

**LOUIS KAPLOW**

Harvard Law School  
Cambridge, MA 02138  
617-495-4101

**EMPLOYMENT**

**Harvard Law School**, Finn M.W. Caspersen & Household International Professor of Law & Economics, 2004-present; Prof., 1987-2004; Assoc. Dean for Research, 1989-1991; Asst. Prof., 1982-1987. Assoc. Dir., John M. Olin Center for Law, Economics, & Business. Courses: Antitrust, Law & Economics, Taxation, Analytical Methods for Lawyers

**Law Clerk to Hon. Henry J. Friendly**, U.S. Court of Appeals, Second Circuit, 1981-1982

**EDUCATION**

**Harvard University** Ph.D. (Economics) 1987, M.A. 1981  
National Science Foundation Fellow

**Harvard Law School** J.D. Magna Cum Laude, 1981  
Managing Editor, Harvard Law Review

**Northwestern University** B.A. with distinction, 1977  
Honors Thesis in Economics; Second Major in Mathematics; Phi Beta Kappa

**PROFESSIONAL AFFILIATIONS**

**Research Associate, National Bureau of Economic Research**

**Fellow, American Academy of Arts & Sciences**

**Editorial Boards**, Antitrust Law Journal; Journal of Competition Law & Economics; Journal of Law, Economics, & Org.; Journal of Legal Analysis; (previously: American Economic Journal: Economic Policy; Journal of Public Economics; National Tax Journal; Fiscal Studies; Legal Theory; Intl. Review of Law & Economics)

**Member**, Am. Econ. Assn.; Natl. Tax Assn. (*Holland Medal for Lifetime Achievement*, 2019); Am. Law & Econ. Assn. (Board, 1995-1997, 2002-2005; Pres. 2011)

**Admitted to the Massachusetts Bar** 1983

**CONSULTING**

United States Department of Justice, Antitrust Division  
Federal Trade Commission  
Legal Reform Project, Russian Federation  
State of Israel, Controller of Restrictive Trade Practices  
State Antitrust Departments  
Private Parties and Organizations

## **PUBLICATIONS: ACADEMIC BOOKS**

*Competition Policy and Price Fixing* (Princeton University Press, 2013).

*The Theory of Taxation and Public Economics* (Princeton University Press, 2008; paperback, 2011).

*Fairness versus Welfare* (with Steven Shavell) (Harvard University Press, 2002; paperback 2006) (Chinese translation, Law Press China, 2007).

## **PUBLICATIONS: TEXTBOOKS**

*Antitrust Analysis* (with Phillip Areeda, Aaron Edlin, & Scott Hemphill) (8th ed.; Aspen Publishers, 2021).

*Analytical Methods for Lawyers* (with Howell Jackson, Steven Shavell, W. Kip Viscusi, & David Cope) (3rd ed.; Foundation Press, 2017).

*Antitrust Analysis* (with Phillip Areeda & Aaron Edlin) (7th ed.; Aspen Publishers, 2013).

*Analytical Methods for Lawyers* (with Howell Jackson, Steven Shavell, W. Kip Viscusi, & David Cope) (2nd ed.; Foundation Press, 2011). (Japanese translation, 2013.)

*Antitrust Analysis* (with Phillip Areeda & Aaron Edlin) (6th ed.; Aspen Publishers, 2004).

*Decision Analysis, Game Theory, and Information* (with Steven Shavell) (Foundation Press, 2004) (from Analytical Methods).

*Contracting* (with Steven Shavell) (Foundation Press, 2004) (from Analytical Methods).

*Microeconomics* (with Steven Shavell) (Foundation Press, 2004) (from Analytical Methods).

*Analytical Methods for Lawyers* (with Howell Jackson, Steven Shavell, W. Kip Viscusi, & David Cope) (Foundation Press, 2003).

*Antitrust Analysis* (with Phillip Areeda) (5th ed.; Aspen Publishers, Inc. 1997).

*Antitrust Analysis* (with Phillip Areeda) (4th ed.; Little, Brown, 1988).

## **PUBLICATIONS: ARTICLES (and other)**

- Optimal Income Taxation, *Journal of Economic Literature* (forthcoming).
- Competition Policy in a Simple General Equilibrium Model, *Journal of Political Economy Microeconomics* (forthcoming).
- Replacing the Structural Presumption, *Antitrust Law Journal*, vol. 84, pp. 565-627 (2022).
- Market Power and Income Taxation, *American Economic Journal: Economic Policy*, vol. 13, pp. 329-354 (2021).
- Horizontal Merger Analysis, *International Journal of Industrial Organization*, vol. 79, 102714 (2021).
- Efficiencies in Merger Analysis, *Antitrust Law Journal*, vol. 83, pp. 557-619 (2021).
- A Unified Perspective on Efficiency, Redistribution, and Public Policy, *National Tax Journal*, vol. 73, pp. 429-472 (2020).
- Optimal Regulation with Exemptions, *International Journal of Industrial Organization*, vol. 66, pp. 1-39 (2019).
- Balancing Versus Structured Decision Procedures: Antitrust, Title VII Disparate Impact, and Constitutional Law Strict Scrutiny, *University of Pennsylvania Law Review*, vol. 167, pp. 1375-1462 (2019).
- On the Design of Legal Rules: Balancing Versus Structured Decision Procedures, *Harvard Law Review*, vol. 132, pp. 992-1065 (2019).
- Recoupment and Predatory Pricing Analysis, *Journal of Legal Analysis*, vol. 10, pp. 1-67 (2018).
- Price-Fixing Policy, *International Journal of Industrial Organization*, vol. 61, pp. 749-776 (2018).
- Recoupment, Market Power, and Predatory Pricing, *Antitrust Law Journal*, vol. 82, pp. 167-219 (2018).
- Optimal Design of Private Litigation, *Journal of Public Economics*, vol. 155, pp. 64-73 (2017).
- Optimal Multistage Adjudication, *Journal of Law, Economics, & Organization*, vol. 33, pp. 613-652 (2017).
- Who Will Vote Quadratically? Voter Turnout and Votes Cast under Quadratic Voting (with Scott Kominers), *Public Choice*, vol. 172, pp. 125-149 (2017).

A Distribution-Neutral Perspective on Tax Expenditure Limitations, in *Tax Policy and the Economy*, vol. 31 (Moffitt, ed., NBER and University of Chicago Press 2017), pp. 161-188.

On the Relevance of Market Power, *Harvard Law Review*, vol. 130, pp. 1303-1407 (2017).

Commentary on the Economic and Distributional Effects of Tax Expenditure Limits, in *The Economics of Tax Policy* (Auerbach & Smetters, eds., 2017), pp. 145-155.

The Meaning of Vertical Agreement and the Structure of Competition Law, *Antitrust Law Journal*, vol. 80, pp. 563-630 (2016).

Market Definition, Market Power, *International Journal of Industrial Organization*, vol. 43, pp. 148-161 (2015).

Myopia and the Effects of Social Security and Capital Taxation on Labor Supply, *National Tax Journal*, vol. 68, pp. 7-32 (2015).

Information and the Aim of Adjudication: Truth or Consequences?, *Stanford Law Review*, vol. 67, pp. 1303-1371 (2015).

Government Policy and Labor Supply with Myopic or Targeted Savings Decisions, in *Tax Policy and the Economy*, vol. 29 (Brown, ed., NBER and University of Chicago Press 2015), pp. 159-193.

Market Definition, in *Oxford Handbook of International Antitrust Economics* (Blair & Sokol, eds., Oxford University Press 2015), pp. 345-363.

Likelihood Ratio Tests and Legal Decision Rules, *American Law and Economics Review*, vol. 16, pp. 1-39 (2014).

Market Definition: Impossible and Counterproductive, *Antitrust Law Journal*, vol. 79, pp. 361-379 (2013).

Multistage Adjudication, *Harvard Law Review*, vol. 126, pp. 1179-1298 (2013).

Optimal Control of Externalities in the Presence of an Income Tax, *International Economic Review*, vol. 53, pp. 487-509 (2012).

Burden of Proof, *Yale Law Journal*, vol. 121, pp. 738-859 (2012).

On the Choice of Welfare Standards in Competition Law, in *Goals of Competition Law* (Zimmer, ed., Edward Elgar, 2012), pp. 3-26.

Market Definition Alchemy, *Antitrust Bulletin*, vol. 57, pp. 915-952 (2012).

On the Optimal Burden of Proof, *Journal of Political Economy*, vol. 119, pp. 1104-1140 (2011).

Direct versus Communications-Based Prohibitions on Price Fixing, *Journal of Legal Analysis*, vol. 3, pp. 449-538 (2011).

An Optimal Tax System, *Fiscal Studies*, vol. 32, pp. 415-435 (2011).

Market Definition and the Merger Guidelines, *Review of Industrial Organization*, vol. 39, pp. 107-125 (2011).

An Economic Approach to Price Fixing, *Antitrust Law Journal*, vol. 77, pp. 343-449 (2011).

Market Share Thresholds: On the Conflation of Empirical Assessments and Legal Policy Judgments, *Journal of Competition Law & Economics*, vol. 7, pp. 243-276 (2011).

On the Meaning of Horizontal Agreements in Competition Law, *California Law Review*, vol. 99, pp. 683-818 (2011).

Discount Rates, Social Judgments, Individuals' Risk Preferences, and Uncertainty (with David Weisbach), *Journal of Risk and Uncertainty*, vol. 42, pp. 125-143 (2011).

Optimal Proof Burdens, Deterrence, and the Chilling of Desirable Behavior, *American Economic Review: Papers and Proceedings*, vol. 101, pp. 277-280 (2011).

Targeted Savings and Labor Supply, *International Tax and Public Finance*, vol. 18, pp. 507-518 (2011).

Utility from Accumulation, *National Tax Association Proceedings*, 102<sup>nd</sup> Annual Conference 2009, pp. 189-194 (2011).

Taxes, Permits, and Climate Change, in *U.S. Energy Tax Policy* (Metcalf, ed., Cambridge University Press, 2011), pp. 168-192.

Why (Ever) Define Markets?, *Harvard Law Review*, vol. 124, pp. 437-517 (2010).

Taxing Leisure Complements, *Economic Inquiry*, vol. 48, pp. 1065-1071 (2010).

Concavity of Utility, Concavity of Welfare, and Redistribution of Income, *International Tax and Public Finance*, vol. 17, pp. 25-42 (2010).

The Social Evaluation of Intergenerational Policies and Its Application to Integrated Assessment Models of Climate Change (with Elisabeth Moyer & David Weisbach), *B.E. Journal of Economic Analysis & Policy*, vol. 10, issue 2, art. 7, pp. 1-32 (2010); also in *Distributional Aspects of Energy and Climate Change* (Cohen, Fullerton & Topel, eds., Edward Elgar, 2013), pp. 41-74.

- On the Taxation of Private Transfers, *Tax Law Review*, vol. 63, pp. 159-187 (2009).
- Optimal Policy with Heterogeneous Preferences, *B.E. Journal of Economic Analysis and Policy: Advances*, vol. 8, issue 1, art. 40, pp. 1-28 (2008).
- Capital Levies and Transition to a Consumption Tax, in *Institutional Foundations of Public Finance: Economic and Legal Perspectives* (Auerbach & Shaviro, eds., Harvard University Press, 2008), pp. 112-146.
- Optimal Taxation, in *The New Palgrave Dictionary of Economics, 2<sup>nd</sup> Edition* (Durlauf & Blume, eds.; Macmillan, 2008), vol. 6, pp. 209-215.
- Income Taxation and Optimal Policies, in *The New Palgrave Dictionary of Economics, 2<sup>nd</sup> Edition* (Durlauf & Blume, eds.; Macmillan, 2008), vol. 4, pp.170-175.
- Pareto Principle and Competing Principles, in *The New Palgrave Dictionary of Economics, 2<sup>nd</sup> Edition* (Durlauf & Blume, eds.; Macmillan, 2008), vol. 6, pp. 295-300.
- Antitrust (with Carl Shapiro), in *Handbook of Law and Economics* (Polinsky & Shavell, eds.; Elsevier, 2007), vol. 2, pp. 1073-1225.
- Taxation, in *Handbook of Law and Economics* (Polinsky & Shavell, eds.; Elsevier, 2007), vol. 1, pp. 647-755.
- Moral Rules, the Moral Sentiments, and Behavior: Toward a Theory of an Optimal Moral System (with Steven Shavell), *Journal of Political Economy*, vol. 115, pp. 494-514 (2007).
- Primary Goods, Capabilities, or . . . Well-Being?, *Philosophical Review*, vol. 116, pp. 603-632 (2007).
- Optimal Income Transfers, *International Tax and Public Finance*, vol. 14, pp. 295-325 (2007).
- Taxation and Redistribution: Some Clarifications, *Tax Law Review*, vol. 60, pp. 57-81 (2007).
- Discounting Dollars, Discounting Lives: Intergenerational Distributive Justice and Efficiency, *University of Chicago Law Review*, vol. 74, pp. 79-118 (2007).
- On the Undesirability of Commodity Taxation Even When Income Taxation Is Not Optimal, *Journal of Public Economics*, vol. 90, pp. 1235-1250 (2006).
- Public Goods and the Distribution of Income, *European Economic Review*, vol. 50, pp. 1627-1660 (2006).
- Choosing Expensive Tastes, *Canadian Journal of Philosophy*, vol. 36, pp. 415-426 (2006).

The Value of a Statistical Life and the Coefficient of Relative Risk Aversion, *Journal of Risk and Uncertainty*, vol. 31, pp. 23-34 (2005).

Why Measure Inequality?, *Journal of Economic Inequality*, vol. 3, pp. 65-79 (2005).

Evaluating Public Goods and Regulations: Response, *Journal of Economic Perspectives*, vol. 19, no. 4, pp. 233-234 (2005).

Families, Tax Treatment of, in *Encyclopedia of Taxation and Tax Policy, 2<sup>nd</sup> Edition* (Urban Institute Press, 2005).

On the (Ir)Relevance of Distribution and Labor Supply Distortion to Government Policy, *Journal of Economic Perspectives*, vol. 18, no. 4, pp. 159-175 (2004).

Notes on Welfarist versus Deontological Principles (reply) (with Steven Shavell), *Economics and Philosophy*, vol. 20, pp. 209-215 (2004).

Any Non-welfarist Method of Policy Assessment Violates the Pareto Principle: Reply (with Steven Shavell), *Journal of Political Economy*, vol. 112, pp. 249-251 (2004).

Fairness versus Welfare: Notes on the Pareto Principle, Preferences, and Distributive Justice (with Steven Shavell), *Journal of Legal Studies*, vol. 32, pp. 331-362 (2003).

Transition Policy: A Conceptual Framework, *Journal of Contemporary Legal Issues*, vol. 13, pp. 161-209 (2003).

Economic Analysis of Law (with Steven Shavell), in *Handbook of Public Economics* (Auerbach & Feldstein, eds.; Elsevier, 2002), vol. 3, pp. 1661-1784.

On the Superiority of Corrective Taxes to Quantity Regulation (with Steven Shavell), *American Law and Economics Review*, vol. 4, pp. 1-17 (2002).

Horizontal Equity: New Measures, Unclear Principles (Commentary), in *Inequality and Tax Policy* (Hassett & Hubbard, eds., American Enterprise Institute, 2001), pp. 75-97.

Any Non-welfarist Method of Policy Assessment Violates the Pareto Principle, (with Steven Shavell), *Journal of Political Economy*, vol. 109, pp. 281-86 (2001).

Fairness versus Welfare (with Steven Shavell), *Harvard Law Review*, vol. 114, pp. 961-1388 (2001).

A Framework for Assessing Estate and Gift Taxation, in *Rethinking Estate and Gift Taxation* (Gale, Hines & Slemrod, eds.; Brookings Institution, 2001), pp. 164-215.

Notions of Fairness versus the Pareto Principle: On the Role of Logical Consistency (with Steven Shavell), *Yale Law Journal*, vol. 110, pp. 237-49 (2000).

General Characteristics of Rules, in *Encyclopedia of Law and Economics*, vol. V, pp. 502-28 (Bouckaert & DeGeest, eds.; Edward Elgar, 2000) (also electronically published at <http://encyclo.findlaw.com>).

Should Legal Rules Favor the Poor? Clarifying the Role of Legal Rules and the Income Tax in Redistributing Income (with Steven Shavell), *Journal of Legal Studies*, vol. 29, pp. 821-35 (2000).

Families, Tax Treatment of, in *Encyclopedia of Taxation and Tax Policy*, pp. 120-22 (Urban Institute Press, 1999).

The Conflict between Notions of Fairness and the Pareto Principle (with Steven Shavell), *American Law and Economics Review*, vol. 1, pp. 63-77 (1999).

Accuracy, Complexity, and the Income Tax, *Journal of Law, Economics, and Organization*, vol. 14, pp. 61-83 (1998).

A Note on the Optimal Supply of Public Goods and the Distortionary Cost of Taxation, *National Tax Journal*, vol. 51, pp. 117-25 (1998).

Tax Policy and Gifts, *American Economic Review: Papers and Proceedings*, vol. 88, pp. 283-88 (1998).

Tax and Non-Tax Distortions, *Journal of Public Economics*, vol. 68, pp. 303-06 (1998).

Accuracy in Adjudication, in *The New Palgrave Dictionary of Economics and the Law* (Newman, ed.; Macmillan, 1998), pp. 1-7.

Comment on Antitrust Issues in the Licensing of Intellectual Property, *Brookings Papers on Economic Activity: Microeconomics*, pp. 337-344 (1997).

Concentration in the Israeli Economy and Bank Investment in Nonfinancial Companies (with Lucian Bebchuk and Jesse Fried), *The Economic Quarterly*, vol. 42, pp. 643-70 (1996) (in Hebrew), and John M. Olin Center for Law, Economics, and Business (Harvard Law School) Discussion Paper No. 209 (January 1997) (in English).

Regional Cost-of-Living Adjustments in Tax-Transfer Schemes, *Tax Law Review*, vol. 51, pp. 175-198 (1996).

The Optimal Supply of Public Goods and the Distortionary Cost of Taxation, *National Tax Journal*, vol. 49, pp. 513-533 (1996).

On the Divergence Between “Ideal” and Conventional Income Tax Treatment of Human Capital, *American Economic Review: Papers and Proceedings*, vol. 86, pp. 347-352 (1996).



- Fiscal Federalism and the Deductibility of State and Local Taxes in a Federal Income Tax, *Virginia Law Review*, vol. 82, pp. 413-492 (1996).
- Accuracy in the Assessment of Damages (with Steven Shavell), *Journal of Law and Economics*, vol. 39, pp. 191-210 (1996).
- Optimal Distribution and the Family, *Scandinavian Journal of Economics*, vol. 98, pp. 75-92 (1996).
- Property Rules versus Liability Rules: An Economic Analysis (with Steven Shavell), *Harvard Law Review*, vol. 109, pp. 713-790 (1996).
- How Tax Complexity and Enforcement Affect the Equity and Efficiency of the Income Tax, *National Tax Journal*, vol. 49, pp. 135-150 (1996), reprinted in *Tax Policy in the Real World* (Slemrod, ed.; Cambridge University Press, 1999).
- A Fundamental Objection to Tax Equity Norms: A Call for Utilitarianism, *National Tax Journal*, vol. 48, pp. 497-514 (1995).
- The Income Tax versus the Consumption Tax and the Tax Treatment of Human Capital, *Tax Law Review*, vol. 51, pp. 35-46 (1995).
- Do Liability Rules Facilitate Bargaining? A Reply to Ayres and Talley (with Steven Shavell), *Yale Law Journal*, vol. 105, pp. 221-233 (1995).
- A Note on Subsidizing Gifts, *Journal of Public Economics*, vol. 58, pp. 469-477 (1995).
- Recovery of Pre-Enactment Basis under a Consumption Tax: The USA Tax System, *Tax Notes*, vol. 68, pp. 1109-1118 (1995).
- A Model of the Optimal Complexity of Legal Rules, *Journal of Law, Economics, and Organization*, vol. 11, pp. 150-163 (1995).
- The Standard Deduction and Floors in the Income Tax, *Tax Law Review*, vol. 50, pp. 1-31 (1994).
- A Note on Taxation as Social Insurance for Uncertain Labor Income, *Public Finance*, vol. 49, pp. 244-256 (1994).
- Optimal Insurance Contracts When Establishing the Amount of Loss is Costly, *Geneva Papers on Risk and Insurance Theory*, vol. 19, pp. 139-152 (1994).
- Taxation and Risk Taking: A General Equilibrium Perspective, *National Tax Journal*, vol. 47, pp. 789-798 (1994).

- Human Capital under An Ideal Income Tax, *Virginia Law Review*, vol. 80, pp. 1477-1514 (1994).
- Optimal Law Enforcement with Self-Reporting of Behavior (with Steven Shavell), *Journal of Political Economy*, vol. 102, pp. 583-606 (1994).
- Accuracy in the Determination of Liability (with Steven Shavell), *Journal of Law and Economics*, vol. 37, pp. 1-15 (1994).
- The Value of Accuracy in Adjudication: An Economic Analysis, *Journal of Legal Studies*, vol. 23, 307-401 (1994).
- Why the Legal System Is Less Efficient than the Income Tax in Redistributing Income (with Steven Shavell), *Journal of Legal Studies*, vol. 23, pp. 667-681 (1994).
- Shifting Plaintiffs' Fees versus Increasing Damage Awards, *Rand Journal of Economics*, vol. 24, pp. 625-630 (1993).
- An Ex Ante Perspective on Deregulation, Viewed Ex Post, *Resource and Energy Economics*, vol. 15, pp. 153-173 (1993).
- Optimal Sanctions and Differences in Individuals' Likelihood of Avoiding Detection (with Lucian Bebchuk), *International Review of Law and Economics*, vol. 13, pp. 217-224 (1993).
- Rules versus Standards, *Duke Law Journal*, vol. 42, pp. 557-629 (1992).
- Government Relief for Risk Associated with Government Action, *Scandinavian Journal of Economics*, vol. 94, pp. 525-541 (1992).
- A Note on Horizontal Equity, *Florida Tax Review*, vol. 1, pp. 191-196 (1992).
- Income Tax Deductions for Losses as Insurance, *American Economic Review*, vol. 82, pp. 1013-1017 (1992).
- The Optimal Probability and Magnitude of Fines for Acts That Definitely Are Undesirable, *International Review of Law and Economics*, vol. 12, pp. 3-11 (1992).
- Private versus Socially Optimal Provision of Ex Ante Legal Advice (with Steven Shavell), *Journal of Law, Economics, and Organization*, vol. 8, pp. 306-320 (1992).
- Optimal Sanctions When Individuals Are Imperfectly Informed about the Probability of Apprehension (with Lucian Bebchuk), *Journal of Legal Studies*, vol. 21, pp. 365-370 (1992).

- The Income Tax as Insurance: The Casualty Loss and Medical Expense Deductions and the Exclusion of Medical Insurance Premiums, *California Law Review*, vol. 79, pp. 1485-1510 (1991).
- Incentives and Government Relief for Risk, *Journal of Risk and Uncertainty*, vol. 4, pp. 167-175 (1991).
- Optimal Taxation with Costly Enforcement and Evasion, *Journal of Public Economics*, vol. 43, pp. 221-236 (1990).
- Legal Advice about Acts Already Committed (with Steven Shavell), *International Review of Law and Economics*, vol. 10, pp. 149-159 (1990).
- Optimal Deterrence, Uninformed Individuals, and Acquiring Information about Whether Acts Are Subject to Sanctions, *Journal of Law, Economics, and Organization*, vol. 6, pp. 93-128 (1990).
- A Note on the Optimal Use of Nonmonetary Sanctions, *Journal of Public Economics*, vol. 42, pp. 245-247 (1990).
- Horizontal Equity: Measures in Search of a Principle, *National Tax Journal*, vol. 42, pp. 139-154 (1989).
- Legal Advice about Information to Present in Litigation: Its Effects and Social Desirability (with Steven Shavell), *Harvard Law Review*, vol. 102, pp. 565-615 (1989).
- Savings Incentives in a Hybrid Income Tax: Comment, in *Uneasy Compromise: Problems of a Hybrid Income-Consumption Tax* (Aaron et al., eds.; Brookings Institution, 1988), pp. 300-08.
- Antitrust, Law & Economics, and the Courts, *Law and Contemporary Problems*, vol. 50, pp. 181-216 (1987).
- Optimal Transition Policy: Replacing Horizontal Equity with an Ex Ante Incentives Perspective*, Dissertation accepted by Harvard University Department of Economics (1987).
- Professor Strnad's Rejoinder: Simply Semantics (with Alvin Warren), *Stanford Law Review*, vol. 39, pp. 419-425 (1987).
- An Economic Analysis of Legal Transitions, *Harvard Law Review*, vol. 99, pp. 509-617 (1986).
- Private versus Social Costs in Bringing Suit, *Journal of Legal Studies*, vol. 15, pp. 371-385 (1986).
- An Income Tax by Any Other Name – A Reply to Professor Strnad (with Alvin Warren), *Stanford Law Review*, vol. 38, pp.399-421 (1986).

Extension of Monopoly Power Through Leverage, *Columbia Law Review*, vol. 85, pp. 515-556 (1985).

The Patent-Antitrust Intersection: A Reappraisal, *Harvard Law Review*, vol. 97, pp. 1813-1892 (1984).

The Accuracy of Traditional Market Power Analysis and A Direct Adjustment Alternative, *Harvard Law Review*, vol. 95, pp. 1817-1848 (1982).

Rethinking Counterplans: A Reconciliation with Debate Theory, *Journal of the American Forensic Association*, vol. 17, pp. 215-226 (1981).

Comment, Statutory Preferences for Minority-Owned Businesses: Fullilove v. Klutznick, *Harvard Law Review*, vol. 94, pp. 125-138 (1980).

Note, The Theoretical Foundation of the Hearsay Rules, *Harvard Law Review*, vol. 93, pp. 1786-1815 (1980).