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TEACHING INTERESTS:

Antitrust, Contracts, Convention on International Sale of Goods, Copyright, Law & Economics, Law & Literature, Regulated Industries.

POSITIONS HELD:

Huber C. Hurst Eminent Scholar Chair, The University of Florida, 2017-present
Stephen C. O'Connell Chair, The University of Florida, 1999-2017
Chesterfield Smith Professor of Law, The University of Florida, 1994-1999
Visiting Professor, Universite du Pantheon-Sorbonne, 2002
Lecturer, Public Finance Training Institute, Ministry of Finance, Republic of China, 1996
Professor of Law, The University of Florida, 1983-1994.
Visiting Professor, University of Texas, 1992-1993.
Visiting Exchange Professor, Economics Department, Leiden University, The Netherlands, Spring 1990.
Visiting Professor of Law, The University of North Carolina, Fall 1987.
Professor of Law, The University of Houston, 1981-1983.
Associate Professor of Law, The University of Houston, 1978-1981.
Lecturer in Economics, The University of North Carolina at Greensboro, 1975-1978.
Associate Professor of Economics (tenured), The University of North Carolina at Greensboro, 1974-1975.
Assistant Professor of Economics, The University of North Carolina at Greensboro, 1970-1974.

PUBLICATIONS:

BOOKS & MONOGRAPHS:

UNDERSTANDING ANTITRUST AND ITS ECONOMIC IMPLICATIONS (7th ed.,
Matthew Bender, 2019) (with E.T. Sullivan).

CASES AND MATERIALS ON THE INTERNATIONAL SALE OF GOODS (with G.
Dawson) (2017).

LAW AND ECONOMICS IN A NUTSHELL (6th ed. 2016).

LAW AND ECONOMICS: POSITIVE, NORMATIVE AND BEHAVIORAL
PERSPECTIVES (with T. Cotter) (West Publishing, 3ed. 2013).

MONOPSONY IN LAW AND ECONOMICS (Cambridge, 2010) (with Roger Blair).

LAW AND ECONOMICS (W.W. Norton, 2008) (with J.J. Theeuwes)

REGULATION AND DEREGULATION (2d. Ed. 2004 West Publishing Co.) (with
Verkuil and Morgan).

REGULATION AND DEREGULATION (West Publishing Co., 1997) (with Morgan
and Verkuil).

MONOPSONY: ECONOMIC THEORY AND ANTITRUST POLICY
(Princeton Univ. Press., 1993) (with R. Blair) (quoted and cited in Weyerhaeuser
Co. v. Ross-Simmons Hardwood Lumber Co., 127 S.Ct. 1069 (2007)).

ECONOMIC REGULATION OF BUSINESS: CASES AND MATERIALS (West, 2d
ed. 1985) (with Morgan and Verkuil).

SATISFACTION, OPPORTUNITY, AND DEVELOPMENT: A CASE STUDY OF
COLLEGE GRADUATE WOMEN IN THE PIEDMONT-TRIAD OF NORTH
CAROLINA, Monograph, published by the Institute for Research in Human

Resources, Center for Manpower Research and Training, North Carolina Agricultural and Technical State University, U.S. Labor Dept. Grant 31-35-70-04 (1972) (with L.V. Asch).

ARTICLES, COMMENTS, BOOK REVIEWS, ETC.

After Forty Years of Antitrust Revision and *Apple v. Pepper*: What Now Illinois Brick? (forthcoming, William and Mary Business Law Review, 2020).

Fingerprints: An Empirical and Impressionistic Examination of the Impact of Richard Poser on Contract Law, 50 U. Pac. L. Rev. 373 (2019).

Ohio v. American Express: Misunderstanding Two-Sided Platforms; the Charge Card “Market;” and the Need for Procompetitive Justifications. 70 Mer. L. Rev. 437 (2019).

Is there Too Much Legal “Scholarship” in Fate of Scholarship in American Law Schools (Cambridge U. Press, forthcoming).

The Best and Worst of Contracts Decisions: An Anthology, 45 Fl. St. L. Rev. 927 (2019).

The Economics of Copyright Law and Problems with its Implementation. In the Oxford Research Encyclopedia of Economics and Finance. Oxford University Press.
doi:[#]10.1093/acrefore/9780190625979.013.352

Spite: Legal and Social Implications, 22 Lewis & Clark L. Rev. 991 (2018).

What Did They Know and When Did They Know It: Pretesting as A Means of Assessing Student Understanding. 67 J. Leg. Ed. 576 (2018).

Moonlighting Sonata: Conflicts, Disclosure, and the Scholar/Consultant, 2 BOLOGNA L. REV. 1 (2017).

Some Inconvenient Truths About Antitrust Economics, 2 ITALIAN L. J. 471 (2016).

Other Markets, Other Costs: Modernizing Antitrust. 27 J. L. & PUB. POLICY 373 (2016)

Weyerhaeuser: An Epilogue” 61 ANTITRUST BULLETIN 411 (2016)

A Socioeconomic Approach to Antitrust, 49 Akron L. Rev. 287 (2016).

Comments on Richard Markovits’s Claim That the Requirement of Possession of Pre or Post Market Power Is Unnecessary in Monopolization and Attempt to Monopolize Cases and a Proposed Second-Best Reconciliation of the Per Se and Conventional Approaches to Dangerous Probability, 61 Antitrust Bull. 155 (2016).

Quality of Consent and Distributive Fairness: A Comparative Perspective in Comparative Contract Law (eds. Martin Hogg & Larry Dimateo, Oxford University Press, 2016).

Citations, Justifications, and the Troubled State of Legal Scholarship: An Empirical Study, 3 TEX. A&M L. REV. 45 (2015) (with Mashburn).

Copyright as Contract, 22 J. Intell. Prop. Law 279 (2015).

Private Antitrust Enforcement in the United States and the European Union: Standing and Antitrust Injury, Oxford Handbook of International Antitrust Economics (eds. Roger Blair & Daniel Sokol) (Oxford University Press, 2014).

And Therefore . . . : Comments on ‘Unbundling Procedure: Carve-Outs From Arbitration Provisions,’ Florida Law Review Forum 2015, 66 Fla. L. Rev. F. 8

Defects in Consent and Dividing the Benefit of the Bargain: Recent Developments, 53 U. Louisville L. R. 193 (2015).

(Functional) Antitrust Standing in the United States and the European Union: The Law and Economics, 26 Fla. J. Int'l L. 271 (2014).

A Nihilistic View of the Efficient Breach, 2013 Michigan State Law Review 167 (Winners of SEALS competition).

Hot News: Toward a Functional Approach, 34 Cardozo Law Rev. 1649 (2013) (coauthored by Robyn Shelton)

The Influence of Law and Economics Scholarship on Contract Law: Impressions Twenty-Five Years Later, 68 N.Y.U. Ann. Surv. Amer. L. 1 (2012)

Complications in the Antitrust Response to Monopsony, in GLOBAL LIMITS OF ANTITRUST (ed. Daniel Sokol & Ioannis Lianos, Stanford University Press, 2012).

Regulation, Deregulation, and Happiness, 32 CARDOZO LAW REVIEW 2369 (2011).

“Privacy, Copyright, and Letters,” 3 ELON COLLEGE LAW REVIEW 161 (2012).

Book Review: “Law and Happiness,” 21 FLORIDA JOURNAL OF LAW AND PUBLIC POLICY 413 (2011).

Dr. Miles’ Orphans: Vertical Agreements and Consignment in the Wake of Legin, 45 WAKE FOREST LAW REVIEW 1125 (2010).

The Law and Economics of the NCAA’s Claim for Monopsony Rights, 54 THE ANTITRUST BULLETIN 923 (2009) (With Casey Harrison).

Rethinking Nondisclosure and Unilateral Mistake in Contract Law, 17 GEORGE MASON LAW REVIEW 335-375 (2010).

The Law and Economics of Group Boycotts and Related Consideration, In READINGS IN THE LAW AND ECONOMICS OF ANTITRUST Edgar Publishing, (Edited by

Keith Hylton, 2010)

A Mathusian Analysis of the So Called Dynasty Trust, 2 VIRGINIA TAX REVIEW 779 - 816, (2009) (with William Turnier).

Happiness, Efficiency and the Promise of Decisional Equity, 36 PEPPERDINE LAW REVIEW 935 (2009)

Comparing Promising: Gratuitous Promises in Poland and The United States, 7 WARSAW LAW REVIEW 72 (2008).

Trademark and Status Signaling: Tattoos for the Privileged, 59 FLORIDA LAW REVIEW 195 (2007).

An Instrumental Approach to Market Power and Antitrust Policy, 59 S.M.U. L. REV. 1673 (2006).

Post Tenure Scholarship: An Empirical Study and Policy Implications, 17 THE JOURNAL OF LAW AND PUBLIC POLICY 140 (2006).

“The Law and Economics of Business Associations,” entry in ENCYCLOPEDIA OF LAW AND SOCIETY (Edited by David Clark) (2007).

Book Review: Law and Economics, by Margaret Oppenheimer & Nicholas Mercurio, 37 THE JOURNAL OF SOCIOECONOMICS 166 (2006).

The Rage Cycle: Spike Lees’s *Do the Right Thing*, in SCREENING JUSTICE --THE CINEMA OF LAW: SIGNIFICANT FILMS OF LAW, ORDER AND SOCIAL JUSTICE (Edited by R. Strickland, T. Foster, T. Banks) William S. Hein, 2006.

A Positive Externalities Approach to Copyright: Theory and Practice, 13 THE JOURNAL OF INTELLECTUAL PROPERTY LAW 1, (2005).

Law Faculty Ethics: Shirking, Capture and “The Matrix,” 82 DETROIT MERCY LAW REVIEW 397 (2005).

Rationalizing the Allocative/Distributive Distinction in Copyright, 32 HOFSTRA LAW REVIEW 851 (2004).

Socio-economics: Choice and Challenges, 41 SAN DIEGO LAW REVIEW 257 (2004).

The Messenger Model: Don’t Ask, Don’t Tell, 71 THE ANTITRUST LAW JOURNAL 1017 (2004).

OnLine Music Services: Antitrust and Copyright Perspectives, THE ANTITRUST BULLETIN 465 (Fall-Summer, 2002)

Reconceptualizing the Expert Witness: Social Costs, Current Controls and Proposed Responses,” 16 YALE JOURNAL ON REGULATION 253

(2001).

Teaching Contracts from a Socioeconomic Perspective, 44 ST. LOUIS UNIVERSITY LAW REVIEW 1233 (2000).

Law and Socioeconomics, 49 JOURNAL OF LEGAL EDUCATION 224 (1999).

Reexamining the Role of *Illinois Brick* in Modern Antitrust Standing Analysis, 68 GEORGE WASHINGTON UNIVERSITY LAW REVIEW 1 (1999) (with R.Blair).

Airline Price Wars: Competition or Predation, XLII ANTITRUST BULLETIN 565, Summer 1999 (with R. Blair).

Repentance, Redemption and Moral Transformation in the Context of Economic and Civil Rights, in CIVIC REPENTANCE (A. Etzioni, ed. 1998).

The Actual and Other *Brown v. Pro Football*, ANTITRUST BULLETIN 565 (Fall 1997).

The Brand Name Prescription Drug Litigation: Comments on Scherer, 4 INTERNATIONAL JOURNAL OF THE ECONOMICS OF BUSINESS 265 (1997).

Order, Efficiency and the State: A Commentary, 82 CORNELL LAW REVIEW 980 (1997).

The Chicago School and the Development of a Comprehensive Legal Theory: A Reply to Professor Crespi, 1997 J. L. & SOC. INQUIRY 187.

Piercing Pareto Superiority: Real People and the Obligations of Legal Theory, 1 1997. 39 ARIZ. L. REV. 1 (1997).

Advocacy in Literature: Story Telling, Judicial Opinions and the Rainmaker, 26 U. Mem. L.R. 1285 (1996) (with Wilson).

Class, Entitlement, and Contract, in LAW AND ECONOMICS: NEW AND CRITICAL PERSPECTIVES 221 (Edited by R. Malloy & C. Braun) 1995.

Class, Personality, Contract, and Unconscionability. 35 WILLIAM AND MARY LAW REVIEW 445 (1994). Reprinted in LAW IN A THERAPEUTIC KEY, (D. Wexler, ed.).

Comment, "Measuring Monopsony Power," 37 ANTITRUST BULLETIN 133 (1992) (with R. Blair).

Confess'n the Blues: Some Thoughts on the Class Bias in Law School Hiring, 42 JOURNAL OF LEGAL EDUCATION 119 (1992).

Comment, "Pigs that Fly: A Comment on Posin's 'Refutation' of the Coase

- Theorem,” 38 WAYNE LAW REV. 21 (1992) (with B. Currier).
- “Cooperative Buying, Monopsony Power and Antitrust Policy,” 86 NORTHWESTERN UNIV. L. REV. 331 (1992) (with R. Blair).
- Book Review, 7 EUROPEAN JOURNAL OF POLITICAL ECONOMY 409 (1991) (D. Dewey, THE ANTITRUST EXPERIMENT IN AMERICA).
- Monopsony and Antitrust Policy, 76 CORNELL L. REV. 297 (1991) (with R. Blair) (cited in *Weyerhaeuser Co. v. Ross-Simmons Hardwood Lumber Co.*, 127 S.Ct. 1069 (2007)) .
- Book Review, EUROPEAN JOURNAL OF POLITICAL ECONOMY 414 (1989) (Tim Frazer, MONOPOLY, COMPETITION AND THE LAW).
- Rethinking Antitrust Injury, 42 VAND. L. REV. 1539 (1989) (with R. Blair). Reprinted in JOURNAL OF REPRINTS FOR ANTITRUST LAW AND ECONOMICS. (Cited and quoted in *ATLANTIC RICHFIELD CO V. U.S.A. PETROLEUM CO.*, 495 U.S. 328 (1990), Cited in *STATE OIL V. KAHN*, 118 S.Ct. 275 (1997).Jean-Luc Godard and Critical Legal Studies (Because We Need the Eggs),87 MICH. L. REV. 1924 (1989) (with A. Mashburn).
- Traces and Trends: A Preliminary Evaluation of Economic Analysis in Contract Law, 1988 N.Y.U. ANNUAL SURVEY OF AMERICAN LAW 73.
- Public Utilities and the First Amendment: The Economics and Ideology of *Pacific Gas & Electric*, 38 U. FLA. L. REV. 319 (1986).
- Egoism, Altruism and Market Illusions: The Limits of Law and Economics 33 U.C.L.A. L. REV. 1309 (1986).
- Book Review/Essay, "Strategy and Biology: The Continuing Interest in Self Interest," (R. Axelrod's, THE EVOLUTION OF COOPERATION and John Beckstrom's SOCIOBIOLOGY AND THE LAW), 86 COLUM. L. REV. 213 (1986).
- Book Review, 34 J. LEG. ED. 552 (1984) (Charles Goetz, LAW AND ECONOMICS).
- The New Terminable at Will Employment Contract,”69 IOWA L. REV. 327 (1984).
- A Case for Loss Sharing, 56 SO. CAL. L. REV. 573 (1983).
- The Price of the Public Policy Modification of the Terminable-at-will Rule, 4 LAB. L.J. 581 (1983).
- Price Fixing, the Professions and Ancillary Restraints: Coping with *Maricopa County*,

1982 U. ILL. L. REV. 925.

Public Utilities in the Marketplace of Ideas: A Fairness Solution for a Competitive Imbalance, 1982 WIS. L. REV. 43 (1982).

Wrongful Discharge: Toward a More Efficient Remedy, 56 INDIANA L. J. 207 (1981).

The Lost Profits Measure of Damages in Price Enhancement Cases, 64 MINN. L. REV. 751 (1980).

Yardstick Competition: A Prematurely Discarded Form of Regulatory Relief, 53 TUL. L. REV. 465 (1979).

Regional Distortions in Natural Gas Allocations: A Legal and Economic Analysis, 57 N.C.L. REV. 57 (1978) (with J. Formby & R. Detty). Note, North Carolina Survey: Civil Procedure, 55 N.C.L. REV. 895 (1977) (with W. Dannelly).

Note, Antitrust Law -- State Action Immunity and State 'Neutrality' in Regulated and Compelled Activities, 55 N.C.L. REV. 267 (1977).

Another Look at the Distribution of Physicians, THE REVIEW OF REGIONAL STUDIES, Spring, 1975, at 61 (with D. Jud).

The Distribution of Health Care Resources in North Carolina, THE NORTH CAROLINA REVIEW OF BUSINESS AND ECONOMICS, January, 1975, at 12 (with K. Nash).

The Income Redistribution Effects of Publicly Supported Medical Education, MISSISSIPPI VALLEY JOURNAL OF BUSINESS AND ECONOMICS, Spring, 1974, at 1 (with Nash).

The Interstate Distribution of Medicare Receipts: An Appraisal of Current Conditions and Future Prospects, THE DEKALB BUSINESS AND ECONOMIC JOURNAL, Winter, 1974, at 30 (with D. Jud).

Book Review, INQUIRY, June 1972, at 80. (Selig Greenburg, THE QUALITY OF MERCY).

A New Approach to the Physician Shortage, INQUIRY, March 1972, at 34 (with K. Nash).

Union Discipline and the Employer-Employee Relationships, 22 LAB. L.J. 216 (1970).

Procedural Safeguards and Union Disciplinary Action, 21 LAB. L.J. 761(1970).

Student Bargaining, THE NEW REPUBLIC, November 21, 1970, at 10.

SELECTED PAPERS DELIVERED:

Posner on Contract Law Annual Conference on Contract Law (2018)

Italian Law and Economics Association (2016)

Baltimore on the Fate of Legal Scholarship (2016)

Edinburgh Contacts Conv. (2013)

SEALS Conv. (2013)

Cardozo Celebration of Paul Verkuil (2011)

Elon College Conference on Copyright (2011)

Moderator, The National Football League and Collective Bargaining, Jan. 2010, Annual Sports Law Conference, University of Florida.

Moderator, Emotions, Behavior and Law, 2010, Meetings of the American Association of Law Professors.

Monopsony and the NCAA, 2009 Meetings of the Southern Economic Association.

Copyright Law for Musicians, 2007 Music Law Conference, The University of Florida, Gainesville, Florida.

Teaching Economic Justice, 2007 Meeting of the American Association of Law Schools. Washington D.C.

Binary Economics in the Law and Economics Curriculum, 2001 Meeting of the Society for the Advancement of Socioeconomics, July 2001, Amsterdam, The Netherlands.

Teaching Contract Law From a Socioeconomic Perspective, 2000 Meeting of the Society for the Advancement of Socioeconomic, July 2000, London, England.

The Future of Socioeconomics, 1999 Meetings of the Society for the Advancement of Socioeconomics, July 1999, Madison, Wis.

Developments in American Antitrust Law, Universita Degli Studi "La Sapienza," March 1999.

Socioeconomics and Therapeutic Jurisprudence, Section on Law and Socioeconomics, AALS Meetings, January 1999.

Airline Price Wars, Antitrust in the Cutting Edge Conference, The University of Florida, 1998.

Comments on Order and Norms, Cornell Law School, 1997.
After Affirmative Action, Southeastern Association of American Law Schools
(1997).

Law and Economics and the Obligations of Legal Theory, 1996 Meetings of
the Society for the Advancement of Socioeconomics.

Piercing Pareto Optimality, Section on Law and Socioeconomics, 1996
A.A.L.S. Meetings.

Law and Economics: Weaving Two Cultures Together, 1995 Holland &
Knight Retreat, August 1995.

Law and Economics: An Examination of Underlying Assumptions, Leiden
University, The Netherlands, May 28, 1990.

'Law and Economics' and Contract Law, Conference on Contract Law,
N.Y.U. School of Law, May 1988.

Regional Distortions in Natural Gas Allocations: A Legal and Economic
Analysis, presented at the December, 1978 meetings of the North
American Economic Research Association (with J. Formby).

A Regional Analysis of Physician Availability, presented at the November
1973 meetings of the Southern Economic Association (with D. Jud).

EDUCATION:

J.D. with high honors, 1978, The University of North Carolina, Law Review,
Coif, Judge Walter Clark Award.

Ph.D., Economics and Business Administration, 1970, The University of
Florida,
N.D.E.A. Fellowship.

M.B.A., 1968, The University of Florida.

B.S., Business Ad. with high honors, 1967, The University of Florida, Phi
Kappa Phi, Beta Gamma Sigma, Omicron Delta Iota, honorary
fraternities.

Miscellaneous:

Participant in National Endowment for the Humanities Seminar for Law
Teachers, "Liberty, Equality and Social Utility," Tufts University,
July-August 1980.

Participant in Mediation Training Course, Houston Neighborhood Justice
Center, Fall 1981.

MISCELLANEOUS:

Arbitrator, International Commercial Arbitration Moot, 2010, 2011, 2012, 2013

Board Editors, *The Review of Socioeconomics*, 2004-2012.

Chair: AALS Section on Socioeconomics and the Law, 1997, 2011, 2012

Expert witness/consultant in the areas of remedies and antitrust.

Mediator in Houston Neighborhood Justice Center, Inc. (1981-1983).

Member, State Bar of Texas.

Member, Board of Editors, Law & Society Review

(Book Review issues), 1986-1988

Recipient of Barons' Professor of Year Award, University of Houston, 1983.

Hobbies: woodworking, sports, music, travel, radios.

