JOHN M. NEWMAN

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ACADEMIC APPOINTMENTS

University of Memphis School of Law

Assistant Professor — *2015–present*
Visiting Assistant Professor — *2014–15*

Courses: Contracts, Contracts II, Antitrust, Conflict of Laws, Mergers & Acquisitions

Honors: Professor of the Year
Best Junior Paper Award (Academic Society for Competition Law)
SBA Annual Faculty Speaker
Call-for-Papers Award (SEALS Annual Conference)
Farris Bobango Faculty Scholarship Award

SCHOLARSHIP

Articles & Essays

Procompetitive Justifications in Antitrust Law, 94 IND. L.J. (forthcoming 2019).

The Myth of Free, 86 GEO. WASH. L. REV. 513 (2018).

Essay, *The Antitrust Jurisprudence of Neil Gorsuch*, 45 FLA. ST. U. L. REV. 225 (2017).

Antitrust in Zero-Price Markets: Applications, 94 WASH. U. L. REV. 49 (2016).

Antitrust in Zero-Price Markets: Foundations, 164 U. PA. L. REV. 149 (2015).

Copyright Freeconomics, 66 VAND. L. REV. 1409 (2013).

Personal Jurisdiction and Choice of Law in the Cloud, 73 MD. L. REV. 313 (2013) (with Damon C. Andrews).

Anticompetitive Product Design in the New Economy, 39 FLA ST. U. L. REV. 681 (2012).

Shorter Works

Silicon Valley Rhetoric: Three Myths Debunked, ANTITRUST CHRON., May 2018, at 26.

Complex Antitrust Harm in Platform Markets, ANTITRUST CHRON., May 2017, at 52.

Innovation Policy for Cloud-Computing Contracts, *in* HANDBOOK OF RESEARCH ON DIGITAL TRANSFORMATIONS (Francisco-Xavier Olleros & Majlinda Zhegu eds., 2016).

Student Notes

Raising the Bar and the Public Interest: On Prior Restraints, "Traditional Contours," and Constitutionalizing Preliminary Injunctions in Copyright Law, 10 VA. SPORTS & ENT. L.J. 323 (2011).

Holden Caulfield Grows Up: Salinger v. Colting*, the Promotion-of-Progress Requirement, and Market Failure in a Derivative-Works Regime*, 96 IOWA L. REV. 737 (2011).

Working Papers

"Digital Antitrust" (Univ. of Memphis Legal Studies Research Paper, 2018), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3201004.

"Rationalizing Procompetitive Justifications" (unpublished manuscript) (on file with author).

SELECTED LECTURES AND PRESENTATIONS

AALS Annual Meeting, Antitrust and Economic Regulation Section Program, "Antitrust and Two-Sided Markets" (New Orleans, LA) (to be held Jan. 5, 2019).

University of California Irvine School of Law, Antitrust Roundtable, "Analyzing Procompetitive Justifications" (Nov. 16, 2018).

U.S. Federal Trade Commission, Hearings on Competition and Consumer Protection in the 21st Century (Arlington, VA) (Oct. 17, 2018).

New York University School of Law, ASCOLA, and Institute for Consumer Antitrust Studies, 13th Annual Conference, "Are Digital Markets Different?" (June 22, 2018).

George Mason University Law School, 3rd Annual Digital Information Policy Scholars Conference, "Are Digital Markets Different?" (Apr. 27, 2018).

Loyola University (Chicago) School of Law, 18th Annual Antitrust Colloquium, "Procompetitive Justifications" (Apr. 20, 2018).

University of California Irvine School of Law, "Are Digital Markets Different?" (Apr. 13, 2018).

American Antitrust Institute, Digital Platforms Roundtable, "Defining Digital Platform Markets" (Washington, DC) (Mar. 22, 2018).

New York University School of Law and American Bar Association, Next Generation of Antitrust Scholars Conference, "Procompetitive Justifications" (Jan. 26, 2018).

TED^{X} Talk, "Free: The World's Most Dangerous Price" (Jan. 6, 2018).

The Capitol Forum and CQ, 4th Annual Tech, Media, and Telecom Competition Conference, "Are Tech Mergers Different?" (New York, NY) (Dec. 13, 2017).

Midwestern Law & Economics Association Annual Meeting, "Procompetitive Justifications" (Milwaukee, WI) (Oct. 21, 2017).

SEALS Annual Conference Call-for-Papers Winners Luncheon, "The Myth of Free" (presenter and award recipient) (Boca Raton, FL) (Aug. 1, 2017).

Federal Bar Association & University of Memphis Sports and Entertainment Law Society, "Bracketing Amateurism: Will the Madness March On?" (Apr. 4, 2017).

FedEx Institute of Technology Emerging Innovations Series, "Blockchains: Legal and Economic Issues" (Oct. 20, 2016).

George Washington Institute of Public Policy and The Capitol Forum, "Dominant Platforms Under the Microscope: Policy Approaches in the US and EU" (Washington, DC) (Sept. 19, 2016).

U.S. Senate Policy Staff Working Group, "Competition and Monopoly in Digital Markets" (Washington, DC) (Sept. 16, 2016).

Fordham University School of Law, "The Myth of Free" (Sept. 15, 2016).

University of Arkansas School of Law, SEALS Faculty Exchange, "The Myth of Free" (Mar. 29, 2016).

Peking University School of Transnational Law, Public Lecture, "Antitrust Law in Zero-Price Markets" (Nov. 25, 2014).

SELECTED MEDIA

Quoted in Alexandra Wilts & Shrey Verma, *Pandora/SiriusXM*: *Review of CRB Analysis Shows Limited Substitutability Between Companies' Offerings*, REORG M&A, Oct. 4, 2018.

Quoted in Ryan Lynch & Alexandra Wilts, *Termination Fee Language Under Microscope as August 8 End Date Approaches*, EVENT DRIVEN, July 27, 2018.

Interview, *Ohio v. American Express Conference Call*, THE CAPITOL FORUM, June 28, 2018.

Quoted in Eleanor Tyler, *AmEx SCOTUS Win Could Thwart Antitrust Cases Against Tech*, BLOOMBERG LAW, June 26, 2018.

Quoted in Joe Williams, *AT&T's Victory in Time Warner Merger Clears Way for Deal Bonanza*, WASH. EXAMINER, June 12, 2018.

Op-ed, *Why Iowans Should Care About Antitrust Enforcement*, DES MOINES REGISTER, June 11, 2018.

Quoted in Eleanor Tyler, *Impax's Generic Drugs Case Poses Big Questions for Trump FTC*, BLOOMBERG LAW, May 24, 2018.

Quoted in *Justice Department Taking a Harder Look at Media Deals*, INSIDERADIO, Mar. 2, 2018.

Quoted in Cecilia Kang & Sydney Ember, *Sinclair Deal with Tribune Hits Complications in Washington*, N.Y. TIMES, Feb. 27, 2018.

Quoted in Cecilia Kang, *AT&T Is Said to Want Antitrust Official on Witness List for Trial*, N.Y. TIMES, Feb. 14, 2018.

Quoted in William McConnell, *Gorsuch Hearing Opens with Grassley Treatise*, THESTREET, Mar. 20, 2017.

Op-ed, *Will President Trump Take a Jobs-First Approach to Bayer–Monsanto Deal?*, CLEVELAND PLAIN DEALER, Feb. 5, 2017.

Quoted in Natalie Walters, *Users 'Pay Something' to Use Facebook*, THESTREET, Sept. 23, 2016.

Interview, Closing Bell, *Does Facebook Have a Transparency Issue?*, CNBC, Sept. 23, 2016.

Quoted in Hal Hodson, *Do We Need to Rein in Facebook and Google's Power?*, NEW SCI., Sept. 3, 2016.

Op-ed, *US Antitrust Regulators May Be Giving Free Apps a Free Pass*, BUSINESS INSIDER, Aug. 30, 2016.

Interview, 91.3 KUAF (NPR affiliate), Fayetteville, Arkansas, Mar. 31, 2016.

Op-ed, *Democratic Hopefuls Pursue a Contradictory Vision*, THE HILL, Feb. 15, 2016.

Op-ed, *Why Amazon's Work Practices Matter*, CLEVELAND PLAIN DEALER, Aug. 23, 2015.

Interview, 101.9 CFUV, Victoria, British Columbia, Aug. 19, 2015.

Quoted in Christie Smythe, *American Express Loses Antitrust Suit over Merchant Rules*, BLOOMBERG, Feb. 19, 2015.

Op-ed, *Fairer Ways to Stop the Lawyer Brain Drain*, DES MOINES REGISTER, Aug. 26, 2014.

Blog

Co-author, REVUE CONCURRENTIALISTE (with Dr. Thibault Schrepel, University of Utrecht).

PROFESSIONAL ENGAGEMENTS

Javerbaum Wurgaft, Newark, NJ *2018–present*
Consulting Expert
Advise client regarding antitrust issues relating to ongoing litigation.

Gerson Lehrman Group, London, UK *2017–present*
Counsel
Advise multiple financial-services clients regarding antitrust and regulatory risk.

U.S. Department of Justice, Antitrust Division, Washington, DC *2011–14*
Trial Attorney, entry via Honors Program
Representative matters: *United States v. American Express Co.*, *United States v. ConAgra, Inc.*, *United States v. US Airways Grp.*, *United States v. AT&T Inc.*
Undertook multiple conduct and merger investigations.
Led team analyzing competitive effects of DOE proposed rulemaking.

D.C. Bar Advocacy & Justice Clinic, Washington, DC *2012–14*
Pro Bono Counsel
Obtained $52,000 judgment on tenant's counterclaim against landlord for damages caused by housing-code violations.
Achieved advantageous outcome in ADR for low-income tenants facing eviction.

Professor Herbert Hovenkamp, Iowa City, IA *2010–11*
Research Assistant
Drafted memoranda summarizing research on contemporary antitrust issues to facilitate revisions and updates of leading antitrust-law treatise.

U.S. Department of Justice, Washington, DC *2010*
Summer Law Intern (SLIP)
Assisted investigations of patent-related conduct by multinational agrochemical biotechnology firm and proposed merger in food-production market.

Professor Christina Bohannan, Iowa City, IA *2009–10*
Research Assistant
Analyzed and reported on copyright and conflict-of-laws issues relating to works by Matisse and Chagall (University Museum permanent collection).

EDUCATION

University of Iowa College of Law *2011*
J.D., *with highest distinction* (GPA: 4.00)
Honors: Outstanding Scholastic Achievement Award, Order of the Coif, Dean's Award, Faculty Award, Jurisprudence Award, College of Law Merit Scholar (full three-year scholarship)
Activities: Managing Editor, *Iowa Law Review*; Pro Bono Society

Iowa State University of Science & Technology *2007*
B.A., *Political Science* (Minor: English)
Honors: Honors Program, National Merit Scholar (full four-year scholarship)
Activities: Senator, Government of the Student Body; Journalist, *Iowa State Daily*

SERVICE AND OUTREACH

National and International

Advisory Board Member, American Antitrust Institute (Washington, DC) *2018–present*

Member, Academic Society for Competition Law (Munich, DE) *2018–present*

Local

Barrister, Leo Bearman, Sr. Inn of Court (Memphis, TN) *2017–18*

Mentor, City of Memphis Americorps VISTA *2015–16*

Faculty Service, University of Memphis (Humphreys) School of Law
- Dean's Advisory Committee (elected) *2018–19*
- Honors & Awards Committee (elected) *2018–19*
- Innovation Committee *2018–19*
- Curriculum Committee *2018–19*
- Faculty Recruitment Committee *2017–18*
- Orientation Instructor (Critical Reading, Case Briefing, Post-Class Reflection) *2017–18*
- Ad Hoc ABA Standards Committee *2016–18*
- Best *Law Review* Note Selection Committee, Faculty Representative *2016–18*
- Faculty Note Advisor, *Law Review* *2015–18*
- Ad Hoc Summer Orientation Committee *2017*
- Ad Hoc Strategic Academic Planning Committee *2016–17*
- Admissions Committee *2015–17*

Counsel, Blue Sky Photographs (now Heritage Photography Co.) *2013–14*
Advised startup *pro bono* on contract and IP-license drafting issues.

Instructor, Liberty Square Building ESL Tutoring Program (Washington, DC) *2012–13*

BAR ADMISSIONS

Iowa (inactive), District of Columbia (2012–14, under Rule 49(c)(9)(C)), U.S. District Court for the District of Columbia (2014), U.S. District Court for the Eastern District of New York (2014)