

Resale Price Maintenance Workshop

Participant Biographies

May 21, 2009

Alan M. Barr

Alan M. Barr is the Deputy Chief of the Antitrust Division in the Office of the Attorney General for the State of Maryland. He has been an Assistant Attorney General in the Maryland Antitrust Division for nearly 30 years. He has served in leadership positions in a number of multistate investigations and civil prosecutions of resale price maintenance claims on behalf of the State of Maryland and its consumers. He has taught antitrust law at the University of Baltimore.

Seth Bloom

Seth Bloom serves as General Counsel of the Senate Antitrust Subcommittee on the staff of Senator Herb Kohl, the Chairman of the Subcommittee. He is responsible for antitrust, competition, and other business regulation issues for Senator Kohl. He has served on Senator Kohl's staff on the Antitrust Subcommittee since 1999. Before joining the staff of the Antitrust Subcommittee, he was as a Trial Attorney in the Antitrust Division of the U.S. Department of Justice. Prior to his position at the Justice Department, Mr. Bloom spent several years as an attorney in private practice in Washington, D.C., specializing in business and commercial litigation. Mr. Bloom holds a J.D. from the University of Pennsylvania Law School and a B.A. from the University of Rochester.

Richard Brunell

Richard Brunell is the Director of Legal Advocacy and Senior Fellow of the American Antitrust Institute (AAI), a non-profit advocacy and research organization that seeks to strengthen competition laws and enforcement in the U.S. and throughout the world. Mr. Brunell is also a lecturer at Boston College Law School. He has taught at various other law schools and practiced antitrust law in the private and public sectors. A contributing editor of the *Antitrust Law Journal*, Mr. Brunell is the author of numerous antitrust articles, including "Overruling *Dr. Miles*: The Supreme Trade Commission in Action," 52 *Antitrust Bull.* 475 (2007). He also wrote AAI's amicus brief in the *Leegin* case, as well as AAI's comments in the FTC's *Nine West* matter, and has testified before Congress on resale price maintenance reform. Brunell is a graduate of Swarthmore College and the Harvard Law School, where he was an editor of the Harvard Law Review.

Edward D. Cavanagh

Edward D. Cavanagh, is a Professor of Law at St. John's School of Law. A.B., University of Notre Dame; J.D., Cornell University; LL.M., J.S.D., Columbia University. Prior to entering the teaching field, he practiced law with two major New York City law firms. Professor Cavanagh is currently chair of the ABA Antitrust Section Committee on Ethics and Professionalism and a member of Section's Antitrust Remedies Task Force. He served as co-chair of the Antitrust Section's Civil Practice and Procedure Committee from 2001-04 and as vice-chair from 1997-2001. He also served on the Section's Civil Litigation Task Force in 2000-01. Professor Cavanagh is a past chair of the New York State Bar Association Antitrust Section and currently a member of its Executive Committee. He is Reporter to the EDNY Committee on Civil Litigation and served as a member of, and reporter to, the Civil Justice Reform Act Advisory Group from 1991-97. He is also a member of the SDNY/EDNY Committee on Joint Local Rules. He has lectured and published widely in the areas of antitrust, federal procedure and practice and complex litigation. He teaches Antitrust Law, Civil Procedure, Federal Practice and Law & Economics.

Lloyd Constantine

Lloyd Constantine is Counsel to Constantine Cannon LLP, a commercial litigation firm in New York and Washington, D.C. with an internationally acclaimed antitrust practice. Lloyd founded the firm, originally called Constantine & Partners in 1994 and was its Chairman and Managing Partner until January 2007. Lloyd was Senior Advisor to the Governor of New York from January 2007 until April 2008. Lloyd was lead counsel for the plaintiffs in the landmark *Visa Check/MasterMoney Antitrust Litigation*, which resulted in a \$3.4 billion monetary settlement and an historic injunction, which the court valued as providing upwards of \$87 billion in benefit for U.S. merchants and consumers. Lloyd has extensive litigation experience at all levels of federal and state courts, including oral argument before the United States Supreme Court. Lloyd was the Assistant Attorney General in Charge of Antitrust for New York State (1980-1991). He served as Chair of the Antitrust Task Force of the National Association of Attorneys General (NAAG) from 1985-89. He is the principal author of NAAG's 1987 "Merger Guidelines," 1985 and 1988 "Vertical Restraints Guidelines," and 1988 "Pre-Merger Disclosure Compact." He also served as the States' first liaison to the Executive Working Group for Antitrust (FTC-States-DOJ). Lloyd was a Council Member of the ABA Section of Antitrust Law and Chair of the Sherman Act Section 2 Committee. He served as Chair of the New York State Bar Association Antitrust Law Section. He served on the Advisory Boards of BNA Antitrust and Trade Regulation Report, the American Antitrust Institute and the Institute for Consumer Antitrust Studies. Lloyd was the recipient of the American Antitrust Institute's award for career achievement in antitrust and regulatory policy (2004), the New York State Bar Antitrust Section Award for service to the legal profession and career achievement in antitrust law (2004) and was the first recipient of the National Association of Attorneys General "C. Raymond Marvin" Prize, awarded to outstanding Assistant State Attorneys General (1987). Lloyd was an Adjunct Professor of Antitrust Law at Fordham University School of Law from 1989 through 1996. Lloyd received his undergraduate degree from Williams College and his J.D. from Columbia Law.

David H. Evans

David Evans is Counsel to Arent Fox, and practices antitrust and trade regulation law. He handles antitrust counseling, civil and criminal litigation, and mergers and acquisitions. He also advises on a variety of trade issues including privacy. David's work includes representation of clients in merger investigations conducted by the US Department of Justice, US Federal Trade Commission and the European Union; federal and state civil and criminal litigation; and counseling on a variety of issues including compliance programs, intellectual property licensing, patent litigation, standard-setting, the formation and operation of joint ventures, Hart-Scott-Rodino premerger compliance and antitrust risk allocation negotiation, monopolization, Robinson-Patman and product distribution. David is currently the chair of the Legislative Committee of the ABA Section of Antitrust Law. He served on the Council (2005-2008), as co-chair of the Section's Computer and Internet Committee (2002-2005), chair of the Internet Committee (1999-2002). He also co-chaired the section's 2007 Consumer Protection Conference and served as the Section's Consumer Protection Coordinator (2006-2008). David was also a nonresident fellow at the Stanford University School of Law's Center for Internet and Society (2004-2007). Northwestern University, JD, 1995, and Northwestern University, BA, 1991.

Thomas B. Leary

Thomas B. Leary is of counsel to Hogan & Hartson; he rejoined the firm in February 2006 after six years as a Commissioner at the Federal Trade Commission (FTC). He has 50 years of experience as an antitrust lawyer with a practice that focuses on high-profile antitrust, international competition, trade regulation, and consumer protection matters for a wide range of clients. As an FTC Commissioner, Tom's opinions, articles, and speeches made original contributions on a variety of issues. He also represented the FTC in policy discussions with competition authorities from a number of countries, including China and Russia. He has received both the Miles W. Kirkpatrick Award for Lifetime FTC Achievement and an award for Lifetime Contributions to Antitrust and Regulatory Policy from The American Antitrust Institute. Before he joined the FTC, Tom was a partner with Hogan & Hartson from 1983 to 1999. Earlier, he was a partner in the New York law firm White & Case, and Assistant General Counsel of General Motors with overall responsibility for antitrust, consumer protection, and commercial law matters. While in law school, he was an editor and an officer of the *Harvard Law Review*. Tom also served as an air intelligence officer in the U.S. Navy during the Korean War.

Rudolph J. R. Peritz

Rudolph J. R. Peritz is Professor of Law at New York Law School. He has taught courses and

seminars in both Antitrust and Intellectual Property, as well as Contracts, Property, Cyberlaw, and Jurisprudence. He is Senior Fellow, American Antitrust Institute, and has visited at Cardozo Law School, New York; Law Department, University of Essex, U.K.; Program in Law & Economics, Libera Università Internazionale degli Studi Sociali (LUISS), Rome, Italy; Ph.D. Program in Economics, Markets & Institutions, IMT Lucca Institute for Advanced Studies, Lucca, Italy. Professor Peritz lectures regularly in the U.S. and Europe, and has been Langdell Fellow at Harvard Law School, and Director, Computer-Assisted Enforcement Program, funded by the U.S. Department of Justice, for the Antitrust Division, Attorney General of Texas. Before entering the legal profession, he was a systems engineer and software programmer for mainframe computer systems. He has authored two books: *Competition Policy in America: History, Rhetoric, Law* (Oxford University Press, 1996 & rev. ed. 2001) and *U.S. Antitrust in Global Context* (West Publishing, 2d ed. 2004) (with Eleanor Fox & Lawrence Sullivan), in addition to a number of articles, book chapters, papers, and op ed pieces. Professor Peritz is co-editor of the book series entitled *New Horizons in Competition Policy and Economics* for Edward Elgar Publishing, Ltd. (with Steven Anderman). A recent antitrust article, which includes a discussion of *Leegin Leather Products*, is *The Roberts Court after two years: Antitrust, intellectual property rights, and competition policy*, 53 ANTITRUST BULLETIN 153 (2008) (Symposium on Antitrust and the Roberts Court), reprinted in 35 GIURISPRUDENZA COMMERCIALE 1028 (2008) (Rome, Italy), and in 8 CRITERIO JURÍDICO 283 (2008) (Pontificia Universidad Javeriana, Cali, Columbia). His current project is entitled *The Political Economy of Progress: Intellectual Property Rights and Competition*. Email: Rudolph.Peritz@nyls.edu.

Laurel A. Price

Laurel A. Price has J.D. from the Columbia University School of Law (1973) and a B.A. from the University of Oklahoma (1967). At Columbia, he was a Harlan Fiske Stone Scholar and an Editor of the Columbia Journal of Environmental Law. He is currently an Attorney Advisor to Commissioner Pamela Jones Harbour at the Federal Trade Commission. He previously served as the Regional Director of the FTC's East Central Region in Cleveland, Ohio. For twenty five (25) years, Laurel served as a Deputy Attorney General in the New Jersey Division of Criminal Justice. At the Division of Criminal Justice, he concentrated primarily on the civil and criminal enforcement of the antitrust laws. He also: argued in the United States Supreme Court in *Hartford Fire Ins. Co. v. California*, 509 U.S. 764 (1993); served as the Chair of the Multistate Antitrust Task Force of the National Ass'n of Attorneys General (NAAG); was a member of the Council of the American Bar Ass'n Section of Antitrust Law; chaired the Special Committee on Antitrust Law of the New Jersey State Bar Ass'n; was a co-founder of the Eastern States Antitrust Committee, and was an Associate Editor of *The Criminal Justice Quarterly*. He has also developed and presented training in the detection, investigation, and prosecution of bid rigging, corruption, and fraud in public procurement to public procurement officials and law enforcement officers on behalf of the State of New Jersey, NAAG, the American Association of State Highway and Transportation Officials, the Office of the Inspector General of the United States Department of Transportation, and the Federal Bureau of Investigation. Laurel also served in the U.S. Army in Vietnam before going to law school.

William Trombetta

William Trombetta is a Professor of Pharmaceutical Marketing on the Faculty of the Erivan K Haub School of Business, St Joseph's University, Philadelphia, PA. In addition to his Ph.D. in Marketing from The Ohio State University he is also an attorney licensed in New Jersey and New York. Bill is a nationally recognized speaker and educator on healthcare topics in general, and pharmaceuticals, medical devices and physician/medical practice in particular. He serves on numerous advisory boards dealing with healthcare and offers educational and speaking services on healthcare issues.

Joshua D. Wright

Joshua D. Wright is an Assistant Professor of Law at George Mason University School of Law and Department of Economics. He was recently appointed as the inaugural Scholar in Residence at the Federal Trade Commission Bureau of Competition, where he served until Fall 2008. Professor Wright was a Visiting Professor at the University of Texas School of Law and was a Visiting Fellow at the Searle Center at the Northwestern University School of Law. He received both his J.D. and a Ph.D. in economics from UCLA, where he was managing editor of the *UCLA Law Review*, and a B.A. in economics with highest departmental honors at the University of California, San Diego. Professor Wright clerked for the Honorable James V. Selna of the Central District of California and taught at the Pepperdine University Graduate School of Public Policy. Professor Wright's areas of expertise include antitrust law and economics, empirical law and economics, intellectual property and the law and economics of contracts. He has written extensively on issues involving resale price maintenance, slotting contracts, exclusive dealing and vertical restraints. His publications have appeared in leading academic journals, including the *Journal of Law and Economics*, *Antitrust Law Journal*, *Competition Policy International*, *Supreme Court Economic Review*, *Yale Journal on Regulation*, *Journal of Competition Law and Economics*, *Review of Law and Economics*, and the *UCLA Law Review*. Professor Wright has testified at the joint Department of Justice/ Federal Trade Commission Hearings on Section 2 of the Sherman Act as well as the Federal Trade Commission's FTC at 100 Conference.