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Curriculum Vitae

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PRESENT POSITIONS:

Robert L. Bridges Professor of Law, Professor of Economics,
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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, Studienzentrum 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 (Competition Law and Economics)

New York University
- Visiting Professor of Law, Spring 1999, Fall 2000, 2003, 2005-2006, 2008-2011 (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
Catholic University of Portugal, Lisbon
Visiting Professor of Law, April 2009, April 2010
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, 1993-97, Use of Regression 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 Reviews 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-

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.

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.

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. 24l-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. l80-202.

12. "Why Voters Support Tax Limitation Amendments: The Michigan Case" (with Paul N. Courant and Edward M. Gramlich), National Tax Journal, March 1980, pp. l-20. Also in TAX AND EXPENDITURE LIMITATIONS (H. Ladd and N. Tideman, editors), COUPE Papers on Public Economics, Urban Institute, 198l, 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.

46. "Designing Tax Policy in Federalist Economies: An Overview," (with Robert P. Inman), Journal of Public Economics, 60, 1996, pp. 307-334.

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, vernetzeten 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 IMPACATS, 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.

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, August 7, 2010, pp. 1-34.

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, forthcoming.

77. "Understanding the Democratic Transition in South Africa," (with Robert Inman), American Law and Economics Review, 2013, forthcoming.

Law Review Articles

1. "The Judicial Pursuit of Local Fiscal Equity" (with Robert Inman), Harvard Law Review, June 1979, pp. 1662-1750.

2. "Quantitative Analysis in Antitrust Litigation" (with Peter 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.

Articles in Books

1. "Credit Ratings, Bond Defaults, and Municipal Borrowing Costs: A New England Study," 1972 PROCEEDINGS OF THE SIXTY-FIFTH ANNUAL CONFERENCE ON TAXATION, National Tax Association, 1972, pp. 331-350.

2. "Property Taxation, Full Valuation, and the Reform of Educational Finance in Massachusetts," in PROPERTY TAXATION AND THE FINANCE OF EDUCATION, Committee on Taxation, Resources and Economic Development (University of Wisconsin Press), 1974, pp.189-201.

3. "Property Values and the Benefits of Environmental Improvements: Theory and Measurement" (with A. Mitchell Polinsky), in Wingo and Evans, eds., PUBLIC POLICY AND THE QUALITY OF LIFE IN CITIES (Johns Hopkins Press for Resources for the Future), 1977, pp. l54-l80.

4. "Market Approaches to the Measurement of the Benefits of Air Pollution Abatement," in Ann Friedlaender, ed., APPROACHES TO CONTROLLING AIR POLLUTION (M.I.T. Press), 1978, pp. 240-279.

5. "Judicial Approaches to Local Public-Sector Equity: An Economic Analysis," in Peter Mieszkowski and Mahlon Straszheim, eds., CURRENT ISSUES IN URBAN ECONOMICS (Johns Hopkins Press), 1979, pp. 542-576.

6. "The Stimulative Effects of Intergovernmental Grants: Or Why Money Sticks Where it Hits" (with Paul N. Courant and Edward M. Gramlich), in Peter Miezkowski and William Oakland, eds., FISCAL FEDERALISM AND GRANTS-IN-AID, COUPE Papers on Public Economics, Urban Institute, 1979, pp. 5-21.

7. "On Super-rationality and the School Voting Process," in Clifford Russell, ed., COLLECTIVE

DECISION-MAKING (Johns Hopkins Press), 1979, pp. 75-82.

8. "Property Tax Reduction in Michigan" (with Robert Vishny) in H. Brazer and D. Laren, eds., MICHIGAN'S FISCAL AND ECONOMIC STRUCTURE (University of Michigan Press), 1982, pp. 530-560.

9. "Tax Assignment and Revenue Sharing in the United States," in R. Mathews and C. McLure, eds., TAX ASSIGNMENT IN FEDERAL COUNTRIES, (Australian National Univ. Press), 1983, pp. 205-33.

10. "Residential Choice and the Demand for Public Education: Estimation Using Survey Data" (with Perry Shapiro and Judith Roberts), in H. Timmermans and R. Golledge, eds., BEHAVIOR MODELLING APPROACHES IN GEOGRAPHY AND PLANNING, (Croom Helm), 1986, pp. 179-197.

11. "Local Public Economics: A Methodological Review," in A. Auerbach and M. Feldstein, eds., HANDBOOK OF PUBLIC ECONOMICS, Volume II, 1987, pp. 87-161.

12. "Settlements in Private Antitrust Litigation" (with Jeffrey Perloff) in L. White (ed.), PRIVATE ANTITRUST LITIGATION, M.I.T. Press, 1988, pp. 149-184.

13. "A Federalist Fiscal Constitution for an Imperfect World: Lessons from the United States," in H. N. Scheiber (ed.) FEDERALISM, STUDIES IN HISTORY, LAW, AND POLICY, Institute of Governmental Studies, U.C. Berkeley, 1988, pp. 76-92.

14. "Public Choices in Public Higher Education," (with John Quigley) in Charles Clotfelter and Michael Rothschild, eds. THE ECONOMICS OF HIGHER EDUCATION, National Bureau of Economic Research, 1993, pp. 243-283.

15. "European Labor Markets: The Eastern Dimension" (with Jasminka Sohinger) in W. Dickens, B. Eichengreen, and L. Ulman (eds.) LABOR RESPONSES TO EUROPEAN INTEGRATION, Brookings Institution, 1993, pp. 271-286.

16. "Reference Guide on Multiple Regression," in Federal Judicial Center, REFERENCE MANUAL ON SCIENTIFIC EVIDENCE, 1994, pp. 415-470, Second Edition, 2000, pp.179-227 (available at http://www.fjc.gov/public/pdf.nsf/lookup/11.mult_reg.pdf/$File/11.mult_reg.pdf), Third Edition, 2011, pp.

17. "California Fiscal Federalism: A School Finance Perspective," in B. Cain and R. Noll (eds.), CONSTITUTIONAL REFORM IN CALIFORNIA, Institute of Governmental Studies, UC Berkeley, 1995, pp. 431-453.

18. "The Political Economy of Federalism," (with Robert Inman), in D. Mueller (ed.), PERSPECTIVES ON PUBLIC CHOICE, Cambridge University Press, New York, 1997, pp. 73-105.

19. "Federalism as a Device for Reducing the Budget of the Central Government,"(with John M. Quigley), in FISCAL POLICY: LESSONS FROM ECONOMIC RESEARCH, Alan Auerbach (ed.), M.I.T. Press, 1997.

20. "Guide to Multiple Regression," in Faigman, Kaye, Saks, and Sanders (ed.), MODERN SCIENTIFIC EVIDENCE: THE LAW AND SCIENCE OF EXPERT TESTIMONY, West Publishing Co., St.

Paul, Minn., 1997, Vol. 1, pp. 147-183, Second edition, 2000.

21. "Discovery", in THE NEW PALGRAVE DICTIONARY OF ECONOMICS AND THE LAW, Peter Newman (ed.), MacMillian Reference Ltd. 1998, pp. 609-615.

22. "Contingent Fees" (with Suzanne Scotchmer), in THE NEW PALGRAVE DICTIONARY OF ECONOMICS AND THE LAW, Peter Newman (ed.), MacMillian Reference, Ltd., 1998, pp. 415-420.

23. "Federalism," (with Robert Inman), in THE ENCYCLOPEDIA OF LAW AND ECONOMICS, Boudewijn Bouchaert and Gerrit DeGeest, editors, 2000, Volume V, pp. 661-691, available on-line at http://encyclo.findlaw.com.

24. "Subsidiarity and the European Union" (with Robert Inman), in THE NEW PALGRAVE DICTIONARY OF ECONOMICS AND LAW, Peter Newman (ed.), MacMillian Reference Ltd., 1998, pp. 545-551.

25. "United States v. Microsoft: An Economic Analysis" (with Franklin M. Fisher), pp. 1-44, and "Misconceptions, Misdirections, and Mistakes," pp. 87-96, in Evans, Fisher, Rubinfeld, and Schmalensee, DID MICROSOFT HARM CONSUMERS? TWO OPPOSING VIEWS, AEI-Brookings Joint Center for Regulatory Studies, 2000. An updated and revised version appears in Antitrust Bulletin, Spring, 2001.

26. "Antitrust Policy," *International Encyclopedia of the Social and Behavioral Sciences,* revised, 2012, www.iesbs.com.

27. "Ensuring Fair and Efficient Access to the Telecommunications 'Bottleneck'," (with Robert Majure), in Claus-Dieter Ehlermann and Louisa Gosling (eds.), THIRD COMPETITION LAW ANNUAL 1998: Regulating Telecommunications (Hart Publishing: Oxford).

28. "Innovation and Antitrust Enforcement" (with John Hoven), in Jerry Ellig, ed., DYNAMIC COMPETITION AND PUBLIC POLICY: TECHNOLOGY, INNOVATION, AND ANTITRUST ISSUES, (New York: Cambridge), 2001, pp. 65-94.

29. "Access Remedies in High Technology Antitrust Cases," in Francois Leveque and Howard Shelanski, eds., MERGER REMEDIES IN AMERICAN AND EUROPEAN COMPETITION LAW, 2003 (Cheltenham, U.K.: Edward Elgar), pp. 137-171.

30. "Maintenance of Monopoly: *U. S. v. Microsoft*," in John E. Kwoka. Jr. and Lawrence J. White, eds., THE ANTITRUST REVOLUTION, 5th Edition, 2008 (New York: Oxford University Press), pp. 530-557.

31. "The Strategic Use of Patents: Implications for Antitrust"(with Robert Maness), in Francois Leveque and Howard Shelanski, eds., ANTITRUST, PATENTS AND COPYRIGHT: EU AND US PERSPECTIVES, 2005 (Cheltenham, U.K.: Edward Elgar), pp. 85-102.

32. "An Empirical Perspective on Legal Process: Should Europe Introduce Private Antitrust Enforcement?" in Peter Nobel and Marina Gets, eds., NEW FRONTIERS OF LAW AND ECONOMICS, 2006 (Zurich, Switz.: Schulthess), pp. 141-148.

33. "Empirical Study of the Civil Justice System" (with Daniel P. Kessler), 2007, in Polinsky and Shavell

(eds.), HANDBOOK OF LAW AND ECONOMICS, Chapter 5, pp, 343-402.

34. "Quantitative Methods in Antitrust," Chapter 30 in Wayne D. Collins (ed.), ISSUES IN COMPETITION LAW AND POLICY, ABA Antitrust Section, 2008.

35. "On the Foundations of Antitrust Law and Economics," in Robert Pitofsky, ed., WHERE THE CHICAGO SCHOOL OVERSHOT THE MARK: EFFECT OF CONSERVATIVE ECONOMIC ANALYSIS ON U.S. ANTITRUST), Oxford University Press, 2008, pp. 51-74.

36. "Evaluating Antitrust Enforcement: Economic Foundations," Chapter 19 in Barry Hawk, ed., INTERNATIONAL ANTITRUST LAW & POLICY, Fordham University School of Law, 2008, pp. 457-469.

37. "Settlements in Antitrust Enforcement: A U.S. Economic Perspective," in Claus-Dieter Ehlermann and Mel Marquis (eds.), EUROPEAN COMPETITION LAW ANNUAL 2008: ANTITRUST SETTLEMENTS UNDER EC COMPETITION LAW, Hart Publishing, Oxford and Portland, 2009, pp, 85-92.

38. "Alternative Economic Designs for Academic Publishing," (with Theodore C. Bergstrom), in Rachelle Dreyfuss, Harry First, and Diane Zimmerman, eds., WORKING WITH THE BOUNDARIES OF INTELLECTUAL PROPERTY, Oxford University Press, 2010, pp. 137-148.

39. "Revising the Horizontal Merger Guidelines: Lessons from the U.S. and the E.U. (with Richard Gilbert), in Faure, M. and Zhang, X. (eds.), COMPETITION POLICY AND REGULATION: RECENT DEVELOPMENTS IN CHINA, EUROPE AND THE US, Cheltenham, Edward Elgar, 2011, pp. 262-277.

40. "Antitrust Damages," Chapter 14, in Einer Elhauge, ed., RESEARCH HANDBOOK ON THE ECONOMICS OF ANTITRUST LAW, Edward Elgar, 2012, pp. 377-393.

41. "Current Issues in Antitrust Analysis," in Josef Drexl, Wolfgang Kerber, and Rupprecht Podszun, eds., COMPETITION POLICY AND THE ECONOMIC APPROACH: FOUNDATIONS AND LIMITATIONS, UK: Edward Elgar, 2011, pp. 81-93.

42. "Delta-Northwest: Merger Approval Driven by Consumer Benefits from Airline Network Effects," (with Mark Israel, Bryan Keating, and Robert Willig), in John Kwoka and Lawrence White, eds., THE ANTITRUST REVOLUTION, forthcoming.

Other

1. "Urban Land Values: Theoretical and Empirical Essays," Joint Center of Urban Studies, M.I.T./Harvard, September 1972, pp. 1-71.

2. "What Do Tax Limitation Votes Mean" (with Paul N. Courant and Edward M. Gramlich), in Law Quadrangle Notes, University of Michigan Law School, Spring 1982, pp. 24-28.

3. Book Review, "Studies in State-Local Public Finance," (Harvey Rosen, ed.), Journal of Economic Literature, December 1987, pp. 1882-1883.

4. Book Review, “America's Ailing Cities: Fiscal Health and the Design of Urban Policy," (Helen F. Ladd and John Yinger), Journal of Economic Literature, December 1990, pp. 30-32.

5. Comments on Scotchmer, “Public Goods and the Invisible Hand," in John M. Quigley and Eugene Smolensky (eds.), MODERN PUBLIC FINANCE (Harvard University Press) 1994, pp. 120-125.

6. “Mergers and Other Competition Policy Issues in Banking," (with George Rozanski), Appendix to "Enhancing the Role of Competition in the Regulation of Banks -- United States," a note submitted to the Directorate for Financial, Fiscal and Enterprise Affairs, Committee on Competition Law and Policy, Organization for Economic Cooperation and Development, February, 1998.

7. Comment, “Product and Stock Market Responses to Automotive Product Liability Verdicts,” by Steven Garber and John Adams, *Brookings Papers on Economic Activity / Microeconomics 1998*, Washington DC: Brookings Institution.

8. Declaration before the FCC in the Matter of Applications for Consent to the Transfer of Control of Licenses MediaOne Group, Inc., Transferor to AT&T Corp., Transferee (with J. Gregory Sidak), August 23, 1999 (re: broadband internet access).

9. Affidavit to FCC In re Consolidated Application of EchoStar Communications Corporation, General Motors Corporation, Hughes Electronics Corporation, Transferors, and EchoStar Communications Corporation, Transferee, for Authority to Transfer Control, February 4, 2002 (re: direct broadcast satellite competition and the market for multi-channel video distribution).

10. *State of New York, et. al. v. Microsoft*, Amicus Brief (with Timothy Bresnahan, Richard J. Gilbert, George Hay, Bruce Owen, and Lawrence J. White), June 2002.

11. “Subsidiarity, Governance, and EU Economic Policy,” (with Robert P. Inman), CESifoForum, Volume 3, No. 4, Winter 2002, pp. 3-11, **Error! Hyperlink reference not valid.**

12. Amici Curiae Submission to the U.S. Supreme Court in Support of Petition for Certiorari in *Conwood Co. v. U.S. Tobacco, Co.* concerning the admissibility of statistical evidence (with Stephen Fienberg, Franklin Fisher, and Daniel McFadden), Nov. 20, 2002.

13. “The State of Antitrust Enforcement - 2004" (co-authored),” ABA Antitrust Section Task Force.

14. “Effects of Mergers with Differentiated Products (with Roy J. Epstein),” EU Competition Directorate, October 7, 2004, available at http://europa.eu.int/comm/competition/mergers/others/.

15. “The American Law and Economics Association,” in David Clark (ed.) *Encyclopedia of Law and Society,* Sage Publications, 2007.

16. “Empirical Methods in Antitrust: New Developments in Merger Simulation,” in Stefan Vogt, Fmax Albert and Dieter Schmidtchen (eds.), THE MORE ECONOMIC APPROACH TO EUROPEAN COMPETITION LAW, (Conferences on the New Political Economy), Tubingen, 2007, pp. 277-280.

17. “Sustainable Economics for a Digital Planet: Ensuring Long-term Access to Digital Information (various co-authors), Feb. 2010: Report of the Blue Ribbon Task Force on Digital Preservation and Access.