

Hearings on Competition and Consumer Protection in the 21st Century

An FTC-Georgetown Law Event | September 13-14, 2018



SPEAKER BIOS

Thursday, September 13, 2018

Panel 1: The Current Landscape of Competition and Consumer Protection Law and Policy

Jason Furman is Professor of the Practice of Economic Policy at Harvard Kennedy School. He is also a nonresident senior fellow at the Peterson Institute for International Economics. He served as the 28th Chairman of the Council of Economic Advisers from August 2013 to January 2017. Furman has also worked at both the National Economic Council and the World Bank. His research interests include fiscal policy, tax policy, health economics, Social Security, technology policy, and domestic and international macroeconomics.

Alysa Hutnik is a Partner at Kelley Drye & Warren LLP. She practices in the areas of privacy, data security, and advertising law. Her experience ranges from strategic consumer protection oriented due diligence and compliance counseling to defending clients in FTC and state attorneys general investigations and competitor disputes.

Janet McDavid was co-head of Hogan Lovell's global Antitrust, Competition and Economic Regulation practice for 8 years. She focuses on antitrust, competition, and trade regulation, with a particular emphasis on government investigations, litigation, and antitrust policy issues. She is a Past Chair of the ABA Antitrust Section and a Past Co-Chair of the IBA Antitrust Committee. She provided transition advice with respect to the FTC for the Obama, Bush, and Clinton Administrations.

Timothy J. Muris is Senior Counsel at Sidley Austin LLP where he advises clients on all aspects of antitrust enforcement, with a particular focus on mergers, civil investigations and strategic counseling. He also has significant experience with consumer protection issues, including advertising and privacy regulation. Muris was Chairman of the FTC from 2001 to 2004. Muris also served as Director of the Bureau of Consumer Protection and the Director of the Bureau of Competition at the FTC.

James Rill is Senior Counsel at Baker Botts LLP. Rill has served as Assistant Attorney General in charge of the U.S. Department of Justice's Antitrust Division, as well as a Chairman of the ABA's Antitrust Section. During his tenure as Assistant Attorney General, he negotiated the U.S.-European Union Antitrust Cooperation Agreement of 1991 and issued the first joint FTC and DOJ Horizontal Merger Guidelines in 1992. In 1997, Rill served as Co-Chair on the U.S. Department of Justice's International Competition Policy Advisory Committee.

Bilal Sayyed is the Director of the Office of Policy Planning at the FTC.

David C. Vladeck is the A.B. Chettle, Jr., Professor of Law at Georgetown University Law Center. From 2009 to 2013, he directed the Federal Trade Commission's Bureau of Consumer Protection. Before joining the Georgetown faculty in 2002, he spent 25 years with Public Citizen Litigation Group, where he engaged in complex litigation, mainly in federal court. He is a member of the National Academy of Sciences Committee on Science, Law and Technology, a Trustee of the Natural Resources Defense Council, a Senior Fellow of the Administrative Conference of the United States, and a member of the American Law Institute.

Panel 2: Has the US Economy Become More Concentrated and Less Competitive: A Review of the Data

Jonathan B. Baker is Research Professor of Law at American University Washington College of Law. He specializes in the areas of antitrust and economic regulation. Professor Baker served as the Chief Economist of the Federal Communications Commission from 2009 to 2011, and as the Director of the Bureau of Economics at the Federal Trade Commission from 1995 to 1998. He previously served as a Senior Economist on the President's Council of Economic Advisers and Special Assistant to the Deputy Assistant Attorney General for Economics in the Antitrust Division of the Department of Justice.

Steven Berry is the David Swensen Professor of Economics at Yale University and a Research Associate with the National Bureau of Economic Research. He specializes in industrial organization, empirical models of product differentiation, and market equilibrium. His honors include the Frisch Medal of the Econometric Society.

Fiona M. Scott Morton is the Theodore Nierenberg Professor of Economics at the Yale University School of Management. Her area of academic research is empirical industrial organization, with a focus on empirical studies of competition in areas such as pricing, entry, and product differentiation. From 2011-12 Professor Scott Morton served as the Deputy Assistant Attorney General for Economics at the Antitrust Division of the U.S. Department of Justice.

Gregory Werden is Senior Economic Counsel in the Antitrust Division of the DOJ. He has worked on a wide array of policy matters including enforcement guidelines relating to collaboration among competitors, intellectual property, international operations, and mergers. Werden has also authored more than a hundred scholarly publications on antitrust policy and related topics.

Joshua (Josh) D. Wright served as an FTC Commissioner from 2013 to 2015. He is currently a University Professor of Law at Antonin Scalia Law School at George Mason University, the Executive Director of the Global Antitrust Institute, and Senior Of Counsel at Wilson Sonsini Goodrich & Rosati. He has published more than 100 articles and book chapters, co-authored a leading antitrust casebook, and edited several book volumes focusing on these issues.

Panel 3: The Regulation of Consumer Data

Howard Beales is Professor of Strategic Management and Public Policy at the George Washington University, where he teaches classes on applied microeconomics, managerial economics, and the relationship between business and government. His research has covered a range of consumer protection regulatory issues, including privacy, law and economics, the new drug approval process, and the regulation of marketing and advertising. From 2001 through 2004, Beales served as the Director of the Bureau of Consumer Protection at the Federal Trade Commission.

James Cooper is the Deputy Director for Economic Analysis in the Bureau of Consumer Protection at the FTC and an Associate Professor of Law (on leave) at George Mason University Antonin Scalia Law School. He has previously served as Deputy and Acting Director of the Office of Policy Planning and as an Advisor to Federal Trade Commissioner William Kovacic.

Maureen K. Ohlhausen is a Commissioner of the Federal Trade Commission. She served as Acting FTC Chairman from January 2017 until April 2018. Ohlhausen was a partner at Wilkinson Barker Knauer, LLP, where she focused on FTC issues, including privacy, data protection, and cybersecurity. Ohlhausen previously served at the Commission for 11 years. From 2004 to 2008, she served as Director of the Office of Policy Planning. From 1998 to 2001, Ohlhausen was an attorney advisor for former FTC Commissioner Orson Swindle, advising him on competition and consumer protection matters. She started at the FTC General Counsel's Office in 1997, after serving as a law clerk to Judge David Sentelle at the U.S. Court of Appeals for the D.C. Circuit.

Daniel J. Solove is the John Marshall Harlan Research Professor of Law at the George Washington University Law School. Solove is the author of books *Nothing to Hide: The False Tradeoff Between Privacy and Security* (Yale 2011), *Understanding Privacy* (Harvard 2008), and *The Future of Reputation: Gossip and Rumor in the Information Age* (Yale 2007). He is also the author of several textbooks.

David C. Vladeck is the A.B. Chettle, Jr., Professor of Law at Georgetown University Law Center. From 2009 to 2013, he directed the Federal Trade Commission's Bureau of Consumer Protection. Before joining the Georgetown faculty in 2002, he spent 25 years with Public Citizen Litigation Group, where he engaged in complex litigation, mainly in federal court. He is a member of the National Academy of Sciences Committee on Science, Law and Technology, a Trustee of the Natural Resources Defense Council, a Senior Fellow of the Administrative Conference of the United States, and a member of the American Law Institute.

Friday, September 14, 2018

Panel 1: The Consumer Welfare Standard in Antitrust Law (Session 1)

Timothy J. Brennan is a Professor of Public Policy and Economics at the University of Maryland, Baltimore County and a Senior Fellow at Resources for the Future. He was previously the Chief Economist at the FCC. His primary teaching and research fields include antitrust, regulation, industrial organization, law and economics, energy policy, and communications policy.

Daniel A. Crane is the Frederick Paul Furth, Sr. Professor of Law at the University of Michigan Law School and Counsel at Paul, Weiss, Rifkind, Wharton & Garrison LLP. He was previously a professor at the Benjamin N. Cardozo School of Law and has been a visiting professor at NYU and the University of Chicago and a Fulbright Scholar at the Universidade Católica Portuguesa.

Deborah Garza co-chairs Covington & Burling LLP's global Antitrust and Competition Law Practice Group. She has served as an Acting Assistant Attorney General, Deputy Assistant Attorney General and Chief of Staff and Counselor to the Assistant Attorney General in three Presidential Administrations. She also served as Chair of the Antitrust Modernization Commission and a co-chair of the International Competition Policy Expert Group. Garza is currently the Chair of the American Bar Association Section of Antitrust Law.

Gene Kimmelman is the President and CEO of Public Knowledge. Previously, Kimmelman served as Director of the Internet Freedom and Human Rights project at the New America Foundation, and as Chief Counsel for the U.S. Department of Justice's Antitrust Division. Prior to joining the Department of Justice, Kimmelman served as Vice President for Federal and International Affairs at Consumers Union. Kimmelman has also served as Chief Counsel and Staff Director for the Antitrust Subcommittee of the Senate Judiciary Committee and Legislative Director for the Consumer Federation of America.

Barry Lynn directs the Open Markets Institute. Previously, he spent 15 years at the New America Foundation researching and writing about monopoly power. He is author of *Cornered: The New Monopoly Capitalism and the Economics of Destruction* (Wiley 2010) and *End of the Line: The Rise and Coming Fall of the Global Corporation* (Doubleday 2005).

Jonathan Sallet is a partner at Steptoe, and provides counsel and litigation strategy on matters involving antitrust law, communications law, and broader issues of competition policy. Sallet recently served as general counsel of the Federal Communications Commission and as deputy assistant attorney general in the Antitrust Division of the U.S. Department of Justice. He has also served in the U.S. Department of Commerce, as assistant to the secretary and director of the Office of Policy & Strategic Planning. Sallet is a Senior Fellow at the Benton Foundation.

Howard Shelanski is a Professor at the Georgetown University Law Center and a Partner at Davis Polk & Wardwell LLP. Previously, Shelanski served as Administrator of the Office of Information and Regulatory Affairs. He has also served as the Director (2012-2013) and Deputy Director (2009-2011) of the Bureau of Economics at the FTC, as well as the Chief Economist (1999-2000) of the FCC and a Senior Economist (1998-1999) for the President's Council of Economic Advisers.

Timothy Wu is the Julius Silver Professor of Law, Science and Technology at Columbia Law School. Wu teaches antitrust, copyright, the media industries, and communications law. Wu was a law clerk for Justice Stephen Breyer and Judge Richard Posner, and has also worked at the White House National Economic Council, at the Federal Trade Commission, for the New York Attorney General, and in the Silicon Valley telecommunications industry.

Panel 2: The Consumer Welfare Standard in Antitrust Law (Session 2)

Gene Kimmelman is the President and CEO of Public Knowledge. Previously, Kimmelman served as Director of the Internet Freedom and Human Rights project at the New America Foundation, and as Chief Counsel for the U.S. Department of Justice's Antitrust Division. Prior to joining the Department of Justice, Kimmelman served as Vice President for Federal and International Affairs at Consumers Union. Kimmelman has also served as Chief Counsel and Staff Director for the Antitrust Subcommittee of the Senate Judiciary Committee and Legislative Director for the Consumer Federation of America.

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Geoffrey A. Manne is the founder and executive director of the International Center for Law and Economics, a nonprofit, nonpartisan research center based in Portland, Oregon. He is also a distinguished fellow at Northwestern Law School's Searle Center on Law, Regulation, & Economic Growth. In April 2017 he was appointed by FCC Chairman Ajit Pai to the FCC's Broadband Deployment Advisory Committee, and he recently served for two years on the FCC's Consumer Advisory Committee. Manne specializes in the economic analysis of law, with a focus in competition, telecommunications, consumer protection, intellectual property, and technology policy.

Jonathan Nuechterlein, a partner and co-leader of Sidley Austin LLP's Communications Regulatory practice, focuses on telecommunications law, antitrust, and appellate litigation. He previously served as General Counsel of the Federal Trade Commission. Nuechterlein also served as Deputy General Counsel of the Federal Communications Commission, as Assistant to the Solicitor General, and as law clerk to D.C. Circuit Judge Stephen Williams and Supreme Court Justice David Souter.

K. Sabeel Rahman is the incoming President of Demos, and an Associate Professor of Law at Brooklyn Law School where he teaches classes on Constitutional and Administrative Law. Rahman's research focuses on the themes of democracy, regulation and economic policy, inequality, and power. He has previously been a Visiting Professor of Law at Harvard Law School (2017) and a Fellow at the Roosevelt Institute and New America. He is the author of the book *Democracy Against Domination* (Oxford University Press 2016).

Carl Shapiro is a Professor at the University of California at Berkeley. Shapiro served as a Senate-confirmed Member of the President's Council of Economic Advisers during 2011-12. For the two years immediately prior to that, he was the Deputy Assistant Attorney General for Economics at the Antitrust Division of the U.S. Department of Justice; he also held that position during 1995-96. Shapiro has published in the areas of industrial organization, competition policy, patents, the economics of innovation, and competitive strategy.

Howard Shelanski is a Professor at the Georgetown University Law Center and a Partner at Davis Polk & Wardwell LLP. Previously, Shelanski served as Administrator of the Office of Information and Regulatory Affairs. He has also served as the Director (2012-2013) and Deputy Director (2009-2011) of the Bureau of Economics at the FTC, as well as the Chief Economist (1999-2000) of the FCC and a Senior Economist (1998-1999) for the President's Council of Economic Advisers.

Panel 3: Vertical Mergers (Session 1)

Bruce Kobayashi is the Director of the Bureau of Economics at the FTC and a Professor (on leave) at George Mason University Antonin Scalia Law School. He has also served as the Founding Director of the Global Antitrust Institute, as a Senior Economist in the Division of Economic Policy Analysis at the FTC, as a Senior Research Associate at the United States Sentencing Commission, and as an Economist for the Antitrust Division of the DOJ.

Daniel P. O'Brien is an Executive Vice President at Compass Lexecon. He a former Senior Economic Policy Adviser and Deputy Director of the Federal Trade Commission's Bureau of Economics, and former Chief of the Economic Regulatory Section at the Department of Justice's Antitrust Division.

Steven Salop is a professor of economics and law at the Georgetown University Law Center in Washington, where he teaches antitrust law and economics and economic reasoning for lawyers. His research and consulting focuses on microeconomics, antitrust, competition, and regulation. Before joining the Georgetown faculty, he worked at the Federal Trade Commission, the Civil Aeronautics Board, and the Federal Reserve Board.

Carl Shapiro is a Professor at the University of California at Berkeley. Shapiro served as a Senate-confirmed Member of the President's Council of Economic Advisers during 2011-12. For the two years immediately prior to that, he was the Deputy Assistant Attorney General for Economics at the Antitrust Division of the U.S. Department of Justice; he also held that position during 1995-96. Shapiro has published in the areas of industrial organization, competition policy, patents, the economics of innovation, and competitive strategy.

Margaret Slade is a professor emeritus at the Vancouver School of Economics at The University of British Columbia. She was the Leverhulme Professor of Industrial Economics at the University of Warwick. Her research is concerned with applied problems in Industrial Organization, especially those requiring the analysis of data. She has advised government agencies in numerous countries as well as private parties.

Panel 4: Vertical Mergers (Session 2)

Andrew I. Gavil is a Professor at Howard University School of Law and Senior of Counsel at Crowell & Moring LLP. From September 2012 to December 2014, Professor Gavil served as the Director of the Office of Policy Planning at the FTC. He has taught courses on antitrust law, civil procedure, complex litigation, federal courts, federal regulation, and information privacy and data security. He has also written, lectured, and commented extensively on antitrust law and procedure.

Bruce Hoffman is Director of the Bureau of Competition at the FTC. Bruce came to the FTC from Shearman & Sterling, where he was global co-head of the firm's antitrust practice. Previously, Bruce served as chair of Hunton & Williams' antitrust practice, and prior to that, as Deputy Director and Associate Director of the FTC's Bureau of Competition.

Gene Kimmelman is the President and CEO of Public Knowledge. Previously, Kimmelman served as Director of the Internet Freedom and Human Rights project at the New America Foundation, and as Chief Counsel for the U.S. Department of Justice's Antitrust Division. Prior to joining the Department of Justice, Kimmelman served as Vice President for Federal and International Affairs at Consumers Union. Kimmelman has also served as Chief Counsel and Staff Director for the Antitrust Subcommittee of the Senate Judiciary Committee and Legislative Director for the Consumer Federation of America.

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Paul Yde is a partner at Freshfields Bruckhaus Deringer LLP, where he is the head of the US antitrust practice. Paul's practice primarily involves representing parties before the U.S. Department of Justice, the Federal Trade Commission, and the state attorneys general on the antitrust aspects of M&A, joint ventures, distribution and intellectual property arrangements, and other competitive conduct. He previously held positions in government antitrust enforcement, including serving as counsel to two Federal Trade Commissioners and as an attorney in the FTC's Bureau of Competition.