

MAX HUFFMAN

Visiting Assistant Professor
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Teaching Experience

University of Cincinnati College of Law, Cincinnati, Ohio. Academic years 2005-2006 and 2006-2007.

Visiting Assistant Professor. Teaching Sales (U.C.C. Article 2), Secured Transactions (U.C.C. Article 9), Contracts, and Corporations.

Teaching interests: Commercial Law (Secured Transactions, Sales, also other U.C.C. courses); Contracts; Antitrust; Administrative Law; Business Organizations (Corporations, Agency/Partnership); Professional Responsibility; other courses in the core curriculum.

Other activities and involvement:

- Writing and oral argument judge, national student moot court competition.
- Judge, first-year mock arguments in Lawyering classes.

Scholarship

Recent Publications/Submitted Works:

- *Standing for Extraterritoriality: Defining the Empagran Exception*, 60 SMU L. REV. ____ (forthcoming 2007), working paper available on SSRN at <http://ssrn.com/abstract=925876>.
- *Using All Available Information*, 25 REV. LITIG. 501 (2006) (Univ. of Texas), also available on SSRN at <http://ssrn.com/abstract=906597>.

Works in Process:

- *25 Years of the Foreign Trade Antitrust Improvements Act: A Retrospective*—invited article in process for the Houston Law Review, vol. 44 (Spring 2007).
- *Pleading Sherman One*—article and presentation in process addressing pleading standards in the context of a claim under Sherman Act § 1.
- *Standing in Extraterritorial Application*—article in process arguing that prudential standing doctrine is the appropriate source of courts' authority to determine the extent of their extraterritorial reach under a range of federal schemes, including antitrust law.

Other Scholarship:

- *Judge Painter's Forty Rules*, 72 U. CIN. L. REV. 1011 (2004).
- *Immigration Issues in the Federal Courts*, Spring 2004 BUSINESS IMMIGRATION QUARTERLY.
- Book Review, Jonathan W. Singer, *Broken Trusts: The Texas Attorney General Versus the Oil Industry, 1889-1909*, 15 WESTERN LEGAL HISTORY 215 (2002).
- Book Review, Mark Scherer, *Imperfect Victories: The Legal Tenacity of the Omaha Tribe, 1945-1995*, 13 WESTERN LEGAL HISTORY 270 (2001).

Amicus Briefs and Other Involvement

- Author of brief for Professors Richard Epstein, Max Huffman, Christo Lassiter and Paul Stancil as *amici curiae* in *Bell Atlantic Corporation v. Twombly*, S. Ct. No. 05-1126 (filed Aug. 25, 2006), available at <http://www.law.uc.edu/faculty/huffmanbrief.pdf>.
- Signatory on letter of antitrust and law and economics scholars to the Senate Judiciary Committee regarding proposed legislation about Love Field, Dallas, TX, *noted in* <http://www.dfw.com/mld/dfw/15396610.htm>.

Education

University of Cincinnati College of Law, Cincinnati, Ohio. J.D. 1998.

University of Cincinnati Law Review, Student Articles Editor, associate member. 1996-1998.

Awards: University Prize for Second Highest Grade-Point Average; Order of the Coif; Dean's List; book awards; and merit-based financial assistance.

Cornell University, Ithaca, New York. B.A. Mathematics 1995.

Awards: Rotary Club scholarship; Cornell Tradition Fellow.

Other Professional Experience

Robbins, Russell, Englert, Orseck & Untereiner LLP, Washington, D.C. 2003-2005.

Attorney in a boutique firm engaged primarily in Supreme Court litigation, as well as general appellate and trial litigation and antitrust counseling. Substantial experience briefing matters before the Supreme Court and other federal and state courts on a broad range of substantive issues.

Representative engagements:

- Petition for certiorari and merits briefing in *Volvo Trucks North America, Inc. v. Reeder-Simco GMC, Inc.*, S. Ct. No. 04-905 (Robinson-Patman Act).
- Petition for certiorari in *Dassault Aviation v. Anderson*, S. Ct. No. 04-222 (personal jurisdiction over an foreign corporation based on the domestic contacts of its subsidiary).
- Cert.-stage and merits *amicus* briefs for trade organizations in *F. Hoffman-LaRoche Ltd. v. Empagran S.A.*, S. Ct. No. 03-724 (Foreign Trade Antitrust Improvements Act, antitrust standing).
- Cert.-stage and merits *amicus* briefs for financial services trade organizations in *Koons Buick Pontiac GMC, Inc. v. Nigh*, S. Ct. No. 03-377 (Truth in Lending Act).
- *Amicus* brief for trade organization in *Gator.com Corp. v. L.L. Bean, Inc.*, 9th Cir. No. 02-15035 (en banc) (personal jurisdiction over out-of-state corporation based on an Internet presence).

U.S. Department of Justice, Antitrust Division, Washington, D.C. 1999-2002.

Honors Program Attorney. Member of trial teams in *U.S. v. American Airlines*, alleging predatory conduct, and in *U.S. v. Smith/Schlumberger*, alleging contempt of court. Led and participated in other investigations under the Sherman and Clayton Acts.

Notable experience: taking and participating in depositions of economic expert and fact witnesses; drafting motions and briefs for filing in U.S. District Court; and drafting and negotiating Civil Investigative Demands and discovery requests.

U.S. Attorney's Office, Eastern District of Virginia, Alexandria, Virginia. 2001.

Special Assistant U.S. Attorney, detailed from the Antitrust Division. Practiced before the U.S. District Court, prosecuting misdemeanors and felonies from arrest through sentencing.

Notable experience: Conducted grand jury investigations in felony matters; prosecuted narcotics, firearms, and obstruction of justice counts in bench and jury trials; negotiated plea agreements; and conducted sentencing and revocation of probation proceedings.

Summer Positions:

Jones, Day, Reavis & Pogue, Cleveland, Ohio, Pre-clerkship Interim Associate. 1998.

Vorys, Sater, Seymour & Pease, Cincinnati, Ohio, Summer Associate. 1997.

Kemppel, Huffman & Ellis P.C., Anchorage, Alaska, part-time legal research. 1995-1998.

Judicial Clerkships

The Honorable Stephen S. Trott, Ninth Circuit Court of Appeals, Boise, Idaho. 1998-1999.

Judicial clerk. Drafted bench memoranda and opinions and advised Judge Trott on issues before the Ninth Circuit.

The Honorable Nathaniel Jones, Sixth Circuit Court of Appeals, Cincinnati, Ohio. 1997.

Judicial extern. Drafted bench memoranda and unpublished dispositions on issues before the Sixth Circuit.

Activities and Memberships

Memberships:

Bar: Washington, D.C.; Ohio (inactive); U.S. Supreme Court; Fourth, Ninth, and Federal Circuit Courts of Appeals; District of Idaho.

Other: American Bar Association, Sections on Antitrust and Legal Education; American Association of Law Schools, Sections on Antitrust/Economic Regulation, Business Associations, and Commercial/Consumer Law.

Professional Activities:

"Justice," Georgetown University Supreme Court Institute, 2003, 2004 and 2005 Terms.

Judge, student moot courts, 1999-2006.

References

- Louis D. Billionis, Dean and Nippert Professor of Law, University of Cincinnati College of Law. (513) 556-6805; louis.billionis@uc.edu.
- Joseph P. Tomain, Dean Emeritus and Professor of Law, University of Cincinnati College of Law. (513) 556-6805; joseph.tomain@uc.edu.
- Donna M. Nagy, C. Ben Dutton Professor of Law, Indiana University–Bloomington School of Law. dnagy@indiana.edu.
- Hon. Stephen S. Trott, Judge, U.S. Court of Appeals for the Ninth Circuit. (208) 334-1612; judge_trott@ca9.uscourts.gov.
- Graeme B. Dinwoodie, Professor and Associate Dean, Chicago-Kent College of Law. (312) 906-5000; gdinwood@kentlaw.edu.
- Roy T. Englert, Jr., Robbins, Russell, Englert, Orseck & Untereiner LLP. (202) 775-4503; renglert@robbinsrussell.com.