

## CURRICULUM VITA

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## EMPLOYMENT

Law Faculty, Southern Methodist University, Dallas, Texas, since 1980;  
Professor of Law (since 1984) and Marilyn Jeanne Johnson Distinguished Faculty Fellow (since 2017);  
Dean, School of Law, Southern Methodist University, 1988-1997;  
Associate Dean for Academic Affairs, 1982-1986;  
Associate Professor of Law, 1981-1984;  
Visiting Associate Professor of Law, 1980-1981;

Of Counsel, Locke Lord (formerly Locke Lord Bissell & Liddell; Locke, Liddell & Sapp; and Locke, Purnell, Rain, Harrell) since 1996;

Assistant and Associate Professor of Law, Loyola University of Chicago, Chicago, Illinois, 1977-81;

Private Practice, Stroudsburg, Pennsylvania, 1973-1976.

## EDUCATION

LL.M., 1977, Columbia University (Krulwich Fellow).

J.D., 1973, University of Texas at Austin.

B.A., 1970, University of Texas at Austin.

## LEGAL PUBLICATIONS

### Books:

ANTITRUST LAW: POLICY AND PRACTICE (5th edition, 2020, Carolina Academic Press; 4th edition 2008, Lexis Publishing; 3rd edition 1999, Lexis Publishing; 2nd edition 1992, Matthew Bender; 1st edition 1985, Matthew Bender, all with Andersen) (with Teacher's Manual for each edition)

LAW, CULTURE, AND ECONOMIC DEVELOPMENT – A LIBER AMICORUM FOR PROFESSOR ROBERTO MACLEAN (with Joseph J. Norton, eds.) (2007).

### Law Review Articles:

*Competition Law and the EU and U.S. Approaches to Dominate Markets: Will the Gap Narrow?* in FESTSCHRIFT FOR WERNER F. EBKE – GERMAN, EUROPEAN, AND COMPARATIVE BUSINESS LAW 843-54 (C.H. Beck Verlag 2021);

*A Historical Perspective on the Role of Faculty Athletics Representatives: The SMU Experience*, 7 MS. SPORTS L. REV. 142 (2018)

*Why Do Bad Antitrust Decisions Sometimes Make Good Law? The Aloca and Brown Shoe Examples*, 71 SMU L. REV. 97 (2018);

*The Incredible Shrinking Antitrust Law and the Antitrust Gap*, 52 UNIV. LOUISVILLE L. REV. 67 (2013);

*A Concise History of Corporate Mergers and the Antitrust Laws in the United States*, 24 NATIONAL LAW SCHOOL OF INDIA REV. 10 (2013);

*The Flawed Nexus Between Contract Law and the Rules of Procedure: Why Rules 8 and 9 Must Be Changed*, 31 REV. LITIG. 234 (2012) (with Bill Dorsaneo);

*Group Boycotts and Consumer Welfare*, 62 SMU L. REV. 665 (2009);

*The Antitrust Legacy of Justice William O. Douglas*, 56 CLEV. ST. L. REV. 895 (2008);

*The Quest for Number One in College Football: The Revised Bowl Championship Series, Antitrust and the Winner-Take-All Syndrome*, 18 MARQ. SPORTS L. REV. 285 (2008);

*“Legal Baseball” in the Law School Curriculum – The Contracts Example*; in *BASEBALL IN THE CLASSROOM* 104 (Edward J. Rielly ed. 2006);

*Napoleon Lajoie, Breach of Contract and the Great Baseball War*, 55 *SMU L. REV.* 325 (2002);

*Cross-Border Mergers and Antitrust: Jurisdiction, Enforcement and Cooperation Issues in CROSS BORDERS MERGERS AND ACQUISITIONS AND THE LAW* 359 (Norbert Horn ed. 2001);

*A Comment on the Extraterritorial Application of American Law in the 1990s*; in *FESTSCHRIFT FÜR BERNHARD GROSSFELD ZUM 65. Geburtstag* 901 (Hübner & Ebke eds. 1999);

*Restraints on Alienation in Antitrust Law: A Past with No Future*, 49 *SMU L. REV.* 497 (1996);

*Article Two Warranty Disputes in the Seventh Circuit: Advantage Seller or Disadvantage Court?*, 65 *CHI-KENT L. REV.* 849 (1991) (with Lee E. Michaels);

*Scots Law in Post-Revolutionary and Nineteenth Century America: The Neglected Jurisprudence*, 8 *L. & HIST. REV.* 205 (1990);

*Still Running Against the Wind: A Comment on Antitrust Jurisdiction and Laker Airways Ltd. v. Sabena, Belgian World Airlines*, 50 *J. AIR L. & COM.* 931 (1985);

*The Limited Case for an Efficiency Defense in Horizontal Mergers*, 58 *TUL. L. REV.* 503 (1983);

*A Shared Values Approach to Jurisdictional Conflicts in International Economic Law*, 32 *INT’L & COMP. L. Q.* 931 (1983) (with Bernhard Grossfeld);

*Perspectives on Corporate Mergers and the Antitrust Laws*, 12 *LOY. CHI. L. J.* 301 (1981);

*Municipal Antitrust Liability in a Federalist System*, 1980 *ARIZ. ST. L. J.* 305;

*Summary Judgments in Antitrust Conspiracy Litigation*, 10 *LOY. CHI. L. J.* 667 (1979);

*Antitrust: Criminal Intent in Antitrust Prosecutions, Collateral Estoppel and Section 5(a) of the Clayton Act, and the Relationship of Standing and Injury in Private Antitrust Suits*, 56 *CHI-KENT L. REV.* 45 (1979);

*The State Action Antitrust Immunity*, 49 *U. COLO. L. REV.* 147 (1978);

*Judicial Reinterpretation of Statutes: The Example of Baseball and the Antitrust Laws*, 14 *HOUS. L. REV.* 611 (1977);

*An Approach to the Teaching of Professional Responsibility to First Year Law Students*, 4 OHIO NORTHERN U. L. REV. 800 (1977);

*Mergers in Regulated Industries: The Role of the Regulatory Agency*, 7 ST. MARY'S L. J. 297 (1975).

Book Reviews:

LEGAL BASES - BASEBALL AND THE LAW, by Roger I. Abrams, 8 NINE: A JOURNAL OF BASEBALL HISTORY AND SOCIAL POLICY PERSPECTIVES 132 (1999);

CONTRACT LAW IN THE USSR AND THE UNITED STATES: HISTORY AND GENERAL CONCEPT, by E. Allan Farnsworth and Viktor P. Mozolin, 22 INT'L LAW. 870 (1988);

THE ECONOMICS OF CORPORATION LAW AND SECURITIES REGULATION, edited by Posner and Scott, 35 VAND. L. REV. 265 (1982) (with Larry Ribstein), reprinted in 25 CORPORATE PRACTICE COMMENTATOR 142 (1983);

THE ECONOMICS OF CONTRACT LAW, edited by Posner & Kronman, 93 HARV. L. REV. 1039 (1980);

DECISION TO PROSECUTE: ORGANIZATION AND PUBLIC POLICY IN THE ANTITRUST DIVISION by Suzanne Weaver, 32 VAND. L. REV. 1239 (1979);

HANDBOOK OF THE LAW OF ANTITRUST by Lawrence Sullivan, 77 COLUM. L. REV. 1112 (1977), reprinted in 21 CORPORATE PRACTICE COMMENTATOR 131 (1979).

Shorter Articles, Op-eds and Tributes:

*Roy Ryden Anderson: A Tribute to an SMU Legend*, 74 SMU L. REV. 229-231 (2021);

*A Heartfelt Remembrance of Charles Tarpley*, 86 J. AIR L. & COM. 321-24 (2021);

*A Tribute to Peter Winship – Academic Lawyer Par Excellence*, 73 SMU L. REV. 403 (2020);

*Vicki Palacios – An Appreciation*, 73 SMU L. REV. 197 (2020);

*Reminiscing about Bill Bridge and his Remarkable Legacy*, 72 SMU L. REV. 19 (2019);

*A Current Look at Foreign Cartels and the United States Foreign Trade Antitrust Improvements*

*Act*, Vol. III COMPETITION L. CHRON. 2-5 (2016);

*Fred Moss, The Law School's Unsung Hero*, 63 SMU L. REV. 939 (2010);

*Foreword, Antitrust Law and Policy: Still under Construction*, 62 SMU L. REV. 431 (2009);

*Jack Mylan – An Appreciation for a Job Well Done*, 60 SMU L. REV. 1409 (2007);

*Preface: In Honor of Roberto MacLean – A Man of All Reason in LAW, CULTURE, AND ECONOMIC DEVELOPMENT – A LIBER AMICORUM FOR PROFESSOR ROBERTO MACLEAN* (Norton & Rogers, eds. 2007);

*A Hale and Hearty Thank You to Harvey Wingo*, 54 SMU L. REV. 1909 (2001);

*Remembering a Special Friend: John J. Tigert VI*, 62 J. AIR L. & COM. 641 (1997);

*A Remembrance of Howard Taubenfeld: Master Teacher, Progressive Scholar, and Supportive Colleague*, 50 SMU L. REV. 3 (1996) and 62 J. AIR L. & COM. 5 (1996);

*A Tribute to A. Kenneth Pye: A Remarkable Man and Inspirational Leader*, 49 SMU L. REV. 433 (1996);

*Forward to Symposium: Antitrust in the Twenty-First Century*, 48 SMU L. REV. 1665 (1995);

*Thanks to Ellen Solender: A Generous Teacher, Scholar and Friend*, 48 SMU L. REV. 1 (1994);

*Remembering Johnny Johnson*, 47 SMU L. REV. 3 (1993);

*A Misleading Attack on SMU*, DALLAS MORNING NEWS, April 19, 1992 at 6J;

*SMU Athletics: Realities and Challenges of the 1990s*, SMU FORUM, May 1990;

*Remembering John E. Kennedy*, 43 SW. L. J. 1003 (1990) and 55 J. AIR L. & COM., No. 3, at i (1989);

*The Sherman Act as Industrial Policy*, THE BRIEF 28 (Spring 1989);

*Bill Flittie: Preaching That Old Time Religion*, 52 J. AIR L. & COM., No. 4 at xiii (1989);

*Victory is Hollow on the Wrong Path to Football Glory*, HOUSTON CHRONICLE, Dec. 25, 1988;

*Antitrust in the 1980s*, DALLAS TIMES-HERALD, April 20, 1986.

### NON-LEGAL PUBLICATIONS

#### Books:

THE WHIZ KIDS TAKE THE PENNANT – THE 1950 PHILADELPHIA PHILLIES\_(co-editor with Bill Nowlin) (Society for American Baseball Research 2018);

THE TEAM THAT TIME WON’T FORGET – THE 1951 NEW YORK GIANTS\_(co-editor with Bill Nowlin) (Society for American Baseball Research 2015);

LUCKY ME: MY 65 YEARS IN BASEBALL\_(with Eddie Robinson) (SMU Press 2011), reprinted in trade paperback edition by University of Nebraska Press in 2015;

MY LIFE IN BASEBALL (with Robin Roberts) (Triumph Books 2003), reprinted in trade paperback edition as THROWING HARD EASY: REFLECTIONS ON A LIFE IN BASEBALL (University of Nebraska Press 2014);

MEMORIES OF A BALLPLAYER: BILL WERBER AND BASEBALL IN THE 1930s, (with Bill Werber) (Society for American Baseball Research 2001);

THE WHIZ KIDS AND THE 1950 PENNANT (with Robin Roberts) (Temple Univ. Press 1996), trade paperback edition, 2000;

Numerous articles on baseball and football history in ELYSIAN FIELDS QUARTERLY, THE BASEBALL RESEARCH JOURNAL, THE NATIONAL PASTIME, NINE: A JOURNAL OF BASEBALL HISTORY, SPITBALL: A BASEBALL LITERARY JOURNAL, BASEBALL HISTORY AND ART, LEGACIES, SCRIBNER’S ENCYCLOPEDIA OF AMERICAN LIVES, DEADBALL STARS OF THE AMERICAN LEAGUE; and various other publications.

### SELECT AWARDS AND RECOGNITIONS

M Award, SMU, April 17, 2017;

Thomas W. Tunks Distinguished University Service Award, SMU, May 14, 2016;

Dallas Baptist University Baseball Legend Award, February 12, 2016 (for support of college baseball in the Metroplex);

Honorary SMU Letterman, 2006 (for service to SMU athletics).

SELECTED PROFESSIONAL AND COMMUNITY ACTIVITIES:

Member, American Law Institute (elected 2008);

Fellow, American Bar Foundation;

Fellow, Texas Bar Foundation;

Charter Fellow, Dallas Bar Foundation;

State Bar of Texas Antitrust and Business Litigation Council, since 2013;

Dallas Bar Association Antitrust Council, since 2016;

Chair, Dallas 2012 Ethics Oversight Committee, 1999-2001;

Board of Trustees, Dallas Bar Foundation, 1992-2000;

Board of Directors, Committee for a Qualified Judiciary, 1996-2009;

President, Ernie Banks-Bobby Bragan DFW Chapter of the Society of American Baseball Research, since 2000;

Student-Athlete Scholar Advisory Board, National Football Foundation, since 2006;

National Selection Committee, Scholar-Athlete Post-Graduate Scholarships, National Football Foundation, since 2012;

Faculty Liaison, Faculty Salute Initiative, National Football Foundations, since 2010;

Board of Directors, Bobby Bragan Youth Foundation, since 2009;

Selection Committee, Texas Baseball Hall of Fame, 2008;

Selection Committee, SMU Athletics Hall of Fame, since 2008;

Selection Committee, College Baseball Hall of Fame, since 2011;

Advisory Committee, Texas Baseball History Special Exhibit, the Bob Bullock Texas State History Museum, Austin, Texas, 2002-2004;

Oversight Committee of the Bishop's Education Endowment Fund, 1996-2003;

Executive Committee, Dave Fox Inner City School Fund, 1999-2001;

Board of Directors, Dispute Mediation Service, Inc., 1993-2007; Vice-President 2001-03; President 2003-2005;

Board of Directors, SMU Athletic Forum, since 1989 (administers Doak Walker National Running Back Award); Doak Walker Legends Committee Subcommittee;

Editorial Committee, Judge Sarah Hughes Biography Project, Dallas Bar Association, 2000-2003;

Board of Directors, SMU Tate Lecture Series, 1996-2000;

President, Southwest Athletic Conference, 1991-93; Vice-President, 1989-1991;

Executive Committee, Southwest Athletic Conference, 1989-1995;

Member, Southern Association of Colleges and Schools site evaluation or substantive change committees at Vanderbilt University; Emory University; University of Mississippi; Universidad Los Andes in Bogata, Colombia; University of Louisville; St. Thomas University (Fla.); Lincoln Memorial University; and Nova Southeastern University, since 1996;

Hearing Appeals Officer, SACS, since 2011;

Member, NCAA Reaccreditation Team, Tulane Univ., 2001;

Committee on Graduate Legal Education, Section of Legal Education, American Bar Association, 1991-1995;

Legal Education Liaison with Texas Young Lawyer's Assn, 1995-96;

Board of Directors, Cotton Bowl Association, 1991-93;

Steering Committee, Conference on the Professions, 1988 -1997 (annual conference for physicians, clergy and lawyers);

Steering Committee, Dallas Chamber of Commerce International Dispute Resolution Center



Initiative, 1993-1995;

Bar of the Fifth Circuit Court of Appeals, since 2014;

State Bar of Texas, since 1984;

Pennsylvania Bar, 1973 (inactive);

Board of Directors, North Central Texas Legal Services Foundation, Inc., 1987-88;

Member, Dallas Committee on Foreign Relations 1996-2000;

Antitrust Consultant to various law firms and companies;

Chair and Speaker, Various CLE programs on Antitrust Law and Business Torts;

Member, Texas State Bar Committee on Liaison with Law Schools and Law Students, 1982-1983;

Columbia Law School Symposium Committee, 1978-87;

Girls Sports Committee, Park Cities YMCA and coach, girls' soccer, basketball and T-ball, various times, 1981 - 1995.

#### UNIVERSITY AND FACULTY ACTIVITIES

Editorial Advisory Board, SMU Press, 2003-2011;

Series Editor, Sport in American Life Series, SMU Press, 2004-2011;

NCAA Football Oversight Committee, 2015- 2019 (non-voting member);

NCAA Football Competition Committee, 2017-2019;

NCAA Postseason FBS Football Subcommittee, 2016;

NCAA Amateurism Cabinet, 2011-13;

NCAA Academic, Eligibility, Compliance Cabinet, 2003-2005;

NCAA Continuing Eligibility Subcommittee, 2003-2005;

Executive Committee, Division I-A Faculty Athletics Representative Assoc., 2006-2012;

Chair, Steering Committee for Conference on The Welfare of Student-Athletes: Ethical Perspectives for the Maguire Center for Ethics and Public Responsibility, 1998-2000;

Faculty Athletic Representative, SMU, since 1987;

Standing Committee on Athletics, SMU Board of Trustees, 2000- 2008; since 2011;

Chair, Compliance Committee for SMU Athletics, since 2011;

SMU Gender-Equity Committee for Athletics, since 2013;

Chair, University Athletic Council, SMU, 1987-1989;

University Athletic Council, SMU, since 1987;

Heritage Hall Committee, 2000-2006;

University Task Force on Gender Equity in Athletics, SMU, 1993-94;

Steering Committee, NCAA Certification of SMU Athletics, 1993-95; 1998-2000; 2008-10;

Associate Dean for Academic Affairs, SMU Law School, 1982-1986;

Chair and member, various tenure and promotion committees within the law school;

Director, SMU/Oxford Summer Program, 1986-1988;

Director, SMU/Edinburgh Summer Program, 1988;

SMU Law School Ad Hoc Diverse Student Recruitment Committee  
1981-1987 (Chairperson 1982-1986);

University Task Force on Faculty Development, 1983-1984;

Faculty Advisor, Journal of Air Law & Commerce, 1982-1988;

Faculty Advisor, Black Law Students Association, 1982-1985;

Faculty Advisor, Hispanic Law Students Association, 1982-1985;

Loyola University Faculty Council (University Senate) 1978-1980;

Executive Council, Loyola University Faculty Council 1979-1980;

Faculty Advisor, Loyola University Law Journal 1978-1980.

LAW SCHOOL COURSES TAUGHT

Antitrust Law

Contracts I & II

Business Torts (Unfair Trade Practices)

Commercial Transactions (Sales of Goods)

Selected Problems in Antitrust Seminar

Selected Problems in Sports Law Seminar