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EDUCATION:

University of Pennsylvania Law School J.D.

Virginia Polytechnic Institute and State University

M.A. and Ph.D. Economics

Public Choice Center Fellow, Earhart Fellow

Dartmouth College

Phi Beta Kappa

A.B. High Distinction in Economics

BAR MEMBERSHIPS:

Supreme Court of the United States, Commonwealth of Pennsylvania

FACULTY POSITIONS:

Seton Hall University Law School, Distinguished Research Professor of Law.

George Washington University National Law Center, Visiting Professor of Law

University of Denver College of Law, Charles W. Delaney Jr. Professor of Law, University Distinguished Scholar.

University of New Mexico School of Law, Visiting Professor of Law

Syracuse University College of Law and Department of Economics, Professor of Law and Professor of Economics, Acting Director Center for Interdisciplinary Legal Studies

COURSES TAUGHT:

Intellectual Property (with Seminars), Trademark and Unfair Competition Law, Torts (with Seminars), Law and Economics (with Seminars), Products Liability, Quantitative Evidence, Remedies, Antitrust (with Seminars), Contracts (with Seminars),

PUBLICATIONS

BOOKS:

INTEGRATED INTELLECTUAL PROPERTY: CASES, MATERIALS, AND STATUTES, West Academic Publishers (with J. Conley) (2016) with TEACHER'S MANUAL.

TRADEMARK AND UNFAIR COMPETITION LAW: CASES AND PROBLEMS IN AN INTELLECTUAL PROPERTY CONTEXT, Aspen Publishers, Inc. (2014) with TEACHER'S MANUAL.

THE LAW OF INTELLECTUAL PROPERTY, Aspen Publishers, Inc. (with C. Nard and M. Madison) (2006 and 2008 editions) with TEACHER'S MANUAL.

BASIC TORT LAW: CASES, STATUTES, PROBLEMS, AND MATERIALS, Aspen Publishers, Inc. (with A. Best) (2003 and subsequent editions) with TEACHER'S MANUAL.

CASES AND MATERIALS ON LAW AND ECONOMICS, West Publishing Co. (with L. Stout) (1992) with TEACHER'S MANUAL. The following adaptations have been published as separate monographs:

ECONOMIC FOUNDATIONS OF REGULATION AND ANTITRUST LAW, West Publishing Co. (with L. Stout) (1992) with TEACHER'S MANUAL.

THE ECONOMICS OF PROPERTY RIGHTS AND NUISANCE LAW, West Publishing Co. (with L. Stout) (1992) with TEACHER'S MANUAL.

THE ECONOMIC ANALYSIS OF TORT LAW, West Publishing Co. (with L. Stout) (1992) with TEACHER'S MANUAL.

THE ECONOMICS OF CONTRACT LAW, West Publishing Co. (with L. Stout) (1992) with TEACHER'S MANUAL.

THE ECONOMICS OF CONSTITUTIONAL LAW AND PUBLIC CHOICE, West Publishing Co. (with L. Stout) (1992) with TEACHER'S MANUAL.

STATISTICAL EVIDENCE IN LITIGATION: METHODOLOGY, PROCEDURE, AND PRACTICE, Little, Brown and Co. (with J. Conley) (1986 and updated supplements).

STATISTICS AS PROOF: FUNDAMENTALS OF QUANTITATIVE EVIDENCE, Little, Brown and Co. (1983).

ARTICLES:

Abuse of Supreme Court Precedent: The Historic Kinship, (Submitted for publication) (2016).

Congestible Intellectual Property and Impure Public Goods, 9 NORTHWESTERN J. TECHNOLOGY AND INTELLECTUAL PROPERTY 533 (2011).

Free Riders and Trademark Law's First Sale Rule 27 SANTA CLARA COMPUTER AND HIGH TECHNOLOGY LAW JOURNAL 457 (2011).

The Incentives/Access Tradeoff, 9 NORTHWESTERN J. TECHNOLOGY AND INTELLECTUAL PROPERTY 96 (2010).

One Trademark per Source, 18 TEXAS INTELLECTUAL PROPERTY LAW J. 1 (2009).

Misappropriation of Trademark, 9 NORTH CAROLINA J. LAW AND TECHNOLOGY 171 (2008). Reprinted in TRADEMARKS AND INFRINGEMENTS (A. VAVILI, ed. 2008).

Trademark Externalities, 10 YALE J. LAW AND TECHNOLOGY 1 (2007). Reprinted in TRADEMARKS: CONCEPTS AND CONTEXT (A.V.N. RAO ed, 2008).

A New Economics of Trademarks, 5 NORTHWESTERN J. TECHNOLOGY AND INTELLECTUAL PROPERTY 22 (2006).

An Alternative Torts Model of Secondary Copyright Liability, 55 CASE WESTERN RESERVE L. REV. 867 (2005).

Imwinkleried's Argument for Normative Ethical Testimony, 33 J. LAW, MEDICINE & ETHICS 234 (2005).

A Unifying Theory of Contract Damages, 55 SYRACUSE L. REV. 495 (2005) (w/ D. Zalesne).

Classic Fair Use in Trademark: Confusion about Defenses, 20 SANTA CLARA COMPUTER AND HIGH TECH L. J. 833 (2004) (w/ T. Laky).

The Shadow Code, 56 SOUTH CAROLINA L. REV. 93 (2004) (w/ D. Zalesne).

General Acceptance versus Scientific Soundness: Mad Scientists in the Courtroom, 31 FLORIDA STATE L. REV. 303 (2004).

Comment on the Age Discrimination Example, 42 JURIMETRICS J.301 (2002).

Too Many Probabilities: Statistical Evidence of Tort Causation, 64 LAW AND CONTEMPORARY PROBLEMS 191 (2001).

Remedies for Imperfect Transactions in Contracts and Torts, 38 SAN DIEGO L. REV. 193 (2001) (reprinted in B. P. RAJESHWARRAO, BREACH OF CONTRACT (2008)).

The Net Expectation Interest in Contract Damages, 49 EMORY L.J. 1137 (1999).

Antitrust, The Rule of Reason, and Democracy: A Letter from Justice William O. Douglas, 14 REV. OF INDUSTRIAL ORGANIZATION 115 (1999).

Gender, Risk Preferences, and Negotiation Performance, 5 MICHIGAN J. ON GENDER AND LAW 299 (1999) (with C. Craver).

The Anatomy of Contract Damages and Efficient Breach Theory, 6 SO. CALIF. INTERDISCIPLINARY L. J. 397 (1998).

An Economic and Empirical Analysis of Certain Linguistic Practices Concerning Admission of Evidence, 91 NORTHWESTERN UNIV. L. REV. 637 (1997) (*sub nom* Jake Barnes).

The Meaning of Value in Contract Damages and Contract Theory, 46 AMERICAN UNIV. L. REV. 1 (1996).

Reasonable Care in Tort Law: The Duty to Take Corrective Precautions, 36 ARIZONA L. REV. 357 (1994) (with R. McCool).

The Litigation Crisis: Competitiveness and Other Measures of Quality of Life, 71 DENVER L. REV. 71 (1993).

Economics 2001: A Carpenter's Odyssey, 42 SYRACUSE L. REV. 197 (1991).

Book Review: 'The Social and Economic Consequences of Deregulation' and 'Flying Blind: The Failure of Airline Deregulation' by Paul Stephen Dempsey, 19 TRANSPORTATION L. J. 495 (1991) (with E. Dauer).

Nonefficiency Goals in the Antitrust Law of Mergers, 30 WILLIAM AND MARY L. REV. 787 (1989).

Revolutionary Antitrust: Efficiency, Ideology, and Democracy, 58 UNIV. OF CINCINNATI L. REV. 59 (1989).

Revolution and Counterrevolution in Antitrust Law, 34 ANTITRUST BULLETIN 655 (1989).

Antitrust Dialogue on Social Science, Cultural Values, and Merger Law, 34 ANTITRUST BULLETIN 623 (1989) (Panel Discussion, moderator).

Federal and State Philosophies in the Antitrust Law of Mergers, 56 GEORGE WASHINGTON UNIVERSITY L. REV. 263 (1988), excerpted as *Contrasting Philosophies of the Federal and State Horizontal Merger Guidelines*, ANTITRUST AND CONSUMER LAW REPORTS (1989).

The Protean Legal Significance of Statistical Significance, 1985 PROCEEDINGS OF THE BUSINESS AND ECONOMIC STATISTICS SECTION OF THE AMERICAN STATISTICAL ASSOCIATION 1 (1986).

A Commonsense Approach to Understanding Statistical Evidence, 21 SAN DIEGO L. REV. 809 (1984).

The Problem of Multiple Components or Divisions in Title VII Litigation: A Comment, 46 LAW AND CONTEMPORARY PROBLEMS 185 (1983).

The Significance of Quantitative Evidence in FTC Deceptive Advertising Cases, 46 LAW AND CONTEMPORARY PROBLEMS 25 (1983). Reprinted in IX ADVERTISING LAW ANTHOLOGY (1986).

Back Door Cost-Benefit Analysis under a Safety-First Clean Air Act, 23 NATURAL RESOURCES J. 827 (1983).

Enforcing Property Rights: Extending Property Rights Theory to Environmental and Congestible Goods, 10 BOSTON COLLEGE ENVIRONMENTAL AFFAIRS L. REV. 583 (1983).

Social Choices and Comparative Negligence: Resurrecting Galena, 31 DEPAUL L. REV. 273 (1982) (with M. Baeverstad).

Intertemporal Changes in Tax Rates, in STUDIES IN INCOME DISTRIBUTION, No. 11, U.S. Dept. of Health, Education, and Welfare, Pub. No. (SSA) 79-11776 (with B. Bridges) (1979).