



## **David S. Evans, Vice Chairman, LECG Europe**

Davidson Building  
5 Southampton Street  
London WC2E 7HA  
United Kingdom  
Direct: 44.20.7632.5040  
Main: 44.20.7632.5000  
Fax: 44.20.7632.5050  
david\_evans@lecg.com

350 Massachusetts Avenue, Suite 300  
Cambridge, MA 02139 USA  
Direct: 617.761.0115  
Main: 617.252.9994  
Fax: 617.621.8018

### **BIO/SUMMARY**

David Evans is an authority on the economics of high technology and platform-based businesses, primarily as it relates to competition policy and intellectual property. He is the author of four books and more than 70 articles in journals ranging from the American Economic Review, Foreign Affairs, and The Yale Journal on Regulation. His many opinion pieces have appeared in newspapers around the world including the Washington Post, Wall Street Journal, Financial Times, Les Echos, and El Pais. A specialist on competition policy in the US and European Union, a topic on which he has written and lectured extensively, he has served as an expert and testified before courts, arbitrators, regulatory authorities and legislatures in the US and Europe. He has led the economic analysis in several important antitrust cases over the last 25 years including US v AT&T. Most recently, Dr. Evans has led an international economic team on a landmark series of cases involving a large global technology firm in the US and Europe.

From September 2004, he is visiting professor, Faculty of Laws, University College London. He was an adjunct professor of law at Fordham Law School from 1985-1995 where he taught antitrust law and economics. Dr. Evans has a Ph.D. from the University of Chicago.

### **EDUCATION**

Ph.D., M.A. Economics, University of Chicago, 1983  
(specialized in industrial organization and econometrics)

B.A., Economics, University of Chicago, 1975

### **PRESENT POSITION**

LECG, Vice Chairman, LECG Europe and Managing Director, Global Competition Policy Practice



## PROFESSIONAL EXPERIENCE

Department of Laws, University College London, Visiting Professor, 2004-.

NERA Economic Consulting, Inc., Senior Vice President (1994-2004); Vice President (1988-1994); Board of Directors (1994-2002); Management Committee (1999-2002); 1988-2004.

Fordham University, Adjunct Professor of Law, Fordham University School of Law (1989-1995); Adjunct Associate Professor (1985-1989), 1985-1995.

Wissenschaftszentrum Berlin (WZB), Visiting Scholar, 1989-1991.

Fordham University, Associate Professor of Economics (1988-1989); Assistant Professor (1983-1988) (Tenured as of 9/88), 1983-1989.

C.V. Starr Center, New York University, Visiting Scholar, 1986-1988.

Cera Economic Consultants, Inc., President, 1979-1988.

Charles River Associates, Inc., Senior Research Associate (1976-1979); Research Associate (1975-1976), 1975-1979.

## PROFESSIONAL ACTIVITIES

Member, American Economic Association, Econometric Society, American Bar Association, Association of Competition Economists

## OTHER ACTIVITIES

Chairman, eSapience, Ltd.  
Chief Executive Officer, Market Platform Dynamics, Inc.

## SELECTED PUBLICATIONS

### Books

*Paying with Plastic* (Massachusetts: MIT Press, 1999), with R. Schmalensee; second edition (2005).

*Microsoft, Antitrust and the New Economy: Selected Essays* (New York: Kluwer Academic Publishers, 2002), editor.

*The Economics of Small Businesses: Their Role and Regulation in the U.S. Economy* (New York: Holmes and Meier, 1986), with W. Brock.

*Breaking Up Bell: Essays on Industrial Organization and Regulation* (New York: North Holland, 1983), editor and co-author of eight of ten chapters.

**Selected Articles**

"The Economics of Software Platforms: An Application of Theory of Two-Sided Markets," *CESifo Economic Studies*, forthcoming, with Andrei Hagiu and Richard Schmalensee.

"The Logic and Limits of the Exceptional Circumstances Test in *Magill and IMS Health*," *Fordham Journal of International Law*, forthcoming 2005, with Christian Ahlborn and A. Jorge Padilla.

"Tying Under Article 82 EC and the Microsoft Decision: A Comment on Dolmans and Graf," *World Competition*, forthcoming 2005, with A. Jorge Padilla.

"Designing Antitrust Rules for Assessing Unilateral Practices: A Neo-Chicago Approach," *University of Chicago Law Review*, forthcoming 2005, with A. Jorge Padilla.

"The Economics of Software Platforms: An Application of Theory of Two-Sided Markets," with Andrei Hagiu and Richard Schmalensee, in G. Illing and M. Peitz (eds.), *Industrial Organization and the Digital Economy* (Cambridge, MA: MIT Press, forthcoming 2005).

"A Pragmatic Approach to Identifying and Analyzing Legitimate Tying Cases," in *European Competition Law Annual: What is an Abuse of a Dominant Position?* (Oxford: Hart Publishing, forthcoming November 2005), with A. Jorge Padilla and Michael A. Salinger.

"Why Do Firms Bundle and Tie? Evidence from Competitive Markets and Implications for Tying Law," *Yale Journal on Regulation*, Vol. 22, No. 1, Winter 2005, with Michael A. Salinger.

"How Economists Can Help Courts Design Competition Rules – An EU and US Perspective," *World Competition*, Vol. 28, No. 1, March 2005.

"Excessive Prices: Using Economics to Define Administrable Legal Rules," *Journal of Competition Law & Economics*, Vol. 1, No. 1, March 2005, with A. Jorge Padilla.

"The Role of Cost in Determining When Firms Offer Bundles and Ties," Working Paper 2004.

"An Empirical Analysis of Bundling and Tying: Over-the-Counter Pain Relief and Cold Medicines," CESifo Working Paper Series No. 1297, October 2004, with Michael A. Salinger.

"A Little Knowledge Can Be a Dangerous Thing: Price Controls in the Yellow Pages Industry," *European Competition Law Review*, Vol. 25, No. 10, October 2004, with Alison Oldale and Elizabeth Wang.

"Software Patents and Open Source: The Battle Over Intellectual Property Rights," *Virginia Journal of Law & Technology*, Vol. 9, No.10, Summer 2004, with Anne Layne-Farrar.

"The Antitrust Economics of Tying: A Farewell to Per Se Illegality," *The Antitrust Bulletin*, Spring-Summer 2004, with Christian Ahlborn and A. Jorge Padilla.

"Managing the Maze of Multisided Markets," *strategy+business*, Fall 2003.

"Some Empirical Aspects of Multi-Sided Platform Industries," *Review of Network Economics*, Vol. 2, Issue 3, September 2003.

"Demand-Side Efficiencies in Merger Control," *World Competition Law and Economics Review*, Vol. 26, No. 2, Summer 2003, with A. Jorge Padilla.

"Has the Consumer Harm Standard Lost Its Teeth?" in *High-Stakes Antitrust - The Last Hurrah?*, Robert W. Hahn, editor (Washington, DC: Brookings Institution Press, 2003), with Howard H. Chang and Richard Schmalensee.

"The Antitrust Economics of Multi-Sided Platform Markets," *Yale Journal on Regulation*, Vol. 20, Issue 2, Summer 2003.

"Everything You Wanted to Know about Two-Sided Markets," *The Milken Institute Review*, Second Quarter 2003, with Peter Passell.

"Government Preferences for Promoting Open-Source Software: A Solution in Search of a Problem," *Michigan Telecommunications and Technology Law Review*, Vol. 9, Issue 2, Spring 2003, with Bernard Reddy.

"The Failure of E-Commerce Business: A Surprise or Not?," *European Business Organization Law Review*, Vol. 3, 2002, with Daniel D. Garcia Swartz and Bryan G. Martin-Keating.

"Tying in Platform Software: Reasons for a *Rule-of-Reason* Standard in European Competition Law," *World Competition Law and Economics Review*, Vol. 25, Issue 4, December 2002, with A. Jorge Padilla and Michele Polo.

"Who Owns Ideas? The War Over Global Intellectual Property" *Foreign Affairs*, November/December 2002.

"Has The Consumer Harm Standard Lost Its Teeth?," AEI-Brookings Conference Paper, October 2, 2002, with Howard H. Chang and Richard Schmalensee.

"The New Trustbusters—Brussels and Washington May Part Ways," *Foreign Affairs*, Vol. 81, No. 1, January/February 2002.

"Class Certification and the Substantive Merits," *51 Duke Law Journal*, 1251, 2002, with Robert G. Bone.

"Some Economic Aspects of Antitrust Analysis in Dynamically Competitive Industries," NBER Working Paper No. 8268 (May 2001); also published in *Innovation Policy and the Economy, Volume 2*, edited by Adam B. Jaffe, Josh Lerner and Scott Stern (The MIT Press: Cambridge, MA, 2002), with Richard Schmalensee.

"Dodging the Consumer Harm Inquiry: A Brief Survey of Recent Government Antitrust Cases," *St. John's Law Review*, Vol. 75, Issue 3, 2001.

"Is Free Software the Wave of the Future?," *The Milken Institute Review*, Fourth Quarter 2001.

"Industry Regulation Through Antitrust: The Clinton Legacy and the Bush Future," *Regulation*, Fall 2001.

"The Problem of Interchange Fee Analysis: Case Without a Cause?," *European Competition Law Review*, Vol. 22, Issue 8, August 2001, with Christian Ahlborn and Howard H. Chang.

"An Analysis of the Government's Economic Case in *U.S. v. Microsoft*," *The Antitrust Bulletin*, Summer 2001, with Albert Nichols and Richard Schmalensee.

"A Monopolist Would Still Charge More for Windows: A Comment on Werden," and "A Monopolist Would Still Charge More for Windows: A Comment on Werden's Reply," *Review of Industrial*

*Organization*, Vol. 18, Issue 3, May 2001, with Bernard Reddy, Albert Nichols, Richard Schmalensee.

"Competition Policy in the New Economy: Is European Competition Law Up to the Challenge?," *European Competition Law Review*, Issue 5, May 2001, with Christian Ahlborn and A. Jorge Padilla.

"U.S. v. Microsoft, Remedy or Malady?," in *George Mason Law Review*, 9 (Spring 2001), 633-90, with Kenneth Elzinga and Albert Nichols. Reprinted in D. Evans, ed., *Microsoft, Antitrust and the New Economy: Selected Essays* (Norwell, MA: Kluwer Academic Publishers, 2002.)

"Antitrust and the New Economy," Computer Industry Committee Newsletter, Spring 2001.

"The Competitive Effects of the Collective Setting of Interchange Fees by Payment Card Systems," *The Antitrust Bulletin*, Fall 2000, with Howard H. Chang.

"Be Nice To Your Rivals: How the Government Is Selling an Antitrust Case without Consumer Harm in U.S. v. Microsoft," with Richard Schmalensee in *Did Microsoft Harm Consumers?: Two Opposing Views*, David S. Evans, Franklin M. Fisher, Daniel L. Rubinfeld, and Richard Schmalensee, AEI-Brookings Joint Center for Regulatory Studies: Washington D.C., May 2000.

"Consumers Lose if Leading Firms Are Smashed for Competing," with Richard Schmalensee in *Did Microsoft Harm Consumers?: Two Opposing Views*, David S. Evans, Franklin M. Fisher, Daniel L. Rubinfeld, and Richard Schmalensee, AEI-Brookings Joint Center for Regulatory Studies: Washington D.C., May 2000.

"Economics for the Third Industrial Revolution," *Viewpoint*, The Marsh & McLennan Companies Journal, No. 1, 1999, with Matthew Leder.

"All the Facts That Fit: Square Pegs and Round Holes in U.S. v. Microsoft," *Regulation*, Vol. 22, No. 4, November 4, 1999.

"Joint Ventures: *MountainWest*," in *The Antitrust Revolution*, J. Kwoka and L. White, eds., Third Edition (New York: Oxford University Press, 1998), with R. Schmalensee.

"Some Economic Principles for Guiding Antitrust Policy Towards Joint Ventures," *Columbia Business Law Review*, Vol. 1998, No. 2, with Howard H. Chang and Richard Schmalensee.

"A Guide to the Antitrust Economics of Networks," *Antitrust*, Spring 1996, pp. 36-40, with Richard Schmalensee.

"Market Definition in Antitrust and Patent-Infringement Litigation," *Practising Law Institute*, Volume One, July 1995.

"Economic Aspects of Payment Card Systems and Antitrust Policy Toward Joint Ventures," *Antitrust Law Journal*, Spring 1995, with Richard Schmalensee.

"Small Business Formation and Success by Unemployed Workers," *Small Business Economics*, September 1990, with L. Leighton.

"Trade Associations and the Exchange of Price and Nonprice Information," in B. Hawk, *1992 and EEC/U.S. Competition and Trade Law*, 1990.

"Estimates of a Model of Entrepreneurial Choice Under Liquidity Constraints," *Journal of Political Economy*, August 1989, with B. Jovanovic. Reprinted in Z. Acs, ed., *Small Firms and Economic*

*Growth*, International Library of Critical Writings in Economics (Cheltenham, U.K.: Edward Elgar Publishing, Ltd., 1995).

"Some Empirical Aspects of Entrepreneurship," *American Economic Review*, June 1989, with L. Leighton. Reprinted in M. Casson, *Entrepreneurship*, International Library of Critical Writings in Economics (Hants, England: Edward Elgar Publishing Co., 1990).

"Why Do Smaller Firms Pay Less?," *Journal of Human Resources*, May 1989, with L. Leighton. Reprinted in Z. Acs, ed., *Small Firms and Economic Growth*, International Library of Critical Writings in Economics (Cheltenham, U.K.: Edward Elgar Publishing, Ltd., 1995).

"Small Business Economics," *Small Business Economics*, January 1989, with W. Brock. Reprinted in Z. Acs, ed., *Small Firms and Economic Growth*, International Library of Critical Writings in Economics (Cheltenham, U.K.: Edward Elgar Publishing, Ltd., 1995).

"Tests of Alternative Theories of Firm Growth," *Journal of Political Economy*, August 1987. Reprinted in Z. Acs, ed., *Small Firms and Economic Growth*, International Library of Critical Writings in Economics (Cheltenham, U.K.: Edward Elgar Publishing, Ltd., 1995).

"The Relationship Between Firm Growth, Size and Age: Estimates for 100 Manufacturing Industries," *Journal of Industrial Economics*, June 1987. Reprinted in T. Bresnahan and R. Schmalensee, *The Empirical Renaissance in Industrial Economics* (London: Basil Blackwell, 1988).

"The Differential Effect of Regulation Across Plant Size: Comment on Pashigian," *Journal of Law and Economics*, April 1986.

"The Economics of Regulatory Tiering," *The RAND Journal of Economics*, Autumn 1985, with W. Brock. Reprinted in Z. Acs, ed., *Small Firms and Economic Growth*, International Library of Critical Writings in Economics (Cheltenham, U.K.: Edward Elgar Publishing, Ltd., 1995).

"A Test for Subadditivity of the Cost Function with an Application to the Bell System," *American Economic Review*, September 1984, with J. Heckman. ("Erratum," September 1986.)

"The Audience Revenue Relationship for Local Broadcast Stations," *Bell Journal of Economics*, Autumn 1980, with F. Fisher and J. McGowan.

### **Opinion pieces**

"The Real Explanation for Google's Success," *Tech Central Station*, May 25, 2004, with Peter Passell.

"Competition, Coordination and Upheaval," *Credit Card Management*, April 2004.

"Will Retailers Stampede To Drop Signature Debit?" *American Banker*, January 2004.

"What's Yours Is Mine," *Wall Street Journal Europe*, February, 2004.

"Monti's Ivory Tower," *Financial Times*, June 2002.

"What's the Cost of 'Free' Software?," *Wall Street Journal Europe*, March 4, 2002.

"Software gratis: un modelo de futuro?," *Expansión*, October 20, 2001.



"La ley de la competencia en beneficio del consumidor," *El Pais*, Spain, August 2, 2001.

"Le Consommateur Final et la Concurrence Loyale," *Les Echos*, France, July 16, 2001.

"Bank Interchange Fees Balance Dual Demand," *The American Banker*, January 26, 2001.

"An Unnecessary Execution," *Financial Times*, May 31, 2000.

"Target Microsoft: What the breakup will mean," *The Washington Times*, May 30, 2000.

"Ignoring Exhibit A: The Mailbox," *The New York Times*, June 14, 2000.

"Sorry, Wrong Model," *The Washington Post*, May 7, 2000.

"Trial by Fire," *The Industry Standard*, October 8, 1999.

"Schumer Bill on Credit Cards Is Not Needed," *The American Banker*, February 10, 1994.