

Barak Orbach

Professor of Law and Director of the Business Law Program
The University of Arizona
James E. Rogers College of Law
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ACADEMIC APPOINTMENTS

The University of Arizona, James E. Rogers College of Law

Professor of Law (2011-Present)

Associate Professor of Law (2005-2011) (tenured in 2009)

Founding Director, the Business Law Program (2010-2013, 2015-Present)

Affiliated Faculty, The Institute for LGBT Studies

Faculty Advisor, *Arizona Law Review* (2008-Present) (selected by the *Review* every year)

Courses Taught: Antitrust, Business Organizations, Corporate Compliance, Intellectual Property, Law and Economics, Regulation

EDUCATION

Harvard Law School, LL.M. (1999), S.J.D (2002)

Tel Aviv University, B.A. (Economics, 1997), LL.B. (1997)

AFFILIATIONS

American Bar Foundation, Fellow (2015-Present)

The American Law Institute, Elected Member (2013-Present)

The Antitrust Section of the Arizona Bar Association, Executive Council, Member (2014-Present)

The Jack and Vivian Hanson Film Institute at the University of Arizona, Faculty Committee, Member (2007-2009)

HONORS, GRANTS, AND AWARDS

2010 UA Institute for LGBT Studies Course Development Grant

2008 Hanson Film Institute Research Grant

2007 Rogers Faculty Research Award

2005 NET Institute, Summer Research Grant

2004-2005 New York University School of Law, Leonard Wagner Fellowship in Law & Business

2003-2004 The University of Michigan Law School, Humphrey Fellowship in Law and Economic Policy

2000-2001 Harvard Law School, Clark Byse Fellowship

1999-2003 Harvard Law School, John M. Olin Research Fellowship in Law and Economics

1999 Harvard Law School, The John M. Olin Prize for Outstanding Paper in Law and Economics

1998-2002 The David Fischman Scholarship, full tuition scholarship at Harvard Law School

NON-ACADEMIC EXPERIENCE

Cleary, Gottlieb, Steen & Hamilton LLP, New York, NY

2001-2003 Associate, New York, NY

National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI), Lima, Peru

June 1999-August 1999 Research Fellow

Israel Antitrust Authority, Jerusalem, Israel

1997-1999 Advisor for Law and Economics to the General Director, David Tadmor

Israel Defense Forces

1988-1992 Lieutenant, elite intelligence unit

PUBLICATIONS

Books

1. **REGULATION: WHY AND HOW THE STATE REGULATES** (Foundation Press, 2012)
Project website: <http://regulationonline.com>

Book Chapters

1. ***Squeezing Claims: Refusals to Deal, Essential Facilities, and Price Squeezes***, in OXFORD HANDBOOK ON INTERNATIONAL ANTITRUST ECONOMICS, vol. 2, 120-130 (Roger Blair & Daniel Sokol eds., 2014) (with Raphael Avraham)
2. ***The Goals of Antitrust Law: Theory and Practice***, in ECONOMIC FOUNDATIONS OF ANTITRUST LAW 63 (Michal Gal and Menachem Perlman eds., 2008) (in Hebrew)

Published and Forthcoming Articles and Essays

3. ***Antitrust Populism***, NYU JOURNAL OF LAW & BUSINESS (2017, forthcoming)
4. ***Antitrust in the Age of Anxieties***, 2(4) COMPETITION LAW AND POLICY DEBATE 52 (2016)
5. ***Hub-and-Spoke Conspiracies***, 15(4) ANTITRUST SOURCE 1 (April 2016)
6. ***Scamming: The Misunderstood Confidence Man***, 27 YALE JOURNAL OF LAW & THE HUMANITIES 249 (2015) (with Jean Braucher)
7. ***Antitrust Stare Decisis***, 15(1) ANTITRUST SOURCE 1 (October 2015)
8. ***The Durability of Formalism in Antitrust***, 100 IOWA LAW REVIEW 2197 (2015)
9. ***A State of Inaction: Dysregulation and Income Inequality***, 16 THEORETICAL INQUIRIES IN LAW 45 (2015)
10. ***Was the Crisis in Antitrust a Trojan Horse?***, 79 ANTITRUST LAW JOURNAL 881 (2014)

11. ***How Antitrust Lost Its Goal***, 81 FORDHAM LAW REVIEW 2253 (2013)
12. ***Antitrust's Pursuit of Purpose***, 81 FORDHAM LAW REVIEW 2151 (2013)
13. ***The Limits of Antitrust Scholarship***, 91 TEXAS LAW REVIEW 1165 (2013) (book review)
14. ***What Is Government Failure?***, 30 YALE JOURNAL ON REGULATION ONLINE 44 (2013)
15. ***What Is Regulation?***, 30 YALE JOURNAL ON REGULATION ONLINE 1 (2012)
16. ***Invisible Lawmaking***, 79 UNIVERSITY OF CHICAGO LAW REVIEW DIALOGUE 1 (2012)
17. ***On Hubris, Civility, and Incivility***, 54 ARIZONA LAW REVIEW 443 (2012)
18. ***The Antitrust Curse of Bigness***, 85 SOUTHERN CALIFORNIA LAW REVIEW 605 (2012) (with Grace Campbell Rebling)
19. ***Antitrust Energy***, 85 SOUTHERN CALIFORNIA LAW REVIEW 429 (2012) (with Daniel Sokol),
reprinted in JOSHUA P. FERSHEE, ENERGY LAW: A CONTEXT AND PRACTICE CASEBOOK 52 (2014)
20. ***Excessive Speech, Civility Norms, and the Clucking Theorem***, 44 CONNECTICUT LAW
REVIEW 1 (2011) (with Frances Sjoberg)
Documentation and Supplemental Materials: ***Debating Over Backyard Chickens***, 44
CONTEMPLATIONS 1 (2011) (with Frances Sjoberg)
21. ***Censoring Crimes***, 29 CARDOZO ARTS & ENTERTAINMENT LAW JOURNAL 251 (2011) (with
Allison Woolston)
22. ***The Antitrust Consumer Welfare Paradox***, 7 JOURNAL OF COMPETITION LAW & ECONOMICS
133 (2011), *reprinted in* THE LIBRARY OF ESSAYS ON ANTITRUST AND COMPETITION LAW,
vol. 1, 1-32 (Farham, UK: Ashgate Publishing, Rosa Greaves ed. 2012)
23. ***Arming States Rights: Federalism, Private Lawmakers, and the Battering Ram Strategy***,
52 ARIZONA LAW REVIEW 1161 (2010) (with Kathleen Callahan and Lisa Lindemenn)
24. ***The Image Theory: RPM and the Allure of High Prices***, 55 ANTITRUST BULLETIN 277S
(2010)
25. ***The Johnson-Jeffries Fight and Censorship of Black Supremacy***, 5 NYU JOURNAL OF LAW
& LIBERTY 270 (2010), *reprinted in* EL COMBATE DEL SIGLO (Gallo Nero: Donatella Iannuzzi
ed., 2011) (Spanish translation published with translated works of Jack London)
26. ***Prizefighting and the Birth of Movie Censorship***, 21 YALE JOURNAL OF LAW & THE
HUMANITIES 251 (2009)

27. ***The New Regulatory Era: An Introduction***, 51 ARIZONA LAW REVIEW 559 (2009)
28. ***Micro-Motives for State and Local Climate Change Initiatives***, 2 HARVARD LAW & POLICY REVIEW 119 (2008) (with Kirsten Engel)
29. ***Indirect Free Riding on the Wheels of Commerce: Dual-Use Technologies and Copyright Liability***, 57 EMORY LAW JOURNAL 409 (2008), *reprinted in* COPYRIGHT LAW ANTHOLOGY, 2009–2010, pp. 753-802 (Rodney A. Smolla ed., 2009)
30. ***Antitrust Vertical Myopia: The Allure of High Prices***, 50 ARIZONA LAW REVIEW 261 (2008)
31. ***Uniform Prices for Differentiated Goods: The Case of the Movie-Theater Industry***, 27 INTERNATIONAL REVIEW OF LAW & ECONOMICS 129 (2007) (with Liran Einav)
32. ***Unwelcome Benefits: Why Welfare Beneficiaries Reject Government Aid?***, 24 LAW & INEQUALITY 107 (2006)
33. ***Antitrust and Pricing in the Motion Picture Industry***, 21 YALE JOURNAL ON REGULATION 317 (2004)
34. ***The Durapolist Puzzle: Monopoly Power in Durable-Goods Markets***, 21 YALE JOURNAL ON REGULATION 67 (2004)

SELECTED PRESENTATIONS

Interstate Circuit and (Other) Antitrust Myths, Tilburg Law and Economics Center (TILEC), Tilburg, the Netherlands (September 2017)

Interstate Circuit and (Other) Antitrust Myths, Toulouse School of Economics, Toulouse, France (May 2017)

Global Digital Platforms and Challenges for the Competition Law, St. Petersburg International Legal Forum, St. Petersburg, Russia (May 2017)

Interstate Circuit and (Other) Antitrust Myths, The Annual Loyola Antitrust Colloquium, Loyola University Chicago, Chicago, IL (April 2017)

Antimonopoly Policy: Science, Education, Practice, The Russian Federal Antimonopoly Service, Moscow, Russia (December 2016)

- *Antitrust Populism*
- *Antitrust in the New Economy*

Interstate Circuit and Antitrust Inference, The Annual Economics of the Entertainment and Media Industries Conference (Mallen), New York, NY (November 2016)

Interstate Circuit and Antitrust Inference, The 2016 Annual Meeting of the Midwest Law and Economics Association, Emory University School of Law (September 2016)

Scamming: The Misunderstood Confidence Man, AALS 2016 Annual Meeting, New York, NY (January 2016)

Interstate Circuit and Antitrust Inference, Virginia Law School, Charlottesville, VA (November 2015)

Scamming: The Misunderstood Confidence Man, Third Annual Workshop for Corporate & Securities Litigation, Boston University, Boston MA (October 2015)

Does Antitrust (Really) Target Anticompetitive Schemes?, Iowa Law School, Iowa City, IA (October 2014)

A State of Inaction, The 2014 Annual Meeting of the Midwest Law and Economics Association, Indiana University Robert H. McKinney School of Law, Indianapolis, IN (October 2014)

Red Flags, The Annual Meeting of the Society for Environmental Law and Economics, Chicago, IL (May 2014)

Red Flags, The Annual Meeting of the American Law & Economics Association, University of Chicago, Chicago, IL (May 2014)

Was the Crisis in Antitrust a Trojan Horse?, Next Generation of Antitrust Scholarship Conference, NYU School of Law, New York, NY (January 2014)

A State of Inaction: Dysregulation and Income Inequality, Financial Regulation and Comparative Corporate Governance, Tel Aviv University, Tel Aviv, Israel (January 2014)

Choosing Among Evils: The Implied Antitrust Immunities, Philadelphia National Bank 50 Years Later, NYU School of Law, NY, NY (November 2013)

Red Flags, The 2013 Annual Meeting of the Midwest Law and Economics Association, University of Illinois College of Law, Champaign, IL (October 2013)

Was the Crisis in Antitrust a Trojan Horse?, The Antitrust Legacy of Robert Bork, Yale Law School, New Haven, CT (September 2013)

Red Flags, Herd Behavior, Groupthink, and Financial Bubbles Symposium, Annual Meeting Law & Society, Boston, MA (June 2013)

IKI-WISI: The Certainty Behind the Uncertainty in the Motion Picture Industry, The Annual Business and Economics Scholars Workshop in Motion Picture Industry Studies (Mallen), Los Angeles, CA (November 2012)

Goals for Antitrust, The Goals of Antitrust Law, George Washington University Law School, D.C. (October 2012)

Branding Preferences Through Law, Brands Competition and the Law, Loyola University Chicago, Chicago, IL (October 2012)

Goals for Antitrust, The 2012 Annual Meeting of the Midwest Law and Economics Association, Washington University School of Law, St. Louis, MO (October 2012)

Regulation, Humanities Seminar, The University of Arizona, Tucson, AZ (May 2012)

Regulating (In)civility, Political Discourse, Civility, and Harm, The University of Arizona, Tucson, AZ (January 2012)

The Antitrust Curse of Bigness, The 2011 Annual Meeting of the Midwest Law and Economics Association, Indiana University Bloomington, Bloomington, IN (September 2011)

Too Big to Exist: Size in Antitrust, 100 Years of Standard Oil, George Washington University Law School, D.C. (June 2011)

The Clucking Theorem, The Annual Meeting of the American Law & Economics Association, Columbia Law School, New York, NY (May 2011)

Too Big to Exist: Size in Antitrust, The Annual Loyola Antitrust Colloquium, Loyola University Chicago, Chicago, IL (April 2011)

Censoring Crimes, UCLA/Mallen Workshop in Motion Picture Industry Studies, UCLA Anderson School of Management, Los Angeles, CA (November 2010)

The Antitrust Consumer Welfare Paradox, The Canadian Law & Economics Association, Toronto, Canada (October 2010)

The Antitrust Consumer Welfare Paradox, Next Generation of Antitrust Scholarship Conference, NYU School of Law, New York, NY (January 2010)

Trials and Movie Censorship, UCLA/Mallen Workshop in Motion Picture Industry Studies, UCLA Anderson School of Management, Los Angeles, CA (November 2009)

Prizefighting and the Birth of Movie Censorship, Emory Law School, Atlanta, GA (April 2009)

Prizefighting and the Birth of Movie Censorship, University of Missouri School of Law, Columbia, MO (February 2009)

Prizefighting and the Birth of Movie Censorship, UCLA/Mallen Workshop in Motion Picture Industry Studies, UCLA Anderson School of Management, Los Angeles, CA (November 2008)

Prizefighting and the Birth of Movie Censorship, National Association of Theatre Owners, Washington, DC (August 2008)

Prizefighting and the Birth of Movie Censorship, Jurisgenesis 2008, Washington University, St. Louis, MO (June 2008)

Antitrust Vertical Myopia: The Allure of High Prices, George Mason University School of Law, Arlington, VA (February 2008)

Reel Law: The Origins of Copyright, Censorship, and Antitrust in the American Motion Picture Industry, Annual Business & Economics Scholars Workshop in Motion Picture Industry Studies, DeSantis Center, Los Angeles, CA (November 2007)

Economic Aspects of the Antitrust-Intellectual Property Intersection, ABA 2007 Annual Meeting, San Francisco, CA (August 2007)

Uniform Pricing at the Movie-Theater Box Office, Annual Business & Economics Scholars Workshop in Motion Picture Industry Studies, DeSantis Center, Boca Raton, FL (November 2006)

Copyright Infringement in Multisided Markets, Annual Meeting of the European Association of Law & Economics, Instituto de Empresa, Madrid, Spain (September 2006)

Copyright Infringements in Multisided Markets, Intellectual Property Scholars Conference, Boalt Hall School of Law, UC Berkeley, CA (August 2006)

e-Antitrust: Playing Fair in Cyberspace, 2006 State Bar of Arizona Annual Convention, Phoenix, AZ (June 2006)

Antitrust in Multisided Markets, Israel Antitrust Authority, Jerusalem, Israel (January 2006)

Copyrights in Negative-Expected-Value Works, IP@Work, the Interdisciplinary Center, Israel (December 2005)

Copyrights in Negative Expected Value Works, Rogers Program on Law in Society Colloquium, The University of Arizona, Tucson, AZ (November 2005)

Copyright Infringements in Multisided Markets, The 2005 Annual Meeting of the Midwest Law and Economics Association, Northwestern University, Chicago, IL (October 2005)

Unwelcome Benefits, Harvard Law School Law & Economics Luncheon Series, Harvard Law School, Cambridge, MA (October 2004)

Antitrust and Pricing in the Motion-Picture Industry, The 2004 Annual Meeting of the Israeli Law and Economics Association, The Hebrew University, Jerusalem, Israel (June 2004)

Antitrust and Pricing in the Motion-Picture Industry, The 2004 Annual Meeting of the American Law and Economics Association, Chicago, IL (May 2004)

Hired Creativity, The University of Michigan Law and Economics Workshop, University of Michigan Law School, Ann Arbor, MI (November 2003)