

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 Governance, 2018-Present

Courses: Antitrust; Antitrust, IP & The High-Tech Economy (seminar); Business Law Colloquium; Contracts; Corporations

Service: Adjuncts Committee (Chair 2022-23); Appointments Committee (Chair 2024-25); Clerkship Committee; Faculty Development Committee; Steering Committee (Chair 2025-26)

University of California, Berkeley, School of Law

Berkeley Center for Law & Business

Academic Fellow, 2015-17

University of California, Santa Cruz, History Department

Lecturer in American History, 1997

University of California, Berkeley, History Department

Graduate Student Instructor, 1992-95

EDUCATION

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

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

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., U.S. History

Haverford College, B.A., History

SELECTED PUBLICATIONS

No Exit, 100 NYU LAW REVIEW (with Brian Broughman & Matthew Wansley) (forthcoming 2025)

Featured on the HARVARD LAW SCHOOL FORUM ON CORPORATE GOVERNANCE Blog (July 2, 2025)

Disfavored Consumers, ARIZONA STATE LAW JOURNAL (forthcoming 2025)

Antisocial Innovation (with Christopher Buccafusco), 58 GEORGIA LAW REVIEW 573 (2024)

Venture Predation (with Matthew Wansley), 48 JOURNAL OF CORPORATION LAW 813 (2023)

Featured on the HARVARD LAW SCHOOL FORUM ON CORPORATE GOVERNANCE Blog (May 25, 2023)

Dynamic Pricing Algorithms, Consumer Harm, & Regulatory Response (with Alexander MacKay), 100 WASHINGTON UNIVERSITY LAW REVIEW 111 (2022)

Anticompetitive Merger Review, 56 GEORGIA LAW REVIEW 1057 (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)

BOOK CHAPTERS

Antitrust, Private Equity & Venture Capital (with Matthew Wansley), in RESEARCH HANDBOOK ON THE STRUCTURE OF PRIVATE EQUITY AND VENTURE CAPITAL (Brian Broughman & Elisabeth de Fontenay eds.) (forthcoming).

SHORTER WORKS

Pricing Algorithms—What Role for Regulation?, COMPETITION POLICY INTERNATIONAL (February 2024)

Understanding the DOJ's Decision to Seek a Jury Trial in the Google Ad Tech Case, PROMARKET (April 26, 2023)

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

A Remedy for Third-Party Pricing Algorithms (with Joseph E. Harrington, Jr.)

Antitrust Crimes

Exit without Platforms

FERC Merger Review: A Critical Appraisal (with Menesh Patel)

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

RESEARCH HANDBOOK ON ANTITRUST & FINANCE (co-edited with Marco Corradi)

SELECTED PAPER PRESENTATIONS

No Exit

Colloquium Seminar on Business Law & Innovation Law and Technology Speaker Series, University of Illinois, Urbana-Champaign School of Law (September 2025)

Cambridge-USC Virtual Antitrust Workshop (September 2025)

The Law & Finance of Private Equity & Venture Capital Conference, London School of Economics (June 2025)

FERC Merger Review: A Critical Appraisal

Competition, Antitrust Law, and Innovation Forum, Mergers & Antitrust Law, U.C. Irvine School of Law (January 2025)

National Business Law Scholars Conference, U.C. Davis School of Law (June 2024)

Consumer Tradeoffs

BYU Law Future of Antitrust Interdisciplinary Conference, BYU Law School (October 2024)

National Business Law Scholars Conference, U.C. Davis School of Law (June 2024)
Competition, Antitrust Law, and Innovation Forum, Antitrust Roundtable, U.C. Irvine School of Law (October 2023)

Exit without Platforms

Law & Entrepreneurship Conference, U.C. Law S.F. (September 2024)

Antitrust, Private Equity & Venture Capital

Book Conference: Research Handbook on the Structure of Private Equity and Venture Capital, Vanderbilt Law School (October 2023)

Antisocial Innovation

Law & Entrepreneurship Conference, Vanderbilt Law School (October 2023)
Conference of the Society for Institutional & Organizational Economics, Goethe University, Frankfurt, Germany (August 2023)
National Business Law Scholars Conference, University of Tennessee School of Law (June 2023)

Venture Predation

New York City Bar Association, Antitrust & Trade Regulation Committee (November 2023)
American Law & Economics Association Annual Meeting, Boston University School of Law (June 2023)
National Business Law Scholars Conference, University of Tennessee School of Law (June 2023)

Dynamic Pricing Algorithms, Consumer Harm, & Regulatory Response

Cambridge-USC Virtual Antitrust Workshop (May 2022)
U.S. Department 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)

Anticompetitive Merger Review

Next Generation of Antitrust Scholars Conference, NYU 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)

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)

Financial Regulation in the (Receding) Shadow of Antitrust

Corporate Law & Finance Meets Antitrust Policy: Old & New Questions Conference, Lund University, Sweden (June 2018)

Next Generation of Antitrust Scholars Conference, NYU School of Law (January 2018)

National Business Law Scholars Conference, University of Utah Law School (June 2017)

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)

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, Federal Trade Commission, "Competition Snuffed Out: How Predatory Pricing Harms Competition, Consumers, and Innovation" (December 2024)

Panelist, NYU School of Law Antitrust and Competition Law Society, "Post Election Debrief," NYU School of Law (November 2024)

Panelist, Seton Hall Law School, "Legal Responses to Addictive Technologies: Addressing the Impact of Screens, Social Networks and Online Games on Kids" (April 2024)

Panelist, Temple Law Review Symposium, "Competition/Regulation: Controlling Corporate Power in the Digital Economy," Temple University School of Law (October 2023)

Panelist, American Bar Association, "The ABC of Antitrust & Blockchain" (January 2023)

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

Judge Bars Google From Exclusive Search Deals But Says It Can Keep Chrome, WASHINGTON POST (Sept. 2, 2025)

X’s Sales Pitch: Give Us Your Ad Business or We’ll Sue, WALL ST. JOURNAL (June 10, 2025)

Decades Later, the Microsoft Antitrust Case Casts a Shadow Over the Google Trial, NATIONAL PUBLIC RADIO (April 24, 2025)

As Closing Arguments in Google’s Monopoly Trial Wrap Up, Other Tech Giants Watch Closely, NATIONAL PUBLIC RADIO: WEEKEND EDITION INTERVIEW (May 4, 2024)

Monopoly Case Pits Justice Department Against Apple’s Antitrust Winning Streak, WALL ST. JOURNAL (March 22, 2024)

Capital Forum Podcast, Interview Regarding *Venture Predation* (Sept. 15, 2023)

Google’s Antitrust Loss to Epic Could Preview its Legal Fate in 2024, NEW YORK TIMES (Dec. 12, 2023)

Justice Authorities Increasing Effort to Create Competition, WISCONSIN PUBLIC RADIO INTERVIEW (Nov. 16, 2022)

Juul E-Cigarettes Could Be Targeting a More Mature Audience, NATIONAL PUBLIC RADIO: MARKETPLACE MORNING REPORT INTERVIEW (Sept. 7, 2022)

Dynamic Pricing Leaves Consumers 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: 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 <i>Senior Competition Counsel</i>	2017-present
Consulting Expert Advised plaintiffs in <i>Zunum Aero, Inc. v. The Boeing Company</i> No. C21-0896 (W.D. Wash.); No. 20-2-17056-9 (Wash. Sup. Ct.)	2020-21
U.S. Department of Justice, Antitrust Division <i>Attorney, Legal Policy Section</i> <i>Counsel to the Assistant Attorney General</i>	2007-12; 2014-15 2012-14
Munger, Tolles & Olson LLP <i>Litigation Associate</i>	2003-07
U.S. Court of Appeals for the Third Circuit <i>Law Clerk to Chief Judge Edward R. Becker</i>	2002-03

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

Reviewer, JOURNAL OF LAW & ECONOMICS

Reviewer, Harvard University Press

BAR ADMISSIONS

Member of the California Bar