

BARAK ORBACH

Robert H. Mundheim Professor of Law & Business

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PROFESSIONAL PROFILE

Scholar and advisor working across antitrust, corporate governance, regulation, technology, and AI governance, with a focus on the interplay of law, business, and technology. Advises government agencies, companies, boards of directors, investors, and trade associations on antitrust, corporate governance, regulation, and AI Governance.

AREAS OF EXPERTISE

Antitrust | Corporate Governance | Regulation | Technology | AI Governance

SELECTED COURSES TAUGHT

Antitrust | Business Organizations | Governance, Risk Management & Compliance | Law & Technology

ACADEMIC APPOINTMENTS AND LEADERSHIP

University of Arizona, James E. Rogers College of Law

- Robert H. Mundheim Professor of Law & Business (2022-present)
- Professor of Law (2011-2022); Associate Professor of Law (2005-2011; tenured in 2009)
- Founding Director, the Business Law Program (2010-present)

Emmanuel College, University of Cambridge

- Derek Brewer Visiting Fellow (spring 2023)

Tel Aviv University, Buchmann Faculty of Law

- Visiting Professor (Dec. 2022-Jan. 2023; May-June 2019)

EDUCATION

Harvard Law School

- LL.M. (1999); S.J.D. (2002)

Tel Aviv University

- B.A., Economics (1997); LL.B. (1997)

SIGNIFICANT HONORS AND AWARDS

- Mollen Award (2024), recognizing "lifetime scholarly contributions to motion picture industry studies"
- Winner, Antitrust Writing Awards (2020), for "Interstate Circuit and Conspiracy Theories"

UNIVERSITY SERVICE

University of Arizona

- Member, Campus Safety Commission (2023-present)
- Special Advisor, University of Arizona International (2023-2025)

PRIOR PROFESSIONAL EXPERIENCE

Cleary, Gottlieb, Steen & Hamilton LLP | New York, NY

- Associate (2001-2003)

Israel Competition Authority | Jerusalem, Israel

- Advisor for Law & Economics (1997-1999)

PROFESSIONAL AFFILIATIONS

- International Competition Network, Non-Governmental Advisor, designated by the U.S. Department of Justice Antitrust Division (2025-present)
- University of Cambridge, Emmanuel College, Member (2023-present)
- Thurman Arnold Project at Yale, Fellow (2021-present)
- American College of Governance Counsel, Fellow (2020-present)
- Salzburg Global, Global Fellow (2019-present)
- American Antitrust Institute, Advisory Board Member (2019-present)
- Association of American Law Schools' Antitrust Section, Executive Committee: Chair (2024-2025); Member (2019-2025)
- American Bar Foundation, Fellow (2015-present)
- American Law Institute, Elected Member (2013-present)

PUBLICATIONS

BOOK

REGULATION: WHY AND HOW THE STATE REGULATES (Foundation Press, 2012)

ARTICLES, ESSAYS, AND BOOK CHAPTERS

1. *When Inflation Amplifiers Implicate Antitrust Law*, Antitrust Chronicle 1 (Sept. 2025)
2. *Policy Realignment and Competition in Attention Markets*, 11 Journal of Antitrust Enforcement 247 (2023)
3. *The Friction Paradox: Intermediaries, Competition, and Efficiency*, 68 Antitrust Bulletin 234 (2023)
4. *Do Antitrust Disruptors Make Good Reformers?*, 20 Berkeley Business Law Journal 118 (2023)
5. *Mandated Neutrality, Platforms, and Ecosystems*, in Research Handbook on Abuse of Dominance and Monopolization 359 (Pinar Akman et al. eds., 2023)
6. *Middlemen Forever: Competition and Opportunism in the Digital Economy*, Concurrences N° 4-2021 (Nov. 2021) 30
7. *Tracking Giants: Professor Hovenkamp and Impact Metrics*, in Herbert Hovenkamp: The Dean of American Antitrust Law 25 (Nicolas Charbit ed., 2021) (with Jane O'Connell and D. Daniel Sokol)
8. *Anything, Anytime, Anywhere: Is Antitrust Ready for Flexible Market Arrangements?* 20(2) Antitrust Source 1 (Apr. 2021)
9. *Technological Change and Managerial Challenges in the Movie Theater Industry*, 45 Journal of Cultural Economics 239 (2021) (with Charles Weinberg, Cord Otten, Jordi McKenzie, Ricard Gil, Darlene Chisholm & Suman Basuroy)
10. *The Fight of the Century: On the Exploitation of Social Divides*, 14 NYU Journal of Law & Liberty 163 (2020)

11. *Antitrust in the Shadow of Market Disruptions*, 34(3) Antitrust 32 (2020)
12. *The Paramount Decrees: Lessons for the Future*, 19(5) Antitrust Source 1 (Apr. 2020)
13. *D&O Liability for Antitrust Violations*, 59 Santa Clara Law Review 527 (2020)
 Selected judicial citations: Zync, Inc. v. Porsche Investments Management, S.A., 2026 WL 1507812 (Del. Ch. 2026); Young Women's Christian Association of Rochester and Monroe County v. Hatteras Funds, LP, 2026 WL 851163 (Del. Ch. 2026); Calumet Capital Partners LLC v. Victory Park Capital Advisors, LLC, 353 A.3d 88 (Del. Ch. 2026); Arxada Holdings NA Inc. v. Harvey, 351 A.3d 519 (Del. Ch. 2026); McDonald's Corporation Stockholder Derivative Litigation, 289 A.3d 343 (Del. Ch. 2023); Harris v. Harris, 289 A.3d 277 (Del. Ch. 2023); Metro Storage International LLC v. Harron, 275 A.3d 810 (Del. Ch. 2022).
14. *The Consumer Welfare Controversy*, CPI Antitrust Chronicle 22 (Nov. 2019)
15. *Interstate Circuit and Conspiracy Theories*, 2019 University of Illinois Law Review 1447 (2019)
16. *The Present New Antitrust Era*, 60 William & Mary Law Review 1439 (2019)
17. *Con Men and Their Enablers: The Anatomy of Confidence Games*, 85 Social Research: An International Quarterly 795 (2018) (with Lindsey Huang)
18. *Antitrust Populism*, 14 NYU Journal of Law & Business 1 (2017)
19. *The Chicago Tradition and Judge Ginsburg*, in Douglas H. Ginsburg: An Antitrust Professor on the Bench, vol. 1, 43-56 (Nicolas Charbit et al. eds., 2017) (with Eric Fraser and Daniel Sokol)
20. *Hub-and-Spoke Conspiracies*, 15(4) Antitrust Source 1 (Apr. 2016)
21. *Scamming: The Misunderstood Confidence Man*, 27 Yale Journal of Law & the Humanities 249 (2015) (with Jean Braucher)
22. *Antitrust Stare Decisis*, 15(1) Antitrust Source 1 (Oct. 2015)
23. *The Durability of Formalism in Antitrust*, 100 Iowa Law Review 2197 (2015)
24. *A State of Inaction: Regulatory Preferences, Rent, and Income Inequality*, 16 Theoretical Inquiries in Law 45 (2015)
25. *Was the Crisis in Antitrust a Trojan Horse?*, 79 Antitrust Law Journal 881 (2014)
26. *Squeezing Claims: Refusals to Deal, Essential Facilities, and Price Squeezes*, in Oxford Handbook on International Antitrust Economics, vol. 2, 120-130 (Roger Blair & Daniel Sokol eds., 2014) (with Raphael Avraham)
27. *How Antitrust Lost Its Goal*, 81 Fordham Law Review 2253 (2013)
28. *What Is Government Failure?*, 30 Yale Journal on Regulation Online 44 (2013)
29. *What Is Regulation?*, 30 Yale Journal on Regulation Online 1 (2012)
30. *Invisible Lawmaking*, 79 University of Chicago Law Review Dialogue 1 (2012)
31. *On Hubris, Civility, and Incivility*, 54 Arizona Law Review 443 (2012)
32. *The Antitrust Curse of Bigness*, 85 Southern California Law Review 605 (2012) (with Grace Campbell Rebling)
33. *Excessive Speech, Civility Norms, and the Clucking Theorem*, 44 Connecticut Law Review 1 (2011) (with Frances Sjöberg)
 Documentation and Supplemental Materials: *Debating Over Backyard Chickens*, 44 CONNtemplations 1 (2011) (with Frances Sjöberg)

34. *Censoring Crimes*, 29 Cardozo Arts & Entertainment Law Journal 251 (2011) (with Allison Woolston)
35. *The Antitrust Consumer Welfare Paradox*, 7 Journal of Competition Law & Economics 133 (2011)
 * Reprinted in *The Library of Essays on Antitrust and Competition Law*, vol. 1, 1-32 (Farnham, UK: Ashgate Publishing, Rosa Greaves ed. 2012)
36. *Arming States' Rights: Federalism, Private Lawmakers, and the Battering Ram Strategy*, 52 Arizona Law Review 1161 (2010) (with Kathleen Callahan and Lisa Lindemenn)
37. *The Image Theory: RPM and the Allure of High Prices*, 55 Antitrust Bulletin 277S (2010)
38. *The Johnson-Jeffries Fight and Censorship of Black Supremacy*, 5 NYU Journal of Law & Liberty 270 (2010)
 * Reprinted in *El Combate del Siglo* (Gallo Nero: Donatella Iannuzzi ed., 2011) (Spanish translation published with translated works of Jack London)
39. *Prizefighting and the Birth of Movie Censorship*, 21 Yale Journal of Law & the Humanities 251 (2009)
40. *The Goals of Antitrust Law: Theory and Practice*, in Economic Foundations of Antitrust Law 63 (Michal Gal and Menachem Perlman eds., 2008) (in Hebrew)
41. *Micro-Motives for State and Local Climate Change Initiatives*, 2 Harvard Law & Policy Review 119 (2008) (with Kirsten Engel)
42. *Indirect Free Riding on the Wheels of Commerce: Dual-Use Technologies and Copyright Liability*, 57 Emory Law Journal 409 (2008)
 * Reprinted in *Copyright Law Anthology*, 2009-2010, pp. 753-802 (Rodney A. Smolla ed., 2009)
43. *Antitrust Vertical Myopia: The Allure of High Prices*, 50 Arizona Law Review 261 (2008)
44. *Uniform Prices for Differentiated Goods: The Case of the Movie-Theater Industry*, 27 International Review of Law & Economics 129 (2007) (with Liran Einav)
45. *Unwelcome Benefits: Why Welfare Beneficiaries Reject Government Aid?*, 24 Law & Inequality 107 (2006)
46. *Antitrust and Pricing in the Motion Picture Industry*, 21 Yale Journal on Regulation 317 (2004)
47. *The Durapolist Puzzle: Monopoly Power in Durable-Goods Markets*, 21 Yale Journal on Regulation 67 (2004)

OTHER WRITINGS

48. [Warner Bros as Antitrust's Streaming Stress Test](#), ProMarket (Dec. 20, 2025)
49. [Antitrust Boundary Pushing Without Overreach](#), ProMarket (Oct. 1, 2025)
50. [Moderation Is the Cure to the Crisis in Antitrust Expertise](#), ProMarket (Dec. 10, 2024)
51. [The US Is Not Prepared for the AI Electricity Demand Shock](#), ProMarket (Sept. 12, 2024) (with Eli Orbach)
52. *The Consumer Welfare Standard*, Expert Report for California Law Revision Commission (June 2024) (co-authored with Jorge Contreras, Warren Grimes, Douglas Melamed, Abbey Doino, Joseph Kay, Heather Nyong'o)
53. [Do Revenue Management Platforms Like RealPage Facilitate Illegal Algorithmic Collusion?](#) ProMarket (Apr. 18, 2024)

54. [TI's Calculator Monopoly Offers Lessons for Educators in the Age of Generative AI](#), [ProMarket](#) (Apr. 8, 2024) (with Eli Orbach)
55. [AI Adaptation: A Primer for Corporate Directors](#), [AI21 Labs White Paper](#) (Nov. 2023) (with Shanen Boettcher & Ofir Zan)
56. [Do Antitrust Enforcers Know They Induce Shrinkflation?](#), [ProMarket](#) (Aug. 18, 2023)
57. [The Neo-Brandeisians Are Wrong About Greedflation](#), [ProMarket](#) (June 28, 2023)
58. Book Review: [The Anatomy of Hub-and-Spoke Conspiracies](#), [Antitrust Magazine Online](#) (Apr. 2022) (reviewing Garrod, Harrington, and Olczak, *Hub-and-Spoke Cartels: Why They Form, How They Operate, and How to Prosecute Them* (2022))
59. [How America Turns Rivals Into Colleagues?](#), [The Regulatory Review](#) (May 18, 2021)
60. [On the COVID-19 Vaccine Corporate Pledge](#), [Harvard Law School Forum on Corporate Governance](#) (Sept. 10, 2020)
61. Book Review: *Redefining the Antitrust Paradigm*, 19(3) [Antitrust Source](#) 1 (Dec. 2019) (reviewing Jonathan Baker, *The Antitrust Paradigm: Restoring a Competitive Economy* (2019))
62. *Antitrust in the Age of Anxieties*, 2(4) [COMPETITION LAW AND POLICY DEBATE](#) 52 (2016)
63. *Antitrust's Pursuit of Purpose*, 81 [Fordham Law Review](#) 2151 (2013) (symposium introduction)
64. *Antitrust Energy*, 85 [Southern California Law Review](#) 429 (2012) (with Daniel Sokol) (symposium introduction)
* Reprinted in Joshua P. Fershee, *Energy Law: A Context and Practice Casebook* 52 (2014)
65. [Defining Government Failure](#), [The Regulatory Review](#) (June 25, 2013)
66. *The New Regulatory Era: An Introduction*, 51 [Arizona Law Review](#) 559 (2009) (symposium introduction)

SELECTED PRESENTATIONS AND PANELS (2016-2026)

2026

- *Power Hungry, Innovation Driven: AI and the Dawn of a New Energy Age*, [Seoul AI Policy Conference \(SAIPCON\): Frontier Issues in AI Governance](#) (Seoul, June 2026)
- *Is the AI Race An Antitrust Problem?*, [The 2026 Antitrust Enforcement Symposium](#) (Oxford University & Seoul National University) (Seoul, June 2026)
- *Abuse of Dominance in the AI Age*, [International Competition Network \(ICN\): Unilateral Conduct Workshop](#) (Prague, Czech Republic, April 2026)
- Panelist, *Competition, Politics, and Democratic Governance*, [Oxford Centre for Competition Law & Policy](#) (Oxford, UK, February 2026)

2025

- *GenAI in the Courtroom II*, [United States District Court for the District of Arizona](#) (Phoenix, December 2025)
- *GenAI in the Courtroom I*, [United States District Court for the District of Arizona](#) (Phoenix, December 2025)
- *GenAI in the Courtroom I*, [United States District Court for the District of Arizona](#) (Tucson, November 2025)
- *Antitrust in the Courtroom*, [United States District Court for the District of Arizona: 2025 Annual Conference](#) (May 2025)

- Panelist, *The Goals of Remedies for Dominant Firm Conduct*, ABA Antitrust Section (May 2025)
- Panelist, *Google Ad Tech Trial Fallout*, George Mason University Annual Antitrust Symposium (February 2025)

2024

- *The Consumer Welfare Standard*, California Law Revision Commission (August 2024)
- Panelist, *The Antitrust Enforcement Symposium*, Oxford (June 2024)
- *AI Adaptation: Governance and Regulation*, Machines & You (Dartmouth College, May 2024)

2023

- Panelist, *Promise or Peril? Artificial Intelligence and the Future of Corporate Governance*, Salzburg Global Corporate Governance Forum, Salzburg, Austria, (October 2023)
- Panelist, *Ecosystem Competition, Evolving Competition Dynamics: The Interface Between Competition Policy, Brands, and Retailers*, University of Oxford (June 2023)
- *Sustainable Antitrust and Sustainability, Exploring the Outer Boundaries of Antitrust Law*, Universidad Carlos III, Madrid, Spain (March 2023)
- *What's a Fair Price for Competition?*, University of Haifa Faculty of Law, Haifa, Israel (January 2023)

2022

- *What's a Fair Price for Competition?*, The Hebrew University of Jerusalem Faculty of Law, Jerusalem, Israel (December 2022)
- *What's a Fair Price for Competition?*, Reichman University, Herzliya, Israel (December 2022)
- *What's a Fair Price for Competition?*, Tel Aviv University's Law & Economics Workshop (Tel Aviv, Israel, December 2022)
- *Relevant Markets in the Age of Ecosystems*, Comunidad Andina (Lima, Peru, November 2022)
- *What's a Fair Price for Competition?*, University of California, Irvine School of Law's Antitrust Law and Innovation Forum (CALIF) (November 2022)
- *What's a Fair Price for Competition?*, Temple University's Institute for Law, Innovation and Technology (iLIT) (November 2022)
- Panelist, *Global Disruption and Uncertain Horizons: How can Boards Navigate New Risks?* Salzburg Global Corporate Governance Forum (Salzburg, Austria, October 2022)
- *The Coming Transformation of Theatrical Exhibition*, The Annual Mollen Conference in Filmed Entertainment Economics (September 2022)
- *Antitrust Enforcement in the 2020s*, Israel Antitrust Authority (Jerusalem, Israel, May 2022)
- Panelist, *Future of Antitrust Enforcement*, Georgia State University (April 2022)
- *Could Mandated Neutrality Save Antitrust?*, Cambridge-USC Antitrust Workshop (March 2022)
- Panelist, *Research Roundtable on FTC/DOJ Public Inquiry on Modernizing Merger Guidelines*, Northwestern University Center on Law, Business, and Economics (March 2022)

2021

- Panelist, *Research Roundtable on Biden Administration Antitrust Policy*, Northwestern University Center on Law, Business, and Economics (November 2021)
- *The Streaming Wars: Digital Platforms vs. Digital Ecosystems*, The Annual Mollen Conference in Filmed Entertainment Economics (November 2021)

- Panelist, *Myths and Facts: The Progressive Era and Populist Expressions of Antitrust*, USC Gould School of Law Center for Transactional Law & Business (November 2021)
- Panelist, *President Biden's Antitrust Agenda*, Dynamic Antitrust Discussion Series, The Schumpeter Project, the Information Technology and Innovation Foundation (October 2021)
- Panelist, *Responsible Leadership: How Do We Make Businesses More Accountable?*, Salzburg Global Corporate Governance Forum (October 2021)
- Co-organizer, Competition Policy for the Global Economy, Antitrust Frontiers Global Forum (June 2021)
- Panelist, *Antitrust and Market Justice*, State Bar of Arizona 2021 Convention (June 2021)
- Panelist, *Driving Accountability: Integrating EESG into Executive Compensation*, Salzburg Global Corporate Governance Forum (May 2021)
- *Anything, Anytime, Anywhere: Antitrust New Frontiers*, Competition Law Working Group at European University Institute (May 2021)
- *The Duty to Monitor Disruption Risks*, Nebraska Governance and Technology Center (March 2021)
- *Antitrust in the Shadow of Market Disruptions*, AALS 2020 Annual Meeting (January 2021)

2020

- *Digital Platforms and the Transformation of Shared Consumption*, Brazilian Institute for Competition and Innovation (December 2020)
- *Introduction to Artificial Intelligence for Lawyers*, State Bar of Arizona 2020 Convention (December 2020)
- Panelist, *Governance of Workforce-Related Issues in the Era of the COVID Pandemic*, American College of Governance Counsel Roundtable (November 2020)
- Panelist, *Putting Directors to the Test: How Does Leadership Measure Up in a Time of Crisis?*, Salzburg Global Corporate Governance Forum (October 2020)
- *The Competitive Process That Antitrust Protects*, Antitrust Virtual Workshop (June 2020)
- Panelist, *Antitrust Reform*, AALS 2020 Annual Meeting, Washington, DC (January 2020)

2019

- Panelist, *Putting Our Fears on the Table*, CUTS International, Competition, Regulation and Development Conference, Delhi, India (December 2019)
- Panelist, *Friend or Foe: How Should Directors Face Disruptive Risk?*, Salzburg Global Corporate Governance Forum, Salzburg, Austria (October 2019)
- *Indirect Antitrust Enforcement*, The 2019 Antitrust Enforcement Symposium, University of Oxford, Oxford, UK (June 2019)
- Program co-chair and Panelist, *Antitrust in the Age of Populism: Is Antitrust Enforcement Too Lax*, State Bar of Arizona 2019 Convention, Chandler, Arizona (June 2019)
- Panelist, *The Goals of Competition Law*, Antitrust New Frontiers: The Digital Economy and Economic Concentration, Tel Aviv University, Israel (June 2019)
- *Antitrust Populists: Their Visions and Appeal*, Tel Aviv University Law & Economics Workshop, Tel Aviv, Israel (June 2019)
- *Individual Accountability for Antitrust Violations*, Antitrust and Silicon Valley, Santa Clara School of Law, Santa Clara, California (March 2019)
- *Populism and the Rule of Law*, Federal Bar Association, Phoenix, Arizona (January 2019)

2018

- *Risk Management in the #MeToo Era*, Arizona State Bar, Tucson, Arizona (December 2018)

- *Criminal Liability and Antitrust Policies*, International Competition Network (ICN) Cartel Workshop, Tel Aviv, Israel (October 2018)
- *Antitrust in the Motion Picture Industry: Reappraisal*, The 20th Annual Mallen Scholars and Practitioners Conference in Filmed Entertainment Economics, Film University Babelsberg KONRAD WOLF, Potsdam, Germany (September 2018)
- Keynote speaker, *Antitrust Populism*, Antitrust Populism: Tech Giants Under Scrutiny, De Montfort University's Jean Monnet Centre of Excellence on European Governance, Leicester, UK (September 2018)
- *Con Men and Their Enablers*, Cons and Scams: Their Role in Our Culture, The Center for Public Scholarship at The New School, New York, NY (April 2018)
- *Antitrust Liberties*, *Antitrust and the Constitutional Order*, William & Mary Law School, Williamsburg, VA (February 2018)

2017

- Panelist, *Disruptive Technology and Economic Regulation*, CUTS International Competition, Regulation and Development Conference, Jaipur, India (November 2017)
- *Interstate Circuit and (Other) Antitrust Myths*, University of Colorado Law School, Boulder, CO (October 2017)
- *Interstate Circuit and (Other) Antitrust Myths*, Tilburg Law and Economics Center (TILEC), Tilburg, the Netherlands (September 2017)
- *Interstate Circuit and (Other) Antitrust Myths*, Boston College Law School, Boston, MA (September 2017)
- *Interstate Circuit and (Other) Antitrust Myths*, Toulouse School of Economics, Toulouse, France (May 2017)
- *Global Digital Platforms and Challenges for the Competition Law*, St. Petersburg International Legal Forum, St. Petersburg, Russia (May 2017)
- *Interstate Circuit and (Other) Antitrust Myths*, The Annual Loyola Antitrust Colloquium, Loyola University Chicago, Chicago, IL (April 2017)

2016

- *Antimonopoly Policy: Science, Education, Practice*, The Russian Federal Antimonopoly Service, Moscow, Russia (December 2016)
- *Interstate Circuit and Antitrust Inference*, The Annual Economics of the Entertainment and Media Industries Conference (Mallen), New York, NY (November 2016)
- *Interstate Circuit and Antitrust Inference*, The 2016 Annual Meeting of the Midwest Law and Economics Association, Emory University School of Law (September 2016)
- *Scamming: The Misunderstood Confidence Man*, AALS 2016 Annual Meeting, New York, NY (January 2016)