

MAX HUFFMAN

Professor of Law

Dean's Fellow

Director, Corporate and Commercial Law Graduate Certificate and LLM Track

Indiana University Robert H. McKinney School of Law

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Teaching Experience

Courses: Antitrust, Consumer Law, Sales, Secured Transactions, Payment Systems, Comparative and International Competition Law

Other courses taught: Contracts, Corporations

Courses under development: Comparative Competition Law – Online

Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana. July 2014-present. Professor of Law; Dean's Fellow.

Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana. Fall 2008-July 2014. Associate Professor of Law; Dean's Fellow.

* Alumni Association Grant Recipient, 2012-2013

* Red Cane Award Recipient, 2010-2011 (Student vote)

* Trustee's Teaching Award Recipient, 2012-2013 (Faculty vote)

West Virginia University College of Law, Morgantown, West Virginia. Fall semester 2007. Visiting Associate Professor

University of Cincinnati College of Law, Cincinnati, Ohio. Academic years 2005-2006 and 2006-2007. Visiting Assistant Professor

Scholarship

Recent Articles:

Worlds Colliding: Competition Policy and Bankruptcy Fire Sales (2015; under submission)

Behavioral Exploitation Antitrust in Consumer Subprime Mortgage Lending, 3 Wm. & Mary Pol'y Rev. 77 (2012) (with Daniel Heidtke)

Marrying Neo-Chicago and Behavioral Antitrust, 78 Antitrust L.J. 105 (2012)

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Iqbal, Twombly, and the Expected Cost of False Positive Error (with Prof. Mark Anderson), 20 Cornell J. Law & Pub. Pol'y 1 (2010)

Bridging the Divide? Theories for Integrating Competition Law and Consumer Protection, 6 European Comp. J. 7 (2010)

The Necessity of Pleading Elements in Private Antitrust Conspiracy Claims, 10 U. Pa. J. Bus. & Emp. L. 627 (2008)

A Retrospective On Twenty-Five Years of the Foreign Trade Antitrust Improvements Act, 44 Hous. L. Rev. 285 (2007)

*Article recognized by a leading scholar as an “extraordinary overview” of antitrust extraterritoriality. Ellen S. Podgor, *Reviews in Review*, Champion, Sept./Oct. 2007

A Standing Framework for Private Extraterritorial Antitrust Enforcement, 60 SMU L. Rev. 103 (2007)

Using All Available Information, 25 Rev. Litig. 501 (2006) (Reviewing Stephen Breyer, *Active Liberty: Interpreting our Democratic Constitution* (2006))

Works in Progress:

Devils, Scripture and Antitrust, with Mark Anderson (presentation invited at the Loyola University-Chicago 15th Annual Consumer Antitrust Colloquium, April 2015).

Other Writing:

Note on *Lotes Co. v. Foxconn*, e-Competitions Bulletin, October 2013 (with 3L Zachary Phillips)

Commissioner Wright and Behavioral Antitrust, Antitrust Source, April 2013

Note on *FTC v. Phoebe Putney Health System*, e-Competitions Bulletin, April 2013 (with 3L Evan Bartel)

A Global Collection: Review of Lianos' & Sokol's *The Global Limits of Competition Law*, Minnesota Law Review (Headnotes) (forthcoming 2013)

New Lessons for Pleading the FTAIA, Nov. 2011 Competition Policy International Antitrust Chronicle

Gen-Next Antitrust? Reviewing Daniel Crane, *The Institutional Structure of Antitrust Enforcement* (Oxford 2011), September 19, 2011

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Introduction, to Competition Policy in Health Care in an Era of Reform, 7 Indiana Health Law Review 225 (2010)

Brief of Law Professors as Amici Curiae, British American Tobacco Inv. Ltd. v. United States, S. Ct. No. 09-980 (filed March 2010) (co-written with Prof. Austen Parrish)

Competition Policy in Health Care with an Emphasis on Reform, Health e-Newsletter, Hall Center for Law and Health (Nov. 2009)

Will Congress Overrule Leegin?, in eCCP Global Competition Policy Update (Nov. 23, 2007), available at www.globalcompetitionpolicy.org

Op-ed (with student Brian Hooper), Charleston Gazette (WV) (November 2007), regarding mortgage lending reform

Case Note: Bell Atlantic v. Twombly, in eCCP Global Competition Policy Update (May 31, 2007), available at www.globalcompetitionpolicy.org

Brief of Amici Curiae Legal Scholars in Bell Atlantic Corp. v. Twombly, S. Ct. No. 05-1126 (filed August 2006) (with Professor Paul Stancil)

Judge Painter's Forty Rules, 72 U. Cin. L. Rev. 1011 (2004)

Book Review, Jonathan W. Singer, Broken Trusts: The Texas Attorney General Versus the Oil Industry, 1889-1909, 15 Western Legal History 215 (2002).

Book Review, Mark Scherer, Imperfect Victories: The Legal Tenacity of the Omaha Tribe, 1945-1995, 13 Western Legal History 270 (2001)

Selected Panels, Presentations, Workshops and Media Contributions:

"FTAIA Fundamentals," ABA Antitrust Section lunchtime panel discussion, November 2014

Quoted in "Kroger Makes a Big Move with Harris Teeter Purchase," Cincinnati Enquirer, Oct. 24, 2013 (available online at <http://news.cincinnati.com/article/20131003/BIZ/310030078/>)

Radio Interview regarding U.S. Airways/American Airlines merger, "Capital City Recap," WILS 1320 (Lansing, Michigan), August 13, 2013 (audio available at <http://1320wils.com/assets/files/8-13-13%20Max%20Huffman.mp3>)

Radio Interview regarding U.S. Airways/American Airlines merger, "Capital City Recap," WILS 1320 (Lansing, Michigan), February 18, 2013 (audio available at http://1320wils.com/page.php?page_id=67959)

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CLE Presentation: What do “Grande,” “Free,” and “One-day Only” Have in Common?
February 16, 2013 (with 3L Sam Kerkhoff)

Worlds in Collision: Antitrust Review of Bankruptcy Asset Sales, Junior Faculty Exchange
Program, University of Maryland Francis King Carey School of Law, October 2012

Interview with Competition Policy International regarding *Minn-Chem Inc. v. Agrium*, July
2012

Behavioral Exploitation Antitrust in Consumer Subprime Mortgage Lending, Loyola
University – Chicago Consumer Law Review Annual Symposium, March 2012

Behavioral Exploitation and Antitrust, Lecture at the University of Heidelberg, Heidelberg,
Germany, May 2011

Behavioral Exploitation and Antitrust, Seminar at the Tilberg Institute for Law and
Economics, May 2011

Workshop, Antitrust in Bankruptcy, University of Toledo College of Law, February 2011

Historical Perspectives on Extraterritorial Enforcement, Southwestern Law Review
Symposium, November 2010

A Patent Policy Approach to Hatch-Waxman Gaming (with Prof. Emily Morris),
“Confronting Change in a New Healthcare Economy,” October 12, 2010

Quoted in: Jacqueline Bell, “2nd Circ. Ruling Highlights Twombly Trouble,” Law360, Feb.
3, 2010

Behavioral Exploitation and Antitrust, Loyola University-Chicago Institute for Consumer
Antitrust Studies 10th Annual Colloquium, May 2010. Behavioral Exploitation and Antitrust,
NYU “Next Generation of Antitrust Scholars” Conference (Jan. 29, 2010)

Competition Policy in Health Care in an Era of Reform, IU School of Law – Indianapolis and
American Antitrust Institute, Dec. 10, 2009 (conference organizer and discussion moderator)

American Needle v. NFL: A Debate (with Gary Roberts and Antony Page), IU School of
Law – Indianapolis, Dec. 4, 2009 (organizer and participant)

Competition Law and Consumer Protection, presentation at the Fourth Antitrust Marathon,
hosted by the Irish Competition Authority, Dublin, Ireland (Oct. 27, 2009)

Roundtable Discussion: The Economic Crisis and the Emergency Economic Stabilization
Act of 2008, IU School of Law – Indianapolis (Oct. 23, 2008) (organized, moderated and
presented on consumer credit ramifications of the economic crisis)

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Service

Institutional Service:

Co-Chair, Self Study, IU Robert H. McKinney School of Law (2015-2016)
Faculty Director of Online Programs, IU Robert H. McKinney School of Law (2014-2015)
Chair, Teaching and Online Education Committee, IU Robert H. McKinney School of Law (2014-2015)
Academic Affairs Standing Committee, Indiana University Purdue University-Indianapolis (2013-2015)
Chair, Task Force on Online Education, IU Robert H. McKinney School of Law (2013-2014)
Chair, Colloquium Committee, IU Robert H. McKinney School of Law (2013-2014)
Chair, Faculty Awards Committee, IU Robert H. McKinney School of Law (2012-2013)
Member, Faculty Recruitment Committee, IU Robert H. McKinney School of Law (2012)
Member, Diversity Committee, IU Robert H. McKinney School of Law (2012-2013)
Co-Chair, Faculty Awards Committee, IU Robert H. McKinney School of Law (2011-2012)
Member, Student Affairs Committee, IU Robert H. McKinney School of Law (2010-2011)
Member, Admissions Sub-committee, IU Robert H. McKinney School of Law (2010-2011)
Member, Academic Affairs Committee, IU Robert H. McKinney School of Law (2009-2010)
Member, Curriculum Committee, IU Robert H. McKinney School of Law (2008-2009)

Other:

Participant, Student Running Club, 2009-present
Participant and Faculty Sponsor, PAD Chili Cook-off, 2011 & 2012
Judge, Student Moot Courts, 2008-present

Education

University of Cincinnati College of Law, Cincinnati, Ohio. J.D., 1998

- * Class rank 2 of 109
- * University of Cincinnati Law Review, editor and associate member. 1996-1998
- * Order of the Coif
- * University Prize
- * Dean's List (each semester)
- * Book awards
- * Merit-based financial assistance
- * Member, Hooding Committee
- * Member, 3L Fundraising Committee

Cornell University, Ithaca, New York. B.A. Mathematics, 1995.

- * Rotary Club Scholar
- * Cornell Tradition Fellow.
- * Member, Varsity heavyweight rowing team (top-10 program nationally)

Judicial Clerkships

The Honorable Stephen S. Trott, Ninth Circuit Court of Appeals, Boise, Idaho. 1998-1999

The Honorable Nathaniel Jones, Sixth Circuit Court of Appeals, Cincinnati, Ohio. 1997 (judicial externship for class credit)

Other Professional Experience

Robbins, Russell, Englert, Orseck & Untereiner LLP, Washington, D.C. Spring 2008; 2003-2005

Attorney (Associate; Counsel) in a boutique firm engaged primarily in Supreme Court litigation, as well as general appellate and trial litigation and antitrust counseling. Substantial experience briefing matters before the U.S. Supreme Court and other federal and state courts

U.S. Department of Justice, Antitrust Division, Washington, D.C. 1999-2002

Honors Program Attorney. Member of trial teams in U.S. v. American Airlines, alleging predatory conduct, and in U.S. v. Smith/Schlumberger, alleging contempt of court. Led and participated in other investigations under the Sherman and Clayton Acts

U.S. Attorney's Office, Eastern District of Virginia, Alexandria, Virginia. 2001

Special Assistant U.S. Attorney, detailed from the Antitrust Division. Practiced before the U.S. District Court, prosecuting misdemeanors and felonies from arrest through sentencing

Honors, Admissions, Memberships, and Activities

Recent Honors:

- * Trustee's Teaching Award, Indiana University Purdue University-Indianapolis (Spring 2013)
- * Alumni Association Grant Recipient, 2012-2013
- * Red Cane Award (awarded by students recognizing teaching excellence), IU-Robert H. McKinney School of Law (Spring 2011)
- * Dean's Fellow, IU Robert H. McKinney School of Law, 2009-2013
- * Recipient, Nicholas Longworth Award recognizing outstanding alumni achievement, University of Cincinnati College of Law, May 2008

Memberships and Practice Admissions:

- * Admitted to practice, Washington D.C.
- * Ohio Supreme Court (inactive)
- * U.S. Supreme Court
- * U.S. Fourth Circuit Court of Appeals
- * U.S. Ninth Circuit Court of Appeals

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- * U.S. Federal Circuit Courts of Appeals
- * U.S. District Court for the District of Columbia.
- * American Bar Association, Sections on Antitrust Law and Business Law;
- * American Bankruptcy Institute
- * American Association of Law Schools.

Professional Activities:

- * "Justice," Georgetown University Supreme Court Institute, 2003, 2004 and 2005 Terms.
- * Judge, student moot courts, 1999-2013.