

Big Tech's Backdoor to the FTC

March 2021



A TTP investigation shows how deeply Big Tech-funded George Mason University has infiltrated the Federal Trade Commission, which is tasked with protecting consumers and promoting competition in the industry.

With anticipation running high that the Biden administration will take steps to rein in the power of Big Tech, a new Tech Transparency Project (TTP) investigation provides fresh evidence that one of the industry's primary regulators, the Federal Trade Commission, has effectively been captured by the very companies it is charged with overseeing.

It's long been known that Google, Qualcomm, and other tech giants have had a close relationship with the George Mason University law school, often funding white papers and conferences organized by Joshua Wright, a former Republican FTC commissioner who has argued that government should take a hands-off approach to the tech industry.

Now, TTP's investigation is revealing new details about Wright's behind-the-scenes dealings at the FTC—and the extent to which GMU has shaped the agency's workforce through an extensive revolving door and internship pipeline. The findings show how tech companies can count on an army of GMU allies, including current and former FTC officials with inside knowledge of the agency, to defend them against accusations of anticompetitive behavior.

According to an FTC inspector general report obtained via the Freedom of Information Act, a former senior official at the commission—confirmed by Bloomberg Businessweek to be Wright—repeatedly tried to persuade officials at the FTC to settle the agency's antitrust lawsuit against Qualcomm in 2017, in violation of lobbying restrictions.¹ Qualcomm is a major funder of Wright's Global Antitrust Institute at GMU.

The FTC's Office of Inspector General deemed Wright's actions serious enough to refer the matter to the Trump Justice Department, which ultimately declined to prosecute.

TTP's investigation also sheds light on the robust revolving door between the FTC and GMU going back a decade or more, with more than 80 examples of FTC officials, GMU professors and law students who have moved between the school and the agency or vice versa.

Some GMU law courses on antitrust, privacy, patent, and copyright issues are even being taught by Big Tech executives and lawyers representing companies like Google, Facebook, and Qualcomm. Much of their teaching material takes a negative view of tech regulation, inculcating a farm team of future FTC officials and lawyers with industry-friendly views.

The findings raise troubling new concerns about how GMU—a key conduit for the interests of Big Tech—is infiltrating the FTC, an agency tasked with promoting competition and protecting consumers. Critics have accused the FTC for years of being slow and ineffective in its oversight of the tech industry. But with the Biden administration poised to take a tougher stand on Big Tech, and the FTC now pursuing a major antitrust case against Facebook, the independence and effectiveness of the agency will be particularly important.²

¹ <https://www.techtransparencyproject.org/sites/default/files/ftc-oig-report.pdf>, <https://www.bloomberg.com/news/articles/2021-03-12/how-george-mason-university-shaped-ftc-s-hands-off-approach-to-tech?smd=premium>

² <https://www.ftc.gov/news-events/press-releases/2020/12/ftc-sues-facebook-illegal-monopolization>

Here are the main takeaways from TTP’s investigation:

- A May 2019 report by the Federal Trade Commission’s Office of Inspector General (OIG) concluded that a former senior FTC official, now confirmed to be Wright, met or attempted to meet with agency officials on at least six different occasions between April and May 2017 to push a settlement with Qualcomm.³ That amounted to a legal violation, according to the report, because Wright had participated “personally and substantially” in the Qualcomm antitrust case while serving at the FTC and was thus subject to a lifetime ban on lobbying his former colleagues on the matter. The OIG’s conclusions were later forwarded to the Department of Justice’s Public Integrity Section, which declined to prosecute the case.
- At least 14 senior officials at the FTC during the Trump administration had ties to GMU. They included attorneys, economists, analysts, and those serving in senior positions as bureau directors or deputy directors.
- At least six FTC officials have taken a full trip through the “revolving door,” cycling back and forth between the Washington, D.C., agency and teaching positions at the GMU law school in nearby Arlington, Virginia, including several who have made the trip multiple times.
- There are 17 examples of FTC officials who served as GMU law school professors or left professorships at GMU to join the FTC. In at least four cases, GMU professors left the law school to serve in senior roles at the FTC only to return to their teaching positions at the end of their government service. At least seven FTC officials appear to have served as GMU professors or adjunct professors at the same time they also worked at the FTC.
- Big Tech executives from Google, Facebook, and Qualcomm and the law firms representing the companies are featured as guest speakers, lecturers and even teachers of several GMU law courses. In one case, Google’s in-house counsel for patent issues has been teaching a GMU law course in recent years. In other examples, lawyers representing Google and Qualcomm have taught antitrust and privacy courses or served as guest lecturers at the law school while the companies faced active FTC investigations for anticompetitive behavior.
- At least 50 GMU students, most from the law school, have served as FTC interns or law clerks. In several cases, GMU law students appear to have served as FTC interns at the same time they were working for GMU academic centers or professors funded by Big Tech. After graduation, many were hired by top law firms representing Google, Qualcomm, Facebook, and GMU’s other Big Tech funders.

Wright, Qualcomm, and a spokesperson for GMU’s law school, which houses the Global Antitrust Institute, did not respond to TTP requests for comment. TTP tried to reach the more than two dozen other people mentioned in this report, but most of them didn’t respond to requests for comment.

³ <https://www.techtransparencyproject.org/sites/default/files/ftc-oig-report.pdf>

Joshua Wright Lobbies FTC on Qualcomm Antitrust Case

For close to a decade, the George Mason University law school has served as a forceful advocate for Big Tech on antitrust and competition issues. And no one better personifies the way GMU has become a champion for the industry, and helped it advance its agenda with regulators, than



Joshua Wright.

In 2011, as Google faced a growing antitrust investigation by the FTC, the GMU law school swung into action, hosting conferences and publishing academic research defending the company from charges that it had violated antitrust laws.⁴ Wright, then a GMU professor with longstanding financial ties to Google, authored at least four research studies on antitrust and patents between 2009 and 2011, all of which supported Google’s policy positions.⁵ When President Barack Obama appointed Wright to the FTC in 2012, he was forced to recuse himself for two years from any cases involving Google to avoid any potential conflicts of interest.⁶

Joshua Wright

But when Wright returned to GMU in 2015, this time both as a professor and as head of its Global Antitrust Institute, he once again took up the cause of the tech giants that have funneled millions to the university. Public records unearthed by TTP show that in 2017, the FTC’s Office of Inspector General (OIG) referred a former senior official now confirmed to be Wright to the Department of Justice for criminal prosecution for his attempts to lobby his former colleagues at the commission to shut down the agency’s Qualcomm antitrust lawsuit.⁷ Qualcomm is a major donor to GAI and has also funded GMU’s Center for the Protection of Intellectual Property (CPIP), which advocates for strong IP and patent protections.⁸

The FTC filed suit against Qualcomm in early 2017, accusing the company of anticompetitive practices in the market for wireless broadband technologies. The suit alleged that the company, among other things, forced cellphone makers to license patents in order to buy modem and processing chips—a policy known as “no license, no chips.”⁹

According to the OIG investigation, Wright met or attempted to meet with FTC officials on at least six different occasions between April and May 2017 to push for a Qualcomm settlement. At the time, in addition to his position at GAI, Wright was also a senior counsel to Wilson Sonsini

⁴ https://www.washingtonpost.com/politics/how-google-is-transforming-power-and-politicsgoogle-once-disdainful-of-lobbying-now-a-master-of-washington-influence/2014/04/12/51648b92-b4d3-11e3-8cb6-284052554d74_story.html

⁵ <https://theintercept.com/2016/01/13/from-google-payroll-to-government-and-back-to-google-again/>

⁶ <https://obamawhitehouse.archives.gov/the-press-office/2012/09/10/president-obama-announces-more-key-administration-posts>, <https://www.politico.com/story/2012/12/ftc-nominee-joshua-wright-to-recuse-himself-from-google-cases-084487>

⁷ <https://www.techtransparencyproject.org/sites/default/files/ftc-oig-report.pdf>

⁸ <https://www.nytimes.com/2020/07/24/technology/global-antitrust-institute-google-amazon-qualcomm.html>, <https://web.archive.org/web/20201202060209/https://gai.gmu.edu/supportgai/>,

<https://web.archive.org/web/20140102081409/https://cpip.gmu.edu/about/supporters/>

⁹ <https://www.ftc.gov/enforcement/cases-proceedings/141-0199/qualcomm-inc>, <https://www.theverge.com/2019/1/9/18173756/qualcomm-ftc-antitrust-monopoly-trial-explainer>

Goodrich & Rosati, one of the law firms that has represented Qualcomm in its antitrust fight with the FTC.¹⁰

While heavily redacted in places, the OIG report establishes that Wright emailed the acting director of the FTC's Bureau of Competition, **Abbott "Tad" Lipsky**, on April 28, 2017, to schedule a May 5 lunch meeting to propose a settlement.

The FTC's Bureau of Competition is tasked with investigating and prosecuting the nation's antitrust laws, and Wright knew the office well.¹¹ From 2007 to 2008, he served as its first scholar-in-residence.¹² Lipsky, who had been appointed to the Bureau in March 2017, had previously served with Wright on the FTC's Transition Team following the election of President Donald Trump in 2016.¹³ The OIG investigation found that the email communications between the two were conducted through their personal Google accounts, likely bypassing any official record of the communications.¹⁴



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

REPORT OF INVESTIGATION

INVESTIGATION NUMBER: I-17-192

TITLE: Alleged Violations of Post-Employment Restrictions by a Former Senior FTC Official

INVESTIGATORS: Odies H. Williams, IV, Counsel to the Inspector General & Investigator
Noel A. Rosengart, Attorney Advisor/Investigator

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2. Tara Koslov, Chief of Staff
3. Reilly Dolan, Principal Deputy General Counsel
4. Heather Hipsley, Deputy General Counsel for Legal Counsel
5. David Robbins, Executive Director

Click the above image to read the full OIG report.

Wright and Lipsky met for lunch on May 5, and during that meeting, Wright probed Lipsky about the FTC's legal strategy in the Qualcomm case and pushed for talks to settle the matter, according to the OIG. Several subsequent emails between Wright, Lipsky, and other FTC

¹⁰ <https://www.linkedin.com/in/joshuawright2/>, <https://www.qualcomm.com/media/documents/files/amicus-brief-filed-by-interdigital-inc-in-support-of-neither-party.pdf> (Footnote P. 2), <https://web.archive.org/web/20210310151021/https://www.wsgr.com/en/people/tina-sessions.html>

¹¹ <https://www.ftc.gov/about-ftc/bureaus-offices/bureau-competition/about-bureau-competition>

¹² <https://www.ftc.gov/about-ftc/biographies/joshua-d-wright>

¹³ <https://www.ftc.gov/news-events/press-releases/2017/02/ftc-acting-chairman-ohlhausen-announces-tad-lipsky-acting>, <https://www.ftc.gov/news-events/press-releases/2017/07/ftc-acting-chairman-ohlhausen-announces-departure-tad-lipsky>, <https://theintercept.com/2016/11/15/google-gets-a-seat-on-the-trump-transition-team/>

¹⁴ <https://www.techtransparencyproject.org/sites/default/files/ftc-oig-report.pdf>

officials in the following days further confirmed that Wright’s aim was to push FTC officials toward a “potential settlement path” on the case on behalf of Qualcomm, the OIG found.¹⁵ Federal conflict of interest rules impose strict ethical restrictions including a lifetime ban on former senior government officials lobbying the government on matters in which they were “personally and substantially” involved while serving in government.¹⁶ Penalties for knowingly violating the restrictions can result in punishments of up to five years in prison and \$50,000 fines.¹⁷

The OIG report makes clear that that the former senior official—Wright—had been “personally and substantially” involved in the Qualcomm antitrust matter while serving at the FTC. The investigation also established that Wright clearly understood the post-employment restrictions on lobbying the FTC on matters in which he was involved while at the agency and had violated the law by lobbying his former colleagues about the Qualcomm matter. The inspector general said the investigation was referred to the Department of Justice’s Public Integrity Section for prosecution in December 2018, but DOJ dropped the matter.

As the OIG’s internal investigation gained steam during the summer of 2017, at least two officials with whom Wright had communicated about a possible Qualcomm settlement abruptly resigned from the FTC. After serving only four months as the acting director of the Bureau of Competition, Lipsky resigned on July 3.¹⁸ He was then hired by Wright to serve as GAI’s director of competition advocacy.¹⁹ **Alan Devlin**, the acting deputy director of the Bureau of Competition, resigned the same day as Lipsky. Devlin was also included on emails from Wright about the potential Qualcomm settlement.²⁰ He has returned to private practice as a partner in the antitrust and competition practice at the Latham & Watkins law firm.²¹

As a professor at GMU law, Wright’s views on antitrust have been described as sympathetic to the “consumer welfare standard,” a legal theory of antitrust and competition popularized by legal scholar Robert Bork. The standard generally posits that a company’s actions or policies should only be found anticompetitive if they harm consumers through things like higher prices or poor service. The standard has been the linchpin defense of companies like Google, Facebook, and Amazon in their attempts to beat back antitrust scrutiny.²²

And, even since the OIG’s 2017 investigation, Wright has publicly backed Qualcomm in several policy matters. In a 2019 commentary on the FTC Qualcomm suit, he admitted providing “counseling advice” to Qualcomm on some “regulatory and competition matters” but also specifically acknowledged that he was “recused from participation in the FTC litigation,” a concession that he had worked on the issue as an FTC commissioner.²³ The same year, he co-authored a white paper saying a U.S. District Court ruling that supported the FTC’s antitrust suit against Qualcomm “mangled” Section 2 of the Sherman Act.²⁴ And in 2018, he was among

¹⁵ <https://www.techtransparencyproject.org/sites/default/files/ftc-oig-report.pdf>

¹⁶ <https://www.law.cornell.edu/uscode/text/18/207>

¹⁷ <https://www.law.cornell.edu/uscode/text/18/216>

¹⁸ <https://www.ftc.gov/news-events/press-releases/2017/02/ftc-acting-chairman-ohlhausen-announces-tad-lipsky-acting>, <https://www.ftc.gov/news-events/press-releases/2017/07/ftc-acting-chairman-ohlhausen-announces-departure-tad-lipsky>

¹⁹ <https://web.archive.org/web/20201129201844/https://gai.gmu.edu/about/leadership-staff/>

²⁰ <https://www.ftc.gov/news-events/press-releases/2017/07/ftc-acting-chairman-ohlhausen-announces-departure-tad-lipsky>, <https://www.techtransparencyproject.org/sites/default/files/ftc-oig-report.pdf>

²¹ <https://www.linkedin.com/in/alan-devlin-942a92/>

²² <https://qz.com/work/1460402/google-facebook-and-amazon-benefit-from-an-outdated-definition-of-monopoly/>

²³ <https://truthonthemarket.com/2019/03/14/use-and-abuse-of-bargaining-models-in-antitrust/>

²⁴ <https://www.ipwatchdog.com/wp-content/uploads/2019/08/SSRN-id34335642.pdf>

several legal scholars supporting the company in its fight against a proposed hostile takeover by Broadcom.²⁵

Wright has other close connections to Qualcomm. Koren Wong-Ervin, Qualcomm’s director of antitrust policy from 2017 to 2020, served under Wright as his attorney advisor on IP and antitrust issues during his time as a commissioner. She joined the company directly from Wright’s GAI, where she served as a director from 2015 to 2017.²⁶

After Qualcomm suffered an initial setback in its battle with the FTC, the company later scored a legal victory, with a three-judge panel of the Ninth Circuit Court of Appeals throwing out the FTC’s case in August 2020.²⁷ The appeals court then refused the FTC’s request to rehear the case with more judges.²⁸

GMU’s Big Tech Legal Centers

GMU’s advocacy on behalf of Big Tech appears to reflect a deliberate strategy. It dates back to GMU Professor Robert Tollison, a paid consultant for the tobacco industry who railed against anti-cancer “bureaucrats” in the 1980s and 1990s.²⁹ Tollison led GMU’s Center for the Study of Public Choice, which has been described as a network of academics deployed to support tobacco interests.³⁰ That early model appears to have become the blueprint for additional GMU academic centers over the years. Today there are at least eight unique centers at the GMU law school, which was renamed the Antonin Scalia Law School in honor of the late Supreme Court justice in July 2016 after an anonymous \$20 million donation and another \$10 million contribution from the Charles Koch Foundation.³¹

These legal centers have been the subject of some reporting in the past, but TTP’s investigation has uncovered new details about the extent of Big Tech’s influence over the programs and how they’ve been used to advance the industry’s agenda. A review of university records, for example, reveals that it was **Henry Butler**, until recently the dean of the GMU law school, who made recruiting corporate funders to support the school’s antitrust work a top priority.³² After becoming dean in 2015, Butler released a comprehensive plan called “Earning Our Future” that prioritized raising “substantial private funds” to capitalize on the law school’s strengths in antitrust and intellectual property scholarship. A summary of the plan released as part of a 2018 inquiry into the school’s Koch funding revealed that Butler, “a proven fundraiser,” had raised over \$35 million during his five years as the executive director of one of the law school’s eight academic centers, the Law & Economics Center (LEC).³³

²⁵ <https://www.qualcomm.com/news/releases/2018/02/22/former-senior-government-officials-and-leading-antitrust-experts-around>

²⁶ <https://www.linkedin.com/in/koren-w-wong-ervin-74171bb/>

²⁷ https://www.wsj.com/articles/u-s-appeals-court-throws-out-antitrust-ruling-against-qualcomm-11597163413?mod=article_inline

²⁸ <https://www.wsj.com/articles/ftc-request-to-reconsider-qualcomm-antitrust-case-rejected-by-appeals-court-11603908027>

²⁹ <https://www.theguardian.com/environment/planet-oz/2017/sep/15/the-idea-that-climate-scientists-are-in-it-for-the-cash-has-deep-ideological-roots>,

<https://www.industrydocuments.ucsf.edu/tobacco/docs/#id=kjx10191>, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2267871/>

³⁰ <https://sciencecorruption.com/ATN184/00416.html>

³¹ <https://web.archive.org/web/20201129202145/https://www.law.gmu.edu/centers/>,

<https://web.archive.org/web/20201129202313/https://www2.gmu.edu/news/200906>

³² https://www.law.gmu.edu/news/2020/ken_randall_named_dean_of_george_mason_university_scalia_law_school

³³ <https://assets.documentcloud.org/documents/6131318/2015-George-Mason-University-FOIA-Charles-Koch.pdf> at 282.

The GMU Law and Economics Center

During the FTC's antitrust investigation of Google from 2011 to 2013, Google contributed at least \$762,000 to the LEC, which was used to support numerous GMU studies and academic conferences backing the search giant's position that the company had not acted anticompetitively. Public records released in 2015 revealed that Butler was instrumental in recruiting Google to fund the LEC, securing Google's first-ever contribution to GMU, a \$25,000 check to the LEC's Attorneys General Education Program in 2011.³⁴

Butler also regularly coordinated with Google officials in choosing sympathetic academics as speakers and guests at the many conferences the LEC hosted on competition and antitrust issues.³⁵ Legal experts chosen to attend the conferences routinely rejected the need for antitrust scrutiny of the tech giant.

From: Adam Kovacevich [REDACTED]
Date: Tue, 31 May 2011 17:46:15 +0000
To: Henry Butler [REDACTED]
Cc: John Burchett [REDACTED]; Deven Desai [REDACTED]; Geoffrey Lysaught [REDACTED]; Linda Kelly [REDACTED]
Subject: Re: FW: Follow Up: Mason LEC Conference on Law & Economics of Internet Search and Advertising, June 16 in Arlington

Hi Henry and team -

I'm just curious if you guys have invited FTC/DOJ folks to attend the conference, and if any have RSVP'd to attend. If you like I can send you a list of names of folks to invite.

Adam

Credit: Washington Post

Today, GMU's LEC and its foundation still count Google as one of the school's largest financial supporters.³⁶ Since 2013, university records indicate the LEC's corporate support has grown substantially; the center now counts Facebook, PhRMA, Discover Financial Services, and the Charles Koch Foundation among its many corporate and private backers.³⁷ The LEC's various legal programs also expanded under Butler and now include training seminars for federal judges, state judges, state attorneys general and their senior staff attorneys, and even congressional staff.³⁸ The program is yet another troubling example of how GMU has leveraged its corporate support to influence federal policy, and increasingly, even state legal decisions and investigations on antitrust issues.

³⁴https://www.salon.com/2015/11/24/googles_insidious_shadow_lobbying_how_the_internet_giant_is_bankrolling_friendly_academics_and_skirting_federal_investigations/

³⁵ https://www.washingtonpost.com/politics/how-google-is-transforming-power-and-politicsgoogle-once-disdainful-of-lobbying-now-a-master-of-washington-influence/2014/04/12/51648b92-b4d3-11e3-8cb6-284052554d74_story.html

³⁶ https://web.archive.org/web/20201112013740/https://services.google.com/fh/files/misc/trade_association_and_third_party_groups.pdf

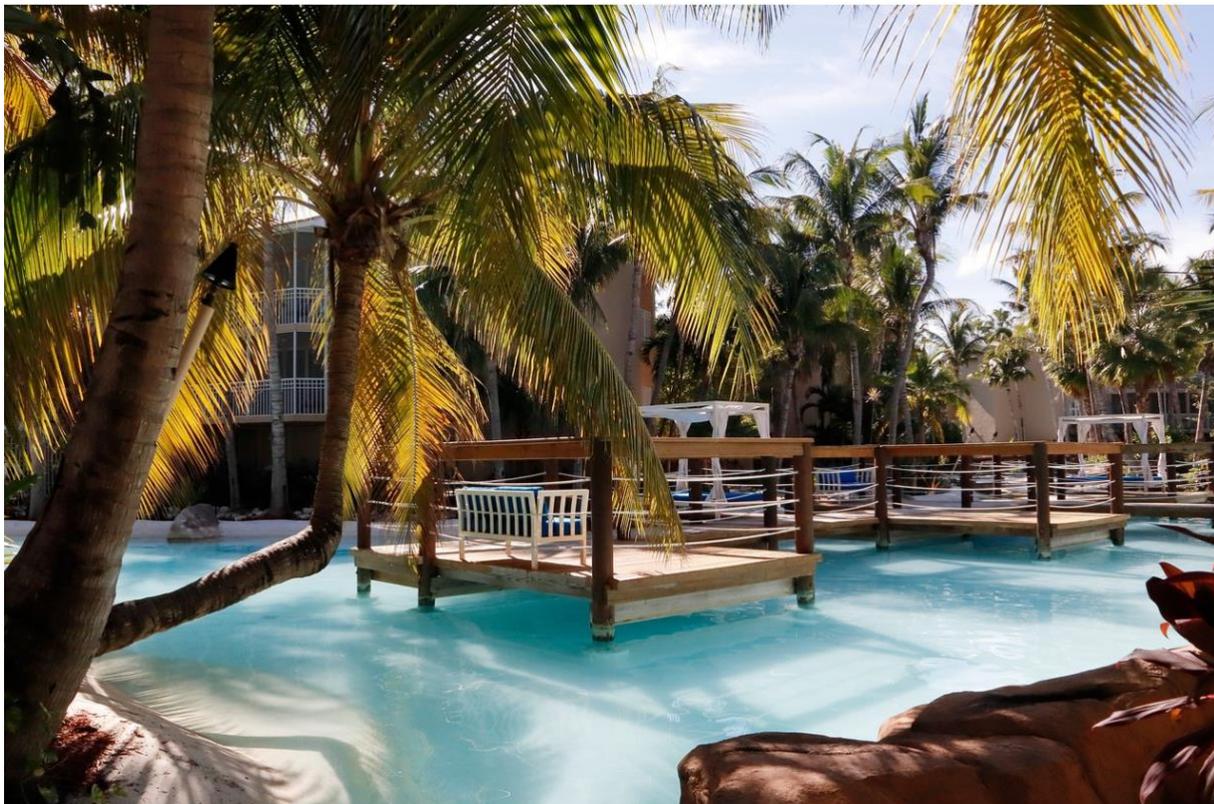
³⁷ <https://web.archive.org/web/20201129202541/https://masonlec.org/donors/>

³⁸ <https://web.archive.org/web/20201129202637/https://masonlec.org/>

In fact, at the same time GMU's Big Tech advocates were fighting the FTC's antitrust investigation of Google from 2011 to 2013, the LEC was expanding a second front to tamp down state antitrust investigations of the search giant. Google's funding of the GMU Attorneys General Education Program served as one important conduit between GMU academics and state attorneys general, several of whom were conducting their own investigations of Google at the time over allegations of anticompetitive conduct.³⁹

A review of the GMU LEC website shows that the education effort also included legal studies and white papers dismissing state efforts to enforce competition rules. In 2013, Butler and Wright co-authored a white paper titled *Are State Consumer Protection Acts Really Little-FTC Acts?* The paper argued that state enforcement of Consumer Protection Acts was counterproductive for consumers and that many state CPA claims included conduct that wouldn't warrant FTC enforcement.⁴⁰

Wright also worked closely with Butler on many of the LEC's other legal training programs and has often served as a speaker and presenter for those programs. New information found on the LEC website shows that in January 2019, the two hosted a four-day antitrust junket for 62 state and federal judges and spouses at the posh Cheeca Lodge & Spa in the Florida Keys.⁴¹ Wright chaired three panels on competition, mergers, and vertical restraints. The training sessions



³⁹https://www.salon.com/2015/11/24/googles_insidious_shadow_lobbying_how_the_internet_giant_is_bankrolling_friendly_academics_and_skirting_federal_investigations/, <https://web.archive.org/web/20201129202746/https://masonlec.org/divisions/mason-attorneys-general-education-program/>

⁴⁰ <https://web.archive.org/web/20201129202905/https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1078&context=flr>

⁴¹ <https://web.archive.org/web/20201129203014/https://masonlec.org/wp-content/uploads/2019/09/Islamorada-Workshop-Agenda.pdf>, https://web.archive.org/web/20210309154312/https://www.law.gmu.edu/news/2019/the_law_and_economics_center_hosted_62_prominent_judges_for_judicial_education_program

typically ended by noon each day, leaving the guests and their spouses plenty of time for spa treatments, sport fishing, or a round of golf at the resort’s Jack Nicklaus-designed course.⁴²

Cheeca Lodge & Spa

The LEC has hosted legal training programs at several other lavish resorts including the Omni Amelia Island Resort in Amelia, Florida; the Stanley Hotel in Estes Park, Colorado; the Park Hyatt in Beaver Creek, Colorado; and the Belmond Charleston Place Hotel in Charleston, South Carolina.⁴³ And newly uncovered materials suggest that GMU (or, more likely, its Big Tech funders) may be picking up at least some of the judges’ costs to participate in the legal junkets. An application for a March 2021 training seminar for judges at The Henderson beach resort and spa in Florida includes a link to a form for air travel and expense reimbursements.⁴⁴

The GMU Global Antitrust Institute

Big Tech companies like Google, Amazon, Facebook, and Qualcomm are also substantial funders of Wright’s Global Antitrust Institute (GAI), a separate GMU law center that routinely defends the companies on antitrust issues.⁴⁵ A July *New York Times* investigation revealed that GAI had received hundreds of thousands of dollars from Google and Amazon, as well as a three-year, \$2.9 million donation from Qualcomm.

While GAI’s early history is murky, public documents show that it first appeared on the scene in late 2014 and was originally affiliated with GMU’s LEC. In September 2014, it hosted a conference sponsored by the Covington & Burling law firm on EU regulatory issues related to the pharmaceutical industry.⁴⁶ **Bruce Kobayashi**, who joined GMU as a professor in the early 1990s after serving as a senior economist at the FTC from 1989 to 1992, served as GAI’s founder and first director.⁴⁷

GAI’s early history suggests that even at its founding, it positioned itself as a corporate-funded conduit to influence FTC decisions. A November 2014 white paper published on the GAI website titled *Actavis and Multiple ANDA Entrants: Beyond the Temporary Duopoly*, defended the drugmaker amid an FTC lawsuit alleging that it had unlawfully engaged in a so-called “pay-for-delay” agreement. Such agreements occur when a drug patent holder pays a generic drug manufacturer to stay out of the market, thus avoiding generic competition.⁴⁸ In addition to Kobayashi, the co-authors included Wright, who was then serving as an FTC commissioner, and Wright’s economic adviser, Joanna Tsai. Actavis changed its name to Allergan after a merger in

⁴² <https://www.cheeca.com/>

⁴³ <https://web.archive.org/web/20201129203116/https://masonlec.org/wp-content/uploads/2017/12/Agenda-for-LEC-Website-Case-Analysis-Seminar-May-2018.pdf>,

<https://web.archive.org/web/20201129203512/https://masonlec.org/wp-content/uploads/2019/09/Beaver-Creek-Case-Analysis-Agenda-.pdf>,
<https://web.archive.org/web/20201129203636/https://masonlec.org/wp-content/uploads/2018/05/ACBCJ-Agenda.pdf>

⁴⁴ <https://web.cvent.com/event/eb54dc81-ff2b-4d8d-acac-948a334d8af6/websitePage:ce646928-b00e-4d1f-8761-914fa4a05a8f>,
<https://web.archive.org/web/20201129203858/https://custom.cvent.com/C674EF8FB0604BC9BF9B668FCA89DFEB/files/event/eb54dc81ff2b4d8dacac948a334d8af6/4803794bb4bc4d7c80ffde8d2c1985ec.pdf>

⁴⁵ <https://web.archive.org/web/20201129204120/https://gai.gmu.edu/supportgai/>

⁴⁶ https://web.archive.org/web/20201129204309/http://masonlec.org/site/rte_uploads/files/GAI/2014/09.23.14%20Pharmaceutical%20Conference/Panel%204_Geradin_Tying%20and%20Rebates%20in%20Pharma%20industry.pdf

⁴⁷ <https://web.archive.org/web/20201129204401/https://www.law.gmu.edu/assets/files/faculty/cv/kobayashi.pdf>

⁴⁸ https://web.archive.org/web/20151010070922/http://www.law.gmu.edu/assets/files/publications/working_papers/1462.pdf

2015.⁴⁹ GAI's major corporate funders, which it appears to have disclosed for the first time in 2020, include the Allergan Foundation.⁵⁰

In August 2015 Wright became GAI's new executive director after stepping down from the FTC. It's unclear when Big Tech companies began funding the institute, but GAI's website today lists Amazon, Facebook, Google and Qualcomm among its corporate supporters.⁵¹

GAI's board of advisers also includes several academics and consultants who have been funded by Big Tech companies, according to a review of white papers, curriculum vitae and other public information.⁵² Harvard Law Professor **Einer Elhauge** has authored Google-funded white papers, including one on patent policy issues and another defending the controversial Google Books settlement.⁵³ (In an email to TTP, Elhauge said he had not done any Google-funded work in the last six years and had always disclosed such funding, and said his role on GAI's board of advisers "has had nothing to do with Google's funding of some of my older work.") University College of London Professor **David Evans** has authored seven academic studies funded by Google. The studies included papers on antitrust, multi-sided platforms in online markets, and online advertising.⁵⁴

Another GAI adviser, Northwestern University Adjunct Law Professor **Anne Layne-Farrar**, wrote a Google-funded study on patent issues in 2016.⁵⁵ She has also written white papers funded by Qualcomm and co-authored several papers with Koren Wong-Ervin, who later joined Qualcomm as the company's Director of Antitrust.⁵⁶ **Gregory Sidak** with Criterion Economics has written at least two Google-funded studies and several others that support the company's position on antitrust and competition issues.⁵⁷ Sidak has also consulted for Qualcomm and in 2018 was harshly criticized by an administrative law judge for appearing as an expert witness after invoicing Qualcomm \$3 million-\$4 million for his testimony in the case.⁵⁸

The Wright Revolving Door Network

Wright and Butler provide the sharpest illustration of how Big Tech has leveraged its financial backing of GMU to shape antitrust policy among regulators and policymakers, but they are far from the only examples. TTP's analysis found five other examples of top academics and officials from GMU in addition to Wright who have moved straight to some of the FTC's most powerful offices and positions. Including Wright, five of the six have made multiple trips back and forth between the commission and GMU law.

⁴⁹ <https://www.biospace.com/article/actavis-officially-changes-name-to-allergan/>

⁵⁰ <https://www.nytimes.com/2020/07/24/technology/global-antitrust-institute-google-amazon-qualcomm.html>,
<https://web.archive.org/web/20201111232616/https://gai.gmu.edu/supportgai/>

⁵¹ <https://web.archive.org/web/20201111232616/https://gai.gmu.edu/supportgai/>

⁵² <https://web.archive.org/web/20201129204617/https://gai.gmu.edu/about/international-board-of-advisors/>

⁵³ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1550886, <https://academic.oup.com/jla/article/2/1/1/846825>,

[https://web.archive.org/web/20161202015249/http://www.law.harvard.edu/faculty/elhauge/Elhauge.%20Treating%20RAND%20Commitments%20Neutrally%20\(FINAL%202015\).pdf](https://web.archive.org/web/20161202015249/http://www.law.harvard.edu/faculty/elhauge/Elhauge.%20Treating%20RAND%20Commitments%20Neutrally%20(FINAL%202015).pdf)

⁵⁴ <https://www.techtransparencyproject.org/articles/google-academics-inc>

⁵⁵ <https://www.sciencedirect.com/science/article/pii/S0048733316300269>, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2846147

⁵⁶ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2872172, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2985073,

https://www.researchgate.net/publication/28143805_Pricing_Patents_for_Licensing_in_Standard-Setting_Organizations_Making_Sense_of_FRAND_Commitments

⁵⁷ <https://heinonline.org/HOL/LandingPage?handle=hein.journals/sanlr52&div=20&id=&page=>,

<https://web.archive.org/web/20201129204752/https://www.criterioneconomics.com/docs/bork-sidak-google-search-oup.pdf>

⁵⁸ <http://www.fosspatents.com/2018/10/itc-judge-didnt-buy-testimony-for-which.html>

In May 2019, Public Citizen released its own report showing that such revolving-door conflicts were “rampant” at the FTC and that as many as 60% of the officials studied had revolving door conflicts involving work on behalf of Big Tech.⁵⁹ As the group noted, the revolving door leaves public officials prone to making decisions with the prospect of future employment in mind, and it gives those officials-turned-lobbyists access to lawmakers and regulators that others do not enjoy, all undermining the integrity of the regulatory process.

The problem is particularly acute at the FTC, where critics have long complained that regulators are reluctant to enforce laws meant to protect consumers and ensure fair competition.

TTP’s analysis reveals that GMU, and Joshua Wright, have played a central role in shepherding tech-friendly antitrust experts in and out of the revolving door at the FTC.

The steady churn between GMU and the FTC can be observed in the way **James Cooper**, the LEC’s director of economics and privacy, has seamlessly glided back and forth between the two institutions during his career. Cooper’s career trajectory often makes it difficult to determine when his official FTC responsibilities ended and his GMU duties began. He first joined the FTC in 2003, in the agency’s Office of Policy Planning.⁶⁰ He then served as an adviser to Commissioner William Kovacic from 2009 to 2011 before becoming a director of research and policy at GMU’s LEC. In July 2018, he rejoined the FTC as the deputy director for economic analysis, before leaving again to rejoin the LEC a year later in August 2019.⁶¹

Cooper has taught several Big Tech-friendly law courses while cycling between the FTC and GMU. In 2017, he taught a 400-level policy seminar on digital information that focused on the FTC’s role in regulating the information economy.⁶² The course included several sections on Google antitrust and privacy issues and included required readings from the Google-funded academic **Paul Schwartz**.⁶³ Another required bit of reading was an op-ed by attorney **Darren Tucker**, who represented Google when the piece was published; Tucker previously served as an adviser to Wright when he was an FTC commissioner and did a stint as a GMU adjunct professor.⁶⁴

In October 2019, less than two months after Cooper left the FTC for the second time, he was invited back to participate in a panel on the future of the Children’s Online Privacy Protection Act Rule.⁶⁵ The FTC rule applies to the online collection of personal information about children under 13 years of age.⁶⁶ The panel came just one month after Google was required to pay a \$170 million fine and make changes to protect children’s privacy on YouTube after illegally gathering children’s private data without parental consent.⁶⁷

⁵⁹ <https://www.citizen.org/article/ftc-big-tech-revolving-door-problem-report/>

⁶⁰ <https://www.linkedin.com/in/james-cooper-28704715/>

⁶¹ <https://web.archive.org/web/20201129204852/https://www.law.gmu.edu/assets/files/faculty/cv/cooper-c-james.pdf>, <https://www.linkedin.com/in/james-cooper-28704715/>

⁶² https://web.archive.org/web/20201129204929/https://www.law.gmu.edu/assets/files/academics/schedule/2017/spring/Cooper_488-S.pdf

⁶³ <https://www.techtransparencyproject.org/articles/google-academics-inc>

⁶⁴ https://www.morganlewis.com/-/media/antitrustsource_bigmistakesregardingbigdata_december2014.ashx
<https://www.linkedin.com/in/darrentuckerantitrustlawyer/>

⁶⁵ https://www.ftc.gov/system/files/documents/public_events/1535372/transcript_of_coppa_workshop_part_2_1.pdf

⁶⁶ <https://www.ftc.gov/tips-advice/business-center/guidance/complying-coppa-frequently-asked-questions>

⁶⁷ <https://www.nytimes.com/2019/09/04/technology/google-youtube-fine-ftc.html>

Cooper suggested at the event that restricting advertising to children would violate Big Tech’s First Amendment rights. “Kids shouldn’t deserve any less First Amendment protections than grownups,” he said. “Once we start thinking about using COPPA as a tool to restrict advertising to kids, then I do think we’re getting into First Amendment land.”⁶⁸

Cooper has stood up for Big Tech—and Google in particular—in the past, according to emails obtained by *The Washington Post* and *Salon* in 2014-2015.⁶⁹ The emails showed that in one instance a Google public relations executive worked to place an op-ed by Cooper that was favorable to the company. On other occasions Cooper worked with Google lobbyists to secure friendly speakers to LEC symposiums. Cooper has also written Google-friendly academic papers, without visibly disclosing Google’s funding of the LEC.⁷⁰

In addition, he has written academic studies that support positions held by the LEC’s other financial backers. In 2018, he co-authored a study that argued there was no need for regulators to intervene to make credit and debit card security procedures safer. The paper failed to disclose that Visa and Discover Financial Services, two companies likely to be hurt by any new regulations, were also LEC funders.⁷¹

Another antitrust expert who has passed through the revolving door between GMU and the FTC is **Bilal Sayyed**, until recently the director of the FTC’s Office of Policy Planning. In April 2018, when Maureen Ohlhausen (also a GMU law grad) was acting chair of the commission, she appointed Sayyed to the influential office, which oversees the commission’s implementation of consumer protection policy initiatives and advises staff on legal cases.⁷² Prior to joining the FTC, Sayyed was a GMU law adjunct professor who had taught antitrust at the school since at least 2011.⁷³ Before joining GMU, Sayyed served as an attorney advisor at the FTC from 2001 to 2005. He recently joined the libertarian tech group TechFreedom, which has received funding from Google.⁷⁴

A month after Sayyed’s 2018 appointment to the FTC, the agency’s newly installed chairman, **Joseph Simons**, appointed GAI’s founder **Bruce Kobayashi** as director of the agency’s Bureau of Economics. The Bureau provides economic analysis for the FTC’s consumer protection investigations and rulemakings.⁷⁵ Kobayashi has cycled between the FTC and GMU throughout his legal career, serving as a senior economist at the commission in the early 90s, then joining GMU as a law professor and GAI director before rejoining the FTC in May 2018.⁷⁶ In December 2019, Kobayashi again departed the agency to resume his teaching duties at GMU law.⁷⁷

⁶⁸ <https://web.archive.org/web/20201129205017/https://pep.gmu.edu/2019/10/24/james-cooper-speaks-at-ftc-workshop-the-future-of-the-coppa-rule/>

⁶⁹ https://www.salon.com/2015/11/24/googles_insidious_shadow_lobbying_how_the_internet_giant_is_bankrolling_friendly_academics_and_skirting_federal_investigations/, <https://www.washingtonpost.com/news/politics/wp/2014/04/12/how-google-worked-behind-the-scenes-to-invite-federal-regulators-to-conferences/>

⁷⁰ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2283390

⁷¹ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3169606, <https://web.archive.org/web/20170704200638/http://masonlec.org/donate/corporate-donors/>

⁷² <https://www.ftc.gov/news-events/press-releases/2018/04/bilal-sayyed-appointed-director-ftcs-office-policy-planning>

⁷³ https://web.archive.org/web/20201129205200/https://www.law.gmu.edu/faculty/directory/adjunct/sayyed_bilal,

<https://web.archive.org/web/20201129205247/https://assets.documentcloud.org/documents/6420202/Bilal-Konen-Sayyed-Financial-Disclosure.pdf>

⁷⁴ <https://web.archive.org/web/20210204145534/https://techfreedom.org/bilal-sayyed-joins-techfreedom-as-senior-adjunct-fellow/>,

<https://www.politico.com/news/2020/03/13/think-tank-chief-to-step-down-after-trump-death-tweet-128397>

⁷⁵ <https://www.ftc.gov/news-events/press-releases/2018/05/ftc-chairman-joe-simons-adds-agencys-leadership-team>

⁷⁶ <https://web.archive.org/web/20201129204401/https://www.law.gmu.edu/assets/files/faculty/cv/kobayashi.pdf>,

⁷⁷ <https://www.ftc.gov/news-events/press-releases/2019/12/chairman-simons-announces-departure-economics-bureau-director>

The FTC's general counsel during the last few years of the Trump administration, **Alden Abbott**, has done multiple spins through the GMU-FTC revolving door. He became an adjunct GMU law professor in the early 1990s; held various positions at the FTC from 2001 to 2012, including deputy director of the Office of International Affairs; and retained his GMU adjunct professor role until 2018. He later served as FTC general counsel from 2018 to early 2021, and today, he is back at GMU as a senior research fellow at the Mercatus Center.⁷⁸

A course syllabus for Abbott's 2013 Advanced Antitrust Seminar included several sections on Google competition cases, as well as works authored by academics who have consulted for or received funding from Google or Qualcomm.⁷⁹

Prior to his most recent 2018 appointment as the FTC's general counsel, Abbott co-taught a GMU course in European competition law with **Maria Coppola**, another FTC lawyer and GMU adjunct professor who has served as legal counsel to the FTC's International Antitrust Division since 2003.⁸⁰

Thomas Pahl, the FTC's acting director of the Bureau of Consumer Protection from 2017 to 2018, served as an adjunct professor of law at GMU from 2008 to 2012, teaching a course on consumer protection and unfair competition law.⁸¹ Known as a staunch deregulator, in the 1990s he helped repeal FTC rules requiring businesses to warn consumers about the lethal dangers of quick-freeze aerosol spray.⁸² Prior to joining GMU, Pahl served 15 years at the FTC, rising to become the assistant director at the Bureau of Competition.

In other cases, senior FTC officials appear to have served as GMU professors or adjunct professors at the same time they also worked at the FTC. For instance, the LinkedIn profile for James Cooper shows that while serving as the FTC's deputy director for economic analysis from July 2018 to August 2019, he also served as a director of GMU's LEC and a GMU associate professor of law.⁸³ In October 2018, he was a guest lecturer for Wright's FTC seminar course, according to a course syllabus found online, and he continued to be listed as a faculty member in GMU's May 2019 graduate program.⁸⁴

Christopher Adams, a former longtime FTC economist, taught at GMU from 2014 to 2015, according to his curriculum vitae.⁸⁵ **Cora Han** taught consumer protection law to GMU law students from 2013 to 2018 while serving as an FTC privacy attorney, according to her LinkedIn

⁷⁸ <https://www.linkedin.com/in/aldenabbott/>

⁷⁹ https://web.archive.org/web/20201129205432/https://www.law.gmu.edu/assets/files/academics/schedule/2013/spring/ABBOTT_AdvAntitrust-S.pdf, The academics include Stanford Law Professor Mark Lemley https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2243026,

University of Florida Professor and former Wilson Sonsini counsel Daniel Sokol

<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1267&context=njtip>,

MIT Sloan Professor Catherine Tucker <https://mitsloan.mit.edu/shared/ods/documents/?DocumentID=9009>, and Northwestern University Professor Daniel Spulber, who has received more than \$7.4 million in Qualcomm financial support for his research since 2013

https://faculty.kellogg.northwestern.edu/fac_cv_download.php?fac_id=2394

⁸⁰ https://web.archive.org/web/20201129205609/https://www.law.gmu.edu/assets/files/academics/schedule/2018/spring/Abbott_Coppola_259-S.pdf,

<https://www.linkedin.com/in/coppolamaria/>

⁸¹ <https://www.linkedin.com/in/thomas-pahl-0508a3134/>,

<https://legalnewsline.com/stories/511081359-ftc-chairman-appoints-thomas-pahl-as-acting-director-of-the-bureau-of-consumer-protection>,

<https://web.archive.org/web/20190822185433/https://www.documentcloud.org/documents/4824518-Thomas-Becket-Pahl-Resume.html>

⁸² <https://www.ibtimes.com/ftc-news-deregulation-supporter-thomas-pahl-lead-bureau-consumer-protection-2488829>

⁸³ <https://www.linkedin.com/in/james-cooper-28704715/>

⁸⁴ https://web.archive.org/web/20201129210017/https://www.law.gmu.edu/assets/files/academics/schedule/2018/fall/Wright_612-S.pdf,

https://web.archive.org/web/20201130140848/https://www.law.gmu.edu/assets/files/alumni/Grad_Program_2019.pdf

⁸⁵ https://drive.google.com/file/d/0B3oW8K_P7OpqRU8tNDzNXFpc1E/view, <https://www.linkedin.com/in/christopherpadams/?trk=pub-pbmap>

profile.⁸⁶ And Coppola, the FTC international antitrust attorney, continues to teach European competition law at GMU, according to her LinkedIn profile.⁸⁷

Wright's connections have even extended to the Justice Department's Antitrust Division at times. For instance, **Elyse Dorsey**, his former research assistant at GMU law from 2010 to 2012, has served as a GMU law adjunct professor since 2018, and as counsel to the Trump administration's Assistant Attorney General for Antitrust, Makan Delrahim.⁸⁸ In October 2020, the DOJ filed its long-awaited lawsuit against Google alleging that the company acted anticompetitively to maintain its monopoly over search and online advertising.⁸⁹ Delrahim, however, had already recused himself from the case due to his earlier work for Google as a lawyer in private practice.⁹⁰

Dorsey, who also served as an attorney advisor to FTC Commissioner Noah Phillips and an associate attorney at Wilson Sonsini, has co-authored several white papers with Wright that take a dismissive view of antitrust scrutiny of Big Tech, including the 2018 paper "Requiem for a Paradox: The Dubious Rise and Inevitable Fall of Hipster Antitrust" and "Consumer Welfare & the Rule of Law: The Case Against the New Populist Antitrust."⁹¹ The latter paper was published in June 2020 after Dorsey joined the DOJ Antitrust Division.

Government ethics rules permit government employees to engage in teaching for compensation with prior authorization, but they are generally prohibited from doing so if the teaching invitation comes from a party with interests that may be affected substantially by the employee's official duties.⁹² Big Tech's substantial funding of the GMU law school and its various academic centers raises questions about whether such officials' GMU teaching income may have been subsidized by companies with interests before the FTC, violating the spirit, if not the letter, of the law. Of particular note is the case of Cooper—who appears to have served simultaneously as an FTC official, GMU faculty member and the director of the Big Tech-funded LEC.⁹³

The revolving door has also spun the other way, providing a soft landing for former FTC officials looking for jobs after leaving government or simply needing an interim stopover before being hired by Big Tech companies or the law firms that represent them. As the Biden administration continues staffing regulatory agencies, many current FTC officials may depart for temporary or permanent teaching positions at GMU.

As noted above, Lipsky landed at Wright's GAI just months after his abrupt resignation from the FTC in the midst of the OIG investigation of Wright's Qualcomm lobbying. At least four other former key staffers who served under Wright when he was a commissioner also joined GMU after leaving government:

⁸⁶ https://www.linkedin.com/in/cora-han-67220511/?locale=de_DE

⁸⁷ <https://www.linkedin.com/in/coppolamaria/>

⁸⁸ <https://www.linkedin.com/in/elyse-dorsey-9b5123140/>

⁸⁹ <https://www.wsj.com/articles/justice-department-to-file-long-awaited-antitrust-suit-against-google-11603195203>

⁹⁰ https://www.wsj.com/articles/justice-departments-antitrust-chief-removes-himself-from-google-probe-11580822369?mod=article_inline

⁹¹ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3249524,

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3592974

⁹² <https://www.govinfo.gov/content/pkg/CFR-2011-title5-vol3/pdf/CFR-2011-title5-vol3-part2635.pdf> at 606.

⁹³ <https://www.linkedin.com/in/james-cooper-28704715/>

- **Koren Wong-Ervin**, who served as Wright’s counsel for intellectual property and international antitrust issues at the FTC, became GAI’s director in 2015 after leaving the agency. Wong-Ervin taught courses on intellectual property and antitrust at GMU that included readings and discussions on an FTC investigation of Google and a legal case involving Qualcomm.⁹⁴ As noted above, she left GAI in 2017 to become Qualcomm’s director of antitrust policy, where she served until March 2020.⁹⁵
- **Jan Rybnicek**, a 2009 GMU law school grad and an attorney adviser to Wright at the FTC, became an adjunct professor at the law school in 2018 and is also a GAI senior fellow.⁹⁶ Rybnicek has taught courses on antitrust and co-taught a seminar about the FTC with Wright in the fall of 2019.⁹⁷
- **Joanna Tsai** served as an economic adviser to Wright at the commission and has served as an adjunct professor at GMU’s law school since at least 2018.⁹⁸
- **John Yun**, who did stints as an economic adviser to Wright, FTC economist, and acting deputy assistant director of the FTC’s Bureau of Economics, became GAI’s director of economic education in 2017 and is also an associate professor at the law school.⁹⁹ Yun has been a guest lecturer on intellectual property and antitrust at GMU and co-taught a 2019 course on global antitrust.¹⁰⁰ In 2018, Yun published an economic analysis arguing Google did not represent an anticompetitive threat.¹⁰¹ Yun told TTP he had no comment.

GMU Law Courses Taught by Big Tech

GMU’s law school also includes several courses in which officials working for Big Tech companies such as Google and Facebook and lawyers at firms representing the companies are featured as guest speakers and lecturers. In one case, a Google in-house lawyer has even taught a GMU law class. The direct presence of Big Tech inside the classroom provides another avenue through which the industry is shaping the law school and its students, who often go on to serve at the FTC.

For instance, **Jim Sherwood**, Google’s in-house litigation counsel on patent issues, has helped teach a moot court competition course for four of the past five years at the law school.¹⁰² Sherwood has represented Google on patent litigation before district and federal appeals

⁹⁴ https://web.archive.org/web/20201129211257/https://www.law.gmu.edu/assets/files/academics/schedule/2017/fall/Wong_Ervin_432-S.pdf

⁹⁵ <https://www.linkedin.com/in/koren-w-wong-ervin-74171bb/>

⁹⁶ <https://www.linkedin.com/in/jan-rybnicek-430b6461/>

⁹⁷ https://web.archive.org/web/20201129211354/https://www.law.gmu.edu/assets/files/academics/schedule/2018/spring/Rybnicek_475-S.pdf,

https://web.archive.org/web/20201129211431/https://www.law.gmu.edu/assets/files/academics/schedule/2019/fall/Wright_612-S.pdf

⁹⁸ <https://www.linkedin.com/in/joanna-tsai-35370a9/>, https://www.ftc.gov/system/files/documents/public_events/1413712/hearings-bios-gmu_8.pdf

⁹⁹ <https://www.linkedin.com/in/john-yun-40a4444/>

¹⁰⁰ https://web.archive.org/web/20201130141001/https://www.law.gmu.edu/assets/files/academics/schedule/2019/spring/Yun_304-S.pdf

¹⁰¹ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3126848

¹⁰² https://web.archive.org/web/20201130141051/https://www.law.gmu.edu/assets/files/academics/schedule/2015/spring/Modi_125-S.pdf,

https://web.archive.org/web/20201130141140/https://www.law.gmu.edu/assets/files/academics/schedule/2016/spring/Modi_125-S.pdf,

https://web.archive.org/web/20201130141243/https://www.law.gmu.edu/assets/files/academics/schedule/2018/spring/Modi_125-S.pdf,

https://web.archive.org/web/20201130141355/https://www.law.gmu.edu/assets/files/academics/schedule/2019/spring/Modi_125-S.pdf,

https://web.archive.org/web/20201130141457/https://www.law.gmu.edu/assets/files/academics/schedule/2020/spring/Modi_125-S.pdf

courts.¹⁰³ He co-taught the course—described as an opportunity for students to prepare appellate briefs and oral arguments—with **Naveen Modi**, of the law firm Paul Hastings, who has been recognized for his work representing Google in federal court and for securing several Google victories.¹⁰⁴

A 2017 “Intellectual Property and Antitrust Seminar” was taught by then-GMU Adjunct Professor **Darren Tucker**, a former attorney adviser to Wright when he was a commissioner at the FTC.¹⁰⁵ While teaching the course, Tucker was also part of the antitrust practice representing Google at the law firm of Morgan, Lewis & Bockius.¹⁰⁶

He has written several op-eds and white papers opposing antitrust scrutiny of Google, including a 2018 op-ed in *The Daily Caller* titled “Antitrust Claims Against Google Are RIDICULOUS Because Consumer Are Not Getting Harmed” and a longer piece for the American Bar Association arguing against antitrust intervention into Big Tech.¹⁰⁷ Tucker’s writings have been required reading in other GMU law courses, according to GMU’s course syllabi.¹⁰⁸

Google’s point of view is also well represented in GMU classes on privacy law. In 2016, GMU law school fellow **Gerard Stegmaier** taught an advanced 400-level seminar called the Emerging Law of Internet Privacy, a topic he began teaching at the university while serving as an attorney at Google’s outside law firm Wilson Sonsini.¹⁰⁹ Stegmaier represented Google as lead counsel in its successful defense in a case alleging that Google was liable for blog and aggregated news content under Virginia’s version of the federal Communications Decency Act.¹¹⁰ He co-taught the course with **Carl Szabo**, a GMU adjunct professor and the general counsel of the **NetChoice** coalition, whose financial backers include Google, Facebook, Alphabet subsidiary Waymo, and other tech companies.¹¹¹

Wilson Sonsini’s **Scott Sher** and **Mark Rosman** have also been GMU guest lecturers. From 2017 to 2019, Sher was an annual guest speaker at Wright’s “Antitrust 1: Principles” class, which focuses on mergers and other competition issues.¹¹² A June 2011 *Global Competition Review* article highlighting Wilson Sonsini’s work for Google noted that Sher was part of the five-partner team at the law firm that advised Google during the DOJ’s review of its acquisition of ITA Software.¹¹³ More recently, Sher represented Qualcomm in the 2018 hostile takeover bid by Broadcom.¹¹⁴ Rosman, a former DOJ antitrust prosecutor who is also part of Google’s

¹⁰³ <https://www.linkedin.com/in/jim-sherwood-480bb841/>,

<https://www.paulhastings.com/events/details/?id=e789e369-2334-6428-811c-ff00004cbded>

¹⁰⁴ <https://web.archive.org/web/20201104072240/https://www.paulhastings.com/professionals/details/naveenmodi>

¹⁰⁵ https://web.archive.org/web/20201130141730/https://www.law.gmu.edu/assets/files/academics/schedule/2017/fall/Tucker_432-S.pdf,

<https://www.linkedin.com/in/darrentuckerantitrustlawyer/>

¹⁰⁶ https://www.morganlewis.com/-/media/antitrustsource_bigmistakesregardingbigdata_december2014.ashx

¹⁰⁷ <https://dailycaller.com/2018/02/23/antitrust-claims-against-google-are-ridiculous-because-consumers-are-not-getting-harmed/>,

https://www.morganlewis.com/-/media/antitrustsource_bigmistakesregardingbigdata_december2014.ashx

¹⁰⁸ https://web.archive.org/web/20201129204929/https://www.law.gmu.edu/assets/files/academics/schedule/2017/spring/Cooper_488-S.pdf,

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2549044

¹⁰⁹ https://www.law.gmu.edu/assets/files/academics/schedule/2016/summer/Szabo_497-S.pdf, <https://www.linkedin.com/in/gerardstegmaier/>,

https://web.archive.org/web/20201130142853/https://www.law.gmu.edu/assets/files/academics/schedule/2016/summer/2016schedule_summer.pdf,

https://web.archive.org/web/20201130142952/https://www.law.gmu.edu/assets/files/academics/schedule/2012/summer/STEGMAIER_EmergingLawIntern et-IA.pdf (Footnote P. 1).

¹¹⁰ <https://www.businesswire.com/news/home/20140414005830/en/Goodwin-Procter-Expands-Privacy-Data-Security-Practice>

¹¹¹ <https://web.archive.org/web/20201130142318/https://netchoice.org/about/>

¹¹² https://web.archive.org/web/20201130142457/https://www.law.gmu.edu/assets/files/academics/schedule/2018/fall/Wright_156-S.pdf,

https://web.archive.org/web/20201130142543/https://www.law.gmu.edu/assets/files/academics/schedule/2017/fall/Wright_156-S.pdf,

https://web.archive.org/web/20201130142645/https://www.law.gmu.edu/assets/files/academics/schedule/2019/fall/Wright_156-S.pdf

¹¹³ <https://web.archive.org/web/20201130142736/https://www.wsgr.com/news/PDFs/gcr0511.pdf>

¹¹⁴ <https://biglawbusiness.com/qualcomm-sees-risks-at-every-turn-in-broadcom-deal>

Washington legal team, was a guest lecturer at GMU’s 2017 Global Antitrust Seminar taught by Wong-Ervin.¹¹⁵

Facebook has had a connection at GMU as well. In 2019, the law school said it was bringing on Facebook’s former general counsel, **Ted Ulyot**, as an adjunct professor. Ulyot, who retired from the policy and regulatory affairs team at Andreesen Horowitz in 2018, was slated to teach technology law at GMU.¹¹⁶ TTP could not reach Ulyot to seek comment.

The GMU-FTC Intern Pipeline

Another important way the GMU law school (and by extension its Big Tech financial supporters) has exercised its influence at the FTC is by providing a steady pipeline of law students to the FTC’s internship and law clerk programs. The TTP analysis reveals that, for almost a decade, GMU has filled the programs with a farm team of future antitrust litigators, many of whom later go on to work for the FTC or for law firms representing Big Tech companies.

Wright himself served two internships at the FTC, and he appears to recognize the value of that experience.¹¹⁷ TTP’s analysis of GMU graduates from roughly the past decade identified at least 50 GMU students who have interned at the FTC, more than 80% of whom came from the GMU law school. Almost a third of those interns (16) were either assigned to Wright during his time as a commissioner; served as his personal research assistants before, during, or after their FTC internships; or worked at the Global Antitrust Institute, which he now heads.

The data reveals that many of the interns have moved back and forth between the FTC and GMU Law several times, working as interns detailed to Wright or other commissioners and bureaus within the FTC, research assistants to GMU law school professors (several with FTC stints of their own), or research fellows at GMU’s various Big Tech-funded law centers.

Several appear to have simultaneously interned at the FTC while also working as assistants to GMU professors or at GMU law centers funded by Big Tech. In other cases, GMU students were both interning at the FTC and working for GMU centers like the LEC or GAI, whose Big Tech funders were the targets of ongoing FTC probes.

FTC interns doing double duty at institutions and centers funded by Big Tech raise troubling conflict of interest issues given the sensitive and often confidential nature of their work. Job postings for FTC internships are explicit that the small size of the program offers candidates the opportunity to engage in “substantive legal work” and the opportunity to be “fully integrated onto investigational teams.”¹¹⁸ According to the FTC, the type of work done by legal interns is similar in complexity to that given to junior attorneys, with assignments that include attending depositions, leading interview calls, summarizing findings through written reports, and drafting pleadings, discovery requests, and responses.¹¹⁹

¹¹⁵ https://web.archive.org/web/20201130143103/https://www.law.gmu.edu/assets/files/academics/schedule/2017/spring/Wong-Ervin_645-S.pdf

¹¹⁶ https://web.archive.org/web/20201130143148/https://www.law.gmu.edu/news/2019/scalia_law_welcomes_ted_ullyot, <https://www.vox.com/2018/1/26/16938698/ted-ullyot-andreessen-horowitz-retiring-policy>

¹¹⁷ <https://web.archive.org/web/20201130143306/https://www.ftc.gov/about-ftc/biographies/joshua-d-wright>

¹¹⁸ <https://web.archive.org/web/20201130143415/https://medialaw.unc.edu/job/federal-trade-commission/>

¹¹⁹ <https://web.archive.org/web/20201130143528/https://www.ftc.gov/about-ftc/bureaus-offices/bureau-competition/careers-bureau-competition/legal-internships-bureau>

In other words, FTC legal interns are not relegated to the back office to stuff envelopes or answer phones as with many other Washington internships, but are instead part of highly integrated investigative teams with access to confidential information regarding FTC deliberations and investigations. Such inside knowledge would be invaluable to companies like Google, Facebook, or Qualcomm, which have each faced FTC antitrust or regulatory probes. And the revolving door between the FTC’s intern program and GMU’s Big Tech-funded law centers makes such information-sharing scenarios extremely tempting, if not unavoidable.

There is also evidence that Wright sees his law students as a tool in his own advocacy, raising additional questions not only about academic integrity and ethics, but also about whether he may be pressing them into service on Big Tech’s behalf in their role as FTC interns. As the *New York Times* reported in July 2020, when Google’s former public policy director Adam Kovacevich suggested in 2012 that Wright ask Google critic Sen. Mike Lee (R-Utah) a question at an event, Wright replied “Cool... absolutely. Heh – maybe get one of my antitrust students to ask :).”¹²⁰

TTP’s analysis shows several GMU law students who have interned at the FTC while simultaneously serving as research assistants to Wright or Butler. Upon graduation, many have immediately landed jobs at law firms representing Big Tech. They include:

- **Nate Harris**, a 2013 GMU Law graduate, interned in the FTC’s Bureau of Competition from May to July 2012 while simultaneously working as Wright’s research assistant at GMU.¹²¹ During Harris’s internship, the FTC was investigating Google for antitrust violations related to its search practices.¹²² After graduation, Harris joined the antitrust and competition practice at Jones Day, a firm that has represented Google and Qualcomm in several patent and intellectual property cases.¹²³ He later became a trial attorney at the DOJ Antitrust Division.¹²⁴
- **Matthew Wheatley**, a 2014 GMU law grad, started as a research assistant to Wright in 2012 and then interned in the FTC’s Bureau of Competition and for FTC Commissioner **Maureen Ohlhausen** from January to November 2013.¹²⁵ (Wheatley’s FTC internship overlapped with a second research assistant position with Butler.) Wheatley began his FTC internships the same month the agency announced it was closing its antitrust probe of Google without bringing a case.¹²⁶ After graduating, Wheatley joined the law firm of Hunton & Williams (now Hunton Andrews Kurth). Since 2017, Google has paid the law firm \$600,000 to lobby on intellectual property and copyright issues.¹²⁷
- GMU law grad **Angela Landry** worked as an intern to then-FTC Commissioner and GMU law professor **William Kovacic** from January to July 2011 while also working as

¹²⁰ <https://www.nytimes.com/2020/07/24/technology/global-antitrust-institute-google-amazon-qualcomm.html>

¹²¹ <https://www.linkedin.com/in/nate-harris-a470b837/>

¹²² <https://www.wsj.com/articles/googles-long-tail-of-government-probes-11603204017>

¹²³ <https://web.archive.org/web/20201130143712/https://www.jonesday.com/en/practices/experience/2019/02/qualcomm-defends-against-apples-patent-infringemen>, <https://web.archive.org/web/20201130143849/https://www.jonesday.com/en/practices/experience/2017/03/google-prevails-at-federal-circuit-in-ipr-challenge>

¹²⁴ <https://www.linkedin.com/in/nate-harris-a470b837/>

¹²⁵ <https://www.linkedin.com/in/matthew-wheatley-69307b22/>

¹²⁶ <https://www.wsj.com/articles/googles-long-tail-of-government-probes-11603204017>

¹²⁷ <https://soprweb.senate.gov/index.cfm?event=selectfields> Registrant Name: “Hunton Andrews Kurth”; Filter: “Google”

Wright's research assistant at GMU.¹²⁸ During Landry's internship, the FTC launched the antitrust investigation into Google's business practices, a probe the agency closed in early 2013.¹²⁹ While Landry was serving as an FTC intern, Wright wrote a policy paper supporting Google's positions on antitrust issues.¹³⁰ In February 2015, Landry served a second stint at the FTC, joining then-Commissioner Wright's office shortly after the commission opened an investigation into Qualcomm's business practices in November 2014.¹³¹ Landry left the FTC in September 2015 to join Weil, Gotshal & Manges, a law firm that counts Qualcomm, Amazon, and several other Big Tech companies as clients.¹³² In her work at the firm, which continued until May 2019, she advised clients on antitrust matters and advocated on their behalf before the FTC.¹³³

- GMU law graduate **Elise Nelson** worked as an LEC research assistant in 2014 before interning for Commissioner Wright in 2015.¹³⁴ After graduating, she was hired as an antitrust associate with the Freshfields Bruckhaus Deringer law firm, where she worked from 2016 to 2019. The firm has represented Google in several matters including its corporate reorganization to create the Alphabet Inc. holding company as Google's parent company.¹³⁵ While working at Freshfields, Nelson was also an adjunct professor at GMU Law, a position she continues to hold.

¹²⁸ <https://www.linkedin.com/in/angela-landry/>

¹²⁹ <https://www.wsj.com/articles/googles-long-tail-of-government-probes-11603204017>

¹³⁰ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1807951

¹³¹ https://www.wsj.com/articles/qualcomm-profit-rises-but-china-still-presents-challenges-1415224324?mod=article_inline

¹³² <https://web.archive.org/web/20200919125855/https://www.weil.com/experience/sectors/technology>,
<https://web.archive.org/web/20201130144218/https://www.weil.com/articles/weil-advises-bridge-financing-amazons-whole-foods>

¹³³ <https://www.linkedin.com/in/angela-landry/>

¹³⁴ <https://www.linkedin.com/in/elise-nelson-02040114/>

¹³⁵ <https://web.archive.org/web/20201130144401/https://www.freshfields.us/contacts/find-a-lawyer/m/marcogliese-pamela/>