

## PAUL H. RUBIN

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### EDUCATION

- Ph.D., Economics, Purdue University, 1970
- B.A., University of Cincinnati, 1963 (Honors)

### PROFESSIONAL EXPERIENCE

#### ACADEMIC

- Emory University: Professor of Economics, 1991-2003; Samuel Candler Dobbs Professor of Economics beginning 2003; Professor of Economics and Law 1999-2009; Acting Chair, Economics, 1993-94.
- George Mason University: Distinguished Visiting Scholar, Fall, 2003.
- Adjunct Professor: George Washington University Law Center, 1985-89; VPI, 1984.
- Baruch College and the Graduate Center, CUNY: Professor, 1982-83.
- University of Georgia: Assistant, Associate and Full Professor of Economics, 1968-82.

#### NONACADEMIC

- Glassman-Oliver Economic Consultants: Vice President, 1987-1991.
- U.S. Consumer Product Safety Commission: Chief Economist, 1985-87 (Senior Executive Service).
- Federal Trade Commission: Director of Advertising Economics, 1983-85.
- President's Council of Economic Advisers: Senior Economist, 1981-82.

#### ADDITIONAL PROFESSIONAL AFFILIATIONS

- Editor In Chief: *Managerial and Decision Economics*, since 1994.
- Blogger, "Truth on the Market," beginning 2011
- Advisory Board, Genoil, beginning 2010
- Affiliated with American Enterprise Institute beginning 1992; Independent Institute beginning 2002; Technology Policy Institute, beginning 2008; Cato Institute, 1992-1998.
- Columnist, *Regulation* (published by the Cato Institute) 2006-2008.
- Advisor on Tort Reform, Congressional Budget Office, 2003.
- Instructor, "Economic Underpinnings of Consumer Protection Law," FTC, 2003.

### RESEARCH AND TEACHING AREAS

Law and Economics (Economics Departments, Business Students, Law Schools, and Practicing Attorneys); Industrial Organization and Antitrust; Transactions Cost Economics; Government and Business (Economics and MBA Students); Public Choice; Economics of Advertising and Safety; Regulation and Cost-Benefit Analysis; Microeconomics; Biological Evolution and Economics.

## PROFESSIONAL RECOGNITION

- President, Southern Economic Association, 2012-2013.
- Over 6600 citations to published work in Google Scholar”; about 172 per year; *h* index, 37; *g* index, 80; 17 papers with over 100 citations.
- Among 500 most cited economists, 1975-2000, Tom Coupe’s List; top 5-15%, most measures, RepEc.
- “The Theory of the Firm and the Structure of the Franchise Contract,” *Journal of Law and Economics*, 1978, about 920 citations; reprinted five times. (“...most frequently cited article in the franchise literature:” Hoy and Stanworth, *Franchising: An International Perspective*; “seminal article,” Lafontaine, *Franchise Contracting and Organization*.)
- “Why Is the Common Law Efficient?” *Journal of Legal Studies*, 1977, about 915 citations; Reprinted nine times, in English, Spanish and French; 8<sup>th</sup> most cited article, *JLS*.
- “Self Interest, Ideology and Logrolling in Congressional Voting,” *Journal of Law and Economics*, 1979, with James B. Kau, about 390 citations; reprinted.
- Fellow, Public Choice Society
- Member, Mont Pelerin Society
- Listed in *Who’s Who in Economics, A Biographical Dictionary of Major Economists*, Second Edition, edited by Mark Blaug, MIT Press, 1986; Third Edition, edited by Simon James and Mark Blaug, Edgar Elgar Publishing, 1998. These include the 1000 most cited living economists determined from the *Social Sciences Citation Index*.
- Listed in: *Who’s Who in: America; the World; the East; the South and Southwest; Finance and Business; Science and Engineering; Social Sciences Higher Education; Law Education*. Also: *Dictionary of International Biography; Men of Achievement; Heritage Guide to Public Policy Experts; Cato Policy Experts; FACSNET Economic Experts*.
- Grants and Fellowships: Progress and Freedom Foundation, 2000, 2003, 2005; Emory International Travel Fund, 1998, 2000, 2004; Emory Research Committee, 1997; William H. Donner Foundation, 1997; Pfizer, 1997, 2006; IRIS (University of Maryland, funded by USAID), 1992-93; Paul Oreffice Fund, AEI, 1993; Liberty Fund, 1979; CUNY, 1983.
- Testified before Congress four times
- Awarded “The Adam Smith Economic Liberty Award,” by a consortium of firms in the healthcare industry, 2004.
- Listed among top 50 of 1000 “Top Law Authors” in SSRN based on lifetime downloads; among top 365 most downloaded scholars on SSRN.
- Member, Institute of Justice task force on “Consumer Freedom”
- Asked to write entries for *The Concise Encyclopedia of Economics, Encyclopedia of Law and Economics, New Palgrave Dictionary of Economics and the Law, Encyclopedia of Public Choice* (3 entries), *Handbook of Public Choice* and *Handbook of New Institutional Economics*.
- Senior lecturer, World Bank Conference on Private Sector Development, Trest, Czech Republic, November 1994
- First Vice-President, Southern Economics Association, 1994-1996
- Vice-President, Georgia Chapter, National Association of Scholars, 1994-2002.
- Chairman’s Award, Consumer Product Safety Commission, 1987.

*Darwinian Politics: The Evolutionary Origin of Freedom*, 2002

- Cover comments by Richard Posner, Herbert Gintis, Michael McGuire
- Subject of American Enterprise Institute “Book Forum” with comments by Chris DeMuth, William Niskanen, Charles Murray, Lionel Tiger
- Plenary session, Public Choice Society Meetings, 2004.
- Chosen as an “Outstanding Academic Title” by *Choice Magazine*, 2004; Featured Selection, Laissez Faire Books; Notable Book, Free-Market.Net; Recommended, Bio-Rational Institute; published as Amazon Kindle edition, 2007; cited about 50 times.
- Reviews: Richard Epstein, *Journal of Economic Literature*, June, 2003; Adam Gifford, *Public Choice*, V. 117, 2003, 224-228; Melvin Konner, *The American Prospect*, February 2003; William Spriggs, *Evolution’s Voyage*, online journal, at evoyage.com; David Livingstone Smith, and Jack Parsons, *Human Nature Review* (online journal) January 2003; Denis Dutton in *Philosophy and Literature*, 2003, 241-254 reprinted in *Arts & Letters Daily* (online); Jason Potts, *Journal of Economic Psychology*, 2003, 414-417; Bruce Linster, *Southern Economic Journal*, October 2003, 437-439; J. Stauder in *Choice*, June, 2003; Paul R. Gross, *The New Criterion*, March, 2004; Larry Arnhart, *Claremont Review of Books*, Spring, 2004; Kevin MacDonald, *The Occidental Quarterly*, Volume 4, Number 1 (Spring 2004); Larry Arnhart, *The Quarterly Review of Biology*, V. 79, No. 2 (June 2004), 195-196; Frank Salter, *Population and Environment*, V. 25, No. 5, May, 2004, 501-527 (review article: “Is Ethnic Globalism Adaptive for Americans?”); Thomas Marmefelt, *The Review of Austrian Economics*, Volume 18, Issue 1, Mar 2005, 117 – 119; John Hisanick, *World Futures*, Vol. 63, pp. 58-60, 2007; quoted in Julia Keller, “Are We Hard-Wired for War?,” *Chicago Tribune*, April 18, 2003.
- *Managing Business Transactions*, 1990; paperback, 1993
  - Reviews: *Journal of Economic Literature*, June, 1992, by David Kaserman, 900-1; *Southern Economic Journal*, July, 1992, by Dwight Lee, 131-132; *Managerial and Decision Economics*, January, 1993, by Gregory Dow, 91-93; *Across the Board*, January, 1991, by Shlomo Maital; *Booklist*, November, 1990; *Journal of Business Communications*, 1993, by Donald P. Rogers, p. 84-85; *Sloan Management Review*, Winter, 1991; *Personal Selling Power*, March, 1991; *Manageris* (French), 1994, by Bernard Sinclair-Desgagne.
  - Several course adoptions; selected by the Executive Book Club; cited over 100 times.
  - Guest editor, special issue of *Managerial and Decision Economics*, March 1993, stimulated by *Managing Business Transactions*.
  - “Does Capital Punishment Have a Deterrent Effect?” *American Law and Economics Review*, 2003 (with Hashem Dezhbakhsh and Joanna Shepherd).
  - Referenced as a “leading national study” in concurring opinion (Scalia and Thomas) in *Baze v. Rees*, Supreme Court 2008 opinion on capital punishment.
  - Television interviews on CNN; Fox News; The O’Reilly Factor; and CBS, ABC, and FOX local affiliates; about 15 radio interviews.
  - Print interviews: *Chronicle of Higher Education*, *The Atlanta Business Chronicle*, AP.
  - Discussed in the National Center for Policy Analysis *Executive Alert*; *The Weekly Standard*; and *The National Journal*; mentioned in several articles and columns including *New York Times*, *Boston Globe*, *Chicago Sun-Times*, *National Review*, *USA Today*, *Houston Chronicle*, *Richmond Times-Dispatch*, *Jamaica Observer*, AP, and others; subject of blog by Fred Thompson.
  - Requested by federal, state and local government officials.
  - Over 2000 downloads from SSRN; in several “All Time Hits” lists; over 200 cites.
  - Most cited article ever in the *American Law and Economics Review*

## **PUBLICATIONS**

### **BOOKS:**

#### **Written:**

1. *Congressmen, Constituents, and Contributors*, Nijhoff, 1982, with James B. Kau.
2. *Business Firms and the Common Law*, Praeger, 1983
3. *Managing Business Transactions: Controlling the Costs of Coordinating, Communicating, and Decision Making*, Free Press, Foreword by Oliver Williamson, 1990; paperback, 1993.
4. *Tort Reform by Contract*, American Enterprise Institute, 1993.
5. *Promises, Promises: Contracts in Russia and Other Post-Communist Economies*, Shaftesbury Papers (No. 11), Edward Elgar and the Locke Institute, 1998.
6. *Darwinian Politics: The Evolutionary Origin of Freedom*, Rutgers University Press, Rutgers Series in Human Evolution, 2002.
7. *Privacy and the Commercial Use of Personal Information*, Kluwer Academic Publishers and Progress and Freedom Foundation, foreword by Senator Orin Hatch, with Thomas Lenard, 2001.

#### **Edited:**

1. *Evolutionary Models in Economics and Law*, (Central paper by Jack Hirshleifer), Vol. 4 of *Research in Law and Economics*, 1982.
2. *Deregulating Telecommunications: The Baby Bells Case for Competition*, Wiley, 1995, with Richard Higgins.
3. *Evolution of Efficient Common Law*, in the series, "Economic Approaches to Law", Series editors: Richard A. Posner and Francesco Parisi, Edward Elgar, 2006.
4. *Economics, Law and Individual Rights*, with Hugo Mialon, Routledge, 2008.

## **PROFESSIONAL JOURNALS**

1. "The Expansion of Firms," *Journal of Political Economy*, July 1973, 936-949.
2. "A Theory of the Determination of the Mark-Up Under Oligopoly: A Comment," *Economic Journal*, 1975, with C. Delorme, 148-9.
3. "On the Form of Special Interest Legislation," *Public Choice*, Spring, 1975, 79-90.
4. "Why Is the Common Law Efficient?," *Journal of Legal Studies*, Jan. 1977, 51-63.
5. "The Theory of the Firm and the Structure of the Franchise Contract," *Journal of Law and Economics*, April 1978, 223-33.
6. "Voting on Minimum Wages: A Time Series Analysis," *Journal of Political Economy*, April 1978, with James B. Kau, 337-42.
7. "Self Interest, Ideology and Logrolling in Congressional Voting," *Journal of Law and Economics*, November 1979, with James B. Kau, 365-84.
8. "Judicial Discretion," *Journal of Legal Studies*, Jan. 1980, with R. Higgins, 129-38.
9. "An Economic Analysis of the Law of False Advertising," *Journal of Legal Studies*, June 1979, with Ellen R. Jordan, 527-53.
10. "Public Interest Lobbies: Membership and Influence," *Public Choice*, 1979, with James B. Kau, 45-54.
11. "Government and Privacy: A Comment on Posner's 'The Right of Privacy'," *Georgia Law Review* Spring, 1978, 505-11.
12. "An Evolutionary Model of Taste for Risk," *Economic Inquiry*, 1979, with C. Paul, 585-96.
13. "Forms of Wealth and Parent-Offspring Conflict," *Journal of Social and Biological Structures*, 1979, with James B. Kau and Edward Meeker, 53-64.
14. "The Productivity of Parental Investment," *Journal of Social and Biological Structures*, April 1979, 133-40.

15. "Decision Making and the Efficiency of Law: A Comment on Rizzo," *Journal of Legal Studies*, March, 1980, 319-34.
16. "The Impact of Labor Unions on the Passage of Economic Legislation," *Journal of Labor Research*, Spring, 1981, with James B. Kau , 133-45.
17. "The Size of Government," *Public Choice*, 1981, with James B. Kau, 261-274.
18. "Economics of the Women's Movement," *Public Choice*, 1980, with Janet Hunt, 287-96.
19. "Human Capital and Covenants Not to Compete," *Journal of Legal Studies*, January 1981, with Peter Shedd, 93-110.
20. "Unenforceable Contracts: Penalty Clauses and Specific Performance," *Journal of Legal Studies*, June 1981, 237-48.
21. "The Output Distribution Frontier: A Comment," *American Economic Review*, September 1981, with Donald Keenan, 796-9.
22. "A General Equilibrium Model of Congressional Voting," *Quarterly Journal of Economics*, May 1982, with James B. Kau and Donald Keenan, 271-94.
23. "Common Law and Statute Law," *Journal of Legal Studies*, June 1982, 205-23 (Lead Article).
24. "Criminal Violations and Civil Violations," *Journal of Legal Studies*, June 1982, with Donald Keenan, 365-77.
25. "Evolved Ethics and Efficient Ethics," *Journal of Economic Behavior and Organization*, 1982, 161-74.
26. "Some Notes on Methodology in Law and Economics," *Research in Law and Economics*, 1985, 29-39.
27. "The Objectives of Private and Public Judges: Comment," *Carnegie Papers on Political Economy*, (Printed in *Public Choice*), 1983, 133-37.
28. "Teaching and Research: The Human Capital Paradigm," *Journal of Economic Education*, Spring, 1984, with Chris Paul, 142-7; reprinted as lead article in *Financial Practice and Education*, V. 1, No. 1, Spring, 1991, pp. 7-10; basis for symposium including several deans.
29. "Economic and Ideological Factors in Political Decision Making: The 1980 Election," *Public Choice*, 1984, with James B. Kau , 385-8.
30. "Limits of the Equity-Efficiency Tradeoff," *Public Choice*, 1985, with D. Keenan, 425-36.
31. "Matching Prescription Drugs and Consumers: The Benefits of Direct Advertising," *New England Journal of Medicine*, Aug. 22, 1985, with Alison Masson, 513-5; also, "Reply," Feb. 20, 1986, 524.
32. "Private Enforcement of Public Policy," *Yale Journal on Regulation*, Fall, 1985, with Mark Cohen, 167-93.
33. "Counterfeit Goods," *Journal of Law and Economics*, Oct. 1986, with Richard Higgins, 211-30 (Lead Article).
34. "Costs and Benefits of a Duty to Rescue," *International Review of Law and Economics*, December 1986, 273-6.
35. "The Political Economy of Urban Land Use," *Research in Law and Economics*, 1987, with James B. Kau, 5-26 (Lead Article).
36. "The Economics of Civil RICO," *U.C. Davis Law Review*, Summer, 1987, 883-912, with Robert Zwirb.
37. "Shadow Interest Groups and Safety Regulation," *International Review of Law and Economics*, 1988, 21-36, with Donald Keenan.
38. "Determinants of Recall Success Rates," *Journal of Products Liability*, 1988, 17-28, with R. Dennis Murphy.

39. "Cost Benefit Analysis of All Terrain Vehicles at the CPSC," *Risk Analysis*, 1989, 63-69, with Gregory Rodgers.
40. "Economics and the Regulation of Deception," *Cato Journal*, V. 10, No. 3, Winter, 1991, 667-690.
41. "Economics of Prescription Drug Advertising," *Journal of Research in Pharmaceutical Economics*, 1991, 29-41.
42. "Some Implications of Damage Payments for Nonpecuniary Losses," *Journal of Legal Studies*, June 1992, 371-413, with John Calfee.
43. "The FDA's Prescription for Consumer Ignorance," *Journal of Regulation and Social Costs*, November 1991, 5-23 (Lead Article); reprinted in *Consumers' Research Magazine*, V. 75, No. 6 June 1992, 17-20.
44. "Nontransactional Data in Managerial Economics and Marketing," *Managerial and Decision Economics*, with John Calfee, March 1993, 163-173.
45. "Ideology, Voting and Shirking," *Public Choice*, (Symposium Issue on Ideology), with James B. Kau, 1993, 151-172.
46. "Consequences of Damage Awards for Hedonic and Other Nonpecuniary Losses," *Journal of Forensic Economics*, with John Calfee, Fall, 1992, 249-260.
47. "Politically Imposed Entry Barriers," *Eastern Economic Journal*, with Mark Cohen, Summer, 1992, 333-344.
48. "Are Pharmaceutical Ads Deceptive?," *Food and Drug Law Journal*, 1994, 7-21.
49. "Growing a Legal System in the Post-Communist Economies," *Cornell International Law Journal*, Winter, 1994, 1-47 (Lead Article); reprinted in Kuban Institute of International Business and Management, *International Electronic Journal: Issues on Transitional Economics*.
50. "The Endowment Effect and Income Transfers," *Research in Law and Economics*, with Christopher Curran, 1995, 225-236.
51. "The Role of Lawyers in Changing the Law," *Journal of Legal Studies*, with Martin Bailey, June 1994, 807-831.
52. "The Assault on the First Amendment: Public Choice and Political Correctness," *Cato Journal*, Spring, 1994, 23-37.
53. "A Positive Theory of Legal Change," *International Review of Law and Economics*, with Martin Bailey, 1994, 467-477.
54. "Costs of Delay and Rent-Seeking Under the Modification of Final Judgment," *Managerial and Decision Economics*, (Special issue edited by Richard Higgins), 1995, with Hashem Dezhbakhsh, 385-400.
55. "BMW vs Gore: Mitigating The Punitive Economics of Punitive Damages," *Supreme Court Economic Review*, 1997, 179-216, with John Calfee and Mark Grady.
56. "Humans as Factors of Production: An Evolutionary Analysis," *Managerial and Decision Economics*, special issue on Management, Organization and Human Nature, edited by Livia Markoczy, with E. Somanathan, 1998, 441-455.
57. "Lives Saved or Lives Lost: The Effect of Concealed Handgun Laws on Crime," *American Economic Review*, May, 1998, with Hashem Dezhbakhsh, 468-474.
58. "Mitigating Agency Problems by Advertising, With Special Reference to Managed Care," *Southern Economic Journal*, July 1999, 39-60, with Joel Schrag (Lead regular article).
59. "The State of Nature and the Evolution of Political Preferences," *American Law and Economics Review*, Spring, 2001, 50-81.
60. "Litigation versus Lobbying: Forum Shopping by Rent-Seekers," *Public Choice*, with Christopher Curran and John Curran, v. 107, No. 3-4, June, 2001, 295-310.
61. "Group Selection and the Limits to Altruism," *Journal of Bioeconomics*, 2000, 9-23.
62. "Hierarchy," *Human Nature*, Vol. 11, No. 3, 2000, 259-279.

63. "Does Ethnic Conflict Pay?," *Politics and the Life Sciences*, V. 10, No. 1, 2000, 59-68.
64. "Pharmaceutical Advertising as a Consumer Empowerment Device," *Journal of Biolaw and Business*, V. 4, No. 4, 2001, 59-65.
65. "Effects of Harmful Environmental Events on the Reputations of Firms," *Advances in Financial Economics*, V. 6, edited by Mark Hirschey, Kose John and Anil K Makhija, with Kari Jones, 161-182, 2001.
66. "The Growth of Government: Sources and Limits," *Public Choice*, v. 113 (3-4), December 2002, with James Kau, 389-402
67. "How Humans Make Political Decisions," *Jurimetrics: The Journal of Law, Science and Technology*, V. 41, No. 3, Spring, 2001, 337-357.
68. "The Effects of Product Liability Litigation on the Value of Firms," *American Law and Economics Review*, Vol. 4, 2002, with David Prince, 44-87.
69. "Effects of Criminal Procedure On Crime Rates: Mapping Out the Consequences of the Exclusionary Rule," *Journal of Law and Economics*, April 2003, 157-179, with Raymond A. Atkins.
70. "The Effect of Concealed Handgun Laws on Crime: Beyond the Dummy Variables," *International Review of Law and Economics*, V.23, No.2, 199-216 (June 2003), with Hashem Dezhbakhsh.
71. "The Evolution of Honesty," *Journal of Economic Behavior and Organization*, May, 2004, 1-17 (Lead Article), with E. Somanathan.
72. "Folk Economics," *Southern Economic Journal*, V. 70, N. 1, July, 2003, 157-171.
73. "Does Capital Punishment Have a Deterrent Effect?," with Hashem Dezhbakhsh and Joanna Mehlop Shepherd; *American Law and Economics Review*, V. 5 No. 2, 2003, 344-376.
74. "Hayek and Modern Evolutionary Theory," *Advances in Austrian Economics* Vol. 7, 2004, (special issue on *Evolutionary Psychology and Economic Theory*, edited by Roger Koppl), with Evelyn Gick, 79-100.
75. "Pharmaceutical Marketing: Medical and Industry Biases," *Journal of Pharmaceutical Finance, Economics & Policy*, v. 13, no. 2, 2004, 65-78.
76. "Micro and Macro Legal Efficiency: Supply and Demand," *Supreme Court Economic Review* Vol. 13, 2005, 19-34.
77. "Public Choice and Tort Reform," *Public Choice*, Special issue "Policy Challenges and Political Responses: Public Choice Perspectives on the Post-9/11 World," Edited by William F. Shughart II and Robert D. Tollison, V.124, Nos. 1-2, July 2005, 223 - 236.
78. "Fitness, Utility, and Immigration: Reply to Salter," *Journal of Bioeconomics*, V. 9, No. 1, June, 2007, 53-67.
79. "An Empirical Study of Public Defender Effectiveness: Self-Selection by the 'Marginally Indigent,'" *Ohio State Journal of Criminal Law*, 2005, with Morris Hoffman and Joanna M. Shepherd, 223-255.
80. "Judicial Hierarchies and the Rule-Individual Tradeoff," *Supreme Court Economic Review*, with Hugo Mialon and Joel Schrag, V. 15, 2007, 3-20 (Lead article).
81. "Tort Reform and Accidental Deaths," *Journal of Law and Economics*, with Joanna Shepherd, v. 50, No. 2, May, 2007, 221-238 (Lead article).
82. "The Economics of Crime," in *Foundations and Trends in Microeconomics*, with Erling Eide and Joanna Shepherd, vol. 2, no. 2, 291-363, 2006.
83. "When Little Things Mean a Lot: On the Inefficiency of Item Pricing Laws," *Journal of Law and Economics*, with Mark Bergen, Daniel Levy, Sourav Ray, and Benjamin Zeliger, May 2008, Vol. 51, No. 2: 209-250 (lead article.)
84. "Evolved Behaviors, Recursive Hierarchies, And The Growth Of The State," *Tidsskriftet Politik*, V. 9, No. 4, February 2007, 48-55.

85. "The Demographics of Tort Reform," *Review of Law and Economics*, with Joanna Shepherd, 2008, Vol. 4 : Issue 2, Article 3.
86. "The Economics of the Bill of Rights," *American Law and Economics Review*, with Hugo Mialon, Spring, 2008, V. 10, No. 1, 1-60 (Lead article.).
87. "Public Goods And The Evolution Of Altruism: The Case Of Law," *Politics and the Life Sciences*, Volume 26, pp.26–32, 2008.
88. "Regulation of Information and Advertising," *Competition Policy International*, Spring 2008, v. 4, No. 1, pp. 169-192.
89. "Do Managers Listen to the Market?," *Journal of Corporate Finance*, Volume 14, issue 4, pages 347-362, September 2008, with James B. Kau and James S. Linck.
90. "Altruism and Self Interest in Medical Decision Making," *Journal of Law, Medicine & Ethics*, Volume 37, Issue 3, Fall 2009, 401-409, (Lead article in a symposium).
91. "The Cost Effectiveness of Direct to Consumer Advertising for Prescription Drugs," *Medical Care Research and Review* V. 66, Dec. 2009, 639-657, with Adam Atherly.
92. "Don't Scrap the Death Penalty," *Criminology and Public Policy*, V. 8, Issue 4, November 2009, 853-859..
93. "Huddle Gets it Right, Most Docs Don't," *The American Journal of Bioethics* (Comment), V. 10, No. 1, January 2010, pp. 17-19.
94. "From the 'Econometrics of Capital Punishment' To the 'Capital Punishment' of Econometrics: On the Use and Abuse of Sensitivity Analysis," *Applied Economics*, 2011, 3655-3670, with Hashem Dezhbakhsh.
95. "In Defense of Data: Information and the Costs of Privacy," *Internet and Policy*, (Online BE Press Journal), Vol. 2: Iss. 1, Article 7.2010, with Thomas Lenard.
96. "Applications Want to be Free: Privacy Against Information," *Competition Policy International*, with Michael Hammock, Spring, 2011.
97. "Markets, Tort Law, and Regulation To Achieve Safety," *Cato Journal*, Spring 2011, 217-236.
98. "Third Party Financing of Litigation," *Northern Kentucky Law Review*, V. 3, No. 4 (2011), Symposium Issue.
99. "Limiting Gifts, Harming Patients," *Annals of Emergency Medicine*, (Invited Comment), October 2011.

#### CHAPTERS IN BOOKS

1. "The Economic Theory of the Criminal Firm," in Simon Rottenberg, editor, *The Economics of Crime and Punishment*, American Enterprise Institute, Washington, 1973, 155-66.
2. "Government Regulation and Economic Efficiency: The Role of Conservative Legal Foundations," in Patrick McGuigan and R. Rader, editors, *A Blueprint for Judicial Reform*, Free Congress Foundation, Washington, 1981, with Ellen Jordan, 241-71.
3. "Constitutional Limits on the Role of the Federal Government in the Economy," in Aronoff and Ward, editors, *The Future of Private Enterprise*, Atlanta, 1984, with Jerry Jordan, 111-130.
4. "Private Mechanisms for the Creation of Efficient Institutions for Market Economies," in Laszlo Somogyi, editor, *The Political Economy of the Transition Process in Eastern Europe*, Edward Elgar, 1993.
5. "From Bad to Worse: Recent FDA Initiatives and Consumer Health" in Richard T. Kaplar, editor, *Bad Prescription for the First Amendment: FDA Censorship of Drug Advertising and Promotion*, Media Institute, 1993.



6. "What Do Economists Think about Antitrust: A Random Walk Down Pennsylvania Avenue" in Fred McChesney and William Shughart, editors, *The Causes and Consequences of Antitrust: The Public-Choice Perspective*, University of Chicago Press, 33-61, 1995.
7. "Financial Markets and Economic Regulation: Comment," in Benjamin Zycher and Lewis C. Solmon, editors, *Economic Policy, Financial Markets, and Economic Growth*, Westview Press and the Milken Institute, 1993.
8. "Growing a Post-Communist Legal System," in Terry Anderson and P. J. Hill, editors, *The Privatization Process: A Worldwide Perspective*, Rowman & Littlefield, 1996, 57-81.
9. "Pricing, Entry, Service Quality, and Innovation Under A Commercialized Postal Service: A Comment," in Gregory Sidak, editor, *Governing the Postal Service*, AEI Press, 1994.
10. "FDA Advertising Restrictions: Ignorance is Death," in Robert Higgs, editor *Hazardous to Our Health? FDA Regulation of Health Care Products*, Independent Institute, 1995.
11. "Economic Analysis of Deception Standards," Introduction to *Advertising Law Anthology*, July-December, 1994, xv-xxv.
12. "Increasing Liability, Increasing Risk," in Patrick B. McGuigan, editor, *Law, Economics and Civil Justice: A Reform Agenda for the '90s*, Free Congress Foundation, Washington, 1994, 39-47.
13. "Costs and Benefits of the MFJ," Introduction to *Deregulating Telecommunications: The Baby Bells Case for Competition*, Wiley, 1995, with Richard Higgins.
14. "Courts and the Tort-Contract Boundary in Product Liability," in Frank Buckley, editor, *The Fall and Rise of Freedom of Contract*, Duke University Press, 1999, 119-139.
15. "Ideology" in William F. Shughart II and Laura Razzolini, editors, *Elgar Companion to Public Choice*, Edward Elgar, 2001, 328-336.
16. "Ignorance is Death: The FDA's Advertising Restrictions," in Roger D. Feldman, Editor, *American Health Care: Government, Market Processes, and the Public Interest*, The Independent Institute and Transaction Publishers, 2000, 285-311.
17. "Legal Systems as Frameworks for Market Exchanges," in Claude Menard and Mary Shirley, editors, *Handbook of New Institutional Economics*, Springer, 205-228.
18. "Why Was the Common Law Efficient?" in Francesco Parisi and Charles Rowley, editors, *The Origins of Law and Economics: Essays by the Founding Fathers* Elgar, 2005, 383-395.
19. "Capitalism and Property Rights," in *Oxford Handbook of Capitalism*, Dennis Mueller, ed, with Tilman Klumpp, 2012, 204-219.
20. "Rationality and Utility: Economics and Evolutionary Psychology," in Gad Saad, ed., *Evolutionary Psychology in the Business Sciences*, Springer, in press, with Monica Capra.
21. "Judge-made Law," in Francisco Parisi, Editor, *Production of Legal Rules*, Edward Elgar, 2011.

## REPRINTED ARTICLES

"Why Is the Common Law Efficient?," in:

1. Jules Coleman and Jeffrey Lange, editors, *The International Library of Essays in Law and Legal Theory: Law and Economics*, 1992.
2. Maxwell Stearns, editor, *Public Choice and Public Law: Readings and Commentary*, Anderson Publishing Co., 1997.
3. Kenneth Dau-Schmidt and Thomas Ulen, editors, *Law and Economics Anthology*, Anderson Publishing Co., 1998; 2002.
4. Richard Posner and Francesco Parisi, editors, *The International Library of Critical Writings in Economics, Law and Economics*, Edward Elgar, 1997.
5. Michael Arnheim, editor, *The International Library of Essays in Law and Legal Theory: The Common Law*, Dartmouth Publishing Co., 1994.

6. Andres Roemer, Editor, *Law and Economics: A Literature Survey (Derecho y Economía: una revisión de la literatura)*, Fondo de Cultura Económica, Mexico, 2000
7. Louis Vogel, *Law and Economics* (in French), in press.
8. Richard Posner and Francesco Parisi, editors, *Economic Foundations of Private Law*, Edward Elgar, 2003.
9. Paul H. Rubin, editor, *Evolution of Efficient Common Law*, Elgar, 2007.
- “The Theory of the Firm and the Structure of the Franchise Contract,” in
  10. Martin Carter, Mark Casson and Vivek Suneja, editors, *The Economics of Marketing*, Edward Elgar, 1998.
  11. Frank Hoy and John Stanworth, editors, *Franchising: an International Perspective*, Routledge, 2003, lead reprinted article.
  12. Francine Lafontaine, editor, *Franchise Contracting and Organization*, Edward Elgar, 2005.
  13. Donald A. Wittman, *Economic Analysis of the Law: Selected Readings*, Blackwell, 2003.
  14. Martin Ricketts, *The Economics of Modern Business Enterprise*, Elgar, 2008.
- “The Economics of Crime,” in
  15. Andreano and Siegfried, editors, *The Economics of Crime*, Wiley, 1980.
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19. “A Socioeconomic Model of National Olympic Performance,” in J. Loy, et al., editors, *Sport, Culture, and Society: A Reader on the Sociology of Sport*, Lea and Febinger, Philadelphia, with R. Grimes and W. Kelly, 1982.
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22. “Consequences of Damage Awards for Hedonic and Other Nonpecuniary Losses,” in John O. Ward, editor, *A Hedonic Primer for Economists and Attorneys*, Lawyers and Judges Publishing Co., 1992; second edition, Thomas R. Ireland and John O. Ward, editors, 1996; with John Calfee.
23. “Self Interest, Ideology and Logrolling in Congressional Voting,” in Charles Rowley, editor, *Library of Critical Writings in Economics: Public Choice Theory*, Edward Elgar Publishing Co., 1992, with James B. Kau .
24. “Are Pharmaceutical Ads Deceptive?” in *Advertising Law Anthology*, July-December, 1994.
25. “Costs of Delay and Rent-Seeking Under the Modification of Final Judgment,” in Richard Higgins and Paul Rubin, editors, *Deregulating Telecommunications: The Baby Bells Case for Competition*, Wiley, 1995, with Hashem Dezhbakhsh.
26. “Economics of Prescription Drug Advertising,” in Mickey Smith, editor, *Studies in Pharmaceutical Economics*, Haworth Press, 1996, 405-413.
27. “Promises, Promises: Contracts in Russia and Other Post-Communist Economies,” in Charles Rowley, editor, *Classical Liberalism and Civil Society*, Edward Elgar and the Locke Institute, 1998.
- “Common Law and Statute Law,”
  28. Andres Roemer, Editor, *Law and Economics: A Literature Survey (Derecho y Economía: una revisión de la literatura)*, Fondo de Cultura Económica, Mexico, 2000.

29. Paul H. Rubin, editor, *Evolution of Efficient Common Law* Elgar, 2007.
30. *Managing Business Transactions*, excerpt reprinted in Jay M. Shafritz and J. Steven Ott, editors, *Classics of Organization Theory*, Wadsworth Publishing; 5th edition, 2001.
31. “The Death Penalty and Deterrence,” in *Current Controversies: Capital Punishment*, Greenhaven, 2004.
- “Does Capital Punishment Have a Deterrent Effect?,” with Hashem Dezhbakhsh and Joanna Shepherd, in
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34. “The Role of Lawyers in Changing the Law,” with Martin Bailey, in Paul H. Rubin, editor, *Evolution of Efficient Common Law*, Elgar, 2007.
- “Micro and Macro Legal Efficiency: Supply and Demand,”
  35. Paul H. Rubin, editor, *Evolution of Efficient Common Law*, Elgar, 2007.
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39. “Public Choice and Tort Reform,” in Nicholas Mercuro, Editor, *Law and Economics* (Critical Concepts in Law / Routledge Major Work), September 2007, Routledge Press, Volume 4, *Social Norms And Law And Economics*.
40. “An Economic Analysis of the Law of False Advertising,” with Ellen R. Jordan, in Paul H. Rubin and Hugo Mialon, Editors, *Economics, Law and Individual Rights*, Routledge, 2008.
41. “The Effect of Concealed Handgun Laws on Crime: Beyond the Dummy Variables,” with Hashem Dezhbakhsh, in Paul H. Rubin and Hugo Mialon, Editors, *Economics, Law and Individual Rights*, Routledge, 2008.
42. “Effects of Criminal Procedure on Crime Rates: Mapping Out the Consequences of The Exclusionary Rule,” with Raymond A. Atkins, in Paul H. Rubin and Hugo Mialon, Editors, *Economics, Law and Individual Rights*, Routledge, 2008.
43. “Reply to Donohue and Wolfers on the Death Penalty and Deterrence” and “Reply: The Death Penalty Once More” in *The Economists’ Voice*, Joseph E. Stiglitz, Aaron S. Edlin, and J. Bradford DeLong, editors, Columbia University Press, 2008, pp. 257-260, 264-265.
44. “Tort Reform and Accidental Deaths,” with Joanna Shepherd, reprinted in Neil Browne and Nancy Kubasek, editors, *Roundtable Viewpoints: Business Law*, McGraw-Hill, 2008.
45. “Privacy and the Commercial Use of Personal Information: The Case of Customer Proprietary Network Information” with Thomas M. Lenard, reprinted in Jilla Ramakistaiah, Editor, *Telecommunication Law and Regulation*, Amicus Books, Icfai University Press in press.
46. “Much Ado About Notification,” with Thomas Lenard, reprinted in L. Padmavathi, editor, *Identity Theft: Cyber Fraud*, Amicus, Books, 2007, 219-234.
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2. William Shughart, *Antitrust Policy and Interest Group Politics*, in *Regulation*, Winter, 1991.
3. Richard McKenzie and Dwight Lee, *Quicksilver Capital*, in *Regulation*, Summer, 1991.
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5. Gerald W. Scully, *Constitutional Environments and Economic Growth*, in *Cato Journal*, Fall, 1992.
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7. Donald Drake and Marian Uhlman, *Making Medicine, Making Money* in *The Journal of Research in Pharmaceutical Economics*, 1995, 103-107 and in *Journal of Pharmaceutical Marketing and Management*, 1995, 47-49.
8. Melvin J. Hinich and Michael C. Munger, *Ideology and the Theory of Political Choice* in *Public Choice*, October 1995, 195-198.
9. Keith T. Poole and Howard Rosenthal: *Congress: A Political-Economic History of Roll Call Voting*, in *Public Choice*, Vol. 100, No. 1-2, July 1999, 135-137.
10. Elliott Sober and David Sloan Wilson, *Unto Others: The Evolution and Psychology of Unselfish Behavior*, in *Journal of Bioeconomics*, Vol. 1, No. 1, 1999, 115-117.
11. Gerd Gigerenzer, Peter Todd and the ABC [Center for Adaptive Behavior and Cognition] Research Group, *Simple Heuristics that Make Us Smart*, in *Journal of Bioeconomics*, Vol. 2, No. 1, 2000, 89-92.
12. Louis Kaplow and Steven Shavell, *Fairness versus welfare*, in *Public Choice*, v. 127, April 2006, 231-234.
13. Kevin N. Laland and Gillian R. Brown, *Sense and Nonsense: Evolutionary Perspectives on Human Nature* in *Human Nature Review*. 2002, 2: 279-282. (Online Journal).
14. Richard A. Posner, *Law, Pragmatism, and Democracy*, in *Journal of Economic Literature* V. 42, No. 1, March, 2004, 202-204.
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16. John McMillan, *Reinventing the Bazaar: The Natural History of Markets*, in *Managerial and Decision Economics*, December 2004, 549-550.
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12. "Drug Advertising Worthwhile," *Atlanta Journal-Constitution*, December 11, 2001.
13. "Death Penalty Deters Scores of Killings," *Atlanta Journal-Constitution*, March 14, 2002.
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15. "The Gulf Coast Gas Shortage," *Northwest Florida Daily News*, July 24, 2005, p. I, 1.
16. "Take it slow on new identity-theft laws," *San Jose Mercury News* (California), August 19, 2005, with Thomas M. Lenard.
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  3. Editorial, *RICO Law Reporter*, December 1987, with Robert Zwirb.
  4. "Risky Products, Risky Stocks," *Regulation*, 1988, No. 1, 35-39, with Gregg Jarrell and R. Dennis Murphy.
  5. "What the FDA Doesn't Want You to Know," *American Enterprise*, May 1991.
  6. "Managing Transactions to Enhance Corporate Performance," *National Productivity Review*, Fall, 1991, pp. 519-531.
  7. "Why Regulate Consumer Product Safety?" *Regulation*, 1991, 58-63.
  8. "Tort Reform by Contract," *The American Enterprise*, January 1993.
  9. "Price Controls for Drugs," *Journal of the Medical Association of Georgia*, March 1995.
  10. "Fundamental Reform of Tort Law," *Regulation*, 1995, Number 4, 26-33.
  11. "Treatment Decisions: Tort or Contract," *Regulation*, No. 1, 1999, 25-30.
  12. "The 1-Cent Nuisance," *Regulation*, No. 1, 1999, 3.
  13. "The Death Penalty and Deterrence," in *Phi Kappa Pi Forum*, Winter, 2002, 10-13.
  14. "The FDA's Antibiotic Resistance," *Regulation*, 2004-2005, V. 27, No. 4, 34-37.
  15. "An Uncertain Diagnosis" *Regulation*, Summer, 2005, 34-39 (reprinted).
  16. "Much Ado about Notification," *Regulation*, Spring, 2006, pp. 44-50, with Thomas Lenard.
- Regulation*: Series on Evolution and Economic Regulation:
17. "Two Invisible Hands," *Regulation*, Spring, 2006, p. 4.
  18. "Oil Prices and 'Folk Economics,'" *Regulation*, Summer, 2006, pp. 8-9.
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  20. "Why Illegal Drugs?," *Regulation*, Winter, 2007, 10-12.
  21. "Reagan and the Wonks," *Regulation*, Spring 2007, 6-7.
  22. "Evolution and Envy," *Regulation*, Summer, 2007, 14-15.
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### **Personal Tributes**

1. "Ellen Rausen Jordan: Friend, Teacher, Co-Author", *U.C. Davis Law Review*, Spring, 1997, 621-622.
2. "Henry Manne, Network Entrepreneur," *Case Western Reserve Law Review*, Winter, 1999, 333-340.
3. "In Memoriam: Peter H. Aranson, 1943-1999," *Public Choice*, September 2000, 201-205.
4. "The Uncle of Rational Expectations," (regarding Richard Muth), Letter, *Regulation*, Winter, 2007, p. 2.

### **Miscellaneous**

1. "Law and Economics," Manhattan Institute, *Economic Policy*, New York, 1984.
2. Testimony, *All Terrain Vehicles*, U.S. House of Representatives, 1988, pp. 214-225.
3. Letter, "Advertising of Prescription Drugs," *New England Journal of Medicine* 319, 5 (August 4, 1988), p.314.
4. "Regulatory Relief or Power Grab: Should Congress Expand the FDA's Enforcement Authority?" Heritage Foundation *Backgrounder*, 1992.
5. "Medical Malpractice and Consumer Choice: How Do the Plans Measure Up?" Citizens for a Sound Economy, *Issues and Answers*, May 10, 1994.
6. Letter, "Pharmaceutical Promotion and Physician Requests to Hospital Formularies," *Journal of the American Medical Association*, Aug. 3, 1994, p. 355.
7. "Direct-to-Consumer Promotion," Progress and Freedom Foundation, *Future Insight*, 1995.
8. Letter, *Commentary*, May 1994.
9. Letter, *Commentary*, September 1996, comment on "Denying Darwin," p. 14-15.
10. "California's Wireless Regulations: The Effects On Consumers," Progress And Freedom Foundation, February 2003 and August 2003.
11. "An Economic Analysis of the Conflict Between the Patriot Act and Civil Liberty," National Center for Policy Analysis, "Debate Central" with Hugo M. Mialon, online at: <http://www.debate-central.org/topics/2005/LINKS/economic.html>.
12. "An Economic Analysis of Notification Requirements for Data Security Breaches," Progress and Freedom Foundation, July, 2005, with Thomas Lenard, available at SSRN.
13. "Reply to Donohue and Wolfers on the Death Penalty and Deterrence," and "Reply: The Death Penalty Once More," *Economists, Voice*, Vol. 3, 2006 (Online journal).
14. "Privacy and the Commercial Use of Personal Information: The Case of Consumer Proprietary Network Information," Progress and Freedom Foundation, Aug. 2007, with Thomas Lenard, available at SSRN.
15. PhRMA's New Marketing Code
16. Priorities for the New FDA Commissioner, Manhattan Institute, *Medical Progress Today*, December 198, 2008 (Online).
17. "In Defense of Data," Technology Polichy Institute, 2009, with Thomas Lenard.

## **OTHER PROFESSIONAL ACTIVITIES**

### **PARTICIPATION IN PROFESSIONAL MEETINGS**

- American Association of Law Schools, 1985.
- American Economics Association/Allied Social Science Associations, 1979, 1980, 1981, 1984, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2003.
- American Law and Economics Association, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2001, 2004.
- Association for Politics and the Life Sciences, 1999.
- Association of Private Enterprise Education, 2003.
- Canadian Law and Economics Association, 1999.
- Conference on Empirical Legal Studies, 2007.
- Econometric Society, 1970, 1971, 1974, 1975, 1977, 1978; European Meetings, 1978.
- European Law and Economics Association, 1993, 2000.
- Federalist Society, National Academic Group, 2006; Boston Chapter, 2007.
- Gruter Institute for Law and Behavioral Research, Squaw Valley, CA, 2001, 2002, 2002, 2004.
- International Society for Human Ethology, 2000.
- Human Behavior and Evolution Society, 2002.
- International Society for New Institutional Economics, 1998, 2004.
- International Society for the Study of the Emotions, 2006.
- National Bureau of Economic Research, 2003.
- Public Choice Society, 1977, 1978, 1979, 1980, 1981, 1983, 1985, 1989, 1992, 1993, 1994, 1996, 1998, 1999, 2002, 2003, 2004 (Plenary Session).
- Society for Evolutionary Analysis in Law, 2000, 2002.
- Southern Economic Association, 1971, 1976, 1977, 1978, 1979, 1980, 1981, 1984, 1985, 1987, 1991, 1993, 1994, 1995, 1996, 1997, 1998, 2002, 2005, 2006, 2007, 2011.
- Southern Political Science Association, Invited Panel, 1998.
- Western Economic Association, 1974, 1975, 1984, 1985, 1988, 1996, 1997, 2001, 2004.

### **CONFERENCE ORGANIZED**

“Economics of Consumer Protection,” Georgetown, Continuing Legal Education, 1985.

### **INVITED PRESENTATIONS, CONFERENCES AND CONGRESSIONAL TESTIMONY**

#### **Named Lectures**

Taft Lecture, University of Cincinnati, 2006

Keynote Speaker, Pitts Lecture, Medical University of South Carolina, 2007.

#### **Presentations at Universities**

Arizona State University, 2000; Auburn University, 1978, 1996; Berkeley, 1984; Boston University, 1984; Carnegie-Mellon, 1982; Case-Western Reserve University, 1986; CIRANO (Montreal), 1996; City University of New York, Graduate Center, 2001; Clemson University, 1993; Columbia University, 1998; Cornell University, 1998; Dartmouth, 2002; Duke University, 1981; Emory University, 1981; Emory University Medical School, 2005, 2006; Florida State University, 1998, 2005; George Mason University, 1983, 1985, 1989, 1990, 1992, 1993, 1994, 1995, 1997, 1998, 2003; Georgia State University, 2005; Harvard University, 1993, 1995; Hoover Institution, 1983; Lund University (Sweden), 1992; Montana State University, 1998; McMaster University, 1983; New York University, 1998, 2001, 2003; Northern Kentucky University, 2011; Northwestern University, 2000, 2005, 2007, 2009 (2 presentations); Purdue University, 1991; Stanford University, 1995, 2005; Texas A & M, 1985; University of California at Los Angeles, 2001; University of Chicago, 1978, 1979; University of Cincinnati, 2006; University of Florida, 1989; University of Georgia, 1996; University of Kansas, 1995, 2009;



University of Kentucky, 2008; University of Miami, 1979; University of Michigan, 1987; University of Pennsylvania, 1993; University of Southern California, 2001; University of Tennessee, 2004; University of Toronto, 1984, 1995; Virginia Polytechnic Institute, 1983; Washington University, 1991, 1993; Western Ontario, 1984; York University, 1984.

### **Non-Academic Presentations**

Federal Trade Commission, 1983, 2007; Cato Institute, 1985, 1990, 1991; U.S. Department of Justice, Antitrust Division, 1986, 1988, 1995; National Association of Business Economists, 1988; Brookings Institution, 1986; American Medical Writers-Pharmaceutical Advertising Association, 1986; National Library of Medicine, 1986; American National Standards Institute, 1986; Jefferson Society, 1986; Drug Information Association, 1991; U.S. Commodities Futures Trading Commission, 1991, Distinguished Speaker, 1992; U.S. Chamber of Commerce, Washington, 1991, 2005; Milken Institute, 1992; Food and Drug Law Institute, 1992; Institute for International Research, 1992; Heritage Foundation, 1992; American Enterprise Institute, 1992, 1993, 1994, 1995, 2002, 2003, 2005; Coalition of Healthcare Communicators, 1992; Independent Institute, 1993, 1994; Political Economy Research Center, 1994; Ad-Hoc Committee on Pharmaceutical Economics, 1997; Employer's Managed Health Care Association, 1999; Mercatus Center (Capitol Hill), April, 2000; August, 2000; September 2000, 2005; Progress and Freedom Foundation, Aspen Summit, 2003, 2005; George Mason, Program for Judges, 2004; Institute for Regulatory Law and Economics, 2004; Chicago Regional Office, FTC, 2004, 2007; Center for Disease Control, Economics of Antibiotic Resistance, 2004; Progress and Freedom Foundation, Congressional Seminar, 2005, Data Security; Manhattan Institute, 2005; American Justice Partnership, 2005; Mercatus Center, "Chief of Staff Retreat," 2006; Ohio Judicial College, *Ohio Courts of Appeals Judges Association Summer Meeting*, June 7-8, 2007; George Mason Program for judges, four presentations, 2007; Presentation, "Third National Consumer Driven Healthcare Summit," October 21, Washington DC; Presentation, "FTC at 100," Washington 2008; U.S. Chamber of Commerce, Litigation Summit, 2009; Technology Policy Institute, Aspen CO, August 2010; Mont Pelerin Society, Sydney Australia, Oct. 2010.

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### **Invited Conference Attendance**

Economics of Regulated Utilities, University of Chicago, 1975; Legal Institute for Economists, University of Miami, 1977; Private Alternatives to the Judicial System, University of Miami, 1978; Toward Liberty, VPI, 1978; Evolutionary Theory in Law and Economics, University of Miami, 1980; Guest, Nutter Memorial Lecture, Hoover Institution, 1981; Regulatory Authorities, Corporate Privacy, and the Corporate Attorney, Emory University, 1981; Carnegie Conference on Political Economy, Pittsburgh, 1982, 1983, 1984; Constitutional Economics, Heritage Foundation, 1982; Perspectives on Entrepreneurship, Political Economy Research Center, Denver, 1984; Critical Issues in Tort Law Reform, Yale, 1984; Valuing Health Risks, National Academy of Sciences, 1987; The Calculus of Consent After 20 Years, Santa Cruz, 1988; Political Economy Forum, Political Economy Research Center, Bozeman, Montana, 1990, 1998; Malpractice Reform, American Enterprise Institute, 1992; Health Care Policy and Regulation Workshop, Rutgers, 1994; Franchising, University of Michigan, 1994; Workshop on the Evolution of Utilities and Utility Functions, University College, London, 1997; Evolution and Legal Theory, Georgetown University, 1999; Liberty Fund Conference on "Common Law, Merchant Law, and Democratic Legislation," Berkeley, 2001; Gruter Institute, Squaw Valley, 2001, 2003; AEI-Brookings Joint Center for Regulatory Studies, "Constitutional Issues in Information Privacy," 2001; Mont Pelerin Society, 2004; "Freedom, Responsibility, and Lying," Liberty Fund, 2006; "Extending the Cure," Resources for the Future, 2007.

### **Congressional Testimony**

- Committee on Government Operations, U.S. House of Representatives, “All-Terrain Vehicle Settlement,” January 28, 1988.
- Committee on Commerce, Science and Transportation, U.S. Senate, “Markets versus Regulation as Methods of Protecting Privacy,” October 3, 2000, available at <http://www.senate.gov/~commerce/hearings/1003rub.pdf>.
- Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, “Privacy in the Commercial World,” March 1, 2001, available at <http://www.house.gov/commerce/hearings/0301200143/Rubin66.htm>.
- Senate Judiciary Committee, “Capital Punishment and Deterrence,” February 1, 2006.

### **OUTSIDE PROMOTION AND TENURE REVIEWS:**

Baruch College, CUNY; Brigham Young University; Claremont-McKenna College; Cornell University; Duke; George Mason University; George Washington University; Florida State University; London School of Economics; Ohio University; Pennsylvania State University at Erie; State University of New York at Binghamton; University of Alabama; University of Kansas; University of Southern California; University of Minnesota; University of Toronto; Vanderbilt University; University of Michigan.

### **DOCTORAL COMMITTEES CHAIRED (and first job):**

Susan Griffin, Emory, 1994, (Center for Disease Control); Todd Merolla, Emory, 1995; Kristine Principe, Emory, 1996 (Canisius College); Raymond Atkins, Emory, 1998 (J.D., George Mason; Covington and Burling); John Yun, Emory, 1999 (Federal Trade Commission); Kari Jones, Emory, 1999 (University of Georgia); David Prince, 2000 (J.D., University of Michigan; Latham and Watkins); Jin Wang, Emory, 2002, (China Jingtai Securities, Beijing); Joanna Mehlhop Shepherd, Emory, 2002, (Clemson); James Cooper, Emory, 2003, (J.D., George Mason; Crowell and Moring); Soyong Chong, Emory 2005, (U.S. Department of Defense); Michael Hammock (co-chair, 2010), Middle Tennessee State University; Steven Kiebzak, Emory, 2012 (Analysis Group).

## **EDITORIAL**

### **Editor-in-Chief**

*Managerial and Decision Economics*, since 1994; editor, Special issue, “Transactions Costs and Management,” 1993.

### **Editorial Boards**

*Public Choice; Regulation; Journal of Bioeconomics; Evolutionary Psychology: An International Journal of Evolutionary Approaches to Psychology and Behavior* (online journal); *Journal of Pharmaceutical Finance, Economics & Policy; Journal of Real Estate Finance and Economics; FDAReview.Org* (online journal); *EconJournalWatch* (online journal).

### **Referee**

National Science Foundation; Research Council of Canada; Netherlands Organisation for Scientific Research; *Advances in Austrian Economics; American Economic Review; American Journal of Political Science; American Law and Economics Review; American Political Science Review; Annals of Regional Science; Cato Journal; Contemporary Policy Issues; Current Anthropology; Eastern Economic Journal; Economic Inquiry; Economic Journal; Economics of Governance; Economics Letters; Emory University Law Review; European Journal of Law and Economics; Independent Review; International Journal of the Economics of Business; International Regional Science Review; International Review of Law and Economics; Journal of Business; Journal of Comparative Economics; Journal of Consumer Policy; Journal of Corporate Finance; Journal of Economic Behavior and Organization; Journal of Economics and Business; Journal of Economics and Finance; Journal of Institutional Economics; Journal of Labor Research; Journal of Law and Economics; Journal of Law, Economics, and Organization; Journal of Legal Studies; Journal of Marketing; Journal of Political Economy; Journal of Public Economics; Journal of Real Estate Finance and Economics; Journal of Social and Biological Structures; Journal of the American Medical Association; Journal of the American Real Estate and Urban Economics Association; *Managerial and Decision Economics; National Tax Journal; Politics and the Life Sciences; Public Choice; Public Finance Quarterly; Quarterly Journal of Economics; Review of Industrial Organization; Review of Law & Economics; Review of Regional Studies; Science; Social Science Quarterly; Southern Economic Journal*; Marketing and Public Policy Conference.*

### **Reader**

Stanford University Press; University of Chicago Press; Southwestern Publishing Co.; Routledge; Yale University Press; University of Michigan Press; Oxford University Press.

## CONSULTING

### AT GLASSMAN-OLIVER, MAINLY ANTITRUST

Alamo Car Rental; Appelton Papers; ARCO; Barclays Bank and Visa; Broadcast Music Inc.; Browning-Ferris Industries; Campbells; Cemex; Ciba-Geigy; Coca-Cola Bottling Company of the Southwest; College Football Association; Dresser Industries; First Hawaiian; Georgia-Pacific; General Motors; Juki; Kodak and Fuqua; Levi Strauss; McKesson; National Propane Gas Association; National Soft Drink Association; Nederlander; *Newsday*; Olivetti; Professional Golfers Association; Roppe; Sara Lee; Scripps; SmithKline-Beckman; Southern Natural Gas; Thomson; United Airlines; West Point Pepperell.

### OTHER MATTERS

Columbian Chemical Company; Dial Corp; Drug Emporium; Emerson Electric; for Hernando de Soto, on property rights in the informal sector of the Peruvian economy, cited in *The Other Path*; Ford Motor Company; Pfizer; Physicians Weight Loss; Real estate industry, market definition; Regional Bell Operating Companies; R.J. Reynolds, on advertising matters; Hedonic damages, several cases; U.S. Sentencing Commission; Texans Against Censorship, Inc.; Damage estimate for Jerome Stevens in its lawsuit against the FDA, discussed in detail in the *Wall Street Journal*, April 16, 2002, "Drug Maker Says FDA Revealed Proprietary Secrets on Web Site;" King Pharmaceuticals; Aceto Chemicals; Capetown Diamonds; Hannaford Brothers; Fresh and Easy Neighborhood Market.

### TESTIMONY

- For plaintiff Aceto in *Aceto v. Amvac*, private antitrust lawsuit, Federal Court, Atlanta, Sept. 2007.
- In the U. S. District Court, Eastern District of Texas, on lawyer advertising, for Texans against Censorship, Inc., 1995.
- For defendants in tort liability litigation, criticizing use of "hedonic" damages.
- For the New York Power Authority, before the Nuclear Regulatory Commission on costs and benefits of the Indian Point Nuclear Reactor, 1983.
- For the Pharmaceutical Manufacturers Association, before the Health Committee of the Georgia Senate, on bills to regulate pharmaceutical prices, 1994; 1995.
- Before the Food and Drug Administration, on direct-to-consumer promotion of pharmaceuticals, sponsored by the Progress and Freedom Foundation, 1995.
- For the State on New Mexico, regarding taxation of franchising, administrative proceeding.
- On "Tort Reform," Georgia Freshmen House Representatives, and Georgia Senate Judiciary Committee, 2005.

### AFFIDAVITS FILED

- Airline Antitrust Litigation, regarding the value of the settlement; cited favorably and found "credible" in *Order* of Marvin H. Shoob, Senior U.S. District Court Judge, 1992
- Motion of Bell Atlantic, Bellsouth, NYNEX and Southwestern Bell to vacate the Modified Final Judgment in the AT&T Case, 1994.
- For Hoechst Celanese Corporation, in the class action regarding polybutylene plumbing, in Chancery Court for Obion County, Tennessee, regarding the fairness of the \$950 million settlement.
- Willmann et al. v. GTE, U.S. District Court, Southern District of Illinois, class action regarding "Inside Wire", on the fairness of the settlement; cited favorably and found "credible" by the Court.

- Folkerts et al. v. Illinois Bell Telephone Company and Todt et al. v. Ameritech, class action suits regarding “inside wire”, on the fairness of the settlements.
- Eller Media v. City of Milwaukee, for Eller Media on the effects of advertising on smoking in First Amendment suit regarding City of Milwaukee ordinance restricting tobacco advertising on billboards. Settled.
- Julian M. Whitaker, M.D. et al. v. Donna E. Shalala, Secretary, regarding first amendment issues in the labeling of Saw Palmetto, a dietary supplement, June 8, 2000
- Julian M. Whitaker, M.D. et al. v. Donna E. Shalala, Secretary, regarding first amendment issues in the labeling of six dietary supplements.