

MAURICE E. STUCKE
UNIVERSITY OF TENNESSEE COLLEGE OF LAW
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CURRENT PROFESSIONAL POSITION

UNIVERSITY OF TENNESSEE COLLEGE OF LAW 2007 - Present.
Associate Professor

Professor of Evidence, Behavioral Law & Economics Seminar, Competition Policy, Business Torts, and Consumer Protection Law.

PUBLICATIONS

CHAPTERS

- *Discovery in a Global Economy*, in INTERNATIONAL LITIGATION AND COMPETITION LAW: COORDINATION OF MULTI-LEVEL JURISDICTION AND REGULATION (Stéphanie Francq & Damien Gerard eds. Hart Publishing Oxford forthcoming 2010).
 - Invited to participate in a research project, financed by the European Commission, involving the relationship between competition law and private international law, and to what extent does antitrust enforcement in an administrative and judicial context raise similar coordination issues.
 - My chapter examines to what extent can (i) litigants before foreign tribunals seek discovery within the United States and (ii) litigants in U.S. federal courts obtain discovery outside the United States?

- *Am I a Price-Fixer? A Behavioral Economics Analysis of Cartels*, in CRIMINALISING CARTELS: A CRITICAL INTERDISCIPLINARY STUDY OF AN INTERNATIONAL REGULATORY MOVEMENT (Caron Beaton-Wells & Ariel

Ezrachi eds. Hart Publishing Oxford forthcoming 2010), <http://ssrn.com/abstract=1535720>.

- Invited to contribute a chapter in this competition policy book inspired by the international movement towards the criminalisation of serious cartel conduct over the last decade.
 - SSRN's Top Ten Download List for several journals, including
 - Journal of Behavioral & Experimental Economics (Editor's Choice),
 - Antitrust & Regulated Industries,
 - Criminal Law & Procedure,
 - Industrial Organization & Regulation,
 - Law & Economics,
 - Law & Psychology, and
 - Law, Norms & Informal Order.
- *Are People Self-Interested? The Implications of Behavioral Economics on Competition Policy*, in ASCOLA COMPETITION LAW SERIES (Edward Elgar Publishing forthcoming 2010).
- *Diversity in the Media Sector*, in AMERICAN ANTITRUST INSTITUTE, THE NEXT ANTITRUST AGENDA: THE AMERICAN ANTITRUST INSTITUTE'S TRANSITION REPORT ON COMPETITION POLICY TO THE 44TH PRESIDENT OF THE UNITED STATES (2008) (chair of the AAI's media committee), available at <http://www.antitrustinstitute.org/Archives/transitionreport.ashx>.

JOURNAL ARTICLES

- *How Do (and Should) Competition Authorities Treat a Dominant Firm's Deception?*, 63 SMU LAW REVIEW (forthcoming July 2010), available at <http://ssrn.com/abstract=1395076>.
- *Lessons from the Financial Crisis*, 77 ANTITRUST LAW JOURNAL (forthcoming 2010) (invited contribution to symposium).

- *Money, Is That What I Want? Competition Policy & the Role of Behavioral Economics*, 50 SANTA CLARA LAW REVIEW (forthcoming 2010), available at <http://ssrn.com/abstract=1419751>.
 - SSRN's Top Ten download list for Behavioral & Experimental Economics and ERN: Behavioral Economics.

- *When a Monopolist Deceives*, 76 ANTITRUST LAW JOURNAL (forthcoming 2010) (invited essay to symposium).

- *Toward a Better Competition Policy for the Media: The Challenge of Developing Antitrust Policies That Support the Media Sector's Unique Role in Our Democracy*, 42 CONNECTICUT LAW REVIEW 101 (2009) (co-authored with Allen P. Grunes), available at <http://ssrn.com/abstract=1330681>.
 - SSRN's Top Ten download list for the Antitrust & Regulated Industries Journal and the Law, Politics & the Media Journal.

- *Does the Rule of Reason Violate the Rule of Law?*, 42 U.C. DAVIS LAW REVIEW 1375 (2009), available at <http://ssrn.com/abstract=1267359>.
 - W. Allen Separk Faculty Scholarship Award, 2009, University of Tennessee College of Law.
 - Cited by competition law specialists as among the best antitrust articles published in 2009 and by the OECD.
 - Asked to contribute an issue paper based on article in *Antitrust Marathon: Antitrust and the Rule of Law*, 22 LOYOLA CONSUMER LAW REVIEW 15 (2009).

- *Should the Government Prosecute Monopolies?*, 2009 UNIVERSITY OF ILLINOIS LAW REVIEW 497 (2009), available at <http://ssrn.com/abstract=1116463>.

- *Better Competition Advocacy*, 82 ST. JOHN'S LAW REVIEW 951 (2008), available at <http://ssrn.com/abstract=1175963>.
 - One reviewer noted that "if you read one article on antitrust this year make it" this one.
http://www.concurringopinions.com/archives/2008/07/if_you_read_o
[ne.html](http://www.concurringopinions.com/archives/2008/07/if_you_read_o).

- Cited in congressional testimony on Internet Nondiscrimination Principles for Competition Policy Online.
<http://judiciary.house.gov/hearings/pdf/Pasquale080715.pdf>.
- *Behavioral Economists at the Gate: Antitrust in the Twenty-First Century*, 38 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL 513 (2007), available at <http://ssrn.com/abstract=981530>.
 - Winner of the 2007 Jerry S. Cohen Memorial Fund Writing Award for the best antitrust article.
 - Described as a “landmark” article in 10-page review by the American Antitrust Institute. http://www.antitrustinstitute.org/archives/files/aai-%20Davidson,%20commentary%20on%20Stucke%20article%206-07_060920071654.pdf).
- *Morality and Antitrust*, 2006 COLUMBIA BUSINESS LAW REVIEW 443 (2006), available at <http://ssrn.com/abstract=949199>.
 - Cited by competition law specialists as among the best antitrust articles published in 2007.
- *Evaluating the Risks of Increased Price Transparency*, 19 SPG ANTITRUST 81 (2005), available at <http://ssrn.com/abstract=927417>.
- *Evaluating the Risks of Market Swaps*, 18 FALL ANTITRUST 67 (2003), available at <http://ssrn.com/abstract=927412>.
- *Antitrust and the Marketplace of Ideas*, 69 ANTITRUST LAW JOURNAL 249 (2001) (co-authored with Allen P. Grunes), available at <http://ssrn.com/abstract=927409>.
 - Cited by the OECD, consumer groups, Congress, federal courts, and antitrust and First Amendment scholars.

OTHER ARTICLES

- *Auditing Self-Interest*, AMERICA MAGAZINE, Dec. 14, 2009, available at 10 2009 WLNR 25763832.

- *Concentrated Media Is Something We Can't Ignore: A Response to Speaker Pelosi*, American Antitrust Institute Commentary (March 2009), available at <http://ssrn.com/abstract=1369763>.
 - SSRN's Top Ten download list for several antitrust and media journals.

- *New Antitrust Realism*, GCP (Global Competition Policy) MAGAZINE, Jan. 2009 (invited contribution to symposium on antitrust in the Obama administration), available at <http://ssrn.com/abstract=1323815>.
 - The most downloaded antitrust paper on SSRN over two-month period between 2008 and 2009.
http://lawprofessors.typepad.com/antitrustprof_blog/2009/01/top-5-most-down.html
 - SSRN's Top Ten download list for Behavioral & Experimental Economics, Behavioral Economics, and Industrial Organization & Regulation Journals.

WORKING PAPERS

- *Behavioral Antitrust*, University of Tennessee Legal Research Paper (co-authored with Amanda P. Reeves), available at <http://ssrn.com/abstract=1582720>.
 - SSRN's Top Ten download list for several journals, including Antitrust, Behavioral & Experimental Economics, Law, Institutions & Development, and Law, Norms & Informal Order eJournals.

- *Reconsidering Competition and the Goals of Competition Law*.

COMMITTEES

- **Academic Society for Competition Law (ASCOLA)**, Munich, Germany, an academic association of more than 150 lawyers and economists from about 25 different countries who specialize in competition law and policy.
 - Elected member (2009).

- **American Antitrust Institute**, Washington, D.C., an independent, non-profit education, research, and advocacy organization devoted to competition policy.
 - Appointed Senior Fellow (2009).
 - Senior Fellows of the AAI are appointed to a term of two years, during which time they constitute an “inner circle” of advisors and undertake specific projects for the AAI.
 - Chairman of AAI committee on the media industry (2007-08).
 - Drafted transition report for the next Administration on competition policy issues involving the media (2008).
 - Elected to the Advisory Board (2008).

- **Institute for Consumer Antitrust Studies**, Chicago, Illinois, a non-partisan, independent academic center designed to explore the impact of antitrust enforcement on the individual consumer and the public, and to shape policy issues.
 - Elected to the Advisory Board (2009).

- **International Competition Network**, the international body devoted exclusively to competition law enforcement and whose members represent 107 national and multinational competition authorities in 96 jurisdictions.
 - Appointed by the United States as a Non-Governmental Advisor (2009-current).
 - Advising the United States’ and other countries’ competition authorities on two committees: first, developing recommended practices on merger analysis; and second examining the enforcement challenges involving, and promoting greater convergence and sound enforcement of laws and policies governing, a dominant firm’s unilateral conduct.

- **Vanderbilt University, Curb Center for Art, Enterprise and Public Policy**, a research center dedicated to designing a new road map for cultural policy in America.
 - Member of the Advisory Panel (2005-2007).

- **Institutional Service, University of Tennessee College of Law.**

- Academic Standards & Curriculum Committee (2008-present).
 - Search Committee for Associate Dean for Academic Affairs (2009).
 - Search Committee for Associate Dean for Faculty Development (2008).
 - Adjunct and Visiting Faculty Committee (2007-08).
 - Community Committee (2007-08).
- Refereed articles for the ANTITRUST LAW JOURNAL and ANTITRUST BULLETIN.

PRESENTATIONS

- Speaker, *5th IDRC Pre-ICN Forum on Competition and Development*, Istanbul, Turkey (April 2010). Canada's International Development Research Centre (IDRC) and the Turkish Competition Authority co-sponsored this conference for attendees of the annual International Competition Network conference.
- Speaker, *AALS Scholars' Showcase*, American Bar Association Section of Antitrust Law Spring Meeting, Washington, D.C. (April 2010).
- Presenter, *International Antitrust Litigation: Conflict of Laws and Coordination*, Brussels, Belgium (March 2010). The European Commission sponsored this conference, and Hart Publishing Oxford will publish the papers in a book on competition policy.
- Panelist, *Competitor Collaborations to Aid Journalism*, in *How Will Journalism Survive the Internet Age?*, U.S. Federal Trade Commission, Washington, D.C. (March 2010); a series of two day workshops to explore how the Internet has affected journalism, audio available at <http://www.ftc.gov/opp/workshops/news>.
- Presenter, *Am I a Price-fixer?*, Seattle University School of Law Faculty Workshop, Seattle, Washington (Feb. 2010).
- Presenter, *Am I a Price-fixer?*, New York, New York (Jan. 2010). The NYU School of Law, American Association of Law Schools, and American Bar Association–Section of Antitrust Law co-sponsored the conference, The Next

Generation of Antitrust Scholarship.

- Speaker, *Effect of the Economic Crisis on Antitrust Policy*, Association of American Law Schools Annual Meeting, New Orleans, Louisiana (Jan. 2010). The papers from this program will be published in a special symposium edition of the ANTITRUST LAW JOURNAL.
- Presenter, *Discovery in a Global Economy*, Brussels, Belgium (Dec. 2009). The European Commission sponsored this research workshop on international antitrust litigation.
- Panelist, *Antitrust Marathon Symposium IV*, Dublin, Ireland (Oct. 2009). The Irish Competition Authority, the Institute for Consumer Antitrust Studies, and the British Institute of International and Comparative Law sponsored this roundtable on competition law and consumer protection. The transcript will be published in the EUROPEAN COMPETITION JOURNAL.
- Moderator, *The Current State of the Mortgage and Credit Markets*, Southeastern Association of Law Schools' 2009 Annual Conference, Palm Beach, Florida (Aug. 2009).
- Speaker, *Competition Law Forum on Behavioral Economics*, London, England (July 2009). Invited by the British Institute of International and Comparative Law to address competition law scholars, lawyers, and policymakers from the European Commission and the Office of Fair Trading on behavioral economics.
- Presenter, *Money, Is That What I Want? Competition Policy & the Role of Behavioral Economics*, Bonn, Germany (June 2009). Invited by the Max Planck Institute for Research on Collective Goods to present recent behavioral law and economics working paper to Institute's directors and researchers.
- Presenter, *Money, Is That What I Want? Competition Policy & the Role of Behavioral Economics*, Washington, D.C. (June 2009). The Academic Society for Competition Law sponsored the conference for competition policy scholars from around the world. The papers from this conference will be published by

Edward Elgar in a book on competition policy.

- Presenter, *Toward a Better Competition Policy for the Media: The Challenge of Developing Antitrust Policies That Support the Media Sector's Unique Role in Our Democracy*, Santorini, Greece (May 2009). The University College London and IMEDIPA sponsored this competition law research workshop on the limits of competition law for competition scholars, lawyers, and policymakers from the E.U., U.S., and Asia.
- Presenter, *How Do (and Should) Competition Authorities Treat a Monopolist's Deception?*, Haifa, Israel (May 2009). Loyola University Chicago and Haifa University sponsored this antitrust conference on comparative monopolization and abuse of a dominant position.
- Presenter, *Antitrust Marathon III: Antitrust and the Rule of Law*, British Consulate, Boston, Mass. (April 2009). The British Consulate-General for Boston, the Institute for Consumer Antitrust Studies, and the British Institute of International and Comparative Law sponsored this round-table discussion on antitrust and the rule of law from a comparative U.S.-E.U. perspective. My issues paper, *Does the Rule of Reason Violate the Rule of Law*, and an edited transcript of the Marathon was published in 22 LOYOLA CONSUMER LAW REVIEW 1 (2009), available at <http://ssrn.com/abstract=1503011>.
- Panelist, *Antitrust Law for the New Administration*, Boulder, Colorado (Jan. 2009). Conference hosted by the American Antitrust Institute and the Silicon Flatirons, a Center for Law, Technology, and Entrepreneurship at the University of Colorado.
- Discussant, *16th Annual Conference on Markets & Politics*, Berlin, Germany (Oct. 2008). Conference hosted by the Research Network on Innovation & Competition Policy (which brings together eight leading European research institutes and universities to establish an international and interdisciplinary research network on European competition policy) and the Wissenschaftszentrum Berlin für Sozialforschung (the largest EU institution to conduct basic social science research in selected problem areas).

- Presenter, *Does the Rule of Reason Violate the Rule of Law?*, Southeastern Association of Law Schools' 2008 Annual Conference, Palm Beach, Florida (Aug. 2008).
- Panelist, *Behavioral Economics Keynote and Panel Discussion* (audio available at <http://www.antitrustinstitute.org/Archives/2008conferenceaudio.ashx>) and Presenter, *Antitrust and the Media*, American Antitrust Institute's 10th Anniversary Conference, Washington, D.C. (June 2008).
- Presenter, *Should the Government Prosecute Monopolies?*, 8th Annual Loyola Antitrust Colloquium, Chicago, Illinois (April 2008).
- Panelist, *Antitrust Marathon Symposium (Part II) on Antitrust Remedies and Merger Policy from a Comparative EU-US Perspective*, British Institute of International and Comparative Law, London, England (April 2008). A transcript of this symposium of antitrust professors, competition authorities, and antitrust attorneys was published in 4 EUROPEAN COMPETITION JOURNAL 213 (2008), available at <http://ssrn.com/abstract=1161065>.
- Panelist, *Antitrust Marathon Symposium on Single Firm Dominance From a Comparative EU-US Perspective*, hosted by the Institute for Consumer Antitrust Studies and the Competition Law Forum of the British Institute of International and Comparative Law, Chicago, Illinois (Oct. 2007). A transcript of this symposium was published in *The Antitrust Marathon: A Roundtable Discussion*, 20 LOYOLA CONSUMER LAW REVIEW 114 (2008), available at <http://ssrn.com/abstract=1087443>.
- Presenter, *Advocating Competition Advocacy*, on Behalf of U.S. Department of Justice to the Fourth Seoul International Competition Forum, Gyeongju, Korea (Sept. 2006). Presented speech to the leaders of many worldwide competition agencies regarding the importance of competition advocacy, and represented the United States on the featured panel of E.U., Japanese, Chinese, and Korean enforcement officials on each nation's antitrust enforcement efforts.

- Participated in roundtables on antitrust and the media, including at Fordham Law School, the American Antitrust Institute, Georgetown University, and for the Department of Justice's attorneys.

AWARDS AND HONORS

- Fulbright Scholar, People's Republic of China, Fall 2010.
- W. Allen Separk Faculty Scholarship Award, 2009, University of Tennessee College of Law for the article, *Does the Rule of Reason Violate the Rule of Law?*, 42 U.C. DAVIS LAW REVIEW 1375 (2009).
- University of Tennessee Quest Scholar (Oct. 6, 2008).
 - Award highlights the work of a faculty member at the University of Tennessee, Knoxville who is doing outstanding work regardless of the field.
- 2007 Jerry S. Cohen Memorial Fund Writing Award for the best antitrust article, *Behavioral Economists at the Gate: Antitrust in the Twenty-First Century*, 38 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL 513 (2007).
 - The annual award honors the best antitrust writing that reflects a concern for principles of economic justice, the dispersal of economic power, the maintenance of effective limitations upon economic power, or the federal statutes designed to protect society from various forms of anticompetitive activity.
- Two awards from The Legal Aid Society in recognition of outstanding *pro bono* criminal appellate and defense work (Oct. 1998).
- Two Performance Awards from U.S. Department of Justice, Antitrust Division for prosecuting antitrust violations (1995).
- Performance Award from the U.S. Securities & Exchange Commission for Outstanding Work (1989).
- Among the Top 15 Antitrust Law Professors as Measured by the Number of

Papers Downloaded on SSRN:

- in 2008 --

http://lawprofessors.typepad.com/antitrustprof_blog/2009/01/most-downloaded.html.

- in 2009 –

http://lawprofessors.typepad.com/antitrustprof_blog/2009/09/most-downloaded-antitrust-law-professors-of-the-past-year.html.

EDUCATION

GEORGETOWN UNIVERSITY LAW CENTER, J.D. 1994.

- A/A- average (top 10%)
- *Magna Cum Laude*
- Order of the Coif
- Recipient of American Jurisprudence Awards for receiving the highest grade in Civil Procedure, Evidence & Tax I.
- Member of GEORGETOWN JOURNAL OF INTERNATIONAL LAW (formerly LAW & POLICY IN INTERNATIONAL BUSINESS).

EAST CHINA INSTITUTE OF POLITICS & LAW, Shanghai, P.R.C., 1992 Summer Study Program.

GEORGETOWN UNIVERSITY, B.A. Literature/Philosophy, 1987.

- Phi Eta Sigma Honors Society
- Assistant Editor of literary magazine
- Co-founder of satirical magazine
- Published poet
- Crew
 - Member of undefeated novice team that won Dad Vails championship rowing regatta (1986).
 - Varsity Letter & Dad Vails finalist in heavyweight eight championship (1987).

OTHER EXPERIENCE

PRIVATE CONSULTING

2008 - Present

- Provided antitrust advice and drafted successful summary judgment motion in *Brentwood Academy v. Tennessee Secondary School Athletic Association*, Civ. Action No. 3-97-1249, 2008-2 Trade Cases ¶ 76,317, 2008 WL 2811307 (M.D. Tenn. July 18, 2008).

U.S. DEPARTMENT OF JUSTICE, ANTITRUST DIVISION

Washington, D.C.

Trial Attorney

1994 - 1996 &

1999 - 2007

- Hired in 1994 through the highly competitive Attorney General's Honors Program.
- Conducted numerous civil antitrust investigations, which included taking over 60 depositions of defendants, customers, competitors, and investment bankers, working with testifying economic experts on trial testimony and econometric analysis, and negotiating consent decrees involving significant divestiture of assets by the merging parties.
- Focused on policy issues involving antitrust and the media, which included:
 - determining the scope of antitrust immunity for newspaper publishers under the Newspaper Preservation Act;
 - leading a joint task force with the Offices of the Attorney General for California and Ohio, and the Los Angeles County District Attorney's Office that successfully prosecuted a market allocation agreement between the nation's leading publishers of alternative newsweeklies. The consent decree in *United States v. Village Voice Media LLC & NT Media LLC*, Civil Action No. 1:03CV0164, 2003 WL 22019516 (N.D. Oh. 2003) led to the publication of the newsweeklies under new owners;
 - leading a joint investigation with the Washington State Attorney General's Office involving Seattle's two daily newspapers; and
 - investigating across the United States other newspaper publishers and media

companies.

■ Other antitrust prosecutions include:

- *United States v. Interstate Bakeries Corp. & Continental Baking Co.*, Civil Action No. 95C 4194 (N.D. Ill. 1995) (Consent Decree) (merger in the white pan bread industry);
- *United States v. Kimberly-Clark Corp. & Scott Paper Co.*, Civil Action No. 3:95 CV 3055-P (N.D. Tx. 1995) (Consent Decree) (merger in tissue and baby wipes industry);
- *United States v. Georgia-Pacific Corp.*, Civil Action No. 96-164 (D. Del. 1996) (Consent Decree) (merger in gypsum industry);
- *United States v. L'Oreal USA, Inc., L'Oreal S.A. and Carson, Inc.*, 142 F. Supp. 2d 17 (D.D.C. 2000) (Consent Decree) (merger in hair care industry);
- *United States v. Kentucky Real Estate Commission*, Civil Action No. 3:05CV188-H (W.D. Ky. 2005) (Consent Decree) (challenging statewide ban on real estate brokers' offering rebates or inducements); and
- *In re VisaCheck/MasterMoney Antitrust Litig.*, Master File No. CV-96-5238 (E.D.N.Y. 2006) (recovery by the United States, as a matter of equity (and the first time in the Antitrust Division's history), for its share of damages in a private antitrust class action settlement).

■ Service

- Assisted in drafting Division's internal study on coordinated effects analysis in merger investigations.
- Instructed junior attorneys as part of Division's Deposition Training Team.
- Member of Leadership Skills Committee.

UNITED STATES ATTORNEY'S OFFICE
Eastern District of Virginia, Alexandria Division

2000 - 2001

Special Assistant U.S. Attorney

As part of detail, had significant courtroom experience, including:

- successfully prosecuting two felony jury trials, three appeals before the U.S. Court of Appeals for the Fourth Circuit, and over twenty misdemeanor bench trials and motion hearings;
- participating in all facets of criminal prosecution before every judge in the Alexandria Division including running a weekly docket before the Honorable Thomas Rawles Jones, Jr., drafting search warrants and criminal complaints, presenting indictments to the grand jury, seeking pretrial detention, defending and prosecuting pretrial motions, negotiating pleas, arguing the United States's position at sentencing, and seeking the revocation of defendants' supervised release; and
- requested by the U.S. Attorney's Office to return and assist in the grand jury investigation and prosecution of a sexual assault on a military base.

SULLIVAN & CROMWELL

New York, New York

Litigation Associate

1996 - 1999

Drafted and responded to motions in civil securities fraud and antitrust litigation, including:

- Department of Justice's prosecution against Microsoft Corp.;
- private antitrust class action involving price-fixing among Nasdaq market-makers; and
- SEC action against CS First Boston involving Orange County, California.

As part of *pro bono* services,

- obtained reversal of criminal conviction. *People v. Graham*, 251 A.D.2d 426, 674 N.Y.S.2d 120 (N.Y. App. Div. 2 Dept. 1998). First time the New York State Appellate Division, Second Department reversed in the interest of justice on improper rape trauma syndrome expert testimony; and
- briefed and argued two Article 78 proceedings against the City of New York,

Office of the District Attorney, and New York City Police Department.

U.S. SECURITIES & EXCHANGE COMMISSION
Research Assistant, Office of Consumer Affairs

Washington, D.C.
1988 - 1990

ADMISSIONS

Admitted to the New York bar, U.S. District Court for the Southern and Eastern Districts of New York, the U.S. Court of Appeals for the Fourth Circuit, and the U.S. Supreme Court.