditional-pricing-practices-economic-analysis-legal-policy>)

Participant, Opening Plenary Session on Efficiency and Its Critics

American Antitrust Institute 2014 Annual Conference

June 19, 2014

(audio recording available at <http://www.antitrustinstitute.org/content/audio-2014-annual-conference>)

- Should the Communications Industry be Regulated by the FCC?  
American Enterprise Debates  
December 12, 2013  
(video available at <http://www.aei.org/events/2013/12/12/should-the-communications-industry-be-regulated-by-the-fcc/>)
- Should the *Philadelphia National Bank* Presumption Be Abandoned or Allowed to Evolve? Reflections on Commissioner Wright's Speech  
September 30, 2013 (with Steven C. Salop)  
(blog post available at [http://lawprofessors.typepad.com/antitrustprof\\_blog/2013/09/should-the-philadelphia-national-bank-presumption-be-abandoned-or-allowed-to-evolve.html](http://lawprofessors.typepad.com/antitrustprof_blog/2013/09/should-the-philadelphia-national-bank-presumption-be-abandoned-or-allowed-to-evolve.html))
- Jon Baker on Parallel Exclusion  
May 1, 2013  
(blog post available at [http://lawprofessors.typepad.com/antitrustprof\\_blog/2013/05/jon-baker-on-parallel-exclusion.html](http://lawprofessors.typepad.com/antitrustprof_blog/2013/05/jon-baker-on-parallel-exclusion.html))
- Participant, Panel Discussion on Communications Law Reform  
2012 Annual Lawyers Convention, Federalist Society  
November 17, 2012  
(transcript available at 2013 U. Ill. J. Tech & Pol'y 107-39)
- Competitive Harm from MFNs: Economic Theories  
DOJ/FTC Workshop on Most-Favored Nations Clauses and Antitrust Enforcement and Policy, Sept. 10, 2012  
(slides available at <http://www.justice.gov/atr/public/workshops/mfn/presentations/286766.pdf>)
- Why I Publish in the Antitrust Law Journal  
July 9, 2012  
(blog post available at [http://lawprofessors.typepad.com/antitrustprof\\_blog/2012/07/why-i-publish-in-the-antitrust-law-journal.html](http://lawprofessors.typepad.com/antitrustprof_blog/2012/07/why-i-publish-in-the-antitrust-law-journal.html))
- Continuing a Conversation About the FCC's Merger Review Process  
March 17, 2011  
(blog post available at <http://reboot.fcc.gov/blog?entryId=1340463>)

Participant, Panel Discussion on Broadband Policy: What's Next After the FCC's Net Neutrality Decision?

Free State Foundation's Third Annual Winter Telecom Policy Conference, February 4, 2011  
(video available at <http://www.c-spanvideo.org/program/FCCs>)

Presentation of the AAI Antitrust Achievement Award to Steven C. Salop  
June 24, 2010

(remarks available at  
[http://www.antitrustinstitute.org/archives/files/Baker%20Salop%20Comments\\_062820101005.pdf](http://www.antitrustinstitute.org/archives/files/Baker%20Salop%20Comments_062820101005.pdf))

Who is Pressuring Antitrust? A Response to Wright

May 24, 2010 (blog post available at  
<http://truthonthemarket.com/2010/05/24/who-is-pressuring-antitrust-a-response-to-wright/>)

DOJ/FTC Horizontal Merger Guidelines Review Project

Panel on Market Definition, December 3, 2009

(transcript available at  
<http://www.ftc.gov/bc/workshops/hmg/transcripts/091203transcript.pdf>)

Educate Us on Economics

Oct. 27, 2009  
(blog post available at <http://blog.openinternet.gov/?p=133>)

Panel Discussion with Jonathan Baker, Chief Economist, FCC

Oct. 23, 2009 (streaming audio available at  
<http://www.abanet.org/antitrust/at-bb/audio/09/10-09.shtml>)

Participant, Panel Discussion on "Where We've Been"

ABA Competition as Public Policy Symposium, May 2009  
Transcript published as ABA Antitrust Section, Competition as Public Policy Chapter VIII (2010) (presentation at pp.194-204)

Required Reading for the New Antitrust Administration

Antitrust Source, vol. 7, August 2008 (page 3 of article)  
(available at <http://www.abanet.org/antitrust/source/>)

FTC Unilateral Effects Analysis and Litigation Workshop

Panel on the Role of Market Definition, Feb. 12, 2008  
(transcript available at <http://www.ftc.gov/news-events/events-calendar/2008/02/unilateral-effects-analysis-litigation-workshop>)



Competition and Prosperity: Prices, Progress and Politics  
Keynote Address  
Netherlands Competition Authority (NMa) Conference on  
Measuring the Economic Effects of Competition Law Enforcement  
October 2007

DOJ/FTC Hearings on Single-Firm Conduct and Antitrust Law  
Panel on Understanding Single-Firm Behavior: Empirical  
Perspectives Session, Sept. 12, 2006  
(transcript available at  
[www.justice.gov/atr/public/hearings/single\\_firm/sfcsept.html](http://www.justice.gov/atr/public/hearings/single_firm/sfcsept.html))  
Panel, May 1, 2007  
(transcript available at  
[http://www.justice.gov/atr/public/hearings/single\\_firm/sfcmay2007.html](http://www.justice.gov/atr/public/hearings/single_firm/sfcmay2007.html))

Final Report of Economic Evidence Task Force  
ABA Section of Antitrust Law (Task Force Co-Chair)  
Aug. 1, 2006  
(available at <http://www.abanet.org/antitrust/at-reports/01-c-ii.pdf>)

Comments on Applying the Horizontal Merger Guidelines  
March 2004  
(available at <http://www.ftc.gov/bc/mergerenforce/comments/bakerjon.pdf>)

DOJ/FTC Merger Enforcement Workshop  
Panel on Coordinated Effects, February 18, 2004  
Economists and Lawyers' Roundtable, February 19, 2004  
(transcript available at  
<http://www.ftc.gov/bc/mergerenforce/index.html>)

Roundtable with Former Directors of the FTC Bureau of Economics  
September 4, 2003 (transcript available at  
<http://www.ftc.gov/news-events/events-calendar/2003/09/roundtable-former-directors-bureau-economics>)

DOJ/FTC Hearings on Health Care and Competition Law and Policy  
Panel on Most Favored Nations Clauses, May 7, 2003  
(transcript available at  
<http://www.ftc.gov/ogc/healthcarehearings/index.htm>)  
(slides available at  
<http://www.ftc.gov/ogc/healthcarehearings/docs/030507baker.pdf>)

- Comment on Airline Regulatory Policy  
in Louis Uchitelle, Looking for Ways to Make Deregulation Keep  
Its Promises  
New York Times, July 28, 2002
- Residual Demand Estimation: A Gatekeeper Regression for Analyzing the  
Unilateral Competitive Effects of Mergers and Single Firm Market Power  
Draft: July 2002
- Roundtable Conference Participant, ABA Antitrust Section  
Task Force Report, Perspectives on Fundamental Antitrust Theory,  
pp. 387-476, July 2001
- Roundtable Conference Participant, ABA Antitrust Section  
Task Force Report, Perspectives on the Concepts of Time, Change,  
and Materiality in Antitrust Enforcement, pp. 159-71, 207-372, July  
2001
- U.S. v. Microsoft Corporation, C-SPAN On-Line Chat, Online  
Town Hall Meeting, February 26, 2001
- Panelist, Competition Policy in the World of B2B Electronic  
Marketplaces  
Federal Trade Commission, June 30, 2000
- Symposium on “The Microsoft Verdict: The Next Phase”  
American Prospect Online, April 6, 2000
- Letter to the Editor (Reply to Steiner FTC:Watch Editorial)  
FTC: Watch, December 20, 1999 (with Jeremy Bulow)
- Market Power and the Cross-Industry Behavior of Prices Around a  
Business Cycle Trough  
Working Paper No. 221  
Federal Trade Commission, December 1998  
(with Peter A. Woodward)
- Identifying the Firm-Specific Cost Pass-Through Rate  
Working Paper No. 217, Federal Trade Commission, January 1998  
(with Orley Ashenfelter, David Ashmore & Signe-Mary McKernan)

An Antitrust Seminar: A Candid Conversation on the Past, Present, and Future of Antitrust

panelist in a discussion sponsored by the New York State Bar Association, Antitrust Section, January 1997

"Hot Topics" at the Federal Trade Commission

presented at the American Bar Association, Section of Antitrust Law Spring Meeting, March 1996

Recent Developments in Antitrust Law and Economics

sponsored by the Antitrust, Trade Regulation and Consumer Affairs Section, District of Columbia Bar

Tacit Collusion April 1992

Product Differentiation March 1992

Entry February 1992

Product Market Definition: Mergers Among Sellers of Branded Consumer Products

outline of presentation reprinted in The Antitrust Division and the FTC Speak on Current Developments in Federal Antitrust Enforcement and Consumer Protection, Practising Law Institute (No. B4-6985), 1991

Asymmetric Oligopoly Behavior in the Aluminum Industry Around a Business Cycle Trough

Working Paper No. 256, Amos Tuck School, August 1990  
(with Thomas B. Johnston and Peter A. Woodward)

Raising Rivals' Wages in the Postwar Automobile Industry

Working Paper No. 248, Amos Tuck School, January 1990

The Evolution of Health Care Institutions: An Economic Approach

presented at the 1989 Health Law Teachers Conference, June 1989

When is Conservation Better than Generation?

Working Paper No. 223

Amos Tuck School, May 1988; revised October 1988

The Simple Empirics of Strategic Instruments

Working Paper No. 202, Amos Tuck School, May 1987

Why Price Correlations Don't Define Antitrust Markets:  
On Econometric Algorithms for Market Definition  
Working Paper No. 149  
Federal Trade Commission, January 1987

Insurance Against Product Failure and Moral Hazard in the Consumption  
of Other Goods  
in Ph.D. dissertation, Stanford University, June 1986

The Effect of a Shopping Mall on Regional Retail Sales: An Econometric  
Analysis  
Working Paper No. 1255-01  
The Urban Institute, August 1978

## **EDITORIAL**

Editorial Chair, Antitrust Law Journal  
July 2000 to August 2004

Editorial Board, Review of Industrial Organization  
August 2002 to December 2003

Guest Editor, Symposium on Antitrust at the Millennium  
Antitrust Law Journal  
Part I, vol. 68, no. 1, 2000  
Part II, vol. 68, no.3, 2001

Contributing Editor, Antitrust Law Journal  
August 1999 to July 2000  
August 2007 to present

Advisory Board, Antitrust Abstracts (SSRN)  
Advisory Board, Telecommunications and Regulated Industries  
Abstracts (SSRN)  
October 1998 to present

Guest Editor, Symposium on Tacit Collusion  
The Antitrust Bulletin, Spring 1993

## **OCCASIONAL REFEREE**

American Economic Review  
American Law and Economics Review

Management Science  
National Science Foundation

Antitrust Law Journal  
Canadian Journal of Economics  
Journal of Industrial Economics  
Journal of International Economics  
Journal of Law and Economics

Quarterly Journal of Econ.  
RAND Journal of Economics  
Review of Econ. and Statistics  
Review of Industrial Org.

## TESTIMONY

Procaps S.A. v. Patheon Inc.

August 13, 2015 (deposition testimony)  
December 6, 2013 (deposition testimony)

In re Text Messaging Antitrust Litigation

September 23, 2013 (deposition testimony)

United States v. Apple, Inc.

April 3, 2013 (deposition testimony)

Hearing on Merger Enforcement, Panel on Treatment of Efficiencies

Antitrust Modernization Commission, November 17, 2005

(written statement and hearing transcript available at

[http://govinfo.library.unt.edu/amc/commission\\_hearings/pdf/Baker\\_Statement.pdf](http://govinfo.library.unt.edu/amc/commission_hearings/pdf/Baker_Statement.pdf))

In re Mercedes-Benz Antitrust Litigation

June 2, 2005 (deposition testimony)  
May 5, 2006 (pretrial motion testimony)

In re Evanston Northwestern Healthcare Corp.

March 22, 2005 (trial testimony)  
January 25, 2005 (deposition testimony)

Federal Trade Commission v. H.J. Heinz Co.

September 8, 2000 (trial testimony)

August 2000 (deposition testimony)

(Trial testimony discussed at David Marcus, Two and Three:

Sponsored by the FTC, Corporate Control Alert, Sept 2000, pp. 11-17)

United States v. Northwest Airlines, Inc.

May 2000 (deposition testimony)

Oversight Hearing on “The Antitrust Enforcement Agencies”  
House Committee on the Judiciary, April 12, 2000  
(antitrust and high technology industries)

United States v. Airline Tariff Publishing Co.  
June 1993 (declaration estimating consumer injury from air fare  
coordination)

United States Sentencing Commission  
October 11, 1988 (organizational sanctions)

## **CASES LITIGATED**

In re Certain Alkaline Batteries  
United States International Trade Commission  
1983 to 1984 (challenge to gray market imports)  
(represented Duracell with other attorneys)

Christian Schmidt Brewing Co. v. G. Heileman Brewing Co.  
1984 to 1985 (antitrust suit to block Heileman-Pabst merger)  
(represented Heileman with other attorneys)

## **TEACHING**

### Antitrust and Regulation

Antitrust Law (American)  
Regulatory Law and Policy (or Economic Regulation) (American,  
Georgetown)  
Advanced Antitrust (or Antitrust Law and Economics: Recent  
Developments) (American, Duke, Georgetown)  
Antitrust, Innovation and Intellectual Property (American)  
Communications Law and Economic Regulation (American)  
Business and Public Policy (or Business Environments) (Tuck)

### Economics, Analytical Methods, and Law and Economics

Analytical Methods for Business Law (American)  
Law and Economics (American)  
Managerial Economics (microeconomics and industrial organization  
economics) (Tuck)  
Problems in Managerial Economics (graduate level industrial organization  
economics) (Tuck)  
Econometrics Seminar (Tuck)

Other Courses

Advanced Constitutional Law: Economic Clauses (American)  
Contracts (American)

**ACTIVITIES AND  
AFFILIATIONS**

American Antitrust Institute

Advisory Board, 2001 to 2009, 2012 to date  
Antitrust Litigation Achievement Awards Committee, 2013 to 2014

American Bar Association Section of Antitrust Law

AALS Liaison Committee, Chair, 2003 to 2004  
Advisory Board on Section Reserves, 2007 to 2010  
Antitrust Law Journal  
    Editorial Chair, July 2000 to July 2004  
    Contributing Editor, 1999 to 2000, 2007 to present  
Antitrust Law Journal Working Group, 2008  
Council, August 2004 to July 2007  
Economics Committee, Vice Chair, 1995 to 1999  
Long Range Planning Committee (ex officio), 2009 to 2010  
Merger Standards Task Force, 1985 to 1986  
Monograph Committee, 1992 to 1995  
National Institute Committee, 1987  
Program Co-Chair, Antitrust at the Millennium, September 2000  
    (co-sponsored by Amer. Univ. Washington Coll. of Law)  
Section 2 Working Group, 2009 to 2010  
Sherman Act §2 Committee, Vice Chair, 1992 to 1995  
Task Force on Economic Evidence, Co-Chair, 2005 to 2006  
Task Force on Fundamental Theory, 2000 to 2001  
Task Force Serving as Liaison to the Modernization Commission,  
    2004 to 2007

American Bar Association Section of Administrative Law

American Economic Association

American Law & Economics Association

Area Organizer, Antitrust and Economic Regulation, 2002, 2006,  
2011, 2012, and 2018

Association of American Law Schools  
Antitrust and Economic Regulation Section  
Chair, 2003  
Executive Committee, 1999 to 2003

Charles River Associates (formerly CRA International)  
Senior Consultant, 2002 to 2009

Committee for a Study of Competition in the U.S. Airline Industry  
Transportation Research Board, National Research Council, 1998 to  
1999

Compass Lexecon  
Advisory Committee, 2011 to present  
Senior Consultant, 2011 to present

Compass Lexecon Prizes (for economic papers in competition policy)  
Selection Committee, 2007 to 2009

George Mason University School of Law, Law & Economics Center  
Board of Advisors, Global Antitrust Institute, 2014 to present

Member of the Bar, District of Columbia  
December 1982 to present

Washington College of Law, American University  
Advisory Board, Program on International Information  
Communications Technology, 2014 to present

December 2018