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## EDUCATION

Ph.D., economics, highest fellowship awarded in the Department, University of Chicago, 1980.

J.D., Harvard, Magna Cum Laude, 1976. Member, Board of Editors, *Harvard Law Review*.

B.A., M.A., simultaneously, economics, University of Chicago, 1973, highest honors.

## PRESENT EMPLOYMENT

Professor of Economics, George Argyros School of Business and Economics, Chapman University, 2011 – present (subject: microeconomics)

Professor of Law, Dale E. Fowler School of Law, Chapman University, 2011 – present (subjects: antitrust and legislation)

Consulting economist, Berkeley Research Group, 2010 – current. (Trial expert in *US v. Oracle Corp.*, 331 F. Supp. 1098, 1154 (N.D. Cal., 2004).

## PREVIOUS POSITIONS

Dean and Donald P. Kennedy Chair in Law Chapman University, 2011-2016

Presidential Distinguished Visiting Scholar, and Visiting Professor of Law and Economics, Chapman University, 2009-2011

Economic consultant, Gibson Dunn & Crutcher, 2008 - 2011

Bank of America Dean and Professor of Business, Haas School of Business, UC Berkeley (2002-2004; 2005-2008)

Professor of Business, Haas School of Business, 2002-2011

Director, California Department of Finance, 2004-2005.

United States Congressman, California, 1989-1993; 1995-2001

California State Senator, 1993-1995

Professor of Law, Stanford University, 1987-2002

Faculty, Federal Judicial Center, course on statistical inference for federal judges, 1985 session, University of Wisconsin.

Principal, LECG (economics consulting group), 1993-1995; 2001-2003.

Consulting economist, National Economic Research Associates, 1983-1988.

Associate Professor of Law, Stanford University, 1983-1987

Director, Bureau of Competition, Federal Trade Commission, 1981-1983:

Executive Assistant to the Deputy Attorney General, U.S. Department of Justice, 1981:

White House Fellow, Office of the Chief of Staff, the White House, 1980-1981.

Private practice of law, Chicago, Winston & Strawn, 1978-1980, litigation practice.

Law Clerk to Justice Byron White, U.S. Supreme Court, 1977-1978.

Law Clerk to Judge George E. MacKinnon, U.S. Court of Appeals for the District of Columbia Circuit, 1976-1977.

## **BUSINESS AND NOT-FOR-PROFIT AFFILIATIONS**

Director, VISA, Inc., credit and debit card company, founding member 2007-2010  
Director, FormFactor, Inc., manufactures electronic testing equipment, 2002-2004; 2005-2010  
Director, SPS, financial services company, 1993-1995

## **NON-PROFIT BOARDS**

Kaiser Family Foundation (non-profit health policy organization), 2006-2010  
Public Member, Trustees of the American Institute of Certified Public Accountants, 2001-2005  
Public Member, Professional Ethics Executive Committee, AICPA, 2012 - present  
Public Member, Trustees of the American Academy of Ophthalmologists, 2001-2005  
Member, Board of Directors, DEMOS, 2001-2006  
Member, Public Advisory Board, Haas Center for Public Service, Stanford University, 1995-2007  
Chairman, World Affairs Council of Northern California, 2003-2005

## **PUBLICATIONS**

## **ARTICLES**

“Introduction to Constraining the Executive,” 21 *Chapman L. Rev.* 1 (2018).  
<http://www.chapmanlawreview.com/archives>  
“Executive Action and NonAction,” 95 *N.C. L. Rev.* 553 (2017).

- "Severability of Statutes," *62 Hastings Law Journal* 1495 (2011).
- "Bilateral Monopoly: Further Comment," *75 Antitrust Law Journal* 647 (2008).
- "Bilateral Monopoly in Mergers," *74 Antitrust Law Journal* 521 (2007).
- "Term Limits and Party Loyalty" (April 18, 2007).  
Institute of Governmental Studies, UC Berkeley  
Paper WP2007-6. <http://repositories.cdlib.org/igs/WP2007-6>,  
co authored with Cameron Doolittle.
- "A New Test for Predation: Targeting," *52 UCLA Law Review* 365 (2004),  
co-authored with Nirit Sandman.
- "Antitrust and International Competitiveness in the 1990's," *58 Antitrust Law Journal* 591 (1989).
- "Predation and Competition in Antitrust: The Case of Nonfungible Goods," *87 Columbia L. Rev.* 1625 (1987).
- "Federal Rule of Civil Procedure 68: a comment," Stanford Law School,  
Law and Economics Working Paper No. 31 (1987).
- "Economic Concepts and Antitrust Analysis: A Critical Reexamination,"  
*56 Antitrust Law Journal* 53 (1987).
- "Supreme Court Developments," *55 Antitrust Law Journal* 449(1986).
- "Labor Law and Economics," *38 Stanford Law Review* 991(1986).
- "The Antitrust Record of the First Reagan Administration," *64 Texas L. Rev.* 353 (1985).
- "Regression Analysis in Title VII Cases: Minimum Standards, Comparable Worth, and Other Issues Where Law and Statistics Meet," *36 Stanford Law Review* 1299 (1984)
- "Antitrust and International Competitiveness in Law," *53 Antitrust Law Journal* 429 (1984).
- "The Efficiency of the Failing Company Defense," *63 Texas Law Review* 251 (1984).
- "Has Economics Rationalized Antitrust?" *52 Antitrust Law Journal* 607 (1984).
- "The Competition Mission: Guiding Principles and Future Directions,"  
*51 Antitrust Law Journal* 541 (1982).
- "The New Merger Guidelines: a Federal Trade Commission Perspective,"  
*51 Antitrust Law Journal* 295 (1982).
- "Beyond the Prima Facie Case in Employment Discrimination Law: Statistical Proof and Rebuttal," *89 Harvard L. Review* 387 (1975).

## BOOKS AND MONOGRAPHS

**Separation of Powers in Practice**, Stanford University Press, 2004. (Law text on constitutional law issues in public policy.)

## CONTRIBUTIONS



“The Link Between Liability Reforms and Productivity: Some Empirical Evidence/Comments,” **Brookings Papers on Economic Activity** (1998) (with Kessler, Shepherd, and Klevorick); similar versions in 'The Impact of the Legal System on Innovation,' with Landau, in **Chemicals and Long-Term Economic Growth** (1998), Landau, Rosenberg, eds., and “Liability Reforms and Economic Performance,” with Kessler and Shepherd, in **The Mosaic of Economic Growth** (1996), Landau, Taylor, Wright, eds.

2

## CONGRESSIONAL AND AGENCY POLICY TESTIMONY

As a Member of Congress, 47 occasions

Subjects include:

States Choice of Voting Systems, Federal Courts of Appeals, Quality Health

Care Coalition Act, Confirmation on Federal Appointments, Patent Reform, High

Definition Television, Secret Evidence Repeal, US Security in Post-Cold War Era, Securities Litigation Uniform Standards, Congress, the Court and the Constitution, Amendment to the US Constitution on Religious Freedom, Free Trade Area of the Americas, Civil Rights Act of 1997, Punitive Damages in Financial Injury Cases, Product Liability Reform, Quebec Sovereignty and Impact on US, Employment Non-Discrimination Act, Affirmative Action, Preferences, and the Equal Employment Opportunity Act of 1995, Federal Budget Process Reform, Energy and Water Appropriations, Authorizing Agencies to Sell Debts Owed to the US, Factors Affecting US International Competitiveness, Freedom of Choice Act of 1989, Interior Appropriations, Transportation Appropriations, Civil Rights Act of 1990, US Trade Relationships with the Soviet Union and Eastern Europe, Immigration, Benefits Based on US Military Service, Outer Continental Shelf, California Desert Protection Act, Production Joint Ventures Antitrust Legislation, Transportation of Hazardous Materials, Semiautomatic Assault Weapons Act of 1989, Agriculture Appropriations, State Department's Policy Regarding Blind Applicants to the Foreign Service.

Other than as a Member of Congress, 13 occasions.

Subjects include:  
Merger Law Reform and Policy, Municipal Antitrust Immunity,  
Oil Industry  
Mergers, Federal Trade Commission Reauthorization,  
Shipping Act of 1983, Impact of  
Federal Antitrust Enforcement Policies on Small Business,  
Retail Dealers'  
Agreement Act, Maritime Antitrust, Supreme Court  
confirmation hearings

## **COMMENTS, OPINIONS, EDITORIAL MATTER, AND PUBLISHED INTERVIEWS**

Column in Orange County Register, 2016 - current