

# REBECCA HAW ALLENSWORTH

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Vanderbilt Law School  
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## ACADEMIC APPOINTMENTS

### Vanderbilt Law School

Professor, 2017 to present; Associate Professor (with tenure), 2014 to 2017;  
Assistant Professor, 2011 to 2014

Courses: Contracts, Antitrust, Antitrust for Big Tech, Richard Posner Seminar

### Harvard Law School

Climenko Fellow, 2009 to 2011

Course: Legal Research and Writing

## EDUCATION

### Harvard Law School

J.D. *magna cum laude* (2008)

HARVARD LAW REVIEW, Articles Editor

Research Assistant to Professor Elizabeth Warren and Bruce Hay

### Cambridge University

M.Phil in American Literature (2005)

Thesis: *Melville's Adventures in Genre: Fact, Fiction, and Truth in Mardi and Moby-Dick*

### Yale University

B.A. in English, *cum laude* (2001)

Thesis: *A Loose-Fish, and a Fast-Fish, Too: Ishmael the Paradoxical Prophet*

## CLERKSHIP

Hon. Richard A. Posner, U.S. Court of Appeals for the Seventh Circuit, 2008-09 Term

## AWARDS

Tarkington Chair of Teaching Excellence (2019)

Commencement Speaker, Vanderbilt Law School (selected by students) (2019)

Hall-Hartman Outstanding Professor Award (2015, 2017, 2019 and 2022)

Jerry S. Cohen Memorial Fund Writing Award (2015) (for *Cartels by Another Name: Should Licensed Occupations Face Antitrust Scrutiny?* 162 U. PA. L. REV. 1093 (2014))

## ARTICLES

- Rebecca Haw Allensworth, *Antitrust's High-Tech Exceptionalism*, 130 YALE L. J. FORUM (2021)
- Rebecca Haw Allensworth, *Licensed to Pill*, THE NEW YORK REVIEW OF BOOKS – THE DAILY, July 21, 2020
- Rebecca Haw Allensworth, *The (Limited) Constitutional Right to Compete in an Occupation*, 60 WILLIAM & MARY LAW REVIEW 1111 (2019)
- Rebecca Haw Allensworth, *Posner on the Federal Trade Commission: Why the Change of Heart?*, 18 ANTITRUST SOURCE, Oct. 2018, at 1
- Rebecca Haw Allensworth, *Economic Sense and Sensibility: Matsushita and the Rise of the Battle of the Experts*, 82 ANTITRUST L.J. 2018
- Rebecca Haw Allensworth, *Foxes at the Henhouse: Occupational Licensing Boards Up Close*, 105 CAL. L. REV. 1567 (2017)
- Rebecca Haw Allensworth, *The New Antitrust Federalism*, 102 VA. L. REV. 1387 (2016)
- Rebecca Haw Allensworth, *The Commensurability Myth in Antitrust*, 69 VAND. L. REV. 1 (2016)
- Rebecca Haw Allensworth, *Antitrust Scrutiny for the Occupations: North Carolina Dental and Its Impact on U.S. Licensing Boards*, 4 PÁZMÁNY LAW REVIEW 169 (2016)
- Rebecca Haw Allensworth, *Law and the Art of Modeling: Are Models Facts?* 103 GEO. L.J. 825 (2015)
- Rebecca Haw Allensworth, *The Influence of the Areeda-Hovenkamp Treatise in the Lower Courts and What It Means for Institutional Reform in Antitrust*, 100 IOWA L. REV. 1919 (2015)
- Rebecca Haw, *Delay and Its Benefits for Judicial Rulemaking Under Scientific Uncertainty*, 162 B.C. L. REV. 331 (2014)
- Aaron Edlin & Rebecca Haw, *Cartels by Another Name: Should Licensed Occupations Face Antitrust Scrutiny?* 162 U. PA. L. REV. 1093 (2014) (cited in *North Carolina State Board of Dental Examiners v. FTC*, 135 S. Ct. 1101 (2015))
- Rebecca Haw Allensworth, *Casting a FRAND Shadow: The Importance of Legally Defining “Fair and Reasonable” and How Microsoft v. Motorola Missed the Mark*, 22 TEX. INTELL. PROP. L.J. 235 (2014)
- Rebecca Haw, *Adversarial Economics in Antitrust Litigation: Losing Consensus in the Battle of the Experts*, 106 NW. U. L. REV. 1261 (2012)
- Rebecca Haw, *Amicus Briefs and the Sherman Act: Why Antitrust Needs a New Deal*, 89 TEX. L. REV. 1247 (2011)

## WORKS IN PROGRESS

BOARD TO DEATH: WHY PROFESSIONAL LICENSING BOARDS AREN'T KEEPING YOU SAFE (book)

*Stress Test: Professional Licensing Policy and Hospital Overwhelm in a Time of COVID* (article)

*American Medical Licensing in Crisis and Lessons from the UK* (co-authored article with Cathal Gallagher, University of Hertfordshire)

#### OPINION

Rebecca Haw Allensworth and John Newman, *The Government Did Not Foresee How Facebook Would Behave*, THE ATLANTIC, January 30, 2021

Rebecca Haw Allensworth, *Why Facebook antitrust case relies so heavily on Mark Zuckerberg's emails*, THE CONVERSATION, December 18, 2020

Rebecca Haw Allensworth and Aaron Edlin, *Letting Dentists Feel the Bite of Competition*, WALL ST. J., Mar. 8, 2015, at A13

#### FEATURED PRESS INTERVIEWS

The Takeaway (NPR/WNYC)

*How Antitrust Laws are Defining the Facebook Monopolization Case* (January 20, 2022)

Marketplace Tech (NPR)

*Amazon's business dominance is a many-tentacled thing* (May 27, 2021)

Marketplace Tech (NPR)

*Will a Biden administration try to break up Big Tech?* (November 11, 2020)

This American Life (NPR)

*Trust Me I'm a Doctor* (October 2, 2020)

Make Me Smart with Molly Wood and Kai Ryssdal (NPR/Marketplace)

*Antitrust: the Process* (May 21, 2019)

#### PRESENTATIONS

Patient Safety Action Network, Medical Boards Roundtable, "Board to Death: Why Professional Licensing Isn't Keeping You Safe," December 2021

Northwestern Pritzker School of Law Faculty Workshop, "Licensed to Ill" and "The Fallen Provider" (draft chapters from BOARD TO DEATH) Chicago, IL, November 2021

Academy of Interactive Arts and Sciences, "DICE Conversations: Epic v. Apple" Panelist, February 2021

Federation of State Board of Physical Therapy, "Changing Hats?" Webinar, August 2020

University of Florida Antitrust Virtual Workshop Series, "State Medical Boards and the Doctors They Protect: A Self-Regulation Story in Two Acts," May 2020

Council of Landscape Architectural Registration Boards, 2020 Board Meeting, "Changing Hats?" Nashville, TN, February 2020

Federation of American Regulatory Boards, 2020 Forum, panelist, "Regulatory Reaction: Now What?" Colorado Spring, CO, January 2020

Boston College Law School Regulation and Markets Workshop, "Boards Behaving Badly" (draft chapter from BOARD TO DEATH) Newton, MA, November 2019

Institute for Consumer Antitrust Studies, Loyola University Chicago School of Law, Commentator, "The Incoherent Justification for Naked Restraints of Competition: What the Dental Self-Regulation Cases Tell Us about the Cavities in Antitrust Law" Chicago, IL, April 2019

American Association of Law Schools Annual Meeting, "Antitrust and Two-Sided Markets," New York, NY, January 2019

National Conference of State Legislatures Occupational Licensing Conference, Panel: "Licensing Legal Case Update," Clearwater FL, November 2018

National Conference of State Legislatures Legislative Summit, Panel: "Pushing Past Limits on Occupational Licensing," Los Angeles, CA, July 2018

Cardozo Law School, "The Constitutional Law of Occupational Licensing," New York, NY, April 2018

National Oral Health Conference, Panel: "Competition and Regulation in the Dental Professions: The Impact on Access, Cost, and Quality," Louisville, KY, April 2018

Federal Trade Commission Economic Liberty Taskforce, Presentation on Occupational Licensing, Washington, DC, April 2018

American Bar Association Antitrust Section Annual Meeting, Panel: "Judge Posner: A Retrospective," Washington, DC, April 2018

William & Mary Law Review Symposium on Antitrust and the Constitutional Order, "The Constitutional Law of Occupational Licensing" Williamsburg, VA, February 2018

Vanderbilt Law School Research Roundtable, "The New Infrastructure: The Law and Policy of Platforms, Utilities, and Public Options" (discussant) Nashville, TN, February 2018

Mackinac Center for Public Policy, "Is This Working? The Effects of Occupational Licensing on the Workforce" Lansing, MI, January 2018

American Medical Association State Legislative Strategy Conference, "Room for Debate: Will Safeguarding the Quality of Health Care Yield to Competition Concerns?" Fort Myers, FL, January 2018

United States House of Representatives, Committee on the Judiciary, "Occupational Licensing: Regulation and Competition" Washington, DC, September 2017

Vanderbilt Law School Research Roundtable, "Revisiting the Public Utility" (discussant), Vanderbilt Law School, Nashville, TN, January 2017

Funders Oral Health Policy Group Annual Meeting, spoke to foundations and funding groups about the oral health licensing landscape and potential avenues for reform, Washington, DC, December 2016

State Center Conference on *NC Dental*, spoke to state antitrust enforcers about the impact of *NC Dental* on state regulation, Washington, DC, April 2016

American Association of Law Schools Annual Meeting, "Antitrust and the State," New York, NY, January 2016

White House Roundtable on Occupational Licensing, spoke about my research and the impact of the *NC Dental* case, Washington, DC, June 2015

Yale/Harvard Junior Faculty Forum, presented forthcoming article "The Commensurability Myth in Antitrust," Cambridge, MA, June 2015

American Bar Association Antitrust Section Annual Meeting, panel discussion of the *NC Dental* case, Washington, DC, April 2015

American Bar Association, "North Carolina Board of Dental Examiners Amici: The Scope of State Action Immunity," Teleconference, March 2015

University of Tilburg, TILEC Seminar, "The Commensurability Myth in Antitrust," Tilburg, The Netherlands, January 2015

American Association of Law Schools Annual Meeting, "Competition Policy in Health Care," Washington, DC, January 2015

American Bar Association, "Taking Stock of the State Action Doctrine in Light of *North Carolina Board of Dental Examiners v. FTC*," Teleconference, December 2014

Iowa Law Review Symposium Honoring Herbert Hovenkamp, "The Influence of the Areeda-Hovenkamp Treatise in the Lower Courts and What It Means for Institutional Reform in Antitrust," Iowa City, IA, October 2014

Federalist Society, "Regulating the Regulators: *North Carolina Board of Dental Examiners v. Federal Trade Commission*," Teleconference, October 2014

American Law and Economics Association Annual Meeting, "Cartels by Another Name: Should Licensed Occupations Face Antitrust Scrutiny?" Chicago, IL, May 2014

Institute for Consumer Antitrust Studies, Loyola University Chicago School of Law, "Antitrust Law and the Art of Modeling: Are Models Facts?" Chicago, IL, April 2014

Federal Trade Commission, "Cartels by Another Name: Should Licensed Occupations Face Antitrust Scrutiny?" Washington, DC, April 2014

United States House of Representatives, Small Business Committee, "Barriers to Opportunity: Do Occupational Licensing Laws Unfairly Limit Entrepreneurship and Jobs?" Washington, DC, March 2014

FRAND Symposium at University of Texas Law School, "Casting a FRAND Shadow: The Importance of Legally Defining 'Fair and Reasonable' and How *Microsoft v. Motorola* Missed the Mark," Austin, TX, February 2014

NYU Next Generation of Antitrust Scholarship Conference, "Antitrust Law and the Art of Modeling: Are Models Facts?" New York, NY, January 2014

Georgia State University College of Law, "Delay and Its Benefits for Judicial Rulemaking Under Scientific Uncertainty," Atlanta, GA, September 2013

Heath Lecture and FRAND Workshop at University of Florida Levin College of Law, "Casting a FRAND Shadow: The Importance of Legally Defining 'Fair and Reasonable' and How *Microsoft v. Motorola* Missed the Mark," Gainesville, FL, September 2013

SEALS Annual Conference, New Scholars Colloquium, "Delay and Its Benefits for Judicial Rulemaking Under Scientific Uncertainty," Palm Beach, FL, August 2013

Tennessee Workers Compensation Conference, "Letting It All In: Medical Expert Evidence in Workers Compensation Claims Under the 2013 Amendments," Nashville, TN, June 2013

Vanderbilt Law School, "Cartels by Another Name: Should Licensed Occupations Face Antitrust Scrutiny?" Nashville, TN, April 2013

NYU Next Generation of Antitrust Scholarship Conference, "Adversarial Economics in Antitrust Litigation: Losing Consensus in the Battle of the Experts," New York, NY, January 2012

Law and Society Conference, "Amicus Briefs and the Sherman Act: Why Antitrust Needs a New Deal," Chicago, IL, May 2010

Harvard Law School Climenko Fellow Workshop, "Amicus Briefs and the Sherman Act: Why Antitrust Needs a New Deal," Cambridge, MA, March 2010

Harvard Law School Climenko Fellow Workshop, "Economic Arguments in Antitrust Cases: Findings of Fact in the District Court, Issues of Law in the Circuit Court," Cambridge, MA, October 2009

Harvard Law School Criminal Justice Seminar, "Can an Information Market Combat Terrorism?" Cambridge, MA, March 2008

#### PROFESSIONAL SERVICE

Vanderbilt Law School

Curriculum Committee: 2021-22 (chair), 2012-13; Ad Hoc Promotion Committee: 2020-21 (chair); Appointments Committee: 2012-13, 2015-16, 2018-19

Immigration Justice Campaign

Pro bono attorney, 2018 to present

Represent asylum-seekers in bond and merits cases

American Association of Law Schools

Member, Executive Committee, Section on Antitrust & Economic Regulation, 2012 to present (chair 2018-19)

Brief of Antitrust Scholars as Amici Curiae in Support of Respondent, North

Carolina State Board of Dental Examiners v. FTC, 135 S. Ct. 1101 (2015) (co-author)

Peer Review

Reviewed articles and books for publication in

ANTITRUST LAW JOURNAL

JOURNAL OF EMPIRICAL LEGAL STUDIES

JOURNAL OF COMPETITION LAW & ECONOMICS

EUROPEAN JOURNAL OF LAW & ECONOMICS

SEARLE CIVIL JUSTICE INSTITUTE

JOURNAL OF PHILOSOPHY, SCIENCE & LAW

STANFORD JOURNAL OF COMPLEX LITIGATION

WOLTERS KLUWER LAW & BUSINESS

OTHER WORK EXPERIENCE

Federal Public Defender, San Francisco

Law Clerk, Summer 2007

Chambers of Judge Charles R. Breyer, N.D. Cal.

Extern, Summer 2006

BAR ADMISSION

Tennessee (since 2018)

INTERESTS

Road cycling, mountain biking, open-water swimming, gardening, mountains