

Curriculum Vitae

PROFESSOR ANDREW I. GAVIL
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Employment in Legal Education:

Howard University School of Law, Washington, D.C.
Professor of Law, August 1994-present
Associate Professor of Law, August 1991-August 1994
Assistant Professor of Law, August 1989-August 1991
Courses Taught: Antitrust Law, Advanced Antitrust Seminar, Civil Procedure, Civil Rights Litigation, Complex Litigation, Consumer Law, Federal Courts, Regulation Law & Public Policy Seminar

University of East Anglia, ESRC Centre for Competition Policy, Norwich, UK, Visiting Professor, May-June 2010

University of Denver College of Law, Denver, Colorado
Adjunct Lecturer in Law, September 1986-May 1989
(Subject: Antitrust Law)

Education:

Northwestern University School of Law, Chicago, Illinois
Juris Doctor, June 1981
Northwestern University Law Review, 1979-1981

Queens College, City University of New York, Flushing, N.Y.
Bachelor of Arts, Magna Cum Laude, June 1978
Danforth Fellowship Semi-Finalist, 1978
Recipient, New York State Regents Scholarship

Honors and Awards:

Unrestricted Gift from Google, Inc. to Howard University School of Law to Support Antitrust-Related Research Work, including study of Multi-district Antitrust Litigation, Spring 2010

American Bar Association, Section of Antitrust Law, Special Award, 2006 (for work on Section Task Forces and on the "Why Antitrust?" program that seeks to recruit new antitrust lawyers).

Howard University, Appreciation Award for Serving as Faculty Advisor to the Howard Law Journal, presented at annual Journal Awards Ceremony and Judicial Reception, March 9, 2006

Jerry S. Cohen Memorial Award for Antitrust Scholarship, presented by Cohen Milstein Hausfeld & Toll, LLP, at the Annual Meeting of the American Antitrust Institute, Washington, D.C., June 21, 2005

Lewis Bernstein Lecturer, St. John's University School of Law, November 17, 2004

Warren Rosmarin Award for Excellence in Teaching and Service, Howard University School of Law, 2004
(Howard Law School designate for AALS "Teacher of the Year," 2004)

American Bar Association, Section of Antitrust Law, Section Chair's Certificate of Appreciation, 2004

American Bar Association, Section of Antitrust Law, Commendation for Contributions to the Section, 2000-01, 2001-02, and 2002-03

Publications:

Books, Book Chapters, Monographs And Reports

In Progress: ANDREW I. GAVIL & HARRY FIRST, MICROSOFT AND THE GLOBALIZATION OF ANTITRUST LAW: COMPETITION POLICY FOR THE TWENTY-FIRST CENTURY (forthcoming MIT Press).

Andrew I. Gavil, *Burden of Proof in U.S. Antitrust Law*, in I ABA ANTITRUST SECTION, ISSUES IN COMPETITION LAW AND POLICY 125 (2008).

ANDREW I. GAVIL, WILLIAM E. KOVACIC AND JONATHAN B. BAKER, ANTITRUST LAW IN PERSPECTIVE: CASES, CONCEPTS AND PROBLEMS IN COMPETITION POLICY (2d ed. 2008)(Teacher's Manual also published in 2008).

ANDREW I. GAVIL, WILLIAM E. KOVACIC AND JONATHAN B. BAKER, ANTITRUST LAW IN PERSPECTIVE: CASES, CONCEPTS AND PROBLEMS IN COMPETITION POLICY (2002)(Teacher's Manual, published 2003).

International Competition Network ("ICN"); Competition Policy Implementation Working Group, Subgroup 2: Enhancing the Stature of Competition Authorities with Businesses; Academic Advisor, Report: "Lessons to be Learnt from the Experiences of Young Competition Agencies," May 3, 2006, *available at* <http://www.internationalcompetitionnetwork.org/capetown2006/ICNSG2ProjectReportFinal.pdf>.

Cynthia L. Clement, Andrew I. Gavil, Georges Korsun & William E. Kovacic, COMPETITION POLICIES FOR GROWTH: LEGAL AND REGULATORY FRAMEWORK FOR SSA COUNTRIES (2001) (report on research in Senegal, Benin, and Madagascar pursuant to USAID Grant under EAGER Program) (available at <http://128.8.56.108/iris-data/docs/po127.pdf>).

ANDREW I. GAVIL, ED., AN ANTITRUST ANTHOLOGY (Anderson, 1996).

Theodore L. Banks, Andrew I. Gavil & Paul T. Denis, *Antitrust Aspects of International Business*, in THE LAW OF TRANSNATIONAL BUSINESS TRANSACTIONS (V. Nanda, ed. 1981)(Supps. 1991 & 1992; rev. ed. 1993).

Contributing Author, ABA ANTITRUST SECTION, MONOGRAPH NO. 18: NON-PRICE PREDATION UNDER SECTION 2 OF THE SHERMAN ACT (1991).

Contributing Author, ABA ANTITRUST SECTION, *Task Force Report: The Antitrust Guide for International Operations Revisited*, 54 ANTITRUST L.J. 839 (1985).

Articles

In Progress:

Andrew I. Gavil, *Moving Beyond Characterization and Caricature: The Modern Rule of Reason in Practice* (forthcoming 2011); and Andrew I. Gavil, *The Evolving "Market" for Private Antitrust Litigation in the United States* (forthcoming 2011)

Andrew I. Gavil, *Resale Price Maintenance in the Post-Leegin World: A Comparative Look at Recent Developments in the United States and the European Union*, THE CPI ANTITRUST JOURNAL, June 2010(1), *available at* <https://www.competitionpolicyinternational.com/resale-price-maintenance-in-the-post-leegin-world-a-comparative-look-at-recent-developments-in-the-united-states-and-european-union/>.

Andrew I. Gavil, *Thinking Outside the Illinois Brick Box*, 76 ANTITRUST L.J. 167 (2009).

Andrew I. Gavil, *Introduction to Symposium: Civil Rights and Civil Procedure: The Legacy of Conley v. Gibson*, 52 HOW. L.J. 1 (2008).

Andrew I. Gavil, *The Challenges of Economic Proof in a Decentralized and Privatized European Competition Policy System: Lessons from the American Experience*, 4 J. COMP. L. & ECON. 177 (2008).

Andrew I. Gavil, *Antitrust Bookends: The 2006 Supreme Court Term in Historical Context*, ANTITRUST, Fall 2007, at 21.

Harry First & Andrew I. Gavil, *Re-framing Windows: The Durable Meaning of the Microsoft Antitrust Litigation*, 2006 UTAH L. REV. 641.

Andrew I. Gavil, *Competition Policy, Economics, and Economists: Are We Expecting Too Much?*, in 2005 FORDHAM CORP. L. INST. 575 (B. HAWK, ED. 2006).

Andrew I. Gavil & Katherine I. Funk, *Daubert Comes to Washington: Managing Expert Economic Testimony in Part III Proceedings at the FTC*, ANTITRUST, SPRING 2006, AT 21.

Andrew I. Gavil, *Antitrust Remedy Wars Episode I: Illinois Brick from Inside the Supreme Court*, 72 ST. JOHN'S L. REV. 553 (2005) (the 2004 Lewis Bernstein Memorial Lecture).

Andrew I. Gavil, *On the Utility of "Direct Evidence of Anticompetitive Effects": A Comment on the Seventh Circuit's Republic Tobacco Decision*, ANTITRUST, SPRING 2005, AT 59.

Andrew I. Gavil, *Exclusionary Distribution Strategies By Dominant Firms: Striking A Better Balance*, 72 ANTITRUST L.J. 3 (2004) (Recipient of the Jerry S. Cohen Memorial Award for Antitrust Scholarship, 2005) (translated and republished in South Korean Journal of Competition, 121, 9-10 & 122, 11 (2005)).

Andrew I. Gavil, *Sylvania and the Process of Change in the Supreme Court: A First Look at the Powell Papers*, ANTITRUST, FALL 2002, AT 9.

Andrew I. Gavil, *Federal Judicial Power and the Challenges of Multi-Jurisdictional Direct and Indirect Purchaser Antitrust Litigation*, 69 GEO. WASH. L. REV. 860 (2001).

Jonathan B. Baker & Andrew I. Gavil, *Ill-Gotten Gains: Toothless Settlement Lets Microsoft Keep rewards of Monopolization*, LEGAL TIMES, Nov. 12, 2001, at 51.

Andrew I. Gavil, Symposium Editor, *Daubert Comes of Age*, ANTITRUST, SUMMER 2001, AT 6.

Andrew I. Gavil, *Defining Reliable Forensic Economics in the Post-Daubert/Kumho Era: Case Studies from Antitrust*, 57 WASH. & LEE L. REV. 831 (2000).

Andrew I. Gavil, Symposium Editor, *The Future Course of the Rule of Reason*, 68 ANTITRUST L.J. 331 (2000)(papers from the Annual Meeting of the AALS Section on Antitrust & Economic Regulation, Winter 2000).

Andrew I. Gavil, *Copperweld 2000: The Vanishing Gap Between Sections 1 and 2 of the Sherman Act*, 68 ANTITRUST L.J. 87 (2000) (translated into Japanese by Mr. Shozo TAKAHASHI and republished in issues 3, 4 & 5 of Kosei Torihiki ("Fair Trade")(2001), a publication of the Japanese Fair Trade Institute).

Andrew I. Gavil, *Bland Recipe: In McCormick, the FTC Missed A Chance to Advance Robinson-Patman*, LEGAL TIMES, Apr. 3, 2000, at 42.

Andrew I. Gavil, *Secondary Line Price Discrimination and the Fate of Morton Salt: To Save It, Let It Go*, 48 EMORY L.J. 1057 (1999).

Andrew I. Gavil, *The End of Antitrust Trench Warfare?: An Analysis of Some Procedural Aspects of the Microsoft Trial*, ANTITRUST, SUMMER 1999, AT 7.

Andrew I. Gavil, *Introduction: Seminole Tribe and the Creeping Reemergence of ADual Federalism@*, in *Symposium: Interdisciplinary Aspects of Seminole Tribe v. Florida: State Sovereign Immunity in the Context of Antitrust, Bankruptcy, Civil Rights, and Environmental Law*, 23 OHIO N.U.L.REV. 1393 (1997).

Andrew I. Gavil, *After Daubert: Discerning the Increasingly Fine Line Between the Admissibility and Sufficiency of Expert Testimony in Antitrust Litigation*, 65 ANTITRUST L.J. 663 (1997).

Andrew I. Gavil, *Electronic Discussion in The Past and Future of Antitrust: Reconsiderations of Director and Levi's Law and the Future after Forty Years*, 17 MISS. C. L. REV. 104, 113, 117 (1996).

Andrew I. Gavil, *Competition and Cooperation On Sherman Island: An Antitrust Ethnography*, 44 DEPAUL L. REV. 1225 (1995).

Andrew I. Gavil & Stephen H. Wenc, *Clinton Antitrust: A Look At The First Year*, 23 J. REPS. FOR ANTITRUST L. & ECON. 5 (1994).

Andrew I. Gavil, *Attitudinal Discretion And The Prospects For Reinvigorating Antitrust: A Look At The New Federal Rules*, 39 ANTITRUST BULL. 27 (1994).

Andrew I. Gavil, *Reconstructing The Jurisdictional Foundation Of Antitrust Federalism*, 62 GEO. WASH. L. REV. 657 (1993).

Andrew I. Gavil, *Antitrust Law as Polemic and the "Triumph of Capitalism" in Eastern Europe: A Reply*, 66 N.Y.U. L. REV. 264 (1991).

Andrew I. Gavil, *Teaching Antitrust Law in its Second Century: In Search of the Ultimate Antitrust Casebook*, 66 N.Y.U. L. REV. 189 (1991).

Michael Sennett & Andrew I. Gavil, *Antitrust Jurisdiction, Extraterritorial Conduct and Interest Balancing*, 19 INT'L LAW. 1185 (1985).

Michael Sennett & Andrew I. Gavil, *Extraterritorial Conduct Issue Ripe for Review*, Vol. VII, No. 41, LEGAL TIMES OF WASHINGTON 17 (March 18, 1985).

Eileen M. Concannon & Andrew I. Gavil, *Australian Trade Regulation: An Overview*, 52 ANTITRUST L.J. 967 (1984).

Commentary in the Popular Press:

The News Hour with Jim Lehrer (PBS), Commentator: "The Microsoft Ruling," Washington, D.C., Nov. 1, 2002; http://www.pbs.org/newshour/bb/business/july-dec02/microsoft_11-01.html

The News Hour with Jim Lehrer (PBS), Commentator: "The Microsoft Settlement," Washington, D.C., Nov. 6, 2001; http://www.pbs.org/newshour/bb/business/july-dec01/microsoft_11-6.html

Discussant, American Antitrust Institute, Press Briefing, "AAI Proposes Tough Conduct Remedies Against Microsoft," National Press Club, Washington, D.C., October 5, 2001

The News Hour with Jim Lehrer (PBS), Commentator: "U.S. v. Microsoft: Government Drops Break-Up," Washington, D.C., Sept. 6, 2001; http://www.pbs.org/newshour/bb/cyberspace/july-dec01/micro_9-6.html

Panelist, Washington Legal Foundation, Press Briefing: "*U.S. v. Microsoft*: What Lies Ahead for the Litigants, Antitrust Law, and Consumers?" Washington, D.C., July 11, 2001

The News Hour with Jim Lehrer (PBS), Commentator: "Court's Ruling in Microsoft," Washington, D.C., June 28, 2001; http://www.pbs.org/newshour/bb/cyberspace/jan-june01/microsoft_6-28.html

National Public Radio, Interviewed in Connection with *Microsoft* Antitrust Litigation for "Morning Edition with Bob Edwards;" July 12, 27, 2001; September 7, 2001; March 18, 2002; April 23, 2002 and "All Things Considered," November 1, 10, 2001; Marketplace, March 15, 2004

The Diane Rehm Show, Panelist, "The Future of Antitrust," WAMU 88.5 (distributed nationally through National Public Radio), Washington D.C., November 11, 1999

Commentary: Professor Gavil has been quoted widely regarding various antitrust matters. His comments have appeared in the New York Times, the Washington Post, the Wall Street Journal, USA Today, the Los Angeles Times, the Seattle Times, the San Francisco Chronicle, the Associated Press, Reuters, Bloomberg, Dow Jones, Newsweek, Business Week, PC Week, Computer World and various on-line news services such as CNET and MSNBC. He also has appeared on CNN, PBS's Nightly Business Report, various programs on the BBC (television and radio), the Australian Broadcasting Corporation, and various local television and radio stations in Washington D.C. and elsewhere.

Speeches, Papers, and Lectures:

Accepted Invitations:

OECD Competition Committee, Roundtable on the Ex Post Evaluation of Merger Decisions by Competition Authorities, Panelist, Paris, France, June 29, 2011

"100 Years of Standard Oil," Conference Sponsored by the George Washington University School of Law, Competition Law Center, Presenter: *Moving Beyond Characterization and Caricature: The Modern Rule of Reason in Practice*, Jun. 3, 2011

American Bar Association, Section of Antitrust Law, Annual Spring Meeting, Moderator and Panelist, *Antitrust Fundamentals*, Washington, D.C., March 30, 2011

Tilburg Law and Economics Center ("TILEC"), Guest Lecturer: *Future Directions in the Global Treatment of Single Firm Conduct: Lessons from the Microsoft Cases?*, University of Tilburg, Netherlands, Dec. 10, 2010

4th American Antitrust Institute Conference on the Future of the Private Right of Action; Presenter: *Then and Now: Have We Lost Faith in the Antitrust Private Right of Action*, National Press Club, Washington, D.C., Dec. 7, 2010

Past Presentations:

American Bar Association, Antitrust Section, *Antitrust Masters Course V*, Williamsburg, VA, Principal Lecturer, September 30-October 3, 2010

University of East Anglia, ESRC Centre for Competition Policy, Annual Conference, Vertical Restraints, Paper Presentation: *Has Interbrand Competition Become the Sole, Not Merely the "Primary," Concern of*

Antitrust Law in the United States?, Norwich, UK, June 17-18, 2010

Oxford University, Sixth Symposium on Trends in Retail Competition: Private Labels, Brands and Competition Policy; Organized by the Centre for Competition Law and Policy in conjunction with the Institute for European and Comparative Law, Presentation: *The Current State of Resale Price Maintenance in the United States and Likely Future Directions*, Oxford, UK, May 28, 2010

Office of Fair Trading, Guest Lecturer, *The Current State of Resale Price Maintenance in the United States and Likely Future Directions*, London, UK, May 27, 2010

Loyola University of Chicago, Institute for Consumer Antitrust Studies, 10th Annual Midwest Antitrust Colloquium, April 29, 2010 (several chapters of forthcoming book on MICROSOFT AND THE GLOBALIZATION OF ANTITRUST LAW (with co-author Professor Harry First) will be the subject of two discussion panels)
U.S. House of Representatives, Judiciary Committee, *Understanding Antitrust Debates: A Primer*, joint presentation with Professor Marius Schwartz, Washington DC, March 17, 2010.

Seton Hall University School of Law, Faculty Colloquium Guest Lecturer, "*The Challenges of Crafting Trans-substantive Rules of Civil Procedure Across Time and Courts*," Newark, N.J., March 16, 2010

United States Department of Justice, Antitrust Division, and Federal Trade Commission, Horizontal Merger Guidelines Review Project, Workshop Panelist, *Market Concentration and the Structural Presumption*, Federal Trade Commission Conference Center, Washington, D.C., January 26, 2010

Fifteenth Annual Lewis Bernstein Memorial Lecture, St. John's University School of Law, Topic: "*The Evolving 'Market' for Private Antitrust Litigation in the United States*," Astoria, N.Y., October 14, 2009 (with William E. Kovacic & Spencer Weber Waller)

4th ASCOLA (Academic Society for Competition Law) Conference, "More Common Ground for International Competition Law?," Paper presenter, *Prospects for Narrowing the U.S.-E.C. Gap on Dominant Firm Conduct*, George Washington University School of Law, Washington D.C., June 16-17, 2009

University College London & Institute for Study of Competition Law and Policy (IMPEDIA), Discussant, "The Limits of Competition Law," Santorini Island, Greece, May 27-28, 2009

Loyola University of Chicago, Institute for Consumer Antitrust Studies, 9th Annual Midwest Antitrust Colloquium, Commentator, May 1, 2009

American Bar Association, Section of Antitrust Law, Annual Spring Meeting, Moderator and Panelist, *Antitrust Fundamentals*, Washington, D.C., March 25, 2009

George Washington University Law School, Competition Law Center, Panelist, "Private Enforcement of Competition Law: New Directions," February 27-28, 2009

American Bar Association, Antitrust Section, *Antitrust Masters Course IV*, Hot Springs, VA, Principal Lecturer, September 25-28, 2008

Harvard Law School, Berkman Center for Internet & Society, Panelist, *U.S. v. Microsoft: Ten Years Later*, Paper Title: "Minding the Gap: How *Microsoft* Contributed to the DOJ's Eight Year Effort to Reform Section 2 and Amplified the Gap Between U.S. and E.U. Attitudes About Dominant Firms;" Cambridge, MA, September 12-13, 2008

13th Annual Workshop on Competition Policy, Panelist, "Significance and Specific Methods of Market Definition in Competition Law Enforcement," Lotte World Hotel, Seoul, Korea, September 5, 2008

5th Seoul International Competition Forum, Keynote Speaker, Session II: *The Role and Direction of Economic Analysis in Competition Law Enforcement*, Lotte Hotel, Seoul, Korea, September 3, 2008 (<http://seoulforum2008.com/program.asp>)

Fordham University Competition Law Institute, Core Faculty, *Second Annual Workshop for Competition Law Judges*, June 24-27, 2008

American Bar Association, Antitrust Section, and University of Virginia School of Law (Co-Sponsors) Speaker and Paper Presenter, *Roundtable on Remedies in Single Firm Conduct Cases Under Section 2 of the Sherman Act*, Charlottesville, VA, June 4-5, 2008

New York University School of Law, Panelist, *One Year Later: The Antitrust Modernization Commission's Report and the Challenges That Await Antitrust*, April 11, 2008

American Bar Association, Section of Antitrust Law, Annual Spring Meeting, Panelist, *Antitrust Fundamentals*, Washington, D.C., March 26-28, 2008

Federal Trade Commission, Panelist, *Unilateral Effects Analysis and Litigation Workshop*, Washington, D.C., February 12, 2008

American Bar Association, Antitrust Section, Fall Forum, Panelist, *Litigating an Antitrust Case after Twombly*, Washington, D.C., November 15-16, 2007

National Association of Attorneys General Centennial Symposium: One Hundred Years of State Antitrust Enforcement, Speaker, *Historical Perspectives on Antitrust Law and Enforcement: Thirty Years of Supreme Court Antitrust Jurisprudence*, Renaissance Grand Hotel St. Louis, MO, October 9, 2007

eSapience Center for Competition Policy, Panelist, "Future Implications of the Decisions," eCCP Roundtable: U.S. Supreme Court Antitrust Decisions: A Retrospective, The Hay-Adams, Washington, DC, July 11, 2007

Centre for Competition Policy, University of East Anglia, Annual Conference, Comparative Perspectives on Multi-jurisdictional Antitrust Enforcement, Principal Paper (with Commissioner William E. Kovacic): *Centrifugal and Centripetal Forces in Antitrust: The Role of Appellate Review*, Norwich, England, June 14-15, 2007

American Bar Association, Section of Antitrust Law, Annual Spring Meeting, Panelist, *Antitrust Fundamentals*, Washington, D.C., April 18-20, 2007

American Bar Association, Section on Antitrust Law, Workshop on Dominance/Monopoly Power for Antitrust Enforcers; Moderator, Panel on International Initiatives Relating to Single Firm Conduct, April 17, 2007

4th International Bar Association and European Commission (Directorate General for Competition) Joint Conference, "Cartel Enforcement and Antitrust Damage Actions;" Panelist, *The Passing-on Defense and Indirect Purchaser Rights*, Brussels, Belgium, March 7-9, 2007

U.S. Department of Justice, Antitrust Division – Federal Trade Commission, Joint Hearings on Single Firm Conduct Under Section 2 of the Sherman Act, Panelist, "Monopoly Power," Washington, D.C., March 7, 2007

The Conference Board, 2007 Antitrust Conference: Antitrust Issues in Today's Economy; Panelist: Antitrust Update 2006-07: "Highlights from the Year in Jurisdiction and Procedure;" New York City, March 1, 2007

American Bar Association, Sections of Antitrust and International Law, Brown-Bag Seminar, Commentator,

“Culture and Competition Policy: Is There a Correlation?” (Principal Paper by Professor Ki Jong Lee, Andong University, Korea), Washington, D.C., February 22, 2007

UK Office of Fair Trading Workshop on Private Enforcement of Competition Law, Topic of Remarks: “Standing, Indirect Purchaser Rights, and the Passing on Defense under U.S. Antitrust Law: The Interdependence of Substance and Procedure,” Hilton London Kensington Hotel, October 19-20, 2006

American Bar Association, Section of Antitrust Law, Basics Teleconference Series, Speaker: “Exclusionary Conduct under Section 2 of the Sherman Act,” October 17, 2006 (nationwide teleconference)

American Bar Association, Section of Antitrust Law, Annual Spring Meeting, Panelist, “Antitrust Fundamentals;” Panelist, “Exclusive Dealing Agreements: A New Frontier in Antitrust Litigation?,” Washington, D.C., March 29, 2006

University of Amsterdam Center for Law & Economics, Workshop: Forensic Economics in Competition Law Enforcement, Principal Paper: “The Challenges of Economic Proof in a Decentralized and Privatized European Competition Policy System,” Amsterdam, The Netherlands, March 17, 2006

Journal of Markets & Competition, Fifth Annual Conference, Luncheon Keynote Address: “Implementing Private Rights of Action for Competition Laws in the EU: Lessons from the American Experience,” The Hague, The Netherlands, March 15, 2006

The Conference Board, 2006 Antitrust Conference: Antitrust Issues in Today’s Economy; Panelist: Antitrust Update 2005-06: “Highlights from the Year in Jurisdiction and Procedure;” New York City, March 1, 2006

Organization for Economic Cooperation and Development (“OECD”), Competition Committee’s Working Party No. 3 on Enforcement and Cooperation, Presenter: “Indirect Purchaser Standing and the Passing On Defense: Lessons from the American Experience,” Paris, France, February 7, 2006

University of Utah Law Review Symposium: “Recurring Issues in Antitrust Enforcement;” Paper presentation with Professor Harry First: “Reframing Windows: The Durable Meaning of the Microsoft Antitrust Litigation,” Salt Lake City, Utah, February 3, 2006

American Bar Association, Section of Antitrust Law, Fall Forum, Panelist, “Monopolization Today: Counseling Clients When the Rules Are Uncertain;” Paper Topic: “Are the Antitrust Rules for Monopolists Really ‘Unclear’ or ‘In Flux’?,” National Press Club, Washington D.C., November 15-16, 2005

32nd Annual Conference on International Antitrust Law and Policy, Fordham Corporate Law Institute, Fordham University School of Law, Panelist: “Economic Experts before Authorities and Courts,” New York City, September 23, 2005

NERA, Antitrust & Trade Regulation Seminar, Panelist, “Dominant Firm Behavior and Raising Rivals’ Costs,” Santa Fe, New Mexico, July 7-9, 2005

Antitrust Modernization Commission, Panelist-Witness, “State Indirect Purchaser Actions: Proposals for Reform,” Washington, D.C., June 27, 2005 (Prepared remarks are available at http://www.amc.gov/commission_hearings/pdf/Gavil_Statement_corrected_6.27.05_version_with_app.pdf)

American Bar Association, Section of Antitrust Law, Annual Spring Meeting, Panelist, “Antitrust Fundamentals,” Washington, D.C., March 30, 2005

The Conference Board, 2005 Antitrust Conference: Antitrust Issues in Today’s Economy; Panelist: Antitrust Update 2004-05: “Highlights from the Year in Jurisdiction and Procedure;” New York City, March 3, 2005

American Bar Association, Section of Antitrust Law, Section One Sherman Act Committee Brown Bag

Teleconference, Panelist, “The Limits of *Copperweld*: The Application of Section One to Complex and Diverse Business Arrangements,” Washington, D.C., October 18, 2004

2005 Lewis Bernstein Memorial Lecture, St. John’s University School of Law, Topic: “Remedies Wars Episode I: *Illinois Brick* from Inside the Court,” Astoria, N.Y., November 17, 2004

National Association of Attorneys General, Multistate Antitrust Task Force, Nationwide Teleconference Lecture: “An Overview of the Treatment of Exclusionary Conduct by Dominant Firms Under Section 2 of the Sherman Act,” Washington, D.C., September 20, 2004

Weil, Gotshal & Manges, Luncheon Speaker, “Antitrust and the Process of Change in the Supreme Court: Assessing the Papers of Justice Lewis Powell, Jr.,” New York City, June 29, 2004

New York University School of Law, Trade Regulation Program, Guest Lecturer, “Antitrust and the Process of Change in the Supreme Court: Assessing the Papers of Justice Lewis Powell, Jr.,” April 7, 2004

United States Department of Justice, Antitrust Division, “Developments in the Law and Economics of Exclusionary Pricing Practices: From the Classroom to the Courtroom,” Panelist, “Bundling and Tying,” Washington, D.C., March 18, 2004

The Conference Board, 2004 Antitrust Conference: Antitrust Issues in Today’s Economy; Panelist: Antitrust Update 2003-04: “Highlights from the Year in Jurisdiction and Procedure;” New York City, March 3-4, 2004

Association of American Law Schools, Annual Meeting, Section on Antitrust and Economic Regulation, Panelist, “Integrating New Economic Learning with Antitrust Doctrine,” Atlanta, GA, January 4, 2004

Wilmer, Cutler & Pickering, Antitrust Group, Luncheon Address, “Antitrust and the Process of Change in the Supreme Court: Assessing the Papers of Justice Lewis Powell, Jr.,” Washington, D.C., July 10, 2003

Loyola University of Chicago, Institute for Consumer Antitrust Studies, 3rd Annual Midwest Antitrust Colloquium, Principal Paper Presenter: “Antitrust and the Process of Change in the Supreme Court: Assessing the Papers of Justice Lewis F. Powell, Jr.,” April 11, 2003

American Bar Association, Section of Antitrust Law, Annual Spring Meeting, Co-Moderator (with Ann C. Yahner), Remedies Forum Task Force, Panel on Access & Procedure, Washington, D.C., April 3, 2003

American Bar Association, Section of Antitrust Law, Annual Spring Meeting, Luncheon Keynote Speaker (with William E. Kovacic), “Antitrust at the Supreme Court in a Time of Change: Reflections on the Marshall and Powell Papers,” Washington, D.C., April 2, 2003

The Conference Board, 2003 Antitrust Conference: Antitrust Issues in Today’s Economy; Panelist: Antitrust Update 2002-03: “Highlights from the Year in Jurisdiction and Procedure;” New York City, March 18-19, 2003

NERA, Antitrust & Trade Regulation Seminar, Panelist, “Economics v. *Daubert*: Do Traditional Economic and Enforcement Tools Still Apply?” Santa Fe, New Mexico, July 4-6, 2002

Loyola University of Chicago, Institute for Consumer Antitrust Studies, 2nd Annual Midwest Antitrust Colloquium, Commentator, April 5, 2002

The Conference Board, 2002 Antitrust Conference: Antitrust Issues in Today’s Economy; Panelist: Antitrust Update 2001-02: “Highlights from the Year in Jurisdiction and Procedure;” New York City, March 7-8, 2002

The Brookings Roundtable on Trade and Investment Policy, Panelist, “Antitrust Enforcement Outcomes In A

World of Multiple Arbiters,” (Principal Paper by FTC Chairman Timothy J. Muris) Brookings Institution, Washington, D.C., Dec. 21, 2001

American Bar Association, Section of Antitrust Law, Fall Forum: New Technologies/New Administrations; “Hot Topics” Panelist; Paper Topic: *On the Durable Meaning of United States v. Microsoft*, Georgetown University Law Center, Washington, D.C., Nov. 15, 2001

American Bar Association, Section of Antitrust Law, Internet, Section 2 Sherman Act, and Computer Industry Committees, Sponsors, Panelist: “*Microsoft: The Case, The Remand, The Next (Hail)Storm*,” Washington, D.C., July 25, 2001

Loyola University of Chicago, Institute for Consumer Antitrust Studies, 1st Annual Midwest Antitrust Colloquium, Commentator, April 6, 2001

George Washington University Law Review Symposium, “Pyrrhic Victories? Reexamining the Effectiveness of Antitrust Remedies in Restoring Competition and Deterring Misconduct;” Paper Topic: *Federal Judicial Power and the Challenges of Multi-Jurisdictional Antitrust Litigation*, Washington D.C., March 22, 2001

The Conference Board, 2001 Antitrust Conference: Antitrust Issues in Today’s Economy; Panelist: Antitrust Update 2000-01: “Highlights from the Year in Jurisdiction and Procedure;” New York City, March 1, 2001

American Bar Association, Section on Antitrust Law, and the Washington College of Law, American University, Sponsors, “Antitrust at the Millennium;” Panelist, “Changing Doctrines, Changing Times;” Paper Topic: *Copperweld 2000: The Vanishing Gap Between Sections 1 and 2 of the Sherman Act*, Washington, D.C., September 11-12, 2000

American Bar Association, Section on Antitrust Law, Annual Meeting, Panelist, “The New Litigation Paradigm: Multiparty, Multidistrict, Multinational Antitrust Cases;” Paper Topic: *Indirect Purchaser Suits and Supplemental Jurisdiction: The Latest Challenge for Antitrust Federalism*; New York City, July 11, 2000

American Bar Association, Section on Antitrust Law, Annual Spring Meeting, Moderator: “Scholar’s Showcase,” Presented by the AALS Section on Antitrust & Economic Regulation, Washington, D.C., April 5, 2000

Washington & Lee University Law Review Symposium, “At the *Daubert* Gate: Managing and Measuring in an Age of Science, Specialization and Speculation;” Paper Topic: *Defining Reliable Forensic Economics in the Post Daubert/Kumho Era: The Case of Antitrust*, Lexington, VA, April 3, 2000

The Conference Board, 2000 Antitrust Conference: Antitrust Issues in Today’s Economy; Panelist: Antitrust Update 1999-2000: “Three ‘Quick Look’ Paradigms,” and “Highlights from the Year in Jurisdiction and Procedure;” New York City, March 9, 2000

Howard Law Journal Symposium: “U.S. Supreme Court Clerks: Should Diversity Be An Issue?” Moderator, “Identifying the Problem,” Washington, D.C., February 19, 2000

George Washington University, National Law Center, The President’s Millennium Seminars: “Law, Legal Education and Democracy in the Twenty-First Century;” Panelist, “Exporting Democratic Values and Information Technology Abroad,” Washington, D.C., February 18, 2000

Association of American Law Schools, Centennial Annual Meeting, Moderator, “The Future Course of the Rule of Reason,” Washington, D.C., January 9, 2000

The Conference Board, 1999 Antitrust Conference: Antitrust Issues in Today’s Economy; Session Leader:

“Practicing Antitrust in Transition: Doing Business in Emerging Market Economies with New Competition Laws;” New York City, March 4, 1999

The End of Antitrust Trench Warfare?: An Analysis of Some Procedural Aspects of the Microsoft Trial, presentation before the Antitrust Practice Group, Hale & Dorr, Washington, D.C., March 2, 1999

Delphi, International, Sponsoring Organization, Luncheon Address: “The Rule of Law and the American Judicial System: A Perpetual Work in Progress...By Design,” before the participants of “U.S. Judiciary and the Rule of Law,” A USIA Multi-Regional Project, June 4, 1998, Washington, D.C.

Delphi, International, Sponsoring Organization, “An Introduction to Article III of the U.S. Constitution,” presentation to the Venezuelan Judicial Reform Project Group, May 7, 1998, Howard University School of Law, Washington, D.C.

American Bar Association, Section on Antitrust Law, Annual Spring Meeting, “Hot Topics” Panelist: “*Daubert*, *Joiner* and the Litigation of Antitrust Cases with Experts;” Washington, D.C., April 2, 1998

The Conference Board, 1998 Antitrust Conference: Antitrust Issues in Today’s Economy; Panelist: “Designing Distribution Practices;” Paper: “Secondary Line Price Discrimination and the Fate of *Morton Salt*: To Save It, Let It Go,” New York City, March 5, 1998

The Conference Board, 1997 Antitrust Conference: Antitrust Issues in Today’s Economy; Moderator: “Economics as Junk Science: Using *Daubert* to Challenge Expert Testimony in Antitrust Trials,” New York City, March 6, 1997

Association of American Law Schools, 1997 Annual Meeting: Moderator, “Interdisciplinary Aspects of *Seminole Tribe v. Florida*: State Sovereign Immunity in the Context of Antitrust, Bankruptcy, Civil Rights and Environmental Law,” Washington, D.C., January 7, 1997

The Conference Board, 1996 Antitrust Conference: Antitrust Issues in Today’s Economy; Panelist: “Back in the Spotlight: Antitrust’s Rediscovery of Dominance and Unlawful Exclusion,” New York City, March 7, 1996

American Bar Association, Section on Antitrust Law, Annual Spring Meeting, Section 1 Sherman Act Committee, Sponsor; Panelist: “The New Activism in Section 1 Enforcement;” Washington, D.C., April 6, 1995

Federal Bar Association, Antitrust & Trade Regulation Section, Sponsor; Moderator, “The Baseball Strike and Related Antitrust Issues,” Federal Bar Association, Washington D.C., March 31, 1995

Speaker; DePaul Law Review Symposium: “Cultural Conceptions of Competition: Antitrust In The 1990s;” Paper Topic: “Competition And Cooperation On Sherman Island: An Antitrust Ethnography;” DePaul University College of Law, February 3, 1995

Meridian International Center, Washington, D.C., Sponsor, “Antitrust Education In U.S. Law Schools,” delivered before the Single Country/Brazil Group Project On “Antitrust Legislation And Enforcement In The United States,” Howard University School of Law, September 28, 1994

Chicago Bar Association, Antitrust Law Committee, Sponsor; “Litigating Sherman Act Cases Under the New Federal Rules of Civil Procedure,” Chicago Bar Association, Chicago, IL, March 15, 1994

Federal Bar Association, Antitrust & Trade Regulation Section, Sponsor; Panelist, “Litigating Section 1 Sherman Act Cases Under the New Federal Rules of Civil Procedure,” Federal Bar Association, Washington, D.C., February 15, 1994

Panel Speaker; St. Mary's University Law School & The Antitrust Bulletin, Sponsors, "An Antitrust Revival? Constructing Policies and Goals For A Revitalized Economy;" Paper Topic: "Using Antitrust As A Measure Of Civil Reform's Success: Predatory Litigation And The New Federal Rules," Hotel La Mansion Del Rio, San Antonio, TX, May 21, 1993

State University of New York, Office of International Programs, Sponsor, "Antitrust Education in U.S. Law Schools," delivered before the Brazilian Antitrust & Economic Competitiveness Training Group, Howard University School of Law, Washington, D.C., March 12, 1993

Federal Bar Association, Antitrust & Trade Regulation Section, Sponsor; Moderator, "Merger Enforcement In The '90s: The Battle Of The Guidelines," The International Club, Washington, D.C., November 20, 1992

Federal Bar Association, Antitrust & Trade Regulation Section, Sponsor, Panelist, "The Future of Competition Law in Europe," The International Club, Washington, D.C., October 22, 1991

Federal Bar Association, Antitrust & Trade Regulation Section, Sponsor; Moderator, "Health Care and Criminal Antitrust," The International Club, Washington D.C., June 19, 1991

Federal Bar Association, Antitrust & Trade Regulation Section, Sponsor; Moderator, "The Prosecution and Representation of an Individual Criminal Target Before the Antitrust Division," National Press Club, March 14, 1991 (program repeated at Philadelphia Bar Association, July 23, 1991).

Colorado Bar Association, International Law Committee, Sponsor; Luncheon Address: The Department of Justice Antitrust Guide to International Operations Revised: Consolidating the New Antitrust in the Context of Transnational Conduct, Denver Athletic Club, December 16, 1988.

Continuing Education Services, Littleton, Colorado, Sponsor; The Corporate Lawyer: What Every Corporate Attorney Needs to Know About Specialized Areas of the Law, Cherry Creek Inn, Denver, Colorado, June 16, 1988 (Topic: Antitrust Issues: In-House Perspective).

Continuing Education Services, Littleton, Colorado, Sponsor; Antitrust Law for The Business Counselor: Prevention Strategies & Risk Analysis, Marriott City Center, Denver, Colorado, May 26, 1988 (Topics: Introductory Remarks; Antitrust for the Business Counselor).

Chicago Bar Association, Subcommittee on International and Foreign Antitrust Law of the Antitrust Committee, Sponsor; Application of U.S. Antitrust Law to Foreign Conduct: An Update on Current Decisions and Legislative Proposals, January 29, 1986.

Consulting and Other Legal Employment:

Advisor, U.S. Antitrust Modernization Commission, Spring 2006-Spring 2007

Sonnenschein Nath & Rosenthal LLP, Washington, D.C.
Of Counsel, June 2003 – December 2008

Powell, Goldstein, Frazer & Murphy LLP, Washington, D.C.
Of Counsel, September 1999-January 2003

Institutional Reform and the Informal Sector ("IRIS") at the University of Maryland, College Park, MD; Consultant and Co-Principal Investigator, "Competition Policies for Growth: Legal and Regulatory Framework for Sub-Saharan African Countries" (Benin, Madagascar, and Senegal); USAID/HIID-funded study of competition law reform readiness in several Sub-Saharan African countries; Fall 1997-Spring 2001

Federal Trade Commission, Washington, D.C.; Consultant, Office of the General Counsel -- member of working group studying selected problems in U.S. antitrust enforcement; July 1996-July 1997

Institutional Reform and the Informal Sector (“IRIS”) at the University of Maryland, College Park, MD; Consultant -- drafting and implementing competition reforms for the Arab Republic of Egypt pursuant to USAID-funded grant; Summer 1995- Fall 1997

International Law Institute, Washington, D.C.; Consultant -- assisted in designing and teaching two-week course on competition law enforcement for Ukrainian delegation pursuant to USAID-funded grant; June 1996; assisted in design and teaching of three week seminar on American Legal Education for Russian delegation of law professors and administrators, October, 1996; assisted in teaching course on American Legal Education to delegation of Uzbekistanians, September, 1997

Bell, Boyd & Lloyd, Washington, D.C. & Chicago, IL
Of Counsel, June 1993-February 1999

Holland & Hart, Denver, Colorado
Associate (Litigation & Antitrust), July 1986-May 1989

Bell, Boyd & Lloyd, Chicago, Illinois
Associate (Litigation & Antitrust), June 1981-Apr.1986
Summer Associate, 1980

Bar Association Membership and Activities:

American Bar Association, Section of Antitrust Law:

Council Member, August 2009-August 2012

Senior Editor, ANTITRUST LAW JOURNAL, August 2008-August 2009

Articles Editor, ANTITRUST magazine, Fall 1999-Spring 2008

Member, ABA Antitrust Section, Task Force on Economic Evidence, Fall 2005-Summer 2006

Member, ABA Antitrust Section, Task Force Serving as Liaison to the Antitrust Modernization Commission, Spring 2004-Spring 2007.

Member, ABA Antitrust Section, Criminal Penalties Task Force, Fall 2003-Winter 2004
(Report at <http://www.abanet.org/antitrust/comments/increasedcriminalpenalties.pdf>)

Member, ABA Antitrust Section, Remedies Forum Task Force, Fall 2002

Chair, ABA/AALS Task Force, Fall 1999-Summer 2000

Vice Chair, Antitrust Law Subcommittee, Class Actions and Derivative Suits Committee, Section of Litigation, Fall 1998-Summer 1999

Washington Council of Lawyers, Member, Board of Directors, Fall 2002- Summer 2006

D.C. Bar Association, member

Other Civic and Professional Activities:

Columbia Law School, Advisor Board, Antitrust Project of the National State Attorneys General Program, Spring 2010-present

Queens College, City University of New York, Member, Alumni Advisory Board, Spring 2008-present

Loyola University of Chicago School of Law, Consumer Antitrust Institute, Member, Board of Advisors, Fall 2003-present

International Competition Network (“ICN”); Competition Policy Implementation Working Group, Subgroup 2: Enhancing the Stature of Competition Authorities with Businesses; Academic Advisor

International Competition Network (“ICN”); Private Sector Advisor, Merger Notification and Procedures Working Group, February, 2002-05.

American Antitrust Institute, Member, Advisory Board, Fall, 2001-present

Association of American Law Schools, Section on Antitrust and Economic Regulation, Secretary, 1995-98; Chair-elect, 1998-99; Chair, 1999-2000

Association of American Law Schools, Section on Federal Courts, Executive Committee, 1994-1996

Alliance for Justice, Washington, D.C.; Member: Regional Planning Committee, First Monday Program, Fall 1994 -1996

D.C. Street Law Project of the Georgetown University Law Center, Washington D.C. High School Mock Trial Competition Scorer, D.C. Superior Court, March 29-30, 1993; March 21, 1994

Association of American Law Schools, Faculty Recruitment Conference, Candidates' Workshop, Group Discussion Leader, Sheraton Washington Hotel, Washington, D.C., November 12, 1992

Jessup International Moot Court Competition, Judge, Semi-Final Rounds, Mayflower Hotel, April 15, 1991; March 30, 1992; March 29, 1993

Close-Up Foundation, Judicial Seminar Lecturer, Howard University School of Law, January 19, 1991; January 22, 1992; February 23, 1993

Chicago Volunteer Legal Services Foundation (Member: Board of Directors; Chairman, Jane Addams Hull House Legal Clinic; Chairman, Recruiting Committee; Clinic Volunteer Attorney; Recipient, Distinguished Service Award-1984, Certificate of Appreciation-1986) (1982-1986)

Constitutional Rights Foundation (Member: Lawyers Advisory Committee; Recipient, Good Will Ambassador Award-1985; lectured to Chicago high school students on trial practice and a variety of legal issues) (1982-1986)

Bar Admissions:

Supreme Court of Illinois, 1981 (inactive as of 2008); United States District Court for the Northern District of Illinois, 1981; United States Court of Appeals for the Seventh Circuit, 1982; United States Supreme Court,

1985; Supreme Court of Colorado, 1986 (resigned, 2003); United States District Court for the District of Colorado, 1986; United States Court of Appeals for the Tenth Circuit, 1986; District of Columbia, 1992.