

# BIOS



## William Baer

William Baer, as partner at Washington, D.C. law firm Arnold & Porter, heads its antitrust group and represents a broad range of companies in U.S. and international cartel investigations, mergers and acquisition reviews by antitrust enforcers (FTC, DOJ, and European Commission), and antitrust litigation. In 2006 and again in 2007, Mr. Baer was named the leading competition lawyer in the world by *Who's Who Legal*.

From 1995 to 1999, Mr. Baer served as Director of the Bureau of Competition at the Federal Trade Commission. Prior to that, he was Assistant General Counsel and Director of Congressional Relations as well as Attorney Advisor to the Chairman.

## Joan Z. Bernstein

Jodie Bernstein is currently Of Counsel at the D.C. office of Bryan Cave, advising companies and associations in consumer protection law and policy at both the federal and state level. Ms. Bernstein's expertise stems in part from her six-year stint as Director of the Bureau of Consumer Protection at the Federal Trade Commission. During her tenure, the agency targeted fraudsters who were developing commercial Web sites; initiated a program to coordinate the federal government's attack on identity theft; reported to Congress on issues of Internet privacy and, at the request of Congress, on self-regulation in the alcohol industry. She served as a spokesperson on many other consumer issues, including practices related to children's exposure to deceptive advertising off and online. Most recently, she led the food industry in developing The Children's Food and Beverage Initiative, a self-regulatory program designed to shift the mix of advertising to children to encourage healthier food choices and healthy lifestyles.

Ms. Bernstein also served as General Counsel of the Environmental Protection Agency. As General Counsel of the Department of Health and Human Services, she supervised the legal divisions of the Food and Drug Administration as well as the Health Care Finance Administration. She is a recipient of the Miles W. Kirkpatrick Award for Lifetime Federal Trade Commission Achievement, and is a board member of the Council for Better Business Bureaus, which recently honored her with its Award for Consumer Leadership.

## Darren A. Bowie

Darren A. Bowie is the Legal Director for North American Markets at Nokia, a global leader in mobile communications. Mr. Bowie leads the division that provides legal support for Nokia's sales and marketing activities in North America, including the negotiation of commercial contracts and licensing agreements with wireless carriers, distributors,

retailers, and media, and entertainment companies. He also manages intellectual property, antitrust, privacy and data security, consumer protection, product safety, and other regulatory matters affecting Nokia's markets in North America.

Before joining Nokia, Mr. Bowie was Assistant General Counsel at AOL, where he led the consumer protection regulatory group. Prior to AOL, Mr. Bowie served in a number of positions at the Federal Trade Commission, including as legal advisor to Chairman Timothy J. Muris. As Chairman Muris's legal advisor, Mr. Bowie worked on the National Do Not Call Registry and other important consumer protection initiatives. Mr. Bowie also served as Assistant Director of the Division of Financial Practices, Assistant Director of the Division of Advertising Practices, and as a trial attorney at the FTC. He prosecuted criminal telemarketing fraud cases as a Special Assistant U.S. Attorney in the Middle District of Pennsylvania. Mr. Bowie is a recipient of the FTC's Louis D. Brandeis Outstanding Litigator Award.

Mr. Bowie graduated from the University of Pennsylvania Law School, where he was an editor of the *Journal of International Business Law*. He graduated with high honors from the College of William and Mary, where he was a member of Phi Beta Kappa. He served on the Governor's Working Group on Protecting Consumer Privacy in the Commonwealth of Virginia. He is a past Vice-Chair of the Consumer Protection Committee of the American Bar Association's Antitrust Section, and an editor of *FTC Practice and Procedure Manual* (ABA Section of Antitrust Law 2007). Mr. Bowie is a Certified Information Privacy Professional (CIPP).

### **Jonathan D. Breul**

Jonathan D. Breul is Executive Director of the IBM Center for The Business of Government — which operates as a “think tank” that sponsors research to help public sector executives improve the effectiveness of government.

Formerly Senior Advisor to the Deputy Director for Management in the Office of Management and Budget in the Executive Office of the President, Mr. Breul served as OMB's senior career executive with primary responsibility for government-wide general management policies. He helped develop the President's Management Agenda, was instrumental in establishing the President's Management Council, and championed efforts to integrate performance information with the budget process. He led the overall implementation of the Government Performance and Results Act. In addition to his OMB activities, he helped Senator John Glenn (D-Ohio) launch the Chief Financial Officers (CFO) Act. He also served for nearly ten years as the U.S. delegate and was elected vice chair of the Organization for Economic Cooperation and Development's (OECD) Public Management Committee.

Mr. Breul is an elected Fellow and member of the Board of Trustees of the National Academy of Public Administration (NAPA), a Principal of the Council for Excellence in Government, and an Adjunct Professor at Georgetown University's Graduate Public Policy Institute.

### **John E. Calfee**

After receiving his Ph.D. in economics from the University of California at Berkeley, Dr. Calfee joined the Bureau of Economics at the Federal Trade Commission, where he served successively as Staff Economist, Deputy Assistant Director, and Special Assistant to the Director for Consumer

Protection. At the FTC, he worked on the economics of consumer protection including advertising and marketing, the tort liability system, tobacco, and other topics. He later taught marketing and consumer behavior at the business schools of the University of Maryland at College Park and Boston University, and spent a year as a Visiting Senior Fellow at the Brookings Institution. Since 1995, he has been a Resident Scholar at the American Enterprise Institute in Washington, D.C. Dr. Calfee's academic articles and opinion pieces cover a variety of topics including tort liability, advertising and information, FDA regulation, and the pharmaceutical market. Among his scholarly publications are "An Assessment of Direct-to-consumer Advertising of Prescription Drugs" (*Clinical Pharmacology and Therapeutics* 2007), "What Do We Know About Direct-To-Consumer Advertising Of Prescription Drugs?" (*Health Affairs* 2003), "Direct-to-Consumer Advertising and the Demand for Cholesterol-reducing Drugs" (*Journal of Law and Economics* 2005 with Winston Stempksi), "The Historical Significance of 'Joe Camel,'" (*Journal of Public Policy and Marketing* 2000), "The Seventy Percent Majority: Enduring Consumer Beliefs About Advertising (*J.P.P.M.* 1994 with Ringold), "The Informational Content of Cigarette Advertising: 1926-86 (*J.P.P.M.* 1989 with Debra Ringold), and "Recent Developments in FTC Policy on Deception" (*Journal of Marketing* 1986 with Gary Ford). He has published three short books: *Fear of Persuasion: A New Perspective on Advertising and Regulation* (1997), *Prices, Markets, and the Pharmaceutical Revolution* (AEI Press, 2000), and *Biotechnology and the Patent System: Balancing Innovation and Property Rights* (with Claude Barfield; AEI Press, 2007). He has also testified before Congress and federal agencies on various topics including alcohol advertising, pharmaceutical advertising to consumers, international drug prices, the Vioxx episode, and most recently, FDA oversight of drug safety and FDA preemption of state tort liability lawsuits.

## **Stephen Calkins**

Stephen Calkins is Associate Vice President for Academic Personnel and Professor of Law at 33,000-student Wayne State University, where he teaches courses and seminars on antitrust and trade regulation, consumer law, and torts. Professor Calkins also serves of counsel to Covington & Burling, the Washington, D.C. firm with which he practiced before entering academia. He has taught at the Universities of Michigan, Pennsylvania, and Utrecht (The Netherlands), and served as Wayne Law's interim dean. From 1995 to 1997, Professor Calkins served as General Counsel of the Federal Trade Commission, a position to which he was nominated by Chairman Robert Pitofsky. Professor Calkins lectures widely throughout the U.S. and abroad (most recently in Europe and Australia), has authored many publications on competition and consumer law and policy and related subjects (including the co-authored 4th edition of *Antitrust Law: Policy and Practice* and the co-authored 5th edition of *Antitrust Law and Economics in a Nutshell*), and is a journal editor. He is a member of the American Law Institute, a Fellow of the American Bar Foundation, and a Senior Fellow of the American Antitrust Institute. He is serving his third three-year term on the Council of the American Bar Association Section of Antitrust Law and is a former member of the Council of the ABA Section of Administrative Law and Regulatory Practice. He is also a former Chair of the Association of American Law School's Antitrust and Economic Regulation Committee. He holds degrees from Yale (BA) and Harvard (JD).

## **Robert W. Crandall**

Robert W. Crandall is a senior fellow in the Economic Studies program at the Brookings Institution. He has specialized in industrial organization, antitrust policy, and the economics of government regulation. His current research focuses on regulatory policy in the telecommunications sector, with particular emphasis on competition in wireless and broadband services.

He is author of *Competition and Chaos: U.S. Telecommunications since 1996* (forthcoming, 2004), *Broadband: Should We Regulate High-Speed Internet Access?* (with James H. Alleman), *Who Pays for Universal Service? When Telephone Subsidies Become Transparent* (with Leonard Waverman); *Talk is Cheap: The Promise of Regulatory Reform in North American Telecommunications* (with Leonard Waverman); *Cable TV: Regulation or Competition?* (with Harold Furchtgott-Roth); *The Extra Mile: Rethinking Energy Policy For Automotive Transportation* (with Pietro Nivola); *After the Breakup: The U.S. Telecommunications Sector in a More Competitive Era*; *Manufacturing on the Move*; *Changing the Rules: Technological Change, International Competition, and Regulation in Communications* (with Kenneth Flamm); *Up from the Ashes: The Risen of the Steel Minimill in the United States* (with Donald F. Barnett); *The Scientific Basis of Health and Safety Regulation* (with Lester B. Lave); *Regulating the Automobile* (with H. Gruenspecht, T. Keeler, and L. Lave); *Controlling Industrial Pollution*; *The U.S. Steel Industry in Recurrent Crisis*; and numerous journal articles.

Mr. Crandall was a Johnson Research Fellow at the Brookings Institution. He has taught economics at Northwestern University, MIT, the University of Maryland, George Washington University, and the Stanford in Washington program. Prior to assuming his current position at Brookings, he was Acting Director, Deputy Director and Assistant Director of the Council on Wage and Price Stability. He holds an MS and a Ph.D. from Northwestern University.

## **Susan A. Creighton**

Susan Creighton is a partner at Wilson Sonsini Goodrich & Rosati, where she serves as co-chair of the firm's antitrust practice and is a member of the firm's Executive Management Committee. Her practice focuses on merger and acquisition reviews by antitrust enforcers, government non-merger investigations, and antitrust counseling and litigation.

From 2001 through 2005, Ms. Creighton served at the Federal Trade Commission, including two and a half years as Director of the Bureau of Competition. As Director, Ms. Creighton oversaw all of the bureau's enforcement efforts, including merger review, litigation, and policy development. During her tenure, the bureau brought numerous merger challenges, including both consummated mergers and transactions subject to HSR review. She also oversaw many non-merger enforcement actions, and played a significant role in the FTC's amicus briefs and merger review reform initiatives.

Before joining the FTC, Ms. Creighton was a partner in Wilson Sonsini Goodrich & Rosati's Palo Alto office, where she represented numerous high technology companies in antitrust counseling and litigation. She represented Netscape in the government's investigation of Microsoft, and successfully defended a medical device manufacturer at trial against FTC charges of illegal monopolization based on patent misuse.

Prior to joining the firm, she was a law clerk to Justice Sandra Day O'Connor and to Judge Pamela Ann Rymer.

### **Anna Davis**

Anna Davis assumed the position of Executive Director of Government Relations at the National Board for Professional Teaching Standards (NBPTS) in May, 2006. NBPTS is a non-profit educational organization that promotes quality teaching and learning through a voluntary advanced certification process for teachers based on high and rigorous standards.

She spent more than 10 years at the Federal Trade Commission in a variety of positions, including Director of Congressional Relations (2001 – 2006), Director of Public Affairs (1987 – 1989), and attorney in the Division of Advertising Practices in the Bureau of Consumer Protection (1986 – 1987). Her additional experience in the federal government includes working as Director of Legislative Affairs at the Department of the Treasury (1989 – 1993). She also worked for three Members of Congress: Robert H. Michel, House Republican Leader, William Clinger (R-PA) and John Rhodes (R-AZ).

She also spent seven years on the administrative faculties of George Mason University School of Law (1994 – 1999) and Georgetown University Law Center (1999 – 2001). She received her BA from Scripps College (Claremont, CA) and her JD from Georgetown University Law Center.

### **Susan S. DeSanti**

Susan DeSanti has practiced antitrust law for more than 25 years. She spent 15 years with the Federal Trade Commission, where she served as the Director of Policy Planning and then Deputy General Counsel for Policy Studies, among other positions. Prior to joining the government, she spent 10 years in private practice, working on matters involving complex antitrust litigation, mergers, and antitrust counseling.

Ms. DeSanti's experience encompasses the development of federal antitrust agency policy and antitrust counseling and litigation in areas like joint ventures among competitors, licensing of intellectual property, mergers, and alleged price fixing, among others.

While working at the FTC, Ms. DeSanti's policy work involved cutting edge issues in the health care, pharmaceutical and biotech, electricity and oil, retail and manufacturing, computer hardware and software, and Internet-based and other high-tech industries. She oversaw high-profile hearings and reports that resulted in FTC recommendations regarding generic drug entry, competition in the nation's health care system, revisions to antitrust policy, and patent system reforms, among other things.

Most recently, Ms. DeSanti served as Senior Counsel to the Antitrust Modernization Commission, a 12-member bipartisan commission created by Congress to examine whether the need exists to modernize the antitrust laws of the U.S. She was the principal author of the Commission's report issued to Congress in April 2007.

Earlier in her career, Ms. DeSanti served as Attorney Advisor to former Chairman Robert Pitofsky and former Commissioner Dennis Yao.

Ms. DeSanti has held a variety of leadership positions in the American Bar Association Antitrust Section; is a frequent speaker on antitrust and competition policy issues at large legal, academic, and business conferences; and is a trustee at The Langley School in McLean, VA.

### **Jerry Ellig**

Jerry Ellig is a Senior Research Fellow at the Mercatus Center at George Mason University, where he has worked since 1996. Between August 2001 and August 2003, he served as Deputy Director and Acting Director of the Office of Policy Planning at the Federal Trade Commission. Dr. Ellig also has served as a Senior Economist for the Joint Economic Committee of the U.S. Congress and as an Assistant Professor of Economics at George Mason University.

Dr. Ellig has published numerous articles on government regulation and business management in both scholarly and popular periodicals, including *The Journal of Regulatory Economics*, *Managerial and Decision Economics*, *Antitrust Bulletin*, *Competitive Intelligence Review*, *Journal of Private Enterprise*, *Texas Review of Law & Politics*, *Wall Street Journal*, *New York Times*, *Barron's*, and *Washington Post*. He has co-authored/edited several books, including *Dynamic Competition and Public Policy* (Cambridge, 2001), *New Horizons in Natural Gas Deregulation* (Praeger, 1996), and *Municipal Entrepreneurship and Energy Policy* (Gordon & Breach, 1994).

Dr. Ellig earned his Ph.D. and MA in economics from George Mason University in Fairfax, VA, and his BA in economics from Xavier University in Cincinnati, OH.

### **Kathryn M. Fenton**

Kathy Fenton has practiced antitrust law for more than 25 years and has represented clients such as Airlines Reporting Corporation, Bayer, CBS, Chevron, DIRECTV, Liberty Media, Procter & Gamble, R.J. Reynolds, SABMiller, and XM in mergers and acquisitions and on competitive issues before various federal agencies, including the Department of Justice, the Federal Trade Commission, the Department of Transportation, and the Federal Communications Commission.

Ms. Fenton is listed in *The Lawdragon 500 Leading Lawyers in America* (2008), *The Best Lawyers in America*, *Chambers USA: America's Leading Business Lawyers* (2008), and *Who's Who in American Law*. She is chair of the American Bar Association Section of Antitrust Law. She previously served the Antitrust Section as Committee Officer (2003 - 2005), Secretary, Publications Officer, Council Member, and Editorial Chair of the Antitrust Law Journal. Ms. Fenton is a frequent lecturer and author on antitrust and competition issues.

Ms. Fenton is a member of Jones Day's Professional Services Committee and serves as Chair of the Ethics Subcommittee. She also is a member of the District of Columbia Bar Association, where she previously has served as a member and Chair of the Rules of Professional Conduct Review Committee and of the Legal Ethics Committee. She has written and lectured on issues of professional responsibility, conflicts of interest, and legal ethics, including serving as an instructor on legal ethics for the D.C. Bar's New Admittees Course.

## **Rebecca Fisher**

Rebecca Fisher is an Assistant Attorney General in the Antitrust Division of the Texas Attorney General's Office where she has been employed since August, 1989. She has led or been an active participant in many joint enforcement actions, including several large merger reviews.

Ms. Fisher serves as Chair for the National Association of Attorneys General Antitrust Task Force Joint Enforcement Committee and Co-Chairs the State-Federal Cooperation Committee. She was a 2006 recipient of the NAAG Marvin Award for outstanding leadership.

Before joining the Office of the Attorney General, Ms. Fisher was a partner at the Austin law firm of Friedman, Weddington, Hansen and Fisher from 1980 through 1988. She was General Counsel at Emerald Airline from 1988 to 1989. She received a BA and JD from the University of Utah.

## **Luke M. Froeb**

Luke Froeb served as Director of the Bureau of Economics at the Federal Trade Commission for two years where he managed over a hundred civil servants dedicated to tearing down barriers to competition (often erected by well-meaning bureaucrats), in addition to enforcing the antitrust and consumer protection laws of the United States. In July 2005, Professor Froeb returned to Vanderbilt University where he holds the Margaret and William Oehmig Chair of Entrepreneurship and Free Enterprise. Professor Froeb's research is focused on the economics of competition policy.

After receiving his Ph.D. in economics from the University of Wisconsin, he taught at Tulane University, worked as an economist at the U.S. Department of Justice, and then spent a year at the University of Chicago Law School before moving to Vanderbilt. When the antitrust agencies began using his merger models to predict whether mergers would raise price, people began reading the articles he had written. Professor Froeb now divides his time between teaching, writing, and consulting on management and antitrust issues. He was voted outstanding professor of the 2005 executive MBA program by his students, and his textbook, *Managerial Economics: A Problem-Solving Approach* will be published in 2007 by Southwestern.

## **Vivek Ghosal**

Dr. Ghosal is an Associate Professor of Economics at the Georgia Institute of Technology. Prior to joining Georgia Tech, he was a Staff Economist at the Antitrust Division of the U.S. Department of Justice, where he worked on issues related to mergers, horizontal and vertical market power, tying agreements, joint ventures, price-fixing and cross-subsidization. Some of the industries he was involved in investigating include electricity, natural gas, information technology, radio broadcasting, oilfield drilling services and postal. His current research and policy interests include: competition policy and law enforcement related to evaluation of mergers and detection of cartels; using a competition policy and law enforcement framework to structure regulatory reform; firms' innovation and competitive strategies in automobile and pulp and paper industries; mergers and business strategy in information technology and electric industries. He has published a number of articles in peer reviewed and policy oriented journals, is the co-editor of the book *The Political Economy of Antitrust* (Elsevier, 2007) and editor of the book *Reforming Rules and Regulations: Laws, Institutions and Implementation* (MIT Press, forthcoming). He has taught summer school

course on “Competition Law Enforcement” at the University of Amsterdam and presented lectures on “Regulation of Mergers and Detection of Cartels: What we can learn from the Experiences of the United States and Europe” to government officials and other audiences in Lima (Peru). He has been a consultant for various firms and organizations including the Organization for Economic Cooperation and Development (Paris) and the Center for Paper Business and Industry Studies (An Alfred P. Sloan Foundation Research Center).

### **Thomas W. Hazlett**

Thomas W. Hazlett is Professor of Law & Economics and serves as Director of the Information Economy Project at George Mason University School of Law. He is also a Columnist for the New Technology Policy Forum hosted by the *Financial Times*. Professor Hazlett previously held faculty appointments at the University of California at Davis, Columbia University, and the Wharton School, and from 1991 to 1992 served as Chief Economist of the Federal Communications Commission.

Professor Hazlett has published widely in academic and popular journals on the economics of the Information Sector. He has provided expert testimony to federal and state courts, regulatory agencies, committees of Congress, foreign governments, and international organizations. His book, *Public Policy Toward Cable Television*, was co-authored with Matthew L. Spitzer (MIT Press, 1997).

### **Ken Heyer**

Ken Heyer is the Economics Director at the Antitrust Division of the United States Department of Justice. In that position he provides economic analysis and advice to the Division’s legal deputies, and supervises the staff of the Division’s Economic Analysis Group. Mr. Heyer received his Ph.D. in economics from UCLA in the early ‘80s, and has served since October 1982 as a career economist at the Antitrust Division. He has worked on investigations in a wide variety of industries, covering virtually the entire range of economic issues implicated by antitrust — from merger analysis, to investigation of monopolization claims, to constructing and implementing appropriate and efficient remedies for competitive problems.

In 1999 Mr. Heyer was the first recipient of the Antitrust Division’s William F. Baxter award for outstanding contributions in the area of economic analysis. From 2004 to 2006 he served as Acting Deputy Assistant Attorney General for Economic Analysis at the Antitrust Division, a position he now holds again following the departure of Dennis Carlton. Mr. Heyer has co-authored a number of articles in the *Review of Industrial Organization* that discuss economic activities at the Antitrust Division and he has published several antitrust-related articles of his own. Most recently, he co-authored with Dennis Carlton a provocative EAG Discussion Paper entitled “Appropriate Antitrust Policy Toward Single-Firm Conduct,” a condensed version of which appears in the coming edition of *Antitrust Magazine*.

### **Joseph Kattan**

Joseph Kattan is a partner in Gibson, Dunn & Crutcher’s Washington, D.C., office. His practice focuses on antitrust litigation, counseling, and enforcement agency matters. Mr. Kattan’s areas of concentration include mergers and acquisitions, joint ventures, intellectual property antitrust, high

technology antitrust, and international antitrust. He has represented a broad range of companies in antitrust litigation, arbitrations, government investigations, and counseling assignments.

Mr. Kattan has served as Chair of the Intellectual Property Committee and Vice Chair of the Computer Industry Committee of the American Bar Association's Section of Antitrust Law. He has published numerous articles in scholarly and professional journals and CLE publications. He has also spoken regularly on antitrust and intellectual property issues at leading antitrust conferences and programs. He is a member of the Board of Advisors of The Antitrust Counselor and served for several years as an editor of the American Bar Association's *Antitrust Magazine*.

Mr. Kattan has testified at many government-sponsored hearings on antitrust policy, including the joint Justice Department-Federal Trade Commission hearings on single firm conduct, the DOJ-FTC hearings on intellectual property and antitrust, the DOJ-FTC merger enforcement workshops, the FTC's global competition hearings, and the FTC's joint venture policy hearings. In 2004, he served as a member of the ABA's quadrennial Task Force on the Federal Antitrust Agencies. Mr. Kattan has also advised foreign competition authorities on matters of antitrust policy.

Before entering private practice, Mr. Kattan headed the Office of Policy and Evaluation in the Federal Trade Commission's Bureau of Competition.

### **Thomas G. Krattenmaker**

Thomas G. (Tom) Krattenmaker is Of Counsel in the Washington, D.C., office of Wilson Sonsini Goodrich & Rosati, where he focuses on antitrust, telecommunications, and trade regulation issues.

Immediately prior to joining the firm, Mr. Krattenmaker was an attorney in the Federal Trade Commission's Bureau of Competition, Office of Policy and Coordination. In this role, he principally served as a legal advisor to the bureau directors and to attorneys investigating or litigating antitrust cases, and advised on several bureau and commission public reports. Previously, he served as Senior Counsel in the Department of Justice's Antitrust Division, and held positions at the Federal Communications Commission including Chief of Telecommunications Merger Review and Director of Research, and Co-Director of the Network Inquiry Special Staff.

Earlier in his career, Mr. Krattenmaker served as Assistant Director for evaluation of the FTC's Bureau of Consumer Protection. He also was Senior Counsel at the law firm of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo.

Mr. Krattenmaker spent more than 30 years in legal education. He was a professor at the University of Connecticut, professor and Associate Dean at Georgetown University, and Dean of the William & Mary School of Law. In 1991, Mr. Krattenmaker was a Fulbright Visiting Professor at the University of Natal (Durban) School of Law in South Africa. His principal courses and scholarly publications were in antitrust, constitutional, and telecommunications law. Mr. Krattenmaker's work with Professor Steven Salop on anticompetitive exclusion is known throughout the antitrust world, and his casebook, *Telecommunications Law and Policy*, has been a leading resource in American law schools.

In addition, Mr. Krattenmaker served as a law clerk to Justice John M. Harlan on the Supreme Court of the United States.

## **Thomas B. Leary**

Thomas Leary rejoined Hogan & Hartson in February 2006 after serving as Commissioner at the Federal Trade Commission from 1999 to 2005. He has more than 45 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, Mr. Leary made original contributions in important competition matters, such as the application of the antitrust laws to the health care industry, the antitrust/intellectual property interface, the consistent enforcement of the merger laws, improvements in the merger review process, and refinement of the role of efficiencies. He also represented the FTC in policy discussions with competition authorities from a number of countries, including China and Russia. On the consumer protection side, Mr. Leary played a significant role in the development and subsequent enforcement of the “Do Not Call” rule and testified before Congress several times on privacy and security issues.

Prior to joining the FTC, Mr. Leary was a partner with Hogan & Hartson from 1983 to 1999. Before coming to the firm, he was a partner in a major New York law firm and Assistant General Counsel of General Motors with overall responsibility for antitrust, consumer protection, and commercial law matters.

Mr. Leary has published extensively about antitrust law, attorney client privilege, corporate compliance programs, and other problems of corporate practice in the *Antitrust Law Journal*, the *Business Lawyer*, and various trade publications. While in law school, he was an editor and an officer of the *Harvard Law Review*. Mr. Leary also served as an Air Intelligence Officer of the U.S. Navy during the Korean War.

## **William C. MacLeod**

William C. MacLeod, a former Bureau Director at the U.S. Federal Trade Commission, focuses on competition law, trade regulation, advertising, privacy and security. He is Co-Chair of the Antitrust Practice Group.

Mr. MacLeod guides domestic and international corporations through investigations, approvals and challenges of mergers and acquisitions. He has obtained FTC and Antitrust Division clearance of numerous acquisitions and joint ventures in industries ranging from medical devices, to grocery products, defense contracting and steel manufacturing. Mr. MacLeod has also helped clients protect interests threatened by consolidation in industries ranging from accounting to travel services, and has served as Special Counsel for a government investigation of one of the world’s largest manufacturing mergers.

He represents companies in advertising, antitrust and intellectual property disputes before the state and federal courts, the FTC, and the National Advertising Division of the Council of Better Business Bureaus. His notable cases include monopolization and conspiracy claims, the FTC’s first unfairness trial in 20 years and the FTC’s first preliminary injunction action in an ad substantiation case.

Mr. MacLeod counsels and defends companies and trade associations on pricing, advertising, distribution, intellectual property licensing and competitor relations. In his work with trade

associations and their members, he has fought onerous regulations and advocated sensible policies on competition, biotechnology, health, and privacy. In his work on privacy and security, he has defended the practices of major retailers, manufacturers and financial companies.

Mr. MacLeod chairs the ICC Task Force on U.S. Antitrust Modernization, where he represents the interests of international business in the federal government's review of competition, merger control, and antitrust laws. He was selected as one of The Best Lawyers in America 2007 by America Lawyer Media and recognized as one of 114 attorneys nationwide who set the standard for superior client service and exemplary legal representation in the BTI annual survey of FORTUNE 1000 companies. He is Chair of the Programs Committee of the Antitrust Section of the American Bar Association.

### **Janet L. McDavid**

Janet McDavid focuses on antitrust, competition, and trade regulation, with a particular emphasis on government investigations, litigation, and antitrust policy issues.

Ms. McDavid has been profiled in numerous international surveys and rankings and is widely recognized as a leading authority in antitrust law. Most recently, she was named as "one of the finest antitrust lawyers around" and lauded for her "... very good judgment and practical advice," by *Who's Who Legal*. Other industry authorities, such as *Chambers USA*, have noted client praise for her strong ties to the government: "In terms of working with the agencies, she is terrific." Clients say Ms. McDavid "understands how business people operate" and describe her as "the cream of the crop" with "one of the best reputations at the antitrust bar." Ms. McDavid is also a frequent speaker on antitrust issues around the globe.

Ms. McDavid is the author and co-author of many books and articles involving antitrust law, including the *Antitrust Evidence Handbook*, *Mergers & Acquisitions* and *Antitrust & Trade Associations Practice Guide*, both published by the ABA Antitrust Section; *Proposed Reform of the EU Merger Regulation: A U.S. Perspective*; *Merger Review Processes in the United States and the European Union: A Comparison*; *How to Avoid Negotiations on Second Requests*; *Globalization and the EU*; *Globalization of Premerger Notification and Review: Practical Problems and Solutions*; *Antitrust Law: Intersection with IP*; *Antitrust and IP: Joint Agency Hearings*; *The Defense of Mergers in the Defense Industry*; *Antitrust Issues in Health Care Reform*; and *The 1992 Horizontal Merger Guidelines: A Practitioner's View of Key Issues in Defending a Merger*.

### **Timothy J. Muris**

Timothy Muris is Of Counsel in O'Melveny & Myers' Washington, D.C. office and Co-Chair of the firm's Antitrust/Competition Practice. He has broad public and private sector experience, including substantial experience in antitrust, consumer protection, privacy regulation, and strategic counseling.

Prior to joining O'Melveny in September 2004, Mr. Muris served as Chairman of the Federal Trade Commission from 2001 to 2004. Before becoming the FTC's Chairman, Mr. Muris held several other key positions within the agency, including Director of the Bureau of Consumer Protection from 1981 to 1983 and Director of the Bureau of Competition from 1983 to 1985. Mr. Muris also served with the Executive Office of the President, Office of Management and

Budget, from 1985 to 1988. He has been Foundation Professor at the George Mason University School of Law from 1988 to the present. In 2005, he served on President Bush's Advisory Panel on Federal Tax Reform.

Since returning to the private sector, Mr. Muris has represented clients before the FTC, the U.S. Department of Justice, other U.S. agencies, and competition authorities in other jurisdictions on a variety of antitrust matters, including merger and non-merger investigations. He has advised clients on an array of consumer protection issues, including advertising substantiation and data protection. He also has testified before numerous Congressional Committees on antitrust, consumer protection, and regulatory and budget issues.

Mr. Muris has written more than 60 books, monographs, and articles, including: "Principles for a Successful Competition Agency," *University of Chicago Law Review* (Vol. 72, Winter 2005); "Improving the Economic Foundations of Competition Policy," *George Mason University Law Review* (Vol. 12, Fall 2003); and "Looking Forward: The Federal Trade Commission and the Future Development of U.S. Competition Policy," *2 Columbia Bus. L. Rev.* 359 (2003).

He has been recognized as a Leading Lawyer in Antitrust by the *Legal Times*, named by *Global Competition Review* as among the best antitrust lawyers in the United States, and recognized as a leading antitrust practitioner by *Global Competition Review*, *Chambers Global*, *Chambers USA*, and *Super Lawyers Magazine*. He also is listed in the *Global Competition Review* (GCR) International Who's Who of Competition Lawyers, and GCR 100 ranks his practice group in the top 100 competition practices in the world.

## **Richard Parker**

Rich Parker is a partner in O'Melveny's Washington, D.C. office and Co-Chair of the firm's Antitrust/Competition Practice. He has extensive experience in antitrust matters both before the enforcement agencies and in the courts. Mr. Parker returned to the firm in February 2001 after three years at the Federal Trade Commission. During his tenure as Director of the Bureau of Competition, he oversaw the investigations of the Exxon-Mobil, BP Amoco-ARCO and AOL-Time Warner mergers. Mr. Parker was Co-Lead Counsel for the FTC in obtaining a federal court injunction against the mergers of Cardinal Health Corporation with Bergen Brunswick and McKesson Corporation with Amerisource Corporation.

After his return to O'Melveny & Myers, Mr. Parker, on behalf of Triton Coal, lead a successful defense of the Arch Coal-Triton Coal merger against the FTC in federal court. He has been involved in many major antitrust representations, including criminal, government and civil investigations, and treble damage, including class action, litigation.

Mr. Parker has been recognized as a Leading Lawyer in Antitrust by the *Legal Times*, named by *Global Competition Review* as among the best antitrust defense lawyers in the United States, and recognized as a leading antitrust practitioner by *Global Competition Review*, *Chambers Global*, *Chambers USA*, and *Super Lawyers Magazine*.

## **C. Lee Peeler**

Lee Peeler is President and CEO of the National Advertising Review Council (NARC) and Executive Vice President, National Advertising Self-Regulation, Council of Better Business Bureaus (CBBB).

As NARC President, Mr. Peeler is responsible for leading the advertising industry's system of self-regulation, a system dedicated to fostering truth and accuracy in advertising. He oversees the operation of NARC investigative and appeals units, briefs elected officials on self-regulatory initiatives, works to expand advertising self-regulation to industries that are not yet regular participants, and consults with representatives of foreign governments on the value of industry self-regulation.

Mr. Peeler joined NARC in 2006, following a 33-year career at the Federal Trade Commission, where he held a number management positions. While at the FTC, he served as Associate Director of the Division of Advertising Practices (1985 - 2001) and Deputy Director, Bureau of Consumer Protection (2001 - 2006.)

He has spoken and testified widely on consumer protection issues including truth in advertising, consumer credit, electronic commerce, privacy, and data security. Mr. Peeler received his BA and JD degrees from Georgetown University.

## **Paul H. Rubin**

Paul H. Rubin is Samuel Candler Dobbs Professor of Economics and Law at Emory University in Atlanta and Editor-in-Chief of *Managerial and Decision Economics*. He is a Fellow of the Public Choice Society and former Vice President of the Southern Economics Association, and is associated with the Technology Policy Institute, the American Enterprise Institute, and the Independent Institute. Dr. Rubin has been a Senior Economist at President Reagan's Council of Economic Advisers, Chief Economist at the U.S. Consumer Product Safety Commission, Director of Advertising Economics at the Federal Trade Commission, and Vice-President of Glassman-Oliver Economic Consultants, Inc., a litigation consulting firm in Washington. He has taught economics at the University of Georgia, City University of New York, VPI, and George Washington University Law School. Dr. Rubin has written or edited eleven books, and published over two hundred articles and chapters on economics, law, regulation, and evolution in journals including the *American Economic Review*, *Journal of Political Economy*, *Quarterly Journal of Economics*, *Journal of Legal Studies*, and *The Journal of Law and Economics*, and he contributes to *The Wall Street Journal* and other leading newspapers. His work has been cited in the professional literature over 2000 times. Books include *Managing Business Transactions*, Free Press, 1990; *Tort Reform by Contract*, AEI, 1993; *Privacy and the Commercial Use of Personal Information*, Kluwer, 2001, (with Thomas Lenard); *Darwinian Politics: The Evolutionary Origin of Freedom*, Rutgers University Press, 2002; and *Economics, Law and Individual Rights*, Routledge, 2008 (edited, with Hugo Mialon). He has consulted widely on litigation related matters and has been an advisor to the Congressional Budget Office on tort reform. He has addressed numerous business, professional, policy, government and academic audiences. Dr. Rubin received his BA from the University of Cincinnati in 1963 and his Ph.D. from Purdue University in 1970.

## **Michael A. Salinger**

Michael A. Salinger is Professor of Economics and former Chairman of the Department of Finance and Economics at the Boston University School of Management. He served as Director of the Bureau of Economics at the FTC from 2005 to 2007 and had been an economist there from 1985 to 1986. He has published on a wide variety of antitrust topics, including the structural determinants of market power, the competitive effects of vertical mergers, and the causes and competitive consequences of bundling and tying. He has been on the editorial boards of both *The Journal of Industrial Economics* and the *Review of Industrial Organization* and has been a consultant to the Federal Reserve Board, the EPA, the Australian Competition and Consumer Commission, and private clients.

## **Ari Schwartz**

Ari Schwartz is the Vice President and Chief Operating Officer of the Center for Democracy and Technology (CDT). Mr. Schwartz's work focuses on increasing individual control over personal and public information. He promotes privacy protections in the digital age and expanding access to government information via the Internet. He regularly testifies before Congress and Executive Branch Agencies on these issues.

Mr. Schwartz also leads the Anti-Spyware Coalition (ASC), anti-spyware software companies, academics, and public interest groups dedicated to defeating spyware. In 2006, Mr. Schwartz won the RSA award for Excellence in Public Policy for his work building the ASC and other efforts against spyware. He also was named one of the Top 5 influential IT security thinkers of 2007 by Secure Computing Magazine.

Ms. Schwartz currently serves as a member of the Department of Commerce National Institute of Standards and Technology Information Security and Privacy Advisory Board and the State of Ohio Chief Privacy Officer Advisory Committee.

## **Gregory J. Werden**

Gregory J. Werden is Senior Economic Counsel in the Antitrust Division of the U.S. Department of Justice, where he has worked since 1977. He earned several degrees including a Ph.D. in economics from the University of Wisconsin. He has been involved in a wide array of policy matters at the Antitrust Division. He was a principal author of the 1982 and 1984 *Merger Guidelines*, as well as four other sets of enforcement guidelines. He assisted in the preparation of over forty amicus briefs filed with the Supreme Court and the courts of appeals, and worked on all appeals of the Department of Justice civil antitrust cases since 1985. He has published extensively in both economic journals and law reviews on antitrust policy and related topics.

