

THOMAS C. ARTHUR

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EMPLOYMENT

Emory University School of Law	1982-present
L.Q.C. Lamar Professor	2002-present
Dean	2002-2005
Professor of Law	1994-present
Associate Professor of Law	1982-94
Associate Dean for Academic Affairs	1989-97 (on sabbatical, 1993-94)
Co-director & Lecturer, American Law Center in Moscow	1996, 1997
Ben F. Johnson Award for Faculty Excellence (awarded triennially by a faculty-student committee)	2001
Black Law Students Association Professor of the Year	2010
Emory Williams Distinguished Teaching Award	2014
Emory University	
Interim Vice Provost for International Affairs	2000-02
Interim Director, Claus M. Halle Institute for Global Learning	2000-02
Trotter, Smith & Jacobs (Atlanta, GA)	1984-92
Of Counsel	
Kirkland & Ellis (Washington, DC)	1971-82
Partner	1978-82
Associate	1971-78

EDUCATION

- J.D. Yale Law School, 1971
- A.B. Duke University, 1968 (Angier B. Duke Memorial Scholar, 1964-68, Phi Beta Kappa, 1967)

PUBLICATIONS

The Law Deficit in Merger Cases, CPI Antitrust Chronicle, Summer 2019, Vol. 1, No. 2 (July 24, 2019).

The Problems of Pornography Regulation: Lessons from History, 68 Emory L. J. 867 (2019).

*Be Careful What You Wish For: **Goodyear, Daimler**, and the Evisceration of General Jurisdiction*, 64 Emory L. J. Online 2001 (2014) (with Freer).

Competition Law and Development: Lessons from the U.S. Experience, in COMPETITION LAW AND DEVELOPMENT (D. Daniel Sokol, Thomas K. Cheng, & Ionnis Lianos, eds., Stanford U. Press, 2013).

David Bederman, Model Law Professor, 61 Emory L. J. 1017 (2012).

The Irrepressible Influence of Byrd, 44 Creighton L. Rev. 61 (2010) (with Richard D. Freer).

*The Core of Antitrust and the Slow Death of **Dr. Miles***, 62 SMU L. Rev. 437 (2009).

Donald F. Turner, in YALE BIOGRAPHICAL DICTIONARY OF AMERICAN LAW (R. Newman, ed. 2009).

Introduction to Foundations of Law Conference, 54 Emory L.J. 1 (2005) (with John Witte, Jr.)

Antitrust and Trade Regulation, in DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2000-2001 (J. Lubbers, ed. 2002).

The Problematic Application and Enforcement of Federal Antitrust Statutes by Courts in the United States, in MODERNISATION OF THE APPLICATION AND ENFORCEMENT OF EUROPEAN COMPETITION LAW: CONSEQUENCES FOR NATIONAL COMPETITION LAW AND PRACTICE (J. Stuyck and W. Devroe, eds., 2002).

Antitrust and Trade Regulation, in DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 1999-2000 (J. Lubbers, ed. 2001) (with William H. Page, John E. Lopatka, and Steven Vieux).

A Workable Rule of Reason: A Less Ambitious Role for the Federal Courts, 68 Antitrust Law Journal 337 (2000).

Antitrust and Trade Regulation, in DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 1998-1999 (J. Lubbers, ed. 2000) (with William H. Page, John E. Lopatka, and Michael F. Brockmeyer.)

“Formalistic Line Drawing”: *Exclusion of Unauthorized Servicers From Single Brand Aftermarkets Under Kodak and Sylvania*, 24 Journal of Corporation Law 603 (1999).

Contributions to Symposium – The Past and Future of Antitrust – Reconsiderations of Director and Levi’s Law and the Future After Forty Years, 17 Mississippi College Law Review 1 (1996):

Reservations About Using the Envelope Theorem to Make Antitrust Law, 17 Mississippi College Law Review 119 (1996).

The Influence of Levi’s Legal Process on Bork’s The Antitrust Paradox, 17 Mississippi College Law Review 124 (1996).

The Sad State of the Monopoly Conduct Element Under Section 2: Comments on John Lopatka’s Paper, 17 Mississippi College Law Review 127 (1996).

Judiciary, in DICTIONARY OF THEOLOGY, SOCIETY, AND CULTURE (R. Clarke & A. Linzey, eds., Routledge, 1996) (with John Witte, Jr.).

The Costly Quest for Perfect Competition: Kodak and Nonstructural Market Power, 69 New York University Law Review 1 (1994).

The Three Uses of the Law: A Protestant Source of the Purposes of Criminal Punishment?, 10 Journal of Law and Religion 453 (1994) (with John Witte, Jr.).

Close Enough for Government Work: What Happens When Congress Doesn’t Do its Job, 40 Emory Law Journal 1007 (1991) (with Richard D. Freer).

Grasping at Burnt Straws: The Disaster of the Supplemental Jurisdiction Statute, 40 Emory Law Journal 963 (1991) (with Richard D. Freer).

Annual Review of Federal Jurisdiction and Civil Practice, 3 Federal Litigation Guide Reporter 751 (1991) (with Richard D. Freer).

Comments of Emory Law School on the Initial Blueprint of the ABA Task Force on Law Schools and the Profession, 26 Georgia State Bar Journal 169 (1990).

Workable Antitrust Law: The Statutory Approach to Antitrust, 62 Tulane Law Review 1163 (1988).

Farewell to the Sea of Doubt: Jettisoning the Constitutional Sherman Act, 74 California Law Review 263 (1986), excerpted in AN ANTITRUST ANTHOLOGY (Andrew I. Gavil, ed., Anderson 1996).

Defamation Suits as a Weapon in Corporate Control Battles, 37 The Business Lawyer 1 (1981) (with Bert W. Rein and Thomas W. Kirby).

PRESENTATIONS

Moderator and speaker, “The Revived Debate About Antitrust,” Annual Federalist Society Faculty Conference/AALS Annual Meeting (Jan. 4, 2019) (with E. Elhauge, H. First, G. Hurwitz).

“The Problems of Pornography Regulation: Lessons from History” Thrower Symposium, Emory University School of Law (Feb. 8, 2018.)

“Social Media Content Control,” Federalist Society Teleforum (Jan. 19, 2018) (with E. Goldman).

Commentator, Bayard Wickliffe Heath Memorial Lecture on U.S. Antitrust Policy, Levin College of Law and Department of Economics, University of Florida (Oct. 31, 2014).

“Pleading Antitrust Conspiracy after *Twombly*: Conflicting Standards in the Circuits,” Georgia State Bar Antitrust Section (Dec. 2, 2011).

“An Antitrust Primer,” Georgia State Bar Antitrust Section (Dec. 3, 2010).

“Competition Law and Development: Lessons from the U.S. Experience” and paper discussant at *Implementing Competition Law and Policy: Global Perspectives*, New Delhi, India (Nov. 18-19, 2010).

Paper discussant, Next Generation of Antitrust Scholarship Conference, NYU Law School (January 29, 2010) (co-sponsored by Antitrust Sections of ABA and AALS).

“The Monopolization Standards Controversy: An Historical Overview,” Georgia State Bar Antitrust Section (Nov. 12, 2009).

“Single Entity Status Under the Sherman Act for Sports Leagues?: The Supreme Court’s *American Needle* Case,” in Fall Sports Law Seminar, Institute for Continuing Legal Education in Georgia (December 2, 2009).

Moderator, “Vertical Agreements: Resale Prices” and “Horizontal Agreements: Price and Wage Surveys,” Georgia State Bar Antitrust Section (Nov. 13, 2008).

Moderator, “International Antitrust” and “Resale Price Maintenance after *Leegin*,” Georgia State Bar Antitrust Section (Feb.1, 2008).

“Supreme Court Update” and Moderator, “Civil Practice Update,” Georgia State Bar Antitrust Section (Feb.1, 2007).

“Outline of Transaction” and Moderator, “Panel Discussion: Lessons to be Learned by Practitioners,” in Institute of Continuing Legal Education in Georgia, Antitrust Law: U.S. and EU Competition Law, A Case Study: GE—Honeywell (November 29, 2001).

“The Problematic Application and Enforcement of Federal Antitrust Statutes by Courts in the United States,” presented at “Modernisation of the Application and Enforcement of European Competition Law: Consequences for National Competition Law and Practice,” Center for a Common Law of Europe, Katholieke Universiteit Leuven, Leuven, Belgium (June 22, 2001).

“The *Microsoft* Case: An Overview of the Issues,” Institute of Continuing Legal Education in Georgia, Antitrust in the Twenty-First Century (organized by Antitrust Law Section, State Bar of Georgia) (November 30, 2000).

Moderator, “Point/Counterpoint: Should Microsoft Be Broken Up?,” Computer Law Section, Georgia State Bar (August 24, 2000).

“A Workable Rule of Reason Based on Comparative Institutional Competence: A Proposed Division of Labor Between the Federal Courts and the FTC,” Antitrust and Economic Regulation Section Program, AALS Annual Meeting, Washington, DC (January 9, 2000).

Moderator, Young Scholars Workshop, Annual Meeting, Southeastern Conference of American Association of Law Schools, Marco Island, FL (July 23, 1998).

“Class Action Certification: The Academic Perspective,” Institute for Continuing Legal Education in Georgia, Forum on Current Antitrust Issues (organized by Antitrust Law Section, State Bar of Georgia)(October 30, 1997).

Discussant, Electronic Discussion, in AALS Antitrust and Economic Regulation Section, Symposium: The Past and Future of Antitrust: Reconsiderations of Director and Levi’s *Law and the Future* After Forty Years (May/June, 1996).

“What Are the Purposes of Personal Jurisdiction?” DePaul University College of Law Faculty Colloquium (April 18, 1995).

Moderator, “Special Program: Lawyer Advertising – The Bar’s Role,” State Bar of Georgia Annual Meeting, Savannah, GA (June 16, 1994).

Invited discussant, Liberty Fund Colloquium: “Cicero and America’s Higher Law Tradition,” Indianapolis, IN. (August 5-8, 1993).

“Professionalism Issues,” Georgia Association of Administrative Law Judges and Hearing Officers Annual Continuing Judicial Education Seminar, Athens, GA. (October 7, 1993).

“State Business Tort Claims in Antitrust Suits”, in Antitrust Section, Antitrust Update, Georgia State Bar Mid-Year Meeting, Atlanta, GA (January 10, 1992).

Moderator, “The Future of the Sherman Act: The 1990’s and Beyond,” in AALS Antitrust and Economic Regulation Section Extended Program on Sherman Act Centennial, AALS Annual Meeting, San Francisco, CA (January 4, 1990).

“Comparative Advertising and the Law,” Business/Professional Advertisers Association, Atlanta, GA (February 12, 1987).

“Due Process Limitations on State Licensing of Professions and Occupations,” Administrative Law Section, State Bar of Georgia Annual Meeting, Savannah, GA (June 8, 1984).

“Corporate Antitrust Compliance Programs,” Institute of Continuing Legal Education in Georgia, Corporate Counsel Seminar (sponsored by State Bar of Georgia and Atlanta Bar Association)(October, 1982).

COURSES TAUGHT

Administrative Law
Administrative Litigation (1/2 credit “mini-course” for LLM students)
Antitrust
Antitrust Policy Seminar
Broadcast Regulation
Civil Procedure I
Civil Procedure II
Federal Courts
First Amendment: Freedom of Expression
Legal Methods

UNIVERSITY COMMITTEES

Dean Search Committee, 1988-89, 2001
Presidential Advisory Committee, 2011-14
Marion Creekmore Award Selection Committee, 2002-present

University Fund for Internationalization Evaluation Committee (Chair), 1997-2000
International Affairs Council, 1991-93, 1994-2002 (Chair, 2000-02)
Principal Committees on Faculty and on Student Affairs and Athletics, SACS
Reaccreditation Self-Study, 1992-93
Architect Selection Committee for Law School Expansion, 1991
Law School Dean Search, 1988-89

MAJOR LAW SCHOOL COMMITTEES

Professors (Chair), 2001-02
Faculty Colloquia (Chair), 1998-99
Tenure and Promotion (formerly Faculty Review), 1991-2000, 2011-present (Chair, 1999-2000)
Faculty Appointments, 1994-98, 2007-13 (Chair, 1994-98, 2007-11)
Curriculum, 1989-93, 1994-98
Admissions and Scholarships, 1982-89 (Chair, 1984-86, 1988-89)
Building Committee (Executive Committee), 1991-93, 1994-95
Special Committee to Study Establishment
of Loan Repayment Assistance Program, 1991
Special Committees on Grading, 1986-87, 1998
Law School Council, 1989-97, 2002-05

OTHER SERVICE

External reviewer, University of Chicago, New York University, Cambridge University,
and Stanford University Presses

Executive Committee, Lamar Inn of Court (2012-19)

Executive Committee, Antitrust Section, Georgia State Bar (1997-2002, Chair, 2001-02)

MEMBERSHIPS

American Bar Association:

Administrative Law Section (Antitrust and Trade Regulation Committee, Vice Chair (1999-2001) and Chair (2001-02)).

Antitrust Law Section

American Law Institute

Association of American Law Schools Section on Antitrust and Economic Regulation, (Executive Committee, 1989-92)

District of Columbia Bar

Virginia State Bar

Georgia State Bar (associate member)

Phi Beta Kappa

Order of the Coif

PERSONAL INFORMATION

Born July 11, 1946, Roanoke, Virginia

Married to Carolyn S. Fisher, June 15, 1968

Two sons: John Thomas (April 30, 1978)

David Fisher (February 16, 1982)

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