

**CURRICULUM VITAE
WARREN S. GRIMES**

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POSITION

Irving D. & Florence Rosenberg Professor of Law, Southwestern University School of Law.

Teach antitrust, legislation, business associations and unfair competition and consumer protection law. Associate Dean for Research, 2016-2019; Associate Professor 1988-1992; Full Professor since 1992. Faculty Adviser, Southwestern Journal of Int'l L. (1994-2012; 2018 to 2021; Faculty Adviser, Southwestern Law Review, 2021 to present; Chair, Curriculum Comm., 1994. Chair of Faculty Development Comm., 1998. Chair of Ad Hoc Committee on Grading Reform, 2005; Chair of Ad Hoc Examination on Bar Exam Preparation, 2007. Sabbatical Leave (2002-2003) - Senior Research Fellow, American Antitrust Institute

PRIOR TEACHING POSITIONS

Adjunct Professor, Georgetown University Law Center, Washington, D.C., 1985 to 1988
Taught seminar on International and Comparative Antitrust Law.

Adjunct Professor, Columbus School of Law (Catholic University), Washington, D.C., 1984
Taught antitrust and advanced antitrust seminar.

PREVIOUS POSITIONS

Chief Counsel, Subcommittee on Monopolies and Commercial Law, Committee on the Judiciary, U.S. House of Representatives, 1980-1988.

Worked with subcommittee staff of 8 to provide counsel and support on antitrust, constitutional, and bankruptcy issues, and in matters involving impeachment of federal judges.

Assistant to the General Counsel, Federal Trade Commission, Washington, D.C. , 1978-1980
Represented agency at OECD meetings and in other international antitrust negotiations; represented FTC in federal court proceedings.

FTC Representative, President's Reorganization Task Force, Washington, D.C., 1977-1978
Appointed by FTC Chairman to serve on President Carter's OMB reorganization task force to assess adequacy of Federal Government's legal representation in court.

Attorney, Office of the General Counsel, FTC, Washington, D.C., 1974-1977
Represented FTC in federal court litigation; supervised junior attorneys' work; received Chairman's Superior Service Award for work on *In re Line of Business Reports*, 595 F.2d 685 (D.C. Cir. 1978), *cert. denied*, 439 U.S. 958.

Attorney Adviser, Office of Legal Counsel, Department of Justice, Washington, D.C., 1972-1974
Wrote legal opinions for Justice Department, White House, and other agencies on statutory and constitutional issues, including impeachment and Presidential impoundment of appropriations.

Research Fellow, Max Planck Institute for Competition Law, Munich, Germany; Max Planck Institute for Public & Int'l Law, Heidelberg, Germany, 1969-1972
Received research fellowship from Volkswagen Foundation for American lawyer interested in teaching; research and writing on consumer and advertising law (1969).

Associate Attorney, O'Melveny & Myers, Los Angeles, California, 1968-1969
General litigation, corporate, tax, and labor law matters.

COMMISSIONS AND CONSULTING

Member, Advisory Board, American Antitrust Institute, Washington, D.C. (since 1998), Senior Research Fellow since 2002.
Member, Advisory Board, Max Planck Institute for Innovation and Competition, Munich, Germany 2009-2018.
Member, ABA Section of Antitrust Law, Task Force on the Antitrust Division of the U.S. Department of Justice (1988-89).
Consultant, National Commission on Judicial Discipline & Removal, 1992-1993.
Member, Selection Committee for Jerry S. Cohen Award (Outstanding antitrust scholarship), since 2008.

EDUCATION

J.D., Univ. of Michigan Law School, Ann Arbor, Michigan, 1965-1968
S. Anthony Benton Memorial Award (to graduate outstanding in constitutional and international law); Assistant Editor, Michigan Law Review; Order of the Coif; Research Assist. to Prof. John Jackson on GATT book; Assist. Resident Dir. of men's undergraduate dormitory; Legal Intern, Office of Legal Adviser, U.S. Department of State (Summer 1967).
B.A., Stanford University, Stanford, California, 1961-1965
History major; economics and German minors; Dean's list in final two years; Vice President of Institute for International Relations (organized conference on international disarmament); Stanford in Germany Program; Stanford Band and Glee Club.

BAR MEMBERSHIPS AND OTHER ORGANIZATIONS

Member - State Bar of California (January 1969)(currently inactive); admitted to U.S. Courts of Appeals for D.C., 2d, 9th, and 10th Circuits.
Member - American Bar Association, Antitrust Section.
Chair, Executive Comm., Antitrust & Trade Regulation Section, LA Cty Bar Assoc. (1998-99) (Member of Exec. Comm. 1989-2008)).

AWARDS

Irving D & Florence Rosenberg Professor of Law, appointed in 2016.
Jerry S. Cohen Memorial Award for Outstanding Antitrust Scholarship (2007), presented to Lawrence A. Sullivan and Warren S. Grimes for THE LAW OF ANTITRUST: AN INTEGRATED HANDBOOK (2d ed. 2006).
Irwin R. Buchhalter Professor at Southwestern, 1998-1999.
FTC Chairman's Superior Service Award, 1979

BOOKS

THE LAW OF ANTITRUST: AN INTEGRATED HANDBOOK (with Lawrence A. Sullivan & Christopher L. Sagers) (3d ed. West Group, 2015).

ANSCHWÄRZUNG UND VERGLEICHENDE WERBUNG IM RECHT DER USA (1974) (Commercial Disparagement and Comparative Advertising in U.S. Law -- in German).

MAJOR PUBLICATIONS AND PAPERS

The Major Questions Doctrine: Judicial Activism that Undermines the Democratic Process, 54 LOYOLA CHICAGO L. J. (forthcoming, Issue 3, 2023).

Antitrust Confronts Big Data: U.S. and European Perspectives, 9 Journal of Int. Media & Entertainment Law, 171 (2021).

Perverse Results from Pharmaceutical Patents in the United States, 52 Int. Rev. of IP and Competition Law 596 (2021)

A Post-Chicago Debate: Is Protecting the Competitive Process Antitrust's Overarching Goal? 35 ANTITRUST (No. 3) 72 (2021)

Breaking Out of Consumer Welfare Jail: Addressing the Supreme Court's Failure to Protect the Competitive Process, 15 Rutgers Bus. L. Rev. 49 (Fall 2020)

Adam Smith, the Competitive Process, and the Flawed Consumer Welfare Standard, 69(1) GRUR International 3 (2020)

Invidious Price Discrimination in the Sale of Rapid Acting Insulin, Is There an Antitrust Remedy? in ALBERT A. FOER LIBER AMICORUM: A CONSUMER VOICE IN THE ANTITRUST ARENA, Nicolas Charbit, Sonia Ahmad (Editors) (Oct. 2020)

Judicial Activism in the First Decade of the Roberts Court: Six Activism Measures Applied, 48 SOUTHWESTERN U. L. REV. 37 (2019).

Entrepreneurial Choice: Restoring a Relevant Antitrust Policy, 68 CASE W. RES. L. REV. 61 (2017).

The FIFA World Cup and Dysfunctional Television Distribution in the United States, 21 Sw. J. Int'l L. 155 (2015).

The Two Sides of Brand Marketing: Reconsidering Competition Law Governing Distribution Restraints, in BRANDS, COMPETITION, AND THE LAW (Spencer Waller & Ioannis Lianos, eds., 2015).

The Distribution of Pay Television in the United States: Let an Unshackled Marketplace Decide, 5 J. INT. MEDIA & ENTERTAINMENT L. 1 (2014) (reprinted in a symposium of outstanding telecommunications articles of 2014).

Wealth Distribution, Free Trade, and Competition Law, 18 Sw. J. INT'L L. 65 (2011).

American Needle and Justice Stevens' Supreme Court Antitrust Legacy, 2010/4 J. COMP. LAW 430.

A Dynamic Analysis of Resale Price Maintenance: Inefficient Brand Promotion, Higher Margins, Distorted Choices, and Retarded Retail Innovation, 55 ANTITRUST BULL. 101 (2010).

US Supreme Court Rejects Price Squeeze Claim, 2009/3 J. COMP. LAW 343.

A Tale of Two Ski Towns: New Perspectives on a Dominant Firm's Refusal to Deal with a Rival, in TECHNOLOGY AND COMPETITION, CONTRIBUTIONS IN HONOUR OF HANNS ULLRICH (Joseph Drexl et al. eds 2009), available at SSRN: <http://ssrn.com/abstract=1656125>.

The Path Forward After Leegin: Seeking Consensus Reform of the Antitrust Law of Vertical Restraints, 75 ANTITRUST L. J. 467 (2008).

The Sylvania Free Rider Justification for Downstream-Power Vertical Restraints: Truth or Invitation for Pretext? in WHERE THE CHICAGO SCHOOL OVERSHOT THE MARK: EFFECT OF CONSERVATIVE ECONOMIC ANALYSIS ON U.S. ANTITRUST, R. Pitofsky ed. (Oxford Press 2008).

Illinois Tool Works, Inc. v. Independent Ink, Inc., Requirements Tie-Ins and Intellectual Property (w. Lawrence A. Sullivan), 13 SW. J. L. & TRADE IN AMERICAS 335 (2007).

From Schwinn to Sylvania to Where? Historical Roots of Modern Vertical Restraints Policy, in ANTITRUST AS HISTORY, D. Crane & E. Fox, eds., 146-170 (2007).

The Future of Distribution Restraints Law: Will the New Learning Take Hold? 2006 UTAH L. REV. 829.

Buyer Power and Retail Gatekeeper Power: Protecting Competition and the Atomistic Seller, 72 ANTITRUST L. J. 563 (2005).

Counterproductive Incentives for Innovation? Exclusionary Conduct in the Sale of an IP Product, 36 INTERNATIONAL REVIEW OF INTELLECTUAL PROPERTY AND COMPETITION LAW 214 (2005).

A Study in Merger Enforcement Transparency: The FTC's Ocean Cruise Decision and the Presumption Governing High Concentration Mergers (w. John E. Kwoka), ANTITRUST SOURCE (May 2003), available at www.antitrustsource.com.

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Conspiracies and Summary Judgment in Sherman Section 1 Cases: Judge Posner Takes on the Ninth Circuit, 11/2 COMPETITION 15 (2003).

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The Microsoft Litigation and Federalism in U.S. Antitrust Enforcement: Implications for International Competition Law, in THE FUTURE OF TRANSNATIONAL ANTITRUST – FROM COMPARATIVE TO COMMON COMPETITION LAW, Josef Drexl, ed. (2003).

The Antitrust Tying Law Schism: A Critique of Microsoft III and a Response to Hylton & Salinger, 70 ANTITRUST L. J. 199 (2002).

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The Sherman Act's Unintended Bias Against Lilliputians: Small Players Collective Action as a Counter to Relational Market Power, 69 ANTITRUST L. J. 195 (2001)

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The History and Structure of the Federal Trade Commission, 1973 GEWERBLICHER RECHTSCHUTZ UND URHEBERRECHT 643 (1973)(in German).

Corrective Advertising - The Federal Trade Commission's New Remedy Against Deceptive Advertising, in GEWERBLICHER RECHTSCHUTZ, URHEBERRECHT, WIRTSCHAFTSRECHT 359 (1973).

Case Comment and English Translation of German Constitutional Court's decision banning telephone advertising, 2 INT. REV. INDUS. PROP. & COPYRIGHT L. 101 (1971), also published in 1971 GEWERBLICHER RECHTSCHUTZ UND URHEBERRECHT, INTERNATIONALE TEIL 392 (1971) (in German).
Control of Advertising in the United States and Germany: Volkswagen Has a Better Idea, 84 HARV. L. REV. 1769 (1971).

The Changing Structure of East German Industrial Enterprises, 17 AM. J. COMP. L. 61 (1969).

OTHER PUBLICATIONS & PAPERS

Conference Realignment: Bad News for Non-Football Sports, Stanford Fast Break Club (July 11, 2022).

DOJ's Lawsuit to halt AT&T-Time Warner deal is the right thing to do (with Chris Sagers), L.A. Daily Journal, Dec. 4, 2017).

Time to end lifelong tenure on the Supreme Court, L.A. Daily Journal, Feb. 2, 2017.

Minus the TV Subsidy, Whither College Sports? Op-Ed, the Bootleg, July 24, 2014.

Competition, Not Mergers: The Road to Sound Internet and Cable Policy, Op-Ed, Forbes on Line, May 29, 2014.

How Your Rising Cable Bill Is Making Sports Teams and Star Players Rich, Op-Ed, Los Angeles Times, March 31, 2014.

How 100 Million Cable Subscribers Are Forced To Subsidize Professional and College Sports, Op-Ed, Forbes on Line, March 18, 2014.

Competition Will Not Survive the Comcast-Time Warner Merger, Op-Ed, Forbes on Line, Feb. 27, 2014.

Heel or Hero? Aereo and Television Distribution, Op-Ed, RBR-TVBR, Jan. 28, 2014.

Why Bundling Doesn't Work Anymore, Op-Ed, Multichannel News, Nov. 18, 2013.

Fixing Broken Pay TV Delivery: Antitrust Relief Could Free the Marketplace, Op-Ed, Los Angeles Daily Journal, Aug. 21, 2013.

Loyalty Discounts on Strongly Branded Goods, Testimony before the Department of Justice and Federal Trade Commission, Hearings on Single-Firm Conduct and Antitrust Law, Nov. 20, 2006.

Tying: Requirements Ties, Efficiency and Innovation, Testimony before the Department of Justice and Federal Trade Commission, Hearings on Single-Firm Conduct and Antitrust Law, Nov. 20, 2006.

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Testimony delivered before the Advisory Commission on Conferences in Ocean Shipping (established by federal statute to review the operation of the 1984 Shipping Act), San Francisco, CA. (June 21, 1991).

After the Reagan Years, Time to Reinvigorate the Competition Laws, LEGAL TIMES, July 31, 1989, at 22 (republished in San Francisco Daily Journal, August, 1989, and in The Corporate Board, January/February 1990).

Interview with Prof. Warren Grimes, 55 BNA ANTITRUST & TRADE REG. REP. (No. 1384) 518 (Sept. 29, 1988).

Morrison v. Olson: A Spirited Dialogue on the Constitutionality of the Independent Counsel Law (w. J. Knipprath), SOUTHWESTERN LAW, Winter 1988, at 6.