

SAMUEL N. WEINSTEIN

Benjamin N. Cardozo School of Law
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ACADEMIC APPOINTMENTS

Benjamin N. Cardozo School of Law

Professor of Law 2022-Present
Associate Professor of Law 2020-2022
Assistant Professor of Law 2017-2020
Co-Director, Heyman Center on Corporate Law & Governance 2018-Present
Courses: Antitrust; Antitrust, IP & The High-Tech Economy (seminar); Business Law Colloquium; Contracts; Corporations
Service: Adjuncts Committee (2022-23 (Chair), 2017-18); Appointments Committee (2021-22, 2019-20); Clerkship Committee (2018-19); Faculty Development Committee (2017-18)

University of California, Berkeley, School of Law 2015-17

Berkeley Center for Law & Business

Academic Fellow

- Research in antitrust, securities and financial regulation, contracts, intellectual property, and legal history.

University of California, Santa Cruz, History Department 1997

Lecturer in American History

- Taught lecture courses and senior seminar.

University of California, Berkeley, History Department 1992-95

Graduate Student Instructor

- Taught senior seminar and led discussion sections.

EDUCATION

University of California, Berkeley, School of Law, J.D., May 2002

- Order of the Coif
- First-Year Moot Court Advocacy Award
- *California Law Review*, Notes and Comments Editor
- *Berkeley Journal of Employment and Labor Law*, Executive Editor

University of California, Berkeley, Ph.D., U.S. History, December 1996

- Dissertation: *The Cause of Our Hard Times: Popular Economic Belief, Popular Economic Movements, Professional Economists, and the Expansion of the American State, 1877-1941*
- Mellon Foundation Dissertation Fellowship
- University of California Max Farrand Fellowship
- University of California Humanities Research Grant
- Distinction on the Ph.D. Examination

University of California, Berkeley, M.A., American History, May 1992

Haverford College, B.A., History, May 1989

SELECTED PUBLICATIONS

Venture Predation (with Matthew Wansley), 48 JOURNAL OF CORPORATION LAW __ (2023)

Dynamic Pricing Algorithms, Consumer Harm, & Regulatory Response (with Alexander MacKay), 100 WASHINGTON UNIVERSITY LAW REVIEW __ (2022)

Anticompetitive Merger Review, 56 GEORGIA LAW REVIEW __ (2022)

- Selected for the 2022 Next Generation of Antitrust Scholars Conference, New York University School of Law (January 2022)

Addictive Technology and its Implications for Antitrust Enforcement (with Fiona Scott Morton & J. Niels Rosenquist), 100 NORTH CAROLINA LAW REVIEW 431 (2022)

Blockchain Neutrality, 55 GEORGIA LAW REVIEW 499 (2021)

Financial Regulation in the (Receding) Shadow of Antitrust, 91 TEMPLE LAW REVIEW 447 (2019)

- Selected for the 2018 Next Generation of Antitrust Scholars Conference, New York University School of Law (January 2018)

Rigged Results? Antitrust Lessons from Keyword Auctions, 91 TULANE LAW REVIEW 629 (2017)

When Systemic Risk Meets Antitrust: Dodd-Frank's Impact on Competitive Markets in the Wake of an Economic Crisis, 21 STANFORD JOURNAL OF LAW BUSINESS & FINANCE 286 (2016)

Fact-Finding in Administrative and Judicial Proceedings: Perspectives of the U.S. Department of Justice (with Rachel Brandenburger & Anne Newton McFadden), INTERNATIONAL ANTITRUST LAW & POLICY: FORDHAM COMPETITION LAW (2011)

Bundles of Trouble: The Possibilities for a New Two-Product Rule in Technology Tying Cases, 90 CALIFORNIA LAW REVIEW 903 (2002) (Student Comment)

United States v. Microsoft: Maintaining the Balance between Innovation and Competition, 17 BERKELEY TECHNOLOGY LAW JOURNAL 273 (2002) (Student Note)

SHORTER WORKS

The Antitrust Cases against Facebook and Google: The Search for a Smoking Gun, PROMARKET (Jan. 31, 2021)

Addictive Social Media: Why We Need Regulation and Competition for Digital Platforms (with Ariel Hsieh, Fiona Scott Morton, & J. Niels Rosenquist), PROMARKET (Oct. 22, 2020)

The New U.S. Horizontal Merger Guidelines and International Competition Policy Convergence (with Alden F. Abbott), ANTITRUST (Fall 2010)

WORKS IN PROGRESS

Antisocial Innovation (with Christopher Buccafusco)

The NFL as a Bid-Rigging Cartel (with Tai Milder)

SELECTED PRESENTATIONS

PAPER PRESENTATIONS

Presenter, “Dynamic Pricing Algorithms, Consumer Harm, & Regulatory Response”

- Cambridge-USC Virtual Antitrust Workshop (May 2022)
- U.S. Dep’t of Justice, Antitrust Division, Competition Law & Policy Speaker Series (April 2022)
- Thurman Arnold Project, Antitrust Workshop, Yale University (October 2021)
- National Business Law Scholars Conference, University of Tennessee College of Law (June 2021)
- Inframarginalism & Internet: An Online Conference on Markets as Wealth Distributors and the Implications for Tech Policy, University of Kentucky Rosenberg College of Law (February 2021)

Presenter, “Anticompetitive Merger Review”

- Next Generation of Antitrust Scholars Conference, New York University School of Law (January 2022)
- National Business Law Scholars Conference (June 2020)
- 2020 University of Pennsylvania Journal of Business Law Symposium: The Interplay of Antitrust Laws and our Current Business Environment, University of Pennsylvania Law School (February 2020)

Presenter, “Blockchain Neutrality”

- Boston University School of Law Cyber Alliance (March 2020)
- National Business Law Scholars Conference, University of California, Berkeley (July 2019)
- Governing Innovation and Emerging Technology in Finance Writing Workshop and Roundtable, University of California, Berkeley (July 2019)
- University of Richmond School of Law Junior Faculty Forum (June 2019)
- Junior Faculty Workshop, Benjamin N. Cardozo School of Law (March 2019)

Presenter, “Financial Regulation in the (Receding) Shadow of Antitrust”

- Corporate Law & Finance Meets Antitrust Policy: Old & New Questions Conference, Lund University (June 2018)
- Next Generation of Antitrust Scholars Conference, New York University School of Law (January 2018)
- National Business Law Scholars Conference, University of Utah Law School (June 2017)

Presenter, “Rigged Results? Antitrust Lessons from Keyword Auctions”

- The Fellows’ Workshop, Stanford Law School (July 2016)
- National Business Law Scholars Conference, University of Chicago Law School (June 2016)
- U.C. Berkeley/University of San Diego Business Law Conference (May 2016)

Presenter, “When Systemic Risk Meets Antitrust: Dodd-Frank’s Impact on Competitive Markets in the Wake of an Economic Crisis”

- Bay Area Corporate/Transactional Workshop, U.C. Berkeley School of Law (July 2015)

OTHER PRESENTATIONS

Panelist, Global Competition Review Connect, “Antitrust in the Digital Economy” (June 2021)

Panelist, N.Y. Bar Association, Antitrust Law and Corporate Counsel Sections Joint Annual Meeting, “What Role Will Consumer Litigation Play in the Antitrust Fight Over Tech Platforms” (January 2020)

Panelist, U.C. Berkeley School of Law, “The Future of Antitrust” (October 2015)

Panelist, American Bar Association, Intellectual Property Committee, panel on current issues in antitrust and intellectual property law (June 2015; April 2014)

Presenter, “Analyzing Intellectual Property Licensing Arrangements,” National Judicial Academy of India, National Conference of Newly Elevated High Court Judges (January 2015)

Moderator, Joint Department of Justice/Federal Trade Commission Conditional Pricing Practices Workshop (June 2014)

SELECTED MEDIA APPEARANCES

Dynamic Pricing Leaves Consumer Facing Exorbitant, Fluctuating Costs, CANADIAN BROADCASTING CORPORATION RADIO INTERVIEW (August 2, 2022)

Why 30 Years of Defense Consolidation May Be at an End, WALL ST. JOURNAL (Jan. 29, 2022)

Apple Judge’s Warning Suggests App Store Fight Is Far From Over, WALL ST. JOURNAL (Sept. 10, 2021)

Rulings in Facebook, Apple Antitrust Cases Show How Tough It Is To Define a Monopoly in The Age of Big Tech, WASHINGTON POST (Sept. 12, 2021)

Yahoo! Finance Live, television interview regarding *Epic v. Apple* lawsuit (Sept. 10, 2021)

Apple Cedes Ground as Larger Fights Over App Store Brew in Court, Congress WALL ST. JOURNAL (Sept. 2, 2021)

Amazon-MGM Slammed by Tech Foes on Likely Path to Approval, BLOOMBERG (May 27, 2021)

After Suing Facebook, The FTC Has a Chance to Show Critics It’s Not Toothless, CNBC (Dec. 19, 2020)

Proving that Facebook has a Monopoly is Harder When It’s Free, BLOOMBERG LAW (Dec. 10, 2020)

Win, Lose or Settle: Facebook Lawsuits Will Take Years to Resolve, REUTERS (Dec. 9, 2020)

Bloomberg Law Podcast (interview regarding Google antitrust litigation) (Nov. 24, 2020)

The Justice Department Just Slapped Google with a Landmark Antitrust Lawsuit. That Could Be Bad News for Amazon, Facebook, and Apple, BUS. INSIDER (Oct. 20, 2020)

Google Up Against Laws That Thwarted Microsoft (and Others Since 1980), NEW YORK TIMES (Oct. 20, 2020)

Google Employees Are Free to Speak Up. Except on Antitrust, NEW YORK TIMES (Oct. 13, 2020)

California Regulators a Potential Obstacle to T-Mobile, Sprint Merger, WALL ST. JOURNAL (January 26, 2020)

Amazon Falls after Report that the Company Prioritized Profit in its Search Listings, BLOOMBERG NEWS (September 16, 2019)

U.S. Approves T-Mobile-Sprint Merger, WALL ST. JOURNAL (July 26, 2019)
Justice Department Opens Antitrust Review of Big Tech Companies, NEW YORK TIMES (July 23, 2019)
Senate Tech Disclosure Bill Unlikely to Prompt an Antitrust Breakup, BLOOMBERG LAW (June 26, 2019)
Sprint, T-Mobile Merger Chances Take Another Hit, WALL ST. JOURNAL (June 12, 2019)
Sprint and T-Mobile Still Face Their Toughest Hurdle, WALL ST. JOURNAL (June 10, 2019)
Big Tech Braces for Antitrust Crackdown, THE HILL (June 5, 2019)
Facebook's Plans to Integrate WhatsApp, Instagram Raise Antitrust Concerns, KCBS RADIO INTERVIEW (March 10, 2019)
Zuckerberg to Integrate WhatsApp, Instagram and Facebook Messenger: NYT, REUTERS (JAN. 25, 2019)
Trump May Push Antitrust Probe into Google, Facebook, NEW YORK POST (Sept. 22, 2018)

PROFESSIONAL EXPERIENCE

Curtis, Mallet-Prevost, Colt & Mosle April 2017-Present
Senior Competition Counsel

- Maintain limited practice providing antitrust counsel.

Consulting Expert

- Advise plaintiffs in *Zunum Aero, Inc. v. The Boeing Company* No. C21-0896 (W.D. Wash.); No. 20-2-17056-9 (Wash. Sup. Ct.) Nov. 2020-Present

U.S. Department of Justice, Antitrust Division

Attorney, Legal Policy Section 2007-12; 2014-15
Counsel to the Assistant Attorney General 2012-14

- Counseled Assistant Attorney General in charge of the Antitrust Division and other Division leaders on significant investigations, enforcement actions, and policy matters, with particular expertise in financial services, regulated industries, and intellectual property.
- Advised congressional staff and federal regulatory agencies on competition policy and antitrust compliance.
- Pursued investigations and enforcement actions involving financial markets, potential abuse of intellectual property rights, and standard-setting organizations. Formulated Division policy regarding financial services reform.
- Drafted reports, enforcement policy statements, guidelines, and speeches.

Munger, Tolles & Olson LLP 2003-07
Litigation Associate

- Practiced complex antitrust and regulatory litigation and counseling.

U.S. Court of Appeals for the Third Circuit 2002-03
Law Clerk to Chief Judge Edward R. Becker

Microsoft Corporation, Redmond, WA 1998-99
Statistics Editor

- Led production of Microsoft's *Encarta Almanac* product. Planned, researched, and wrote product content.

OTHER ACTIVITIES

- Member, Antitrust and Trade Regulation Committee, New York City Bar Association
- Referee, COMPUTER LAW & SECURITY REVIEW: THE INTERNATIONAL JOURNAL OF TECHNOLOGY LAW AND PRACTICE

BAR ADMISSIONS

Member of the California Bar