

JONATHAN B. BAKER

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FIELDS OF SPECIALIZATION

antitrust law, economics, and policy; regulatory law, economics, and policy

PROFESSIONAL POSITIONS

Washington College of Law, American University

Research Professor of Law, September 2017 to date

Professor of Law, September 2002 to August 2017

Associate Professor of Law, January 1999 to August 2002

Federal Communications Commission

Chief Economist, August 2009 to May 2011

Senior Economist for Transactions, June 2011 to November 2011

New York University School of Law

Visiting Professor of Law, January 2010 to June 2010

European Commission, Competition Directorate-General

Visitor, June 2005 to July 2005

Federal Trade Commission

Director, Bureau of Economics, April 1995 to December 1998

Consultant (on policy), 2002 to May 2004; July 2019 to January 2020

Attorney Advisor to the Acting Chairman and Office of the Commissioner
October 1985 to July 1986

Council of Economic Advisers, Executive Office of the President

Senior Economist, June 1993 to April 1995

(regulation, industrial organization and law)

Antitrust Division, U.S. Department of Justice

Special Assistant to the Deputy Assistant Attorney

General for Economics, May 1991 to June 1993

Director of Litigation Studies, Economic Analysis Group,
September 1990 to June 1993

Georgetown University Law Center

Adjunct Professor of Law, September 1990 to June 1995

Duke University School of Law

Olin Lecturing Fellow (visiting professor)

August 1992 to December 1992

The Amos Tuck School of Business Administration, Dartmouth College
Assistant Professor of Business Administration
September 1986 to August 1990
leave of absence, September 1990 to July 1992

Foley & Lardner (Washington, D.C.)
Attorney, June 1982 to September 1985

EDUCATION

Ph.D. in economics, Stanford University, 1986
J.D., Harvard University, 1982
M.A. in economics, Stanford University, 1978
A.B., magna cum laude, Harvard University, 1977

AWARDS

American Antitrust Institute
Jerry S. Cohen Award for Antitrust Scholarship, June 2016

American University
University Faculty Award for Outstanding Scholarship, Research, and
Other Professional Accomplishments, April 2004
Emalee C. Godsey Scholar, 2015
Elizabeth Payne Cubberly Scholar, 2008
Egon Guttman Casebook Award, April 2004

Federal Trade Commission
Award for Distinguished Service, October 1998

BOOKS

The Antitrust Paradigm: Restoring a Competitive Economy
2019, Harvard University Press

Antitrust Law in Perspective: Cases, Concepts and Problems in Competition
Policy
Thomson West, American Casebook Series
3d ed. 2017; 2d ed. 2008; 1st ed. 2002
(1st & 2d ed. with Andrew I. Gavil and William E. Kovacic; 3d ed. with
Gavil, Kovacic, and Joshua D. Wright)

OTHER PUBLICATIONS

Oligopoly Coordination, Economic Analysis, and the Prophylactic Role of Horizontal Merger Enforcement

University of Pennsylvania Law Review (forthcoming)

(with Joseph Farrell)

working paper available at <https://ssrn.com/abstract=3605713>

Forward

in John Kwoka, Controlling Mergers and Market Power: A Program for Reviving Antitrust in America (2020)

Judge Douglas H. Ginsburg and Antitrust Law's Rule[s] of Reason

in Nicolas Charbit, ed., II Douglas Ginsburg: An Antitrust Professor on the Bench, Liber Amicorum, 2020 (forthcoming)

(with Andrew I. Gavil)

working paper available at <http://ssrn.com/abstract=3349853>

Five Principles for Vertical Merger Enforcement Policy

Antitrust

vol. 33, no. 3 (2019), pp.12-19

(with Nancy L. Rose, Steven C. Salop & Fiona Scott Morton)

Accommodating Competition: Harmonizing National Economic Commitments

William & Mary Law Review

vol. 60, 2019, pp. 1149-1173

Cartel Ringmaster or Competition Creator? The Ebooks Case against Apple (2013)

in John E. Kwoka, Jr. and Lawrence J. White, eds., The Antitrust Revolution (7th ed. 2019), pp. 471-488

Antitrust Enforcement Against Platform MFNs

Yale Law Journal

vol. 127, 2018, pp. 2176-2202

(with Fiona Scott Morton)

Introduction: Unlocking Antitrust Enforcement

Yale Law Journal

vol. 127, 2018, pp. 1916-1920

(with Jonathan Sallet & Fiona Scott Morton)

Overlapping Financial Investor Ownership, Market Power, and Antitrust Enforcement: My Qualified Agreement with Professor Elhauge
Harvard Law Review Forum
vol. 129, 2016, pp. 212-32

Evaluating Appropriability Defenses for the Exclusionary Conduct of Dominant Firms in Innovative Industries
Antitrust Law Journal
vol. 80, 2016, pp. 431-61

Exclusionary Conduct of Dominant Firms, R&D Competition, and Innovation
Review of Industrial Organization
vol. 48, 2016, pp. 269-87

Taking the Error Out of “Error Cost” Analysis: What’s Wrong with Antitrust’s Right
Antitrust Law Journal
vol. 80, 2015, pp. 1-38
reprinted in translation in
Competition Policy Research (China), 2018 (4), pp. 95-119
Winner, Jerry S. Cohen Award for Antitrust Scholarship, June 2016

Antitrust, Competition Policy and Inequality
The Georgetown Law Journal Online
vol. 104, 2015, pp. 1-28
(with Steven C. Salop)
reprinted in translation in 1 Mercato Concorrenza Regole 7 (2016)

Channeling and Contending with Bill Kovacic
in Nicolas Charbit et al., eds, II William E. Kovacic - Liber Amicorum: An Antitrust Tribute, 2014, pp. 1-9

Antitrust Enforcement and Sectoral Regulation: The Competition Policy Benefits of Concurrent Enforcement in the Communications Sector
Competition Policy International
vol. 9, pp. 4-11, Spring 2013

Chair’s Showcase Session: Competition in the Context of Financial Crisis
The Antitrust Source
June 2013 (co-moderator)

- Exclusion as a Core Competition Concern
Antitrust Law Journal
vol. 78, pp. 527-89, 2013
Finalist, Jerry S. Cohen Award for Antitrust Scholarship, June 2014
- Economics and Politics: Perspectives on the Goals and Future of Antitrust
Fordham Law Review
vol. 81, pp. 2175-96, 2013
- The Competitive Consequences of Most-Favored-Nation Provisions
Antitrust
vol. 27, pp. 20-26, 2013
(with Judith A. Chevalier)
- Research Topics in Unilateral Effects Analysis
in Einer Elhague, ed., Research Handbook on the Economics of Antitrust Law, 2013
working paper available at <http://ssrn.com/abstract=1504863>
(with David Reitman)
- Evaluating Merger Enforcement During the Obama Administration
Stanford Law Review Online
vol. 65, pp. 28-34, Aug. 2012
(with Carl Shapiro)
- The Year in Economics at the FCC, 2010-11: Protecting Competition Online
Review of Industrial Organization
vol. 39, pp. 297-309, 2011
(with Mark Bykowsky, Patrick DeGraba, Paul LaFontaine, Eric Ralph & William Sharkey)
- Comcast/NBCU*: The FCC Provides a Roadmap for Vertical Merger Analysis
Antitrust
vol. 25, pp. 36-42, 2011
- Merger Simulation in an Administrative Context
Antitrust Law Journal
vol. 77, pp. 451-72, 2011
- Sector-Specific Competition Enforcement at the FCC
New York University Annual Survey of American Law
vol. 66, pp. 413-20, 2011

- The Year in Economics at the FCC: A National Plan for Broadband
Review of Industrial Organization
vol. 37, pp. 279-90, 2010
(with Paul de Sa)
revised and reprinted in Soumitra Dutta & Irene Mia, eds., The Global Information Technology Report 2010-2011, World Economic Forum,
available at <http://reports.weforum.org/global-information-technology-report/>
- Preserving a Political Bargain: The Political Economy of the Non-Interventionist Challenge to Monopolization Enforcement
Antitrust Law Journal
vol. 76, pp. 605-52, 2010
- Market Concentration in the Antitrust Analysis of Horizontal Mergers
in Keith Hylton, ed, Antitrust Law & Economics, 2010, pp. 234-60
corrected working paper available at <http://ssrn.com/abstract=1092248>
- “Dynamic Competition” Does Not Excuse Monopolization
Competition Policy International, vol. 4, No. 2., pp. 243-51, 2008
technical appendix available at <http://ssrn.com/abstract=1285223>
- Turning On Itself: How Dueling Agencies In The Bush Administration Made Mincemeat Of Antitrust Regulation Policy
The New Republic (on-line), Sept. 15, 2008
<http://www.tnr.com/politics/story.html?id=97981a77-c668-421b-947a-a8282ca3b121>
- Detecting and Reversing the Decline in Horizontal Merger Enforcement
Antitrust
vol. 22, pp. 29-36, 2008
(with Carl Shapiro)
- Merger to Monopoly to Serve a Single Buyer: Comment
Antitrust Law Journal
vol. 75, pp. 637-46, 2008
(with Joseph Farrell and Carl Shapiro)
- Reinvigorating Horizontal Merger Enforcement
in Robert Pitofsky, ed., How the Chicago School Overshot the Mark: Effect of Conservative Economic Analysis on U.S. Antitrust,
2008, pp. 235-91 (with Carl Shapiro)

Economic Evidence in Antitrust: Defining Markets and Measuring Market Power
in Paolo Buccirossi, ed., Handbook of Antitrust Economics,
2008, pp. 1-42
(with Timothy F. Bresnahan)

Beyond Schumpeter vs. Arrow: How Antitrust Fosters Innovation
Antitrust Law Journal
vol. 74, pp. 575-602, 2007
reprinted in Shubha Ghosh, ed., Intellectual Property and Innovation,
2017, pp. 575-602

A Turning Point in Merger Enforcement: *Federal Trade Commission v. Staples*
in Daniel A. Crane & Eleanor M. Fox, eds., Antitrust Stories,
2007, pp. 311-330
(with Robert Pitofsky)

Market Definition: An Analytical Overview
Antitrust Law Journal
vol. 74, pp. 129-73, 2007
revised and reprinted in ABA Section of Antitrust Law,
Issues in Competition Law and Policy, 2008, pp. 315-52

Empirical Methods in Merger Analysis:
Econometric Analysis of Pricing in *FTC v. Staples*
International Journal of the Economics of Business
vol. 13, pp. 265-79, 2006
(with Orley Ashenfelter, David Ashmore, Suzanne Gleason & Daniel S.
Hosken)
reprinted in George Norman, ed., Recent Developments in Monopoly and
Competition Policy, 2008

Competition Policy as a Political Bargain
Antitrust Law Journal
vol. 73, pp. 483-530, 2006

My Summer Vacation at the European Commission
Antitrust Source
September 2005
(available at <http://www.abanet.org/antitrust/source/>)

Two Modern Antitrust Moments: A Comment on Fenton and Kwoka
Antitrust Law Journal
vol. 72, pp.1029-37, 2005

Roundtable Discussion: Unilateral Effects after *Oracle*
Antitrust
vol. 19, pp. 8-19, Spring 2005 (Moderator)

Why Did the Antitrust Agencies Embrace Unilateral Effects?
George Mason University Law Review,
vol. 12, no. 1, pp. 31-38, Fall 2003

The Case for Antitrust Enforcement
Journal of Economic Perspectives
vol. 17, pp. 27-50, Fall 2003
(and Comment, Journal of Economic Perspectives,
vol. 19, p.243, Fall 2003)
reprinted in George Norman, ed., Recent Developments in
Monopoly and Competition Policy, 2008

Responding to Developments in Economics and the Courts: Entry in the
Merger Guidelines
Antitrust Law Journal
vol. 71, pp. 189-206, 2003

Efficiencies and High Concentration: Heinz Proposes to Acquire Beech-
Nut (2001)
in John E. Kwoka, Jr. and Lawrence J. White, eds., The Antitrust
Revolution (4th ed. 2004), pp. 150-69 (updated with postscript in
5th ed. 2008)
working paper available at <http://ssrn.com/abstract=3041876>

Competitive Price Discrimination: The Exercise of Market Power Without
Anticompetitive Effects (Comment on Klein and Wiley)
Antitrust Law Journal
vol. 70, pp. 643-54, 2003

Economist's Roundtable
Antitrust
vol. 17, pp. 8-18, Spring 2003
(Moderator)

Mavericks, Mergers, and Exclusion: Proving Coordinated Competitive
Effects Under the Antitrust Laws
New York University Law Review
vol. 77, pp. 135-203, April 2002
reprinted in Benjamin Klein & Andres V. Lerner, eds.,
Economics of Antitrust Law, 2008

Horizontal Merger Analysis Grows Up: A Review of Chapter 5 of Richard Posner's *Antitrust Law* (2d ed. 2001)

The Antitrust Source

January 2002

New Horizons in Cartel Detection

George Washington Law Review

vol. 69, pp. 824-28, October/December 2001

Ill-Gotten Gains: Toothless Settlement Lets Microsoft Keep Rewards of Monopolization

Legal Times, November 12, 2001, p. 51

(with Andrew I. Gavil)

Should Concentration be Dropped from the Merger Guidelines?

in ABA Antitrust Section Task Force Report

Perspectives on Fundamental Antitrust Theory

pp. 339-54, July 2001

reprinted in University of West Los Angeles Law Review

vol. 33, pp. 3-16, 2001

(with Steven C. Salop)

A Preface to Post-Chicago Antitrust

in Roger van den Bergh, Roberto Pardolesi and Antonio Cucinotta, eds.,

Post Chicago Developments in Antitrust Law, 2002, pp. 60-75

Can Antitrust Keep Up? Competition Policy in High-Tech Markets

Brookings Review, Winter 2001, pp. 16-19

Editor's Note: Antitrust at the Millennium (Part II)

Antitrust Law Journal

vol. 68, no.3, pp. 621-24, 2001

Stepping Out in an Old *Brown Shoe*: In Qualified Praise of Submarkets

Antitrust Law Journal

vol. 68, no. 1, pp. 203-218, 2000

Editor's Note: Antitrust at the Millennium (Part I)

Antitrust Law Journal

vol. 68, no.1, pp. 1-3, 2000

Empirical Methods in Antitrust Litigation:
Review and Critique

American Law and Economics Review
vol. 1, no. 1/2, pp. 386-435, 1999 (with Daniel L. Rubinfeld)

Law Leans Toward Joel Klein

Legal Times, October 25, 1999, p. 40

Entry and Competition in the U.S. Airline Industry: Issues and
Opportunities

Special Report 255, Transportation Research Board,
National Research Council, July 1999
(with other members of the Committee for a Study of Competition
in the U.S. Airline Industry)

Promoting Innovation Competition Through the *Aspen/Kodak* Rule

George Mason University Law Review,
vol. 7, no. 3, pp. 495-521, Spring 1999

Econometric Analysis in *FTC v. Staples*

Journal of Public Policy & Marketing
vol. 18, no 1., pp. 11-21, Spring 1999

Policy Watch: Developments in Antitrust Economics

Journal of Economic Perspectives
vol. 13, no. 1., pp. 181-94, Winter 1999

From Open Access to Convergence Mergers: An Antitrust Perspective on
the Transition to Electricity Competition

Power, vol. 3, no. 1, pp. 3-8, Winter 1998 (with John C. Hilke)

"Continuous" Regulatory Reform at the Federal Trade Commission

Administrative Law Review
vol. 49, pp. 859-874, Fall 1997

Contemporary Empirical Merger Analysis

George Mason University Law Review
vol. 5, pp. 347-61, Spring 1997

Unilateral Competitive Effects Theories in Merger Analysis

Antitrust, vol. 11, no. 2, pp. 21-26, Spring 1997

Product Differentiation Through Space and Time: Some Antitrust Policy Issues

The Antitrust Bulletin
vol. 42, pp. 177-96, Spring 1997

The Problem with *Baker Hughes* and *Syufy*: On the Role of Entry in Merger Analysis

Antitrust Law Journal
vol. 65, pp. 353-74, Winter 1997

Identifying Horizontal Price Fixing in the Electronic Marketplace

Antitrust Law Journal
vol. 65, pp. 41-55, Fall 1996

Vertical Restraints with Horizontal Consequences: Competitive Effects of "Most-Favored-Customer" Clauses

Antitrust Law Journal
vol. 64, pp. 517-34, Spring 1996

Fringe Firms and Incentives to Innovate

Antitrust Law Journal
vol. 63, pp. 621-41, Winter 1995

Predatory Pricing After Brooke Group: An Economic Perspective

Antitrust Law Journal
vol. 62, pp. 585-603, Spring 1994
reprinted in Andrew Gavil, ed., An Antitrust Anthology, 1996

Two Sherman Act Section 1 Dilemmas: Parallel Pricing, the Oligopoly Problem, and Contemporary Economic Theory

The Antitrust Bulletin, vol. 38, pp. 143-219
Spring 1993
reprinted in Benjamin Klein & Andres V. Lerner, eds.,
Economics of Antitrust Law, 2008

Empirical Methods of Identifying and Measuring Market Power

Antitrust Law Journal
vol. 61, pp. 3-16, Summer 1992
(with Timothy F. Bresnahan)
reprinted in Benjamin Klein & Andres V. Lerner, eds.,
Economics of Antitrust Law, 2008

Entry Analysis Under the 1992 Horizontal Merger Guidelines
Antitrust Law Journal
vol. 61, pp. 139-46, Summer 1992
(with Janusz A. Ordovery)

Per Se Rules in the Antitrust Analysis of Horizontal Restraints
The Antitrust Bulletin
vol. 36, pp. 733-43, Winter 1991

Identifying Cartel Policing Under Uncertainty:
The U.S. Steel Industry 1933-1939
Journal of Law and Economics
vol. 32:2, pt. 2, pp. S47-S76, October 1989

Recent Developments in Economics that Challenge Chicago School Views
Antitrust Law Journal
vol. 58:2, pp. 645-655, 1989

Book Review
Larner & Meehan, eds., Economics and Antitrust Policy
The Antitrust Bulletin
vol. 34, pp. 919-930, Winter 1989

The Antitrust Analysis of Hospital Mergers and the Transformation of the
Hospital Industry
Law and Contemporary Problems
vol. 51:2, pp. 93-164, Spring 1988

Vertical Restraints Among Hospitals, Physicians, and Health Insurers that
Raise Rivals' Costs
American Journal of Law & Medicine
vol. 14, pp. 385-408, 1988

Private Information and the Deterrent Effect of Antitrust Damage
Remedies
Journal of Law, Economics and Organization
vol. 4, pp. 385-408, 1988

Estimating the Residual Demand Curve Facing a Single Firm
International Journal of Industrial Organization
vol. 6, pp. 283-300, 1988
(with Timothy F. Bresnahan)
reprinted in Andrew N. Kleit, ed., Antitrust and Competition
Policy, 2005

Dramatization: The Merger Transaction -- Legal Evaluation
(with other program faculty)

Introduction and Fact Summary
in National Institute: The Contested Merger
Antitrust Law Journal, vol. 56, pp. 603-637, 1988

The Gray Market in Video, Consumer Welfare, and Public Policy: An
Economic Analysis
in E. Noam & J. Millonzi, eds.
The International Market in Film and Television Programs, 1993
(proceedings of a 1987 conference)

Horizontal Mergers: Law and Policy
American Bar Association Antitrust Section Monograph, 1986
(with other members of Merger Standards Task Force)

The Gains from Merger or Collusion in Product Differentiated Industries
Journal of Industrial Economics, vol. 33, pp. 427-444 1985
reprinted in P. Geroski, L. Philips & A. Ulph, eds. Oligopoly,
Competition and Welfare, 1985
(with Timothy F. Bresnahan)

Has the Contract Clause Counter-Revolution Halted? Rhetoric, Rights
and Markets in Constitutional Analysis
Hastings Constitutional Law Quarterly, vol. 12, pp. 71-104, Fall
1984

SELECTED PRESENTATIONS, WORKING PAPERS, INFORMAL PUBLICATIONS, AND INTERVIEWS

National Champions, National Competitiveness, and Antitrust:
From the US in the 1980s to Europe Today
Keynote Speech, Webinar on Protectionism and Antitrust
Enforcement: A Trans-Atlantic View
Icelandic Competition Authority
June 9, 2020

Is Economics the Essence of Antitrust – and Should it Be?
Keynote Address, Twelfth Annual Northwestern Conference on
Antitrust Economics and Competition Policy
Sept. 20, 2019

- Cartels and monopolies will not collapse on their own
(Interview by Sebastian Stodolak)
Central European Financial Observer
June 11, 2019
(available at <https://financialobserver.eu/poland/cartels-and-monopolies-will-not-collapse-on-their-own/>)
- Confronting Rising Market Power
Policy Brief 11
Economists for Inclusive Prosperity
May 2019
(with Fiona Scott Morton)
(available at <https://econfip.org/policy-brief/confronting-rising-market-power/#>)
- Principles and presumptions for U.S. vertical merger enforcement policy
Competitive Edge blog (Washington Center for Equitable Growth)
May 7, 2019
(with Nancy L. Rose, Fiona Scott Morton, and Steven C. Salop)
(available at <https://equitablegrowth.org/competitive-edge-principles-and-presumptions-for-u-s-vertical-merger-enforcement-policy/>)
- The Antitrust Paradigm: A Book Discussion with Jonathan Baker
Hudson Institute
May 3, 2019
(video available at <https://www.hudson.org/events/1682-the-antitrust-paradigm-a-book-discussion-with-jonathan-baker52019>)
- AAI Interview With Antitrust Expert Jonathan Baker – A Preview of His Forthcoming Book: The Antitrust Paradigm
American Antitrust Institute
May 1, 2019
(available at <https://www.antitrustinstitute.org/work-product/aai-interview-with-antitrust-expert-jonathan-baker-a-preview-of-his-forthcoming-book-the-antitrust-paradigm/>)
- Revitalizing U.S. antitrust enforcement is not simply a contest between Brandeis and Bork—look first to Thurman Arnold
Value Added – A blog (Washington Center for Equitable Growth)
January 31, 2019
(available at <https://equitablegrowth.org/revitalizing-u-s-antitrust-enforcement-is-not-simply-a-contest-between-brandeis-and-bork-look-first-to-thurman-arnold/>)

Market Power or Just Scale Economies?

ProMarket

December 17, 2018

(available at <https://promarket.org/market-power-scale-economies/>)

Competition, Market Power, and Inequality

OECD Global Forum on Competition

November 29, 2018

(slides and video available at

<http://www.oecd.org/competition/globalforum/how-can-competition-contribute-to-fairer-societies.htm>)

Market Power in the US Today

FTC Hearings on Competition and Consumer Protection in the 21st

Century, Sept. 13, 2018

(slide and video available at <https://www.ftc.gov/news-events/events-calendar/2018/09/ftc-hearing-1-competition-consumer-protection-21st-century>)

Market Power and Market Concentration in the US

OECD Competition Committee Hearing on Market Concentration

June 7, 2018

(slides available at <http://www.oecd.org/competition/market-concentration.htm>)

DOJ v. AT&T: Discussion and Preview of Key Arguments at Trial

The Capitol Forum, March 15, 2018

(transcript at 6 The Capitol Forum No. 97, March 16, 2018)

Input/Customer Foreclosure Conference Call (AT&T/Time Warner)

The Capitol Forum, Nov. 9, 2017

(interview transcript available at <https://t.co/HvdtlV1sZ0>)

Overcoming *Amex*: Multi-sided Platforms and Antitrust

Comment on Enforcing Fully Under Existing Laws

Conference on Unlocking the Promise of Antitrust Enforcement

Washington College of Law, Oct. 27, 2017

(*Amex* slides and video with both presentations available at <https://www.wcl.american.edu/impact/initiatives-programs/lawandgov/recent-events/untitrust-enforcement/>)

Market Power in the U.S. Economy Today
Washington Center for Equitable Growth
March 2017
(available at <http://equitablegrowth.org/research-analysis/market-power-in-the-u-s-economy-today/>)

Is There a Concentration Problem in America?
Stigler Center, University of Chicago Booth School of Business
Panel on Is there A Role for Political Antitrust, Mar, 29, 2017
(discussion summarized at <https://promarket.org/case-made-political-antitrust/> and video available at <https://research.chicagobooth.edu/stigler/events/single-events/march-27-2017>)
Interview, March 21, 2017
(interview transcript available at <https://promarket.org/market-power-inequality/>)

Making Antitrust Work for the 21st Century: Economics of Antitrust
Washington Center for Equitable Growth
Oct. 6, 2016
(video available at <http://equitablegrowth.org/event/making-antitrust-work-for-the-21st-century/>)

The Productivity Puzzle: How Can We Speed Up the Growth of the Economy?
Brookings Institution, Sept. 9, 2016
(video available at <https://www.brookings.edu/events/the-productivity-puzzle-how-can-we-speed-up-the-growth-of-the-economy/>)

The Capitol Forum Interview Series with Jonathan Baker, American University
April 2016
(video available at <https://thecapitolforum.com/portfolio/jonathan-baker-american-university/>)

Panel on Congress and the FCC After Title II
Technology Policy Institute Aspen 2015 Forum
August 17, 2015
(video available at <https://www.techpolicyinstitute.org/aspen2015/agenda>)

The Great Net Neutrality Debate: Should the FCC Ban Paid Prioritization?

Nov. 20, 2014

(video available at <http://techfreedom.org/post/102369660044/the-great-net-neutrality-debate-should-the-fcc-ban>)

FCC Open Internet Roundtable on the Economics of Broadband: Market Successes and Market Failures

Oct. 2, 2014

(video available at <http://www.fcc.gov/events/open-internet-roundtable-economics>)

FTC/DOJ Workshop on Conditional Pricing Practices: Economic Analysis & Policy Implications

Panel on Where Do We Go From Here: Open Questions and Policy Considerations, June 23, 2014

(transcript at <http://www.ftc.gov/news-events/events-calendar/2014/06/conditional-pricing-practices-economic-analysis-legal-policy>)

Participant, Opening Plenary Session on Efficiency and Its Critics

American Antitrust Institute 2014 Annual Conference

June 19, 2014

(audio available at <http://www.antitrustinstitute.org/content/audio-2014-annual-conference>)

Should the Communications Industry be Regulated by the FCC?

American Enterprise Debates

December 12, 2013

(video available at <http://www.aei.org/events/2013/12/12/should-the-communications-industry-be-regulated-by-the-fcc/>)

Should the *Philadelphia National Bank* Presumption Be Abandoned or Allowed to Evolve? Reflections on Commissioner Wright's Speech

September 30, 2013 (with Steven C. Salop)

(blog post available at

http://lawprofessors.typepad.com/antitrustprof_blog/2013/09/should-the-philadelphia-national-bank-presumption-be-abandoned-or-allowed-to-evolve.html)

Jon Baker on Parallel Exclusion

May 1, 2013

(blog post available at

http://lawprofessors.typepad.com/antitrustprof_blog/2013/05/jon-baker-on-parallel-exclusion.html)

Participant, Panel Discussion on Communications Law Reform
2012 Annual Lawyers Convention, Federalist Society
November 17, 2012
(transcript available at 2013 U. Ill. J. Tech & Pol'y 107-39)

Competitive Harm from MFNs: Economic Theories
DOJ/FTC Workshop on Most-Favored Nations Clauses and
Antitrust Enforcement and Policy, Sept. 10, 2012
(slides available at
<http://www.justice.gov/atr/public/workshops/mfn/presentations/286766.pdf>)

Why I Publish in the Antitrust Law Journal
July 9, 2012
(blog post available at
http://lawprofessors.typepad.com/antitrustprof_blog/2012/07/why-i-publish-in-the-antitrust-law-journal.html)

Continuing a Conversation About the FCC's Merger Review Process
March 17, 2011
(blog post available at
<http://reboot.fcc.gov/blog?entryId=1340463>)

Participant, Panel Discussion on Broadband Policy: What's Next After the
FCC's Net Neutrality Decision?
Free State Foundation's Third Annual Winter Telecom Policy
Conference, February 4, 2011
(video available at <http://www.c-spanvideo.org/program/FCCs>)

Presentation of the AAI Antitrust Achievement Award to Steven C. Salop
June 24, 2010
(remarks available at
http://www.antitrustinstitute.org/archives/files/Baker%20Salop%20Comments_062820101005.pdf)

Who is Pressuring Antitrust? A Response to Wright
May 24, 2010 (blog post available at
<http://truthonthemarket.com/2010/05/24/who-is-pressuring-antitrust-a-response-to-wright/>)

DOJ/FTC Horizontal Merger Guidelines Review Project
Panel on Market Definition, December 3, 2009
(transcript available at
<http://www.ftc.gov/bc/workshops/hmg/transcripts/091203transcript.pdf>)

Educate Us on Economics

Oct. 27, 2009

(blog post available at <http://blog.openinternet.gov/?p=133>)

Panel Discussion with Jonathan Baker, Chief Economist, FCC

Oct. 23, 2009 (streaming audio available at

<http://www.abanet.org/antitrust/at-bb/audio/09/10-09.shtml>)

Participant, Panel Discussion on “Where We’ve Been”

ABA Competition as Public Policy Symposium, May 2009

Transcript published as ABA Antitrust Section, Competition as Public Policy Chapter VIII (2010) (presentation at pp.194-204)

Required Reading for the New Antitrust Administration

Antitrust Source, vol. 7, August 2008 (page 3 of article)

(available at <http://www.abanet.org/antitrust/source/>)

FTC Unilateral Effects Analysis and Litigation Workshop

Panel on the Role of Market Definition, Feb. 12, 2008

(transcript available at <http://www.ftc.gov/news-events/events-calendar/2008/02/unilateral-effects-analysis-litigation-workshop>)

Competition and Prosperity: Prices, Progress and Politics

Keynote Address

Netherlands Competition Authority (NMa) Conference on

Measuring the Economic Effects of Competition Law Enforcement

October 2007

DOJ/FTC Hearings on Single-Firm Conduct and Antitrust Law

Panel on Understanding Single-Firm Behavior: Empirical

Perspectives Session, Sept. 12, 2006

(transcript available at

www.justice.gov/atr/public/hearings/single_firm/sfcsept.html)

Panel, May 1, 2007

(transcript available at

http://www.justice.gov/atr/public/hearings/single_firm/sfcmay2007.html)

Final Report of Economic Evidence Task Force

ABA Section of Antitrust Law (Task Force Co-Chair)

Aug. 1, 2006

(available at <http://www.abanet.org/antitrust/at-reports/01-c-ii.pdf>)

Comments on Applying the Horizontal Merger Guidelines
March 2004

(available at <http://www.ftc.gov/bc/mergerenforce/comments/bakerjon.pdf>)

DOJ/FTC Merger Enforcement Workshop

Panel on Coordinated Effects, February 18, 2004

Economists and Lawyers' Roundtable, February 19, 2004

(transcript available at

<http://www.ftc.gov/bc/mergerenforce/index.html>)

Roundtable with Former Directors of the FTC Bureau of Economics

September 4, 2003 (transcript available at

<http://www.ftc.gov/news-events/events-calendar/2003/09/roundtable-former-directors-bureau-economics>)

DOJ/FTC Hearings on Health Care and Competition Law and Policy

Panel on Most Favored Nations Clauses, May 7, 2003

(transcript available at

<http://www.ftc.gov/ogc/healthcarehearings/index.htm>)

(slides available at

<http://www.ftc.gov/ogc/healthcarehearings/docs/030507baker.pdf>)

Comment on Airline Regulatory Policy

in Louis Uchitelle, *Looking for Ways to Make Deregulation Keep Its Promises*

New York Times, July 28, 2002

Residual Demand Estimation: A Gatekeeper Regression for Analyzing the Unilateral Competitive Effects of Mergers and Single Firm Market Power

Draft: July 2002

Roundtable Conference Participant, ABA Antitrust Section

Task Force Report, Perspectives on Fundamental Antitrust Theory, pp. 387-476, July 2001

Roundtable Conference Participant, ABA Antitrust Section

Task Force Report, Perspectives on the Concepts of Time, Change, and Materiality in Antitrust Enforcement, pp. 159-71, 207-372, July 2001

U.S. v. Microsoft Corporation, C-SPAN On-Line Chat, Online

Town Hall Meeting, February 26, 2001

Panelist, Competition Policy in the World of B2B Electronic Marketplaces
Federal Trade Commission, June 30, 2000

Symposium on "The Microsoft Verdict: The Next Phase"
American Prospect Online, April 6, 2000

Letter to the Editor (Reply to Steiner FTC: Watch Editorial)
FTC: Watch, December 20, 1999 (with Jeremy Bulow)

Market Power and the Cross-Industry Behavior of Prices Around a Business Cycle Trough
Working Paper No. 221
Federal Trade Commission, December 1998
(with Peter A. Woodward)

Identifying the Firm-Specific Cost Pass-Through Rate
Working Paper No. 217, Federal Trade Commission, January 1998
(with Orley Ashenfelter, David Ashmore & Signe-Mary McKernan)

An Antitrust Seminar: A Candid Conversation on the Past, Present, and Future of Antitrust
panelist in a discussion sponsored by the New York State Bar Association, Antitrust Section, January 1997

"Hot Topics" at the Federal Trade Commission
presented at the American Bar Association, Section of Antitrust Law Spring Meeting, March 1996

Recent Developments in Antitrust Law and Economics
sponsored by the Antitrust, Trade Regulation and Consumer Affairs Section, District of Columbia Bar

| | |
|-------------------------|---------------|
| Tacit Collusion | April 1992 |
| Product Differentiation | March 1992 |
| Entry | February 1992 |

Product Market Definition: Mergers Among Sellers of Branded Consumer Products
outline of presentation reprinted in The Antitrust Division and the FTC Speak on Current Developments in Federal Antitrust Enforcement and Consumer Protection, Practising Law Institute (No. B4-6985), 1991

Asymmetric Oligopoly Behavior in the Aluminum Industry Around a Business Cycle Trough

Working Paper No. 256, Amos Tuck School, August 1990
(with Thomas B. Johnston and Peter A. Woodward)

Raising Rivals' Wages in the Postwar Automobile Industry

Working Paper No. 248, Amos Tuck School, January 1990

The Evolution of Health Care Institutions: An Economic Approach

presented at the 1989 Health Law Teachers Conference, June 1989

When is Conservation Better than Generation?

Working Paper No. 223

Amos Tuck School, May 1988; revised October 1988

The Simple Empirics of Strategic Instruments

Working Paper No. 202, Amos Tuck School, May 1987

Why Price Correlations Don't Define Antitrust Markets:

On Econometric Algorithms for Market Definition

Working Paper No. 149

Federal Trade Commission, January 1987

Insurance Against Product Failure and Moral Hazard in the Consumption of Other Goods

in Ph.D. dissertation, Stanford University, June 1986

The Effect of a Shopping Mall on Regional Retail Sales: An Econometric Analysis

Working Paper No. 1255-01

The Urban Institute, August 1978

EDITORIAL

Editorial Chair, Antitrust Law Journal

July 2000 to August 2004

Editorial Board, Review of Industrial Organization

August 2002 to December 2003

Guest Editor, Symposium on Antitrust at the Millennium
Antitrust Law Journal
Part I, vol. 68, no. 1, 2000
Part II, vol. 68, no.3, 2001

Contributing Editor, Antitrust Law Journal
August 1999 to July 2000
August 2007 to present

Advisory Board, Antitrust Abstracts (SSRN)
Advisory Board, Telecommunications and Regulated Industries
Abstracts (SSRN)
October 1998 to present

Guest Editor, Symposium on Tacit Collusion
The Antitrust Bulletin, Spring 1993

**OCCASIONAL
REFEREE**

| | |
|------------------------------------|--------------------------------|
| American Economic Review | Management Science |
| American Law and Economics Review | National Science Foundation |
| Antitrust Law Journal | Quarterly Journal of Econ. |
| Canadian Journal of Economics | RAND Journal of Economics |
| Journal of Industrial Economics | Review of Econ. and Statistics |
| Journal of International Economics | Review of Industrial Org. |
| Journal of Law and Economics | |

TESTIMONY

Procaps S.A. v. Patheon Inc.
August 13, 2015 (deposition testimony)
December 6, 2013 (deposition testimony)

In re Text Messaging Antitrust Litigation
September 23, 2013 (deposition testimony)

United States v. Apple, Inc.
April 3, 2013 (deposition testimony)

Hearing on Merger Enforcement, Panel on Treatment of Efficiencies
Antitrust Modernization Commission, November 17, 2005
(written statement and hearing transcript available at
http://govinfo.library.unt.edu/amc/commission_hearings/pdf/Baker_Statement.pdf)

In re Mercedes-Benz Antitrust Litigation
June 2, 2005 (deposition testimony)
May 5, 2006 (pretrial motion testimony)

In re Evanston Northwestern Healthcare Corp.
March 22, 2005 (trial testimony)
January 25, 2005 (deposition testimony)

Federal Trade Commission v. H.J. Heinz Co.
September 8, 2000 (trial testimony)
August 2000 (deposition testimony)
(Trial testimony discussed at David Marcus, Two and Three:
Sponsored by the FTC, Corporate Control Alert, Sept 2000, pp. 11-
17)

United States v. Northwest Airlines, Inc.
May 2000 (deposition testimony)

Oversight Hearing on “The Antitrust Enforcement Agencies”
House Committee on the Judiciary, April 12, 2000
(antitrust and high technology industries)

United States v. Airline Tariff Publishing Co.
June 1993 (declaration estimating consumer injury from air fare
coordination)

United States Sentencing Commission
October 11, 1988 (organizational sanctions)

**CASES
LITIGATED**

In re Certain Alkaline Batteries
United States International Trade Commission
1983 to 1984 (challenge to gray market imports)
(represented Duracell with other attorneys)

Christian Schmidt Brewing Co. v. G. Heileman Brewing Co.
1984 to 1985 (antitrust suit to block Heileman-Pabst merger)
(represented Heileman with other attorneys)

TEACHING

Antitrust and Regulation

Antitrust Law (American, NYU)
Regulatory Law and Policy (or Economic Regulation) (American, Georgetown)
Advanced Antitrust (or Antitrust Law and Economics: Recent Developments) (American, Duke, Georgetown)
Antitrust, Innovation and Intellectual Property (American)
Communications Law and Economic Regulation (American)
Business and Public Policy (or Business Environments) (Tuck)

Economics, Analytical Methods, and Law and Economics

Analytical Methods for Business Law (American)
Law and Economics (American)
Managerial Economics (microeconomics and industrial organization economics) (Tuck)
Problems in Managerial Economics (graduate level industrial organization economics) (Tuck)
Econometrics Seminar (Tuck)

Other Courses

Advanced Constitutional Law: Economic Clauses (American)
Contracts (American)

ACTIVITIES AND AFFILIATIONS

American Antitrust Institute
Advisory Board, 2001 to 2009, 2012 to date
Antitrust Litigation Achievement Awards Committee, 2013 to 2014

American Bar Association Section of Antitrust Law
AALS Liaison Committee, Chair, 2003 to 2004
Advisory Board on Section Reserves, 2007 to 2010
Antitrust Law Journal
Editorial Chair, July 2000 to July 2004
Contributing Editor, 1999 to 2000, 2007 to present
Antitrust Law Journal Working Group, 2008
Council, August 2004 to July 2007
Economics Committee, Vice Chair, 1995 to 1999
Long Range Planning Committee (ex officio), 2009 to 2010
Merger Standards Task Force, 1985 to 1986

Monograph Committee, 1992 to 1995
National Institute Committee, 1987
Program Co-Chair, Antitrust at the Millennium, September 2000
(co-sponsored by Amer. Univ. Washington Coll. of Law)
Section 2 Working Group, 2009 to 2010
Sherman Act §2 Committee, Vice Chair, 1992 to 1995
Task Force on Economic Evidence, Co-Chair, 2005 to 2006
Task Force on Fundamental Theory, 2000 to 2001
Task Force Serving as Liaison to the Modernization Commission,
2004 to 2007
Task Force on Presidential Transition, 2020

American Economic Association

American Law & Economics Association
Area Organizer, Antitrust and Economic Regulation, 2002, 2006,
2011, 2012, and 2018

Association of American Law Schools
Antitrust and Economic Regulation Section
Chair, 2003
Executive Committee, 1999 to 2003

Charles River Associates (formerly CRA International)
Senior Consultant, 2002 to 2009

Committee for a Study of Competition in the U.S. Airline Industry
Transportation Research Board, National Research Council, 1998 to
1999

Compass Lexecon
Advisory Committee, 2011 to present
Senior Consultant, 2011 to present

Compass Lexecon Prizes (for economic papers in competition policy)
Selection Committee, 2007 to 2009

George Mason University School of Law, Law & Economics Center
Board of Advisors, Global Antitrust Institute, 2014 to present

Member of the Bar, District of Columbia
December 1982 to present

Thurman Arnold Project at Yale, Yale School of Management
Fellow, 2019 to present

Washington College of Law, American University
Advisory Board, Program on International Information
Communications Technology, 2014 to present

June 2020