

PRINCIPAL PUBLICATIONS OF ALBERT A. (BERT) FOER

As of September 2020

BOOKS EDITED

Private Enforcement of Antitrust Law in the United States, A Handbook
Albert A. Foer and Randy M. Stutz (editors) (Edward Elgar, 2012).

<https://www.e-elgar.com/shop/usd/private-enforcement-of-antitrust-law-in-the-united-states-9781781005934.html>

The International Handbook on Private Enforcement of Competition Law
Albert A. Foer and Jonathan W. Cuneo (editors) (Edward Elgar 2010).

<https://www.e-elgar.com/shop/usd/the-international-handbook-on-private-enforcement-of-competition-law-9781781005286.html>

The Next Antitrust Agenda, The American Antitrust Institute's Transition Report on Competition Policy to the 44th President

Albert A. Foer (editor in chief) (Vandeplas 2008).

<https://vandeplaspublishing.com/collections/business-law/products/the-next-antitrust-agenda-the-american-antitrust-institutea-s-transition-report-on-competition-policy-to-the-44th-president-of-the-united-states>

CHAPTERS IN BOOKS

A Perspective on Privatization: Whatever Happened to the 1960's New Towns Movement?

In Eleanor M. Fox, Liber Amicorum, Nicolas Charbit et al, ed. (Forthcoming, 2021).

Competition Culture and the Cultural Dimensions of Competition

In Damien Gerard and Ioannis Lianos (editors), Reconciling Efficiency and Equity (Cambridge Univ. Press, 2019).

Revisiting the Political Content of Antitrust: The Changing Role of Speech

In Nicolas Charbit and Sonia Ahmad (editors), Frederic Jenny: Standing Up for Convergence and Relevance in Antitrust, Liber Amicorum, Vol. I (Concurrences 2018).

The Fairness Debate in the U.S.

In Paul Nihoul and Tadeusz Skoczny (editors), Procedural Fairness in Competition Proceedings (Edward Elgar 2015).



Antitrust Advocacy

Albert Foer and Steve Brobeck

In Stephen Brobeck and Robert N. Mayer (editors), *Watchdogs and Whistleblowers, A Reference Guide to Consumer Activism* (Greenwood 2015).

The goals of antitrust: thoughts on consumer welfare in the US

In Philip Marsden (editor), *Handbook of Research in Transatlantic Antitrust* (2014).

Cy pres as a remedy in private antitrust litigation

In Foer and Stutz (editors), *Private Enforcement of Antitrust Law in the United States: A Handbook* (Edward Elgar, 2012).

Implementing the Artistry of Bill Kovacic

In Nicolas Charbit and Elisa Ramundo (editors), *William E. Kovacic, An Antitrust Tribute, Liber Amicorum volume I, (Concurrences* (2012).

Toward an effective system of private enforcement

In Foer and Cuneo (editors), *The International Handbook on Private Enforcement of Competition Law* (Edward Elgar 2010).

The Consumer Interest and Antitrust Advocacy

In Andenas, Hutchings, and Marsden (editors), *Current Competition Law, Vol III* (British Institute of International and Comparative Law (2005).

Internet-Based Airline and Travel Services

In Diana L. Moss (editor), *Network Access, Regulation and Antitrust* (Routledge 2005).

The U.S. Unilateral Hypothesis

In Antitrust e globalizzazione, Fondazione Centro Internazionale Su Diritto Societa e Economica Courmayeur (2004).

Baked Lasagna

In Michael Stumo (editor), *A Food and Agriculture Policy for the 21st Century* (Organization for Competitive Markets 2000).

Separate Statement of Commissioner Albert A. Foer

In EFT in the United States, Policy Recommendations and the Public Interest

The Final Report of the National Commission on Electronic Fund Transfers, Oct. 28, 1977.



ARTICLES

[This selected list excludes brief book reviews and writings that appeared only on the American Antitrust Institute's website at www.antitrustinstitute.org.]

An Essay on Diamonds, Trust, and Antitrust, Inspired by Barak D. Richman's Stateless Commerce
The Antitrust Bulletin
64 Antitrust Bull. (Issue 1, 2019).

The Multiple Goals of Antitrust
The Antitrust Bulletin
Albert Allen Foer and Arthur Durst
63 Antitrust Bull. 494 (Issue 4, 2018).

Culture, Economics, and Antitrust: The Example of Trust
The Antitrust Bulletin
63 Antitrust Bull. 65 (March 2018).

(The Antitrust Bulletin produced a symposium issue entitled Recognizing Bert Foer, His AAI Founding and Presidency, vol. 60 number 2, June 2015)

The AAI Becomes an Institution: A Memoir
The Antitrust Bulletin
60 Antitrust Bull. 61 (2015).

On the Inefficiencies of Efficiency as the Single-Minded Goal of Antitrust
The Antitrust Bulletin
60 Antitrust Bull. 103 (2015)

Competition Policy and "Too Big" Banks in the European Union and the United States
The Antitrust Bulletin
Albert A. Foer and Don Allen Resnikoff
59 Antitrust Bull. 9 (2014).

Civil Liberties and Competition Policy: A Personal Essay Dedicated to John J. Flynn
Antitrust Bulletin
56 Antitrust Bull. 731 (2011).
<http://heinonline.org/HOL/Page?handle=hein.journals/antibull56&div=39&collection=journals>

Prediction and Antitrust
Antitrust Bulletin
56 Antitrust Bull. 505 (2011).
<http://heinonline.org/HOL/Page?handle=hein.journals/antibull56&div=28&collection=journals>



Will Two Roads Still Diverge? Private Enforcement of Antitrust Law is Getting Harder in the United States. But Europe May be Making it Easier

Global Competition Litigation Review

Albert A. Foer and Evan P. Schultz

2011 Global Comp. Lit. Rev. 107 (2011).

An Introduction to the American Antitrust Institute's 11th Annual National Conference: Are the Boundaries Between Public and Private in Transition?

Oregon Law Review

89 Oregon L. Rev. 753 (2011).

Enhancing Competition through the Cy Pres Remedy: Suggested Best Practices

Antitrust [ABA Magazine]

24 Antitrust 86 (2009-2010).

<http://heinonline.org/HOL/Page?handle=hein.journals/antiruma24&div=34&collection=journals>

Criminalizing Cartels: An American Perspective

New Journal of European Criminal Law

Connor, John M.; Foer, Albert A.; and Udwin, Simcha

1 New J. Eur. Crim. L. 199 (2010).

<http://heinonline.org/HOL/Page?handle=hein.journals/newjecla2010&div=21&collection=journals>

Toward Independent Competition Advocacy in the Mediterranean World: Learning from the AAI Model

Mediterranean Competition Bulletin

2 Med. Comp. Bull. 117 ((Nov. 2010).

The Antitrust Modernization Commission: A Retrospective from the Perspective of the American Antitrust Institute

Antitrust Bulletin

54 Antitrust Bull. 305 (2009).

<http://heinonline.org/HOL/Page?handle=hein.journals/antibull54&div=14&collection=journals>

International Consumer Advocacy for Competition Policy: Learning from the AAI Model

Boletín Latinoamericano de Competencia

25 Boletín Latinoamericano de Competencia 62 (Feb. 2009).

Buyer Power in Antitrust: An Overview of the American Antitrust Institute's Invitational Symposium on Buyer Power

Gundlach, Gregory T.; Foer, Albert A.

53 Antitrust Bull. 233 (2008)

<http://heinonline.org/HOL/Page?handle=hein.journals/antibull53&div=25&collection=journals>



The Spectrum of Monopolism: An Introduction to the Future of Monopoly and Monopolization

Wisconsin Law Review

2008 Wis. L. Rev. 225 (2008).

<http://heinonline.org/HOL/Page?handle=hein.journals/wlr2008&div=15&collection=journals>

The Antitrust Aspects of Bank Mergers, Development of Bank Merger Law

Bert Foer (Panelist)

13 Fordham Corporate & Financial Law 515 (2008).

The Future of Aftermarkets in Systems Competition: An Overview of the American Antitrust Institute's Invitational Symposium

Antitrust Bulletin

Gundlach, Gregory T.; Foer, Albert A.

52 Antitrust Bull. 1 (2007).

<http://heinonline.org/HOL/Page?handle=hein.journals/antibull52&div=7&collection=journals>

Mr. Magoo Visits Wal-Mart: Finding the Right Lens for Antitrust

Connecticut Law Review

Foer, Albert A.

39 Conn. L. Rev. 1307 (2006-2007).

<http://heinonline.org/HOL/Page?handle=hein.journals/conlr39&div=40&collection=journals>

On Whether There Really Is an IP Grab: An Introduction to the Symposium Issue

Rutgers Law Journal

38 Rutgers L.J. 359 (2006-2007).

<http://heinonline.org/HOL/Page?handle=hein.journals/rutlj38&div=14&collection=journals>

Complexity, Networks, and the Modernization of Antitrust: The American Antitrust Institute's Roundtable on the Science of Complexity and Antitrust

Antitrust Bulletin

Gundlach, Gregory T.; Foer, Albert A.

51 Antitrust Bull. 1 (2006).

<http://heinonline.org/HOL/Page?handle=hein.journals/antibull51&div=7&collection=journals>

Half-Time at the Antitrust Modernization Commission

University of San Francisco Law Review

40 U.S.F. L. Rev. 601 (2005-2006).

<http://heinonline.org/HOL/Page?handle=hein.journals/usflr40&div=25&collection=journals>

Introduction to Symposium on Buyer Power and Antitrust
Antitrust Law Journal
72 Antitrust L.J. 505 (2004-2005).
<http://heinonline.org/HOL/Page?handle=hein.journals/antil72&div=21&collection=journals>

Combining Horizontal and Vertical Analysis in Antitrust: The American Antitrust Institute's Roundtable on the Implications of the Work of Robert L. Steiner
Antitrust Bulletin
Gundlach, Gregory T.; Foer, Albert A.
49 Antitrust Bull. 821 (2004).
<http://heinonline.org/HOL/Page?handle=hein.journals/antibull49&div=37&collection=journals>

Electricity in Transition: Implications for Regulation and Antitrust
Energy Law Journal
Foer, Albert A.; Moss, Diana L.
24 Energy L.J. 89 (2003).
<http://heinonline.org/HOL/Page?handle=hein.journals/energy24&div=14&collection=journals>

Third Leg of the Antitrust Stool: What the Business Schools Have to Offer to Antitrust
The New York Law School Law Review
47 N.Y. L. Sch. L. Rev. 21 (2003).
<http://heinonline.org/HOL/Page?handle=hein.journals/ncls47&div=7&collection=journals>

Putting the Antitrust Modernization Commission into Perspective
Buffalo Law Review
51 Buff. L. Rev. 1029 (2003).
<http://heinonline.org/HOL/Page?handle=hein.journals/buflr51&div=29&collection=journals>

Analysis of Antitrust Challenges to Category Captain Arrangements
Journal of Public Policy & Marketing
Debra M. Desrochers, Gregory T. Gundlach, and Albert A. Foer
22 J. Pub. Pol. & Mkg 201 (2003).

Electricity: Notes on the Transition Phase
Loyola University Chicago Law Journal
33 Loy. U. Chi. L.J. 813 (2001-2002).
<http://heinonline.org/HOL/Page?handle=hein.journals/luclj33&div=36&collection=journals>

Toward Guidelines for Merger Remedies
Case Western Reserve Law Review
52 Case W. Res. L. Rev. 211 (2001-2002).
<http://heinonline.org/HOL/Page?handle=hein.journals/cwrlrv52&div=16&collection=journals>



The Politics of Antitrust in the United States: Public Choice and Public Choices

University of Pittsburgh Law Review

62 U. Pitt. L. Rev. 475 (2000-2001).

<http://heinonline.org/HOL/Page?handle=hein.journals/upitt62&div=25&collection=journals>

Strengthening DOT's Guidelines on Predatory Pricing in the Airline Industry: An Optional Safe Harbor Remedy

Antitrust Law & Economics Review

30 Antitrust L. & Econ. Rev. 65 (1999-2001).

<http://heinonline.org/HOL/Page?handle=hein.journals/antlervi30&div=19&collection=journals>

Small Business and Antitrust

Small Business Economics, An International Journal

16 Small Bus. J. 3 (2001).

E-Commerce Meets Antitrust: A Primer

Journal of Public Policy & Marketing

20 J. Pub. Pol. & Mkg 51 (2001).

The Importance of the Microsoft Case

Connecticut Law Review

31 Conn. L. Rev. 1275 (1998-1999).

<http://heinonline.org/HOL/Page?handle=hein.journals/conlr31&div=43&collection=journals>

Symposium Dialogue: United States v. Microsoft

Connecticut Law Review

Foer, Albert A.; Kovacic, William E.; Levy, Robert A.; Orland, Leonard

31 Conn. L. Rev. 1397 (1998-1999).

<http://heinonline.org/HOL/Page?handle=hein.journals/conlr31&div=49&collection=journals>

Institutional Contexts of Market Power in the Electricity Industry

The Electricity Journal

12 The Electricity Journal 13 (1999).

The Evolution of United States Antitrust Law: The Past, Present, and (Possible) Future

Nihon University Comparative Law

Albert A. Foer and Robert H. Lande

16 NUCL 149 (1999).

American Idealism: Level Playing Fields

Business and Society Review

96 Bus. & Soc. Rev. 27 (1996).



The Political-Economic Nature of Antitrust

Saint Louis University Law Journal

Foer, Albert A.

27 St. Louis U. L.J. 331 (1983).

<http://heinonline.org/HOL/Page?handle=hein.journals/stlulj27&div=26&collection=journals>

International Implications of Section 7 Enforcement

Antitrust Law Journal

50 Antitrust L.J. 819 (1981-1982).

<http://heinonline.org/HOL/Page?handle=hein.journals/antil50&div=98&collection=journals>

Toward the Regulation of Anticompetitive Insurance Mergers

Forum

Foer, Albert A.; Davis, Steven S.

13 Forum 993 (1977-1978).

<http://heinonline.org/HOL/Page?handle=hein.journals/ttip13&div=102&collection=journals>

What Every Lawyer Should Know about Consumer Reports

American Bar Association Journal

61 A.B.A. J. 857 (1975).

<http://heinonline.org/HOL/Page?handle=hein.journals/abaj61&div=163&collection=journals>

The Personal Information Market: An Examination of the Scope and Impact of the Fair Credit Reporting Act
2 Loyola (Chicago) Consumer Journal 37 (1974).

<http://heinonline.org/HOL/Page?handle=hein.journals/loylscj2&div=6&collection=journals>

Problems of Proof in Defective Design Litigation

Chicago Bar Record

Phelan, Richard J.; Foer, Albert A.

54 Chi. B. Rec. 257 (1972-1973).

<http://heinonline.org/HOL/Page?handle=hein.barjournals/chicbar0054&div=55&collection=barjournals>

Democracy in the New Towns: The Limits of Private Government

University of Chicago Law Review

36 U. Chi. L. Rev. 379 (1969).