

# DARREN BUSH

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## **EDUCATION:**

J.D., UNIVERSITY OF UTAH COLLEGE OF LAW, MAY 1998

William H. Leary Scholar 1998

Marriner S. Eccles Fellowship in Political Economy, 1996-1998

Teaching Assistant, Legal Writing, 1997-1998

Teaching Assistant, Torts, 1996-1997

College of Law Scholarship, 1995

PH.D., ECONOMICS, UNIVERSITY OF UTAH, DECEMBER 1995

The Graduate Research Fellowship, 1994-1995

Grant from The Center for Public Policy Research (with Peter Philips), 1992-1994

Teaching Fellowship, Department of Economics, 1991-1992

Outstanding Teaching Assistant Award, Department of Economics, 1991-1992

B.A., ECONOMICS, CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO, JUNE 1991

Omicron Delta Epsilon (Economics Honor Society)

## **TEACHING/RESEARCH INTERESTS:**

Research Interests: Antitrust, Regulated Industries, Law & Economics, Administrative Law, Contract Law

Courses taught: Antitrust, Comparative Competition Law, Contracts, Regulated Industries, Law & Economics, Administrative Law, Analytic Methods for Lawyers, International Energy Competition Policy (seminar), and Statutory Interpretation and Regulation

## **CURRENT POSITION:**

Professor of Law, University of Houston Law Center, September 1, 2010 – present

Leonard B. Rosenberg Professor of Law, University of Houston Law Center,  
September 2016 – present.

Director, Energy, Environment, and Natural Resources Center, June 2016 – August 2017

Law Foundation Professor of Law, University of Houston Law Center, September,  
2013 – August, 2016

New Faculty Research Program Grant, 2004

## **PRIOR POSITIONS:**

Consultant to the Antitrust Modernization Commission, July 2005 – October 2006.

Associate Professor of Law, University of Houston Law Center, September 1, 2007 – September 1, 2010.

Assistant Professor of Law, University of Houston Law Center, July 2003 – September 1, 2007

Visiting Associate Professor of Law, University of Utah, July 2001 – June 2003

Courses taught: Antitrust, Business Organizations, Law & Economics, and Professional Responsibility

Director, Law & Economics Society, September 2001 – June 2003

Trial Attorney, Attorney General's Honors Program, Transportation, Energy, & Agriculture Section, Antitrust Division, United States Department of Justice, September 1998 - June 2001

Instructor, Economics Department, University of Utah, June 1996 - August 1998

Courses taught: Industrial Organization, Law & Economics, and Microeconomics

Consultant on issues involving Nevada and Utah Deregulation of Electricity, February 1996 - September 1998

Summer Law Intern, Transportation, Energy & Agriculture Section, Antitrust Division, United States Department of Justice, May 1997 - July 1997

Research Assistant on Antitrust and Intellectual Property issues for Professor John Flynn, University of Utah College of Law, August 1996 - September 1998

Teaching Assistant and Instructor, Economics Department, University of Utah, September 1991 - August 1995

Courses taught: Microeconomics, Macroeconomics, and Introduction to Economics

**PUBLICATIONS:**

**Works in Progress:**

*Condominiumization* (with Peter Carstensen).

**Dissertation:**

CREATING COMPETITION IN ELECTRICITY GENERATION: RECONCILING THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 WITH THE ENERGY POLICY ACT OF 1992 (UMI Press 1995).

**Books:**

JOHN J. FLYNN, HARRY FIRST AND DARREN BUSH, FREE ENTERPRISE AND ECONOMIC ORGANIZATION: ANTITRUST (7<sup>th</sup> Ed. 2014)(Foundation Press).

JOHN J. FLYNN, HARRY FIRST, AND DARREN BUSH, ANTITRUST: STATUTES, TREATIES, REGULATIONS, GUIDELINES, AND POLICIES, 2014-2015 (Foundation Press).

Previous Editions: 2011-2012, 2009-2010, 2007-2008, 2005-2006, 2003-2004 AND 2001.

**Chapters in Books:**

*Why ERCOT Only Has One Regulator* in THE PROSPECT OF ELECTRICITY RESTRUCTURING: THE TEXAS MODEL (Andrew Kleit and Lynne Kiesling, Eds.)(2009).

AMERICAN BAR ASSOCIATION, FEDERAL STATUTORY EXEMPTIONS FROM ANTITRUST LAW—MONOGRAPH 24 (2007)(member of the drafting team with primary responsibility for Chapters 10-12).

**Published And Forthcoming Articles:**

*Law Reviews, Citation Counts and Twitter (Oh my!): Behind the Curtains of the Law Professor's Search for Meaning, forthcoming*, 50 LOY. U. CHI. L. J. 101 (2019)(co-authored)([Top SSRN download](#) the week of March 4, 2019).

*The Trump Administration's Antitrust Policy: An Essay on Same Old, Same Old, forthcoming*, \_\_\_\_ MERCER L. REV. \_\_\_\_ (2019).

*Consumer Welfare Theory As An Ethical Consideration: An Essay on Hipsters, Invisible Feet, and the "Science" of Economics, forthcoming*, 63 ANTITRUST BULL. 509 (2018).

*The Abdication of Judicial Responsibility and Authority in Consent Decrees and the Dismissal of Congressional Intent by the Judiciary: The Implications of the Misuse of the Tunney Act in the D.C. Circuit*, [63 Antitrust Bull. 113](#) (2017)(Nominated for Concurrences Antitrust Writing Award).

*An Antitrust Allegory, Episode II: The Section 2 Trap*, [4 SAVANNAH L. REV. 7](#) (2017)(invited paper to Savannah Law Journal Symposium on legal fictions, 2017).

*Out of the DOJ Ashes Rises the FTC Phoenix: Towards Singular Federal Antitrust Enforcement*, [53 WILLAMETTE L. REV. 33](#) (2017).

*Book Review: American Bar Association Section of Antitrust Law: Transportation Antitrust Handbook (ABA 2014)*, 38 WORLD COMP. L. & ECON. REV. 464 (2015).

*Jukin' The Stats: The Gaming of Law School Rankings and How to Stop It*, [45 CONN. L. REV. 1235](#) (2013)(with Jessica Peterson).

*Antitrust Criteria: Why Tomorrow May Differ from Today*, 30(6) J. BUS. STRAT. 15 (2012)(with Betsy Gelb).

Introduction to Symposium: Honoring the Life of John Flynn, 56 ANTITRUST BULL. 673 (2011).

*Too Big to Bail: Antitrust as Applied to Distressed Industries*, 77 ANTITRUST L.J. 277 (2010).

*Advertising and Policy Insights for the Voter vs. Customer Trade-Off*, 30(1) J. OF PUB. POL'Y & MARKETING 96 (2010)(with Betsy Gelb).

*Economic Reality Versus Consumer Perceptions of Monopoly*, 27 J. OF PUB. POL'Y & MARKETING 178 (2008) (with Jill Sundie and Betsy Gelb).

*Introduction: Thirty Years Of Airline Deregulation*, 45 HOUSTON L. REV. 278 (2008).

*Predatory Conduct, Predatory Legislation, and Other Exclusionary Tactics in Airline Markets*, 45 HOUSTON L. REV. 293 (2008)(with Shubha Ghosh).

*How To Block Cartel Formation and Price Fixing: Using Extraterritorial Application of the Antitrust Laws As a Deterrence Mechanism*, 112 PENN. ST. L. REV. 813 (2008)(with John Connor).

*Electricity Merger Analysis: Market Screens, Market Definition and other Lemmings*, 32 REV. IND. ORG. 263 (2008)(peer-reviewed economics journal).

*Introduction: Antitrust and Health Care*, 7 HOUS. J. HEALTH L. & POL'Y 183 (2007).

*Ties, Damned Ties, and Efficiencies: A Response to Grimes and Sullivan's "Metered Tying,"* 13 SW. J.L. & TRADE AM. 355 (2007).

*Book Review: Network Access, Regulation and Antitrust by Diana L. Moss, ed., Routledge Press, 2005*, 30 WORLD COMP. L. & ECON. REV. 398 (2007).

*Mission Creep: Antitrust Exemptions and Immunities as Applied to (De)regulated Industries*, 2006 UTAH L. REV. 613.

*Real Estate Antitrust: The Ability of the FTC to Obtain Data on Competition in Real Estate Markets*, 35 REAL EST. L. J. 33 (2006)(invited article for AAI symposium on Real Estate).

*Lawsuits as Competitive Marketing Tools* (with Betsy Gelb), 47(2) MIT SLOAN MANAGEMENT REV. 21 (Winter 2006)(peer reviewed management journal).

*What Marketers Need to Know About Antitrust* (with Betsy Gelb), 46(4) MIT SLOAN MANAGEMENT REV. 73 (SUMMER 2005)(peer-reviewed management journal).

*Creating Competitive Wholesale Energy Markets: An Introduction*, 1 ENVTL. & ENERGY L. & POL'Y J. 1 (2005).

*Rethinking the Potential Competition Doctrine*, with Salvatore Massa, 2004 WIS. L. REV. 1035. Article was awarded Distinguished Honorable Mention, Jerry S. Cohen Award for outstanding antitrust scholarship.

*In (Reluctant) Defense of Enron: Why Bad Regulation Is to Blame For California's Power Woes, or Why Antitrust Law Fails To Protect Against Market Power When the Market Rules Encourage Its Use*, with Carrie Mayne, 83 OREGON L. REV. 207 (2004).

*The Law & Economics of Restorative Justice*, 2003 UTAH L. REV. 439. (Invited symposium article).

*The Misuse and Abuse of The Tunney Act in the Microsoft Cases: The Adverse Consequences of The "Microsoft Fallacies,"* with John J. Flynn, 34 LOY. U. CHI. L. J. 749 (2003). Article nominated for Jerry S. Cohen Award for outstanding antitrust scholarship.

*When Big Is Bad: An Essay on the Political Implications of Firm Size on Antitrust Enforcement As Illustrated in the Microsoft Case*, 5 LONG TERM VIEW 29 (2003)(solicited article).

*The Law & Economics of Post-Employment Covenants: A Unified Framework*, with Mark Glick and Jonathan Hafen, 11 GEO. MASON. L. REV. 357 (2002).

*Moving to the Left by Moving to the Right: Law & Economics in Defense of Same-Sex Marriage*, 22 WOMEN'S RTS. L. REP. 115 (2001)(solicited article).

*The Marketplace of Ideas: Is Judge Posner Chasing Don Quixote's Windmills?* 32 ARIZ. ST. L. J. 1107 (2000).

*Caught Between Scylla and Charybdis: Law & Economics As a Useful Tool for Feminist Legal Theorists*, 7 AM. U. J. GENDER, SOC. POL'Y & L. 395 (1999).

**Court Filings and Other Testimony:**

Signatory to numerous Amicus Briefs before the U.S. Supreme Court, as well as before the Federal Communications Commission.

[Competition in the Airline Industry](#). Hearing before the U.S. House Judiciary Committee, Washington, D.C., June 16, 2010.

[\*The United/Continental Airlines Merger: How Will Consumers Fare?\*](#) Hearing before the U.S. Senate Judiciary Subcommittee on Antitrust, Competition Policy, and Consumer Rights, Washington, D.C., May 27, 2010.

[\*Legal Issues Concerning State Alcohol Regulation\*](#), Hearing before the U.S. House of Representatives Committee on the Judiciary, Subcommittee on Courts and Competition Policy, Washington, D.C. March 18, 2010.

Letter to Chair The Honorable Herb Kohl, Chair, Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights Concerning to the DOJ's Role in Rail Mergers (solicited), January 6, 2010.

[\*An Examination of the Delta-Northwest Merger\*](#), hearing before the U.S. Senate Judiciary Subcommittee on Antitrust, Competition Policy, and Consumer Rights, April 24, 2008.

[\*An Examination of H.R. 1650, the Railroad Antitrust Enforcement Act of 2007\*](#), hearing before the U.S. House Judiciary Committee Antitrust Task Force, February 25, 2008.

[\*An Examination of S. 772, the Railroad Antitrust Enforcement Act\*](#), hearing before the Senate Judiciary Subcommittee on Antitrust, Competition Policy, and Consumer Rights, October 3, 2007.

[\*Comments to the Federal Energy Regulatory Commission\*](#), Technical Conference on Public Utility Holding Company Act of 2005 and Federal Power Act Section 203 Issues, March 8, 2007.

[\*Amicus Curiae Brief Before the Supreme Court of the United States in Credit Suisse Securities v. Billing\*](#) (coauthored).

[\*Testimony\*](#) before the Antitrust Modernization Commission, December 1, 2005.

Supplemental Written Testimony submitted to the Antitrust Modernization Commission.

[\*A Framework for Policymakers to Analyze Proposed and Existing Antitrust Immunities and Exemptions: Report Prepared by Consultants to the Antitrust Modernization Commission\*](#) (co-written with Gregory K. Leonard and Stephen Ross).

[\*Comments of the AAI Working Group on Exemptions and Immunities to the Antitrust Modernization Commission\*](#) (co-written with Warren Grimes).

[\*Letter to the Federal Trade Commission on Category Management Issues in the Procter & Gamble Acquisition of Gillette\*](#) (with Bert Foer).

[Affidavit filed with FERC re Market-Based Rates for Public Utilities](#), Docket No. RM04-7-000, filed March 14, 2005.

[Brief of Amici Curiae of Professors Darren Bush](#), et al., Empagran, S.A. v. F. Hoffman-LaRoche, Ltd. (Mar. 15, 2004) (No. 03-724), available at 2004 WL 533933. (Note: This collaboration was based primarily on the works of John Connor.)

**Reports, Essays and Opinion Pieces:**

[White Paper: Antitrust Analysis of NOPEC Legislation](#) (with Harry First)(April 11, 2019).

[Flying While Muslim](#), AUSTIN-AMERICAN STATESMAN (May 5, 2016).

Commentary: [Let's make Texas friendly for auto consumers](#), AUSTIN-AMERICAN STATESMAN (Dec. 3, 2014)(co-authored).

[Drop Electoral College to make all votes count](#), B5 HOU. CHRON. (Nov. 3, 2012)(with Ron Turner).

[Proceed with Caution on Hobby Proposal](#), B11 HOU. CHRON. (April 29, 2012).

[More Guns, Less Learning](#), Salt Lake Trib. (January 22, 2011).

[Flying public should expect less out of carrier marriage](#), B11, HOU. CHRON. (April 28, 2010).

[Sue OPEC](#), L.A. TIMES (June 19, 2008)(with John Flynn and Harry First).

[Mergers: Idea that shouldn't fly](#), HOUSTON CHRON. E1 (May 4, 2008).

[It's Hard to See Pluses in Airline Mergers, Especially for Consumers](#), Star Trib. (Minneapolis) (April 28, 2008).

[Abort the Takeoff on New Airline Mergers](#), HOUSTON CHRON. E5 (Oct. 21, 2007).

[Sorry, Gov. Perry, but guns on campus flunks: Weapons would threaten safety, academic freedom](#), HOUSTON CHRON. (May 5, 2007).

[Check Grounding - Before we look at flipping switch on electric market... - Rethinking regulations may be a 'solution' worse than the problem](#), HOUSTON CHRON. (April 1, 2007).

[Not Yet Ready for Takeoff](#), Ft. Worth Star Tel. (Sep. 29, 2006).

[Love Field Agreement Shows No Love for Consumers](#) (Aug. 7, 2006).

*Cutting Edge Issues at the Nexus of Intellectual Property and Antitrust: They Came From The 20<sup>th</sup> Century* (invited paper for Institute for Intellectual Property Conference, October 7, 2005).

[An Essay on "Screening" for Market Power in Electricity Markets](#), ENERGY MAGAZINE 112 (2005).

[Towing the Line](#), HOUSTON CHRON. 1C (April 25, 2004).

[All Evidence Isn't in to Prove Racial Profiling](#), HOUSTON CHRON. 25A (Feb. 18, 2004).

*Trib. Offers Simplistic View of Bankruptcies*, SALT LAKE TRIB. AA4 (July 28, 2002).

*Dish Network/Direct TV Merger Might Harm Utahns*, SALT LAKE TRIB. AA4 (May 12, 2002).

*Utah Should Stick With Microsoft Suit*, SALT LAKE TRIB. AA6 (September 2, 2001).

ANTITRUST ISSUES RAISED BY RELATIONSHIPS WITH CLIENTS, COMPETITORS, AND DISTRIBUTORS (1997).  
Informational Pamphlet published by and for Parsons Behle & Latimer, LLC, Salt Lake City, Utah  
(with Mark Glick).

THE ECONOMIC IMPACT OF THE CONSTRUCTION AND OPERATION OF THE SUNNYSIDE COGENERATION PLANT ON  
EMPLOYMENT, BUSINESS ACTIVITY AND GOVERNMENT REVENUES IN CARBON COUNTY (1996). Report prepared  
for the Center for Public Policy Research, Salt Lake City, Utah (with Peter Philips).

*Why Have a Bar Exam? An Appraisal*, In Manuscript.

## **PRESENTATIONS & LECTURES:**

Moderator of two panels, #Twitterlaw Symposium, University of Idaho Law Review, Boise, ID  
(April 5, 2019).

Panelist, *Publishing Social Science Research*, AALS, New Orleans, LA (January 4, 2019).

Presenter, *The Trump Administration and Antitrust: No Wine in No Bottles*, Mercer Law Review  
Symposium, Macon, GA (October 5, 2018).

Panelist, Faculty Development Deans: Meeting Challenges and Supporting Faculty Members,  
SEALS, Ft. Lauderdale, FL, (August 11, 2018).

Panelist, *#Hipster Antitrust*, SEALS, Ft. Lauderdale, FL, (August 9, 2018).



Panelist, *Rapid Response and Triage in Times of Upheaval: Rebalancing and Innovating Practice, Pedagogy, and Scholarship*, AALS Clinical Annual Meeting, Chicago, IL, (May 1, 2018).

Commentator, *Professor Newman's Rule of Reason*, Loyola University Chicago Antitrust Colloquium (April 20, 2018).

Moderator and presenter, *The Future of Legal Scholarship*, Loyola University Chicago Law Journal Symposium (April 6, 2018).

Moderator, *Panel on International Airline Competition*, American Antitrust Institute Airline Antitrust Roundtable (December 7, 2017).

*The Cyborg-Led (and Antitrust-Fed) Marxian Revolution*, Savannah Law School Symposium on *Rise of the Automats*, (September 14, 2017). Also presented at UHLC on October 16, 2017.

*Out of the DOJ Ashes Arises the FTC Phoenix: Towards Singular Federal Antitrust Enforcement*, 16<sup>th</sup> Annual Loyola University Chicago Antitrust Colloquium, Chicago, IL (April 21, 2017).

Moderator, *Panel on Slots, Gates, and Market Entry*, American Antitrust Institute Antitrust Airline Roundtable, Washington, D.C. (November 28, 2016).

*An Antitrust Allegory: The Section 2 Trap*, Savannah Law Review Symposium on American Legal Fictions, Savannah, GA (September 16, 2016).

Panelist, *Scholarship: What is it? And how do we maximize its impact?*, SEALS, Amelia Island, FL (August 3, 2016).

American Antitrust Institute, *Airline Roundtable, Moderator, Panel on "Taking Stock of Competition – The Airlines, Distribution, and the Consumer*, Washington, D.C. (December 10, 2015).

American Antitrust Institute, *Antitrust and 2016 Presidential Transition: Airlines*, Washington, D.C. (June 18, 2015).

*The Devil and the Deep Blue Policy Sea: A Comment on Devils, Scripture and Antitrust*, Loyola University Chicago Antitrust Colloquium (April 24, 2015).

*Joint Ventures: The Fundamentals*, ABA, Transportation and Energy Industry Committee, Houston (November 20, 2014)(national conference call CLE).

*100 Years of the Federal Trade Commission: Old Agency in New Bottle?*, AALS Antitrust and Trade Regulation Section, New York (January 3, 2014).

*The Ten Most Awesome Events in Antitrust Enforcement*, National Association of Attorneys General, Hartford, CT (September 26, 2013).

*Jukin' the Stats: Gaming the Law School Rankings and How to Stop It*, Invited Symposium Presentation, University of Connecticut Law School (November 16, 2012).

*The Ten Most Awesome Events in Antitrust Enforcement*, National Associate of Attorneys General Meeting, Phoenix, AZ (October 4, 2012).

*Out of DOJ Ashes Arises the FTC Phoenix: Towards Singular Federal Antitrust Enforcement*, South Texas College of Law (September 26, 2012).

Panelist, *Electric Industry Consolidation and Merger Policy*, Energy Bar Association Mid-Year Meeting, Washington, D.C. (December 1, 2011).

*Juking The Stats: Gaming of the Law School Rankings and How to Stop It*, Seattle University School of Law, Seattle, WA (October 3, 2011).

*Too Big To Fail? What Role Should Antitrust Play?* National Association of Attorneys General 2011 Antitrust Litigation Training, New Orleans (September 19, 2011).

Panelist, *D.C. Bar Association Brown Bag Lunch Discussing the Airtran/Southwest Merger*, Washington, D.C., April 1, 2011.

*Too Big to Bail: Antitrust As Applied to Failing and Flailing Industries*, American Bar Association Antitrust Spring Meeting, Washington, D.C. April 22, 2010.

*Too Big To Bail: Antitrust As Applied to Failing and Flailing Industries*, Antitrust and Economic Regulation Section of AALS, New Orleans, January 9, 2010.

*Filed Rate Doctrine Panel*, Federal-State Workshop on Competition and Energy, Federal Trade Commission, November 13, 2009.

*Market power, market monitoring and the rules of the game in ERCOT*, Gulf Coast Power Association Spring Conference, April 2, 2009, The Woodlands, Texas.

Panelist, *Implied Repeals of the Antitrust Laws: How Far Are The Courts Willing to Go?*, ABA Telephonic Brown Bag Lunch, March 3, 2009.

*The Top 10 Most Exciting Issues in Antitrust Enforcement in 2008 (Thus Far)*, National Association of Attorneys General Antitrust Litigation Training, September 25, 2008, Salt Lake City, Utah.

*Competition Issues in ERCOT: Market Power, Market Manipulation, Detection and a Role for Antitrust*, Capital Campus Texas Retreat, July 9, 2008, San Antonio, Texas.

*Antitrust Issues in Energy Industries: Recent Developments*, The Energy Bar Association Houston Chapter, January 31, 2008, Houston, Texas.

*Predatory Conduct, Predatory Legislation, and Other Exclusionary Tactics in Airline Markets*, University of Houston Law Review Symposium on *30 Years of Airline Deregulation: A Structure, Conduct, and Performance Review*, January 25, 2008.

*Recent Developments in Supreme Court Antitrust Jurisprudence*, 2007 American Public Power Association Legal Update, October 16, 2007, Seattle, Washington.

*Current Issues in Complex Intellectual Property Licensing*, Law Seminars International, August 23, 2007, Seattle Washington.

*The Need For Identifying the Poison of Vertical Restraints For Purposes of Analysis and Remedies: A Comment on Bob Steiner's "Virtual Equivalence" Analysis*, 2007 Antitrust Colloquium, Loyola University of Chicago School of Law, April 13, 2007.

*Electricity Merger Analysis: Market Screens, Market Definition and other Lemmings*, American Antitrust Institute Roundtable on Electricity Deregulation, March 5, 2007.

*Ties, Damned Ties, and Efficiencies: A Response to Grimes and Sullivan's "Metered Tying"*, Antitrust & Intellectual Property: A Symposium in Honor of Larry Sullivan, February 26, 2007.

*Mission Creep: Antitrust Exemptions and Immunities as Applied to (De)regulated Industries*, Utah L. Rev. Symposium on "Recurring Issues in Antitrust Enforcement," February 3, 2006.

*The Incentive and Ability of the FTC to Obtain Real Estate Data: An Exercise in Political Economy*, American Antitrust Institute Symposium on Antitrust and Real Estate, November 8, 2005, Washington, D.C.

*The Is and the Oughts of Racial Profiling Data Collection in Texas*, Society of Law and Politics Student Group, November 1, 2005.

*Three Future Articles on a Theme: State Action*, Faculty Monday Luncheon, September 19, 2005.  
*Giving Americans a Reason to Want Same-Sex Marriage*, Outlaw Gay & Lesbian Student Group at the University of Houston, April 5, 2005.

*Creating Competitive Wholesale Energy Markets: An Introduction*, Environmental & Energy Law & Policy Journal Symposium, March 4, 2005.

*Rethinking the Potential Competition Doctrine*, Faculty Monday Luncheon, February 21, 2005.

*Rethinking the Potential Competition Doctrine*, 2004 Antitrust Colloquium, Loyola University of Chicago School of Law, April 16, 2004.

*The Law & Economics of the Regulation and/or Prohibition of Drugs*, Colloquium, Drugs and Justice, University of Utah, April 11, 2003.

*Enron's Role in the California Power Crisis*, Brown Bag, University of Utah College of Law, October 15, 2002.

*Guns on Campus, A Debate with John Lott*, University of Utah College of Law, October 14, 2002.

*Antitrust Law: A Primer*, Executive MBA Program, University of Utah College of Business, August 13, 2002.

*Roundtable: The Microsoft Antitrust Settlement: A Remedy in the Public Interest?*, Utah State Bar, June 27, 2002.

*The Exercise of Market Power in California's Electricity Markets*, Heterodox Economic Students Association, University of Utah, May 3, 2002.

*The Law & Economics of Restorative Justice*, Utah Restorative Justice Conference, University of Utah College of Law, March 22, 2002.

*Dancing in the Dark: How California's Energy Markets Were Driven Wayward*, Brown Bag, University of Utah College of Law, March 13, 2002.

*The Application of Tying Doctrine to the Software Industry*, American Inn of Court, Salt Lake City, Utah, October 17, 2001.

*Understanding the Role of Experts in Intellectual Property and Patent Damages*, National Association of Certified Valuation Analysts, Washington D.C., October 2, 2001.

*Economics, Statistics, and Antitrust Principles*, National Association of Certified Valuation Analysts, Washington, D.C., October, 1, 2001.

*What Went Wrong With California's Electricity Markets?* State University of New York, April 2, 2001, New Paltz, New York.

*E-Commerce: Antitrust's Latest Challenge?*, State University of New York, April 2, 2001, New Paltz, New York.

*The Antitrust Law & Economics of B2Bs*, Heterodox Economics Student's Association, University of Utah, February 9, 2001.

*Antitrust Issues Arising from the Creation of B2Bs*, Law & Economics Society of Utah and the Utah State Bar, February 7, 2001, Salt Lake City.

Participant, Roundtable On Electricity and Antitrust Priorities, American Antitrust Institute, September 7, 2000, Bracewell & Patterson, Washington, D.C.

*Is Law & Economics a Useful Tool For Feminist Legal Theorists?* Feminism and Legal Theory Workshop, December 13th, 1997, Columbia University School of Law.

*Market Power Mitigation, Aggregation, and the Obligation to Serve*, Electrical Deregulation and Customer Choice Task Force, August 28th, 1997, Utah State Capitol Building.

**SELECTED PRESS:**

James Osborne, [Chevron-Anadarko Merger Unlikely to Run into Antitrust Problems](#), Hou. Chron. (April 12, 2019).

Nick Snow, [Bill Could Give U.S. A Way to Move Against OPEC, Speakers Say](#), OIL & GAS J. (April 10, 2019).

Joe Williams, [DC judge flexes antitrust authority in another sting to Justice Department](#), WASH. TIMES (December 14, 2018).

L.M. Sixel, [Sysco says 3 top tuna brands fixed their prices](#), HOU. CHRON (January 25, 2018).

Diane Bartz, [Critics Say Whole Foods would Give Amazon An Unfair Advantage](#), REUTERS (June 22, 2017).

Briefcase, [Corporate Mergers and Competition](#), HOUSTON PUBLIC MEDIA (May 17, 2017).

Melissa Repko, [After Trump Victory, AT&T-Time Warner deal may be in jeopardy](#), DALLAS MORNING NEWS (November 9, 2016).

[AT&T/TW Breakup Fee Could Point to Deal Confidence, Fear of Being Burned](#), COMM. DAILY (November 2, 2016).

James Osborne, [Will Baker Hughes merger with GE unit end up like Halliburton deal?](#), HOU. CHRON. (November 1, 2016)

[How have Texas lawmakers reacted to AT&T's megamerger? Mostly with silence](#), DALLAS MORNING NEWS (October 24, 2016).

[Kaine, Trump, US lawmakers raise concerns over AT&T-Time Warner deal](#), CHANNEL NEWS ASIA (October 23, 2016).

Connor Shine, [Report: AT&T seeking to clinch Time Warner Inc. deal by Monday to beat rivals](#), DALLAS NEWS (October 24, 2016)

Jessica Toonkel, [AT&T bids for Time Warner, 21st Century Fox not interested: sources](#), FOX BUS. (October 21, 2016).

Diane Alter, [Virgin America-Alaska Air Working on Antitrust Remedy](#), CTFN (October 7, 2016).

Jordan Blum, [Halliburton 'scraping' forward after failed mega-merger](#), HOU. CHRON. (September 24, 2016).

Emma Hinchliffe, [Tough climate for mergers as two go down in two weeks](#), HOU. CHRON. (May 12, 2016).

Robert Grattan, [Halliburton, Baker Hughes Breakup A Trophy For Regulators](#), HOU. CHRON. (May 2, 2016).

*Baker Hughes/Halliburton judge recuses himself with trial location in air*, POLICY AND REGULATORY REPORT (April 13, 2016).

Robert Grattan, [With \\$3.5B fee, a Halliburton-Baker Hughes breakup would be costly to do](#) (April 9, 2016 (reprinted in other newspapers).

Collin Eaton, [Fed Suit: Oil Deal Harms Markets](#), (April 6, 2016).

Ramiro Robbins, [Feds Move to Dismiss McClendon Indictment](#), (March 6, 2016).

Dan Mangan, [What Happens to Legal Case Now that McClendon is Dead?](#), (March 3, 2016).

Rhiannon Meyers, [Will pieces come together for big oil services merger?](#), HOU. CHRON. (January 23, 2016).

[Ted Cruz's ethanol policy – a work in progress](#), 1:3 ENERGY PULSE 4 (January 20, 2016).

Angela Neville, [Federal Trade Commission to Review Proposed \\$37.7B Pipeline Merger](#), TEX. L. (Dec. 16, 2015).

Sarah Scully, [Federal judge rules against Sysco merger with US Foods](#), HOU. CHRON, (June 23, 2015).

Scott Tong, [How to Define Markets for Food Distributors](#), MARKETPLACE, (May 5, 2015).

Sarah Scully, [Sysco to make its case for merger to judge this week](#), (May 1, 2015).

Andrew Schneider, [FTC Moves to Block Sysco U.S. Foods Merger](#), (February 19, 2015).

Erin Mulvaney and Sarah Scully, [Feds sue to Stop Sysco Merger](#). Houston Chron. (February 19, 2015).

Greg Roumeliotis and Diane Bartz, [U.S. Government Sues to Block Takeover of U.S. Foods](#), (February 19, 2015).

Saqib Rahim, [Halliburton's Baker Hughes takeover likely to succeed -- but not without changes](#), ENERGYWIRE (February 11, 2015).

Jacob Davidson, [AmEx's Battle With the Feds Could Mean Lower Costs for Credit-Card Users](#), (July 7, 2014).

Christie Smythe, [American Express 'Take It or Leave It' Rule Goes on Trial](#), Bloomberg News, (July 2, 2014).

Andrew Schneider, [Supreme Court Takes Antitrust Case Stemming From California Energy Crisis](#), Houston Public Media, (July 2, 2014).

David Cay Johnston, [US Electricity Markets are Anti-Consumer](#), AL-JAZEERA, (June 11, 2014).

David Cay Johnston, [How electricity auctions are rigged to favor industry Consumers pay higher prices thanks to Enron tactics](#), AL-JAZEERA, (May 29, 2014).

Eleanor Boxham, [The Rise of Dumb Pay at America's Largest Corporations](#), FORTUNE (May 1, 2014).

Marketplace, [A Texas-sized bankruptcy for giant Texas energy deal](#), (April 29, 2014).

Reuters, [Chesapeake, Encana face criminal antitrust charges in Michigan](#), (March 6, 2014).

David Ingram, [In U.S. Mergers, No One Waits for This Waiting Period](#), REUTERS, (March 5, 2014).

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Appearance on Local 2 News, June 19, 2008, at 9:00 p.m. (concerning United Airlines alliance with Continental Airlines).

Appearance on Fox26 News June 16, 2008 at 9:00 p.m. (concerning report on airline industry and fuel costs).

Appearance on Fox 26 News Houston Morning Show, June 6, 2008 at 8:15 a.m. (discussing Continental airlines layoffs).

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Appearance on Fox 26 News Houston Morning Show, April 15, 2008 at 8:15 a.m. (discussing airline mergers).

Sally McDonald, Fox 26 News at 9 p.m., April 15, 2008 (discussing airline mergers).

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Ashley Broughton, *Food Stamp Red Tape Stumps Experts*, SALT LAKE TRIB. E2 (June 20, 2002).

**SERVICE:**

**Professional Service:**

Member, Institute For Consumer Antitrust Studies Advisory Board, March 2018 – present

Member, American Antitrust Institute Advisory Board, March 2005 – present

Chair, Executive Committee, AALS Section on Antitrust and Regulation, January 2013 – January 2014.

Member, Executive Committee, AALS Section on Antitrust and Regulation, January 2007 – 2014

Consultant, United States Antitrust Modernization Commission, July 2005 – December 2006

Member, AAI Immunities and Exemptions Committee, May 2005 – December 2006

**University Service:**

University Research Council, September 2004 – August 2005

**Law Center Service:**

Post-Tenure Review Committee, August 2018 – present.

Outcomes and Assessments Committee, August 2017 – present.

Director, Environment, Energy and Natural Resources (EENR) Center, June 2016 – August 2017

Graduate Legal Studies Committee, January 2015 – 2017

Grading Special Committee, September 2014 – 2016

Law School Dean's Search Committee, August 2007 – June 2008, and September 1, 2013 – January 2014.

Promotion and Tenure Committee, September 1, 2013 – January 2014.

Non Tenure Faculty Committee, September 1, 2013 – 2016

Third Year Curriculum Committees on Writing and Practice Skills, Chair, August 2010 – August 2013

Lateral Hiring Committee, August 2011 – September 1, 2013 and June 2015 – present.

Honor Court, August 2008 – July 2009

Executive Committee, September 2004 – August 2006 and September 2007 – August 2008

Scholarship Committee, January 2006 – June 2006

Graduate Legal Studies Committee, September 2005 – August 2007

Appointments Committee, September 2004 – June 2005, and August 2008 – May 2009.

Faculty Symposium Editor, Environment & Energy Law & Policy Journal, May 2004 – August 2005

LARC (LSS) Contract Employee Hiring Committee, Summer 2004

**PROFESSIONAL MEMBERSHIPS:**

Utah State Bar, District Court of Utah, ABA, ABA Antitrust Section (Communications Committee, Computers and the Internet Committee, Exemptions and Immunities Committee, and Fuel and Energy Industry Committee).

**HOBBIES:**

Sifu (instructor), Northern Shaolin/Northern Praying Mantis Kung Fu

- San Tuan (3<sup>rd</sup> Degree Black Sash), conferred April 27, 2018.
- Erh Tuan (2<sup>nd</sup> Degree Black Sash), conferred April 11, 2015
- I Tuan (1<sup>st</sup> Degree Black Sash), conferred April 27, 2013.
- Numerous 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> place martial arts tournament showings in weapons, sparring, and open-hand forms.