

CHRIS SAGERS

James A. Thomas Distinguished Professor of Law
Cleveland-Marshall College of Law, Cleveland State University
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EXPERIENCE

Prof. of Law, Cleveland State University, 2011 - present (chair since 2012)
Faculty Director, Cleveland-Marshall Solo Practice Incubator, Cleveland State University, 2014 - 2017
Assoc. Prof. of Law, Cleveland State University, 2007 - 2011
Asst. Prof. of Law, Cleveland State University; September, 2002 - 2007

Courses Taught: Antitrust; Business Organizations; Securities Regulation; Administrative Law; Law and Economics; Legislation and the Regulatory State (first year course); Theories of the Firm in Critical Perspective (seminar); Banking Regulation

Associate, Shea & Gardner, Washington, D.C.; April, 1999 - October, 2001
Licensure, Arnold & Porter, Washington, D.C.; September, 1997 - April, 1999
New York, 1997 - present
District of Columbia, 1997 - present

EDUCATION

University of Michigan School of Law, J.D. cum laude, 1997
Executive Editor, *Michigan Law Review*
Member, Order of the Coif

University of Michigan Gerald Ford School of Public Policy, M.P.P., 1997
Teaching Assistant, *Organizational Design* (Prof. Larry Mohr)
Board Member, Alumni Board of Governors, 1999-2001.

University of Iowa, B.A. with Honors (Music Composition/minor in English), 1992
Winner, University of Iowa Music Composition Award
Work for chamber orchestra, *Chamber Concerto No. 1*, selected for performance at the Midwestern Composers Symposium at Indiana University, 1991

PUBLICATIONS

In Print and Forthcoming:

Books:

UNITED STATES V. APPLE: COMPETITION IN AMERICA (Harvard University Press; 2019)

BUSINESS ORGANIZATIONS (Wolters-Kluwer/Aspen Casebook Publishing; with Theresa Gabaldon; 2016, second edition 2018)

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SULLIVAN, GRIMES & SAGERS, *THE LAW OF ANTITRUST: AN INTEGRATED HANDBOOK* (Thompson/West Publishing; with the late Lawrence Sullivan and Warren Grimes; third edition 2015)

HANDBOOK ON THE SCOPE OF ANTITRUST: A COMPREHENSIVE GUIDE TO ANTITRUST EXEMPTIONS AND IMMUNITIES (2014) (principal author)

EXAMPLES & EXPLANATIONS: ANTITRUST (Wolters-Kluwer/Aspen Publishing; 2011, second edition 2014)

FEDERAL STATUTORY EXEMPTIONS FROM ANTITRUST LAW (ABA Section of Antitrust Law; co-editor with Peter Carstensen; 2007)

Articles and Book Chapters:

Bert Foer, the American Antitrust Institute, and the Antitrust “Consensus”, in BERT FOER: LIBER AMICORUM (Concurrences Publishing; forthcoming 2019) (invited)

Platforms, American Express, and the Problem of Complexity in Antitrust, NEBRASKA L. REV. (forthcoming 2019) (invited)

Coty, Amazon, and the Future of Vertical Restraints: Evolving Distribution Norms On Both Atlantic Shores, ANTITRUST, Spring, 2019.

Antitrust, Political Economy, and the Nomination of Brett Kavanaugh, HARV. L. & POL’Y REV.: NOTICE AND COMMENT, Sept. 19, 2018.

Clarifications and Gratitude, 14 I/S: J. L. & POL’Y FOR THE INFO. AGE 391 (2018) (reply to mini-symposium of reviews of my book *United States v. Apple: Competition in America*)

Antitrust as a Problem in Economics, OXFORD RESEARCH ENCYCLOPEDIA OF ECONOMICS AND FINANCE (2018) (invited), www.oxfordre.com/economics

#LOLNothingMatters, 63 ANTITRUST BULL. 7 (2018) (invited)

A Statute by any Other Name Might Smell Less Like S.P.A.M., or, The Congress of the United States Grows Increasingly D.U.M.B., 103 GEO. L. J. 1307 (2015)

O’Bannon v. NCAA: Why the Ninth Circuit Should Not Block the Floodgates of Change in College Athletics, 71 WASH. & LEE L. REV. ONLINE 299 (2015) (invited, with Michael Carrier)

FTC v. Lundbeck: Is Anything in Antitrust Obvious, Like, Ever?, 59 ANTITRUST BULL. 557 (2014) (invited, with Richard Brunell)

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Why Copperweld Was Actually Kind of Dumb: Sound, Fury, and the Once and Still Missing Antitrust Theory of the Firm, 17 VILLANOVA SPORTS & ENT. L. J. 377 (2011) (invited)

Standardization and Markets: Just Exactly Who is the Government and Why Should Antitrust Care?, 89 OR. L. REV. 785 (2011) (invited)

Much Ado About Possibly Pretty Little: McCarran-Ferguson Repeal in the Health Reform Effort, 28 YALE L. & POL'Y REV. 325 (2010)

Understanding the Recurrent Crisis in Legal Romanticism: Two Criteria for Coherent Doubt, 2 WASH. U. JURISPRUDENCE REV. 1 (2010)

Credit Rating Organizations, Their Role in the Current Calamity, and Future Prospects for Reform, in LESSONS FROM THE FINANCIAL CRISIS: INSIGHTS AND ANALYSIS FROM TODAY'S LEADING MINDS (J. Wiley & Sons, Robert Kolb, ed. 2010) (with Tom Fitzpatrick)

Faith-Based Financial Regulation: A Primer on Oversight of Credit Rating Organizations, 61 ADMIN. L. REV. 557 (2009) (with Tom Fitzpatrick)

"Rarely Tried, and . . . Rarely Successful": Theoretically Impossible Price Predation Among the Airlines, 73 J. AIR L. & COMM. 919 (2009)

Raising the Price of Pork in Texas: A Few Thoughts on Ghosh, Bush, and the Future of the Antitrust Immunities, 45 HOUSTON L. REV. 395 (2008) (invited)

The Myth of "Privatization," 59 ADMIN. L. REV. 37 (2007)

The Demise of Regulation in Ocean Shipping: A Study in the Evolution of Competition Policy and the Predictive Power of Microeconomics, 39 VAND. J. TRANSNATIONAL L. 779 (2006)

A Critical Introduction to the U.S. Antitrust Modernization Commission, 3 ZEITSCHRIFT FÜR WETTBEWERBSRECHT 13 (2006) ("Journal of Competition Law," a German law review; invited)

Monism, Nominalism and Public-Private in the Work of Margaret Jane Radin, 54 CLEV. ST. L. REV. 219 (2006)

Antitrust Immunity and Standard Setting Organizations: A Case Study in the Public-Private Distinction, 25 CARDOZO L. REV. 101 (2004)

The Legal Structure of American Freedom and the Provenance of the Antitrust Immunities,

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2002 UTAH L. REV. 927

Waiting With Brother Thomas, 46 UCLA L. REV. 461 (1998)

Trade and Popular Press:

Regular contributor to *Slate* and *ProMarket*, the blog of the Stigler Center of the University of Chicago

United States v. Apple *and the Contemporary Legitimacy of Antitrust*, COMP. POL'Y INT'L NEWSLETTER, June 2012 (online publication of Competition Policy International)

The Ongoing FTC Building Fiasco, FTC:WATCH, May 30, 2012, at 8.

A Tale of Two Panels: Measuring the Chancellor's Foot in Text Messaging and Potash, COMP. POL'Y INT'L NEWSLETTER, Dec. 2011 (online publication of Competition Policy International)

Competition Come Full Circle? Pending Legislation to Repeal the U.S. Railroad Exemption, COMP. POL'Y INT'L NEWSLETTER, Sept. 2009 (online publication of Competition Policy International)

American Needle, Dagher, and the Evolving Antitrust Theory of the Firm: What Will Become of Section 1?, ANTITRUST SOURCE, Aug. 2009 (online publication of ABA Section of Antitrust Law), available at <http://www.abanet.org/antitrust/at-source/09/08/Aug09-Sagers8-12f.pdf>

An Analysis of the Proposed "Antitrust Modernization Commission," 9 ANDREWS ANTITRUST LIT. REP. 14 (2001)

Asbestos: Litigation or Bankruptcy?, in 23 SOURCEBOOK ON ASBESTOS DISEASES (George A. Peters & Barbara J. Peters, eds. 2001) (with John D. Aldock and Patrick M. Hanlon)

Student Works:

Student Book Review, *Postmodern Legal Movements*, By Gary Minda, 95 MICH. L. REV. 1927 (1997)

Note, *An Implied Cause of Action Under the Real Estate Settlement Procedures Act*, 95 MICH. L. REV. 1381 (1997)

Note, *Due Process Review Under the Railway Labor Act*, 94 MICH. L. REV. 466 (1995)

AWARDS, MAJOR PRESENTATIONS, AND MAJOR

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REPRESENTATIONS

Teacher of the Year, Cleveland-Marshall School of Law, 2004-05 and 2007-08 (elected by students at large)

Distinguished Faculty Award for Research, 2015 (university-wide cash award, awarded by Cleveland State University to “recogni[ze] . . . the importance of your contributions to the academic mission of Cleveland State University.”)

Walter G. Stapleton Award for Faculty Excellence, 2014 (awarded by Cleveland-Marshall Law Alumni Association “in recognition of faculty excellence and commitment to the alumni and students of Cleveland-Marshall College of Law”)

Presenter, NYU-ABA-AALS Next Generation of Antitrust Scholarship Conference, January 2012, New York University School of Law (“*Legal Boundaries as Political Economy . . .*” one of 12 papers selected from submissions received internationally)

Presenter, Yale/Stanford Junior Faculty Forum, June 2003, Stanford Law School (“*Antitrust Immunity and Standard Setting Organizations . . .*” was one of 16 papers chosen from 122 submissions)

U.S. Congressional Testimony:

House Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law, concerning the proposed merger of American Airlines and U.S. Airways; February, 2013

House Judiciary Subcommittee on Courts and Competition Policy, concerning antitrust aspects of the Resolution Authority for Large, Interconnected Financial Companies Act of 2009; November, 2009

House Judiciary Subcommittee on Commercial and Administrative Law, concerning antitrust aspects of the Resolution Authority for Large, Interconnected Financial Companies Act of 2009; October, 2009

Testimony before congressionally empanelled U.S. Antitrust Modernization Commission, presenting comments of the ABA Antitrust Section concerning the federal statutory antitrust exemption for the ocean shipping industry; October, 2006

Lead Author, Briefs of Amicus Curiae:

O’Bannon v. NCAA, Nos. 14-16601, 14-17068 (9th Cir. 2015) (on behalf of 26 antitrust and sports law professors)

McCray v. Fid. Nat’l Ins. Co., No. 12-527 (U.S. S.Ct. 2012) (in support of certiorari,

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on behalf of 18 antitrust professors and the American Antitrust Institute)

Simon v. KeySpan Corp., No. 11-2265 (2d Cir. 2011) (on behalf of the American Antitrust Institute)

In re Hawaiian & Guamanian Cabotage Antitrust Litigation, No. 10-36165 (9th Cir. 2011) (on behalf of the American Antitrust Institute)

FTC v. Lundbeck, Nos. 10-3548 and 10-3549 (8th Cir. 2011) (on behalf of the American Antitrust Institute)

AFFILIATIONS

Senior Fellow, American Antitrust Institute, 2011 to present (as well as Advisory Board member, 2009-present)

Elected Member, American Law Institute, 2009 to present

Leadership, Section of Antitrust Law, American Bar Association:

Vice Chair, Legislation Committee, 2014-2015

Member, Reach Task Force, 2013 to 2014

Vice Chair, Exemptions and Immunities Committee, 2010 to 2013

Fellow, Center for Law, Economics & Finance, George Washington University School of Law.

Honorary Member, Delta Theta Phi (honorary membership in legal fraternity offered by CSU student members, in recognition of “ambitious dedication to teaching [and] high[] regard[] as a caring professor by . . . students and colleagues alike.”)

Member, American Law & Economics Association, Law & Society Association, American Society for Political and Legal Philosophy

ADMINISTRATIVE AND FACULTY SERVICE EXPERIENCE

University Research Council, Cleveland State University, composed of “well-recognized, active scholars as indicated by . . . nationally recognized scholarly activity,” with duties for overseeing research programs and awarding internal research funds.

Faculty Advisor, Cleveland-Marshall chapter, Delta Theta Phi, 2009 - present
Cleveland-Marshall Business Law Association, 2008 - present
Cleveland State Law Review, 2005 - present
Cleveland State University Joint Degree Program in Law and

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Business, 2003 - present

Cleveland-Marshall Business Concentration Program, 2002 - present

Chair, Faculty Scholarship Committee, 2011-12; Teaching Committee, 2007-08 and 2008-09; Cleveland-Marshall Fund/Baker-Hostetler Committee 2006-07 (duties included selection of visiting scholars to the College of Law and coordination of their visits); Joint Degree Committee, 2004-05 and 2005-06

Member, Faculty Appointments Committee, Cleveland-Marshall College of Law, 2003-04, 2004-05, 2011-12, chair, 2018-2020

PERSONAL

Impossibly proud father of Jonah and Jude Sagers, and also Max the Three-Legged Dog.

Married to Annie Wu, News Director, WCPN public radio, Cleveland, Ohio.

Personal hobby and chief passion is woodworking (in fairly obvious if not entirely conscious idolatry of older brother, who makes handmade furniture for a living); have made increasingly non-amateur furniture items for home and office thanks largely to awe-inspiring patience of aforementioned spouse.