

Curriculum Vitae

THOMAS L. GREANEY

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EXPERIENCE:

1987-Present **CHESTER A. MYERS PROFESSOR OF LAW**
SAINT LOUIS UNIVERSITY SCHOOL OF LAW

CO-DIRECTOR, CENTER FOR HEALTH LAW STUDIES
SAINT LOUIS UNIVERSITY SCHOOL OF LAW

Appointments: Associate Professor of Hospital and Health Care Administration,
School of Public Health, Saint Louis University.

Courses Taught: Antitrust Law, Business Associations, Health Care Financing
and Business Planning, Nonprofit Organizations, Criminal Law, Regulated
Industries.

Seminars: Medicare Law & Policy, IP and Antitrust Law, Advanced Antitrust
Law, Nonprofit Healthcare Organizations, Mergers & Acquisitions, EU
Competition Law

HONORS

Jay Healy Award, Health Law Teacher of the Year 2007, American Society of
Law, Medicine and Ethics

Thompson & Mitchell Award for Best Faculty Publication, 1989, 2004;
Honorable Mention, 1990, 1997

Committees: University Rank and Tenure Committee
Faculty Appointments Committee
Dean Search Committee (1992, 1999)
University Benefits Committee

Nov., 2006 **INAUGURAL VISITING CONSORTIUM PROFESSOR, UNIVERSITY OF MINNESOTA
SCHOOL OF LAW**

Spring, 2009 **Visiting Professor, Universite Paris Dauphine, Paris, France**

Spring, 2004, **VISITING PROFESSOR, SETON HALL UNIVERSITY SCHOOL OF LAW**
Spring, 2007

Spring, 2002 **MERCK VISITING SCHOLAR, SETON HALL UNIVERSITY SCHOOL OF LAW**

Spring, 2001,
Winter, 2002 **VISITING PROFESSOR (MIDTERM COURSE), UNIVERSITÉ d'ORLÉANS, ORLÉANS,
FRANCE**

- 1993-94 **FULBRIGHT FELLOW, EUROPEAN COMMUNITY RESEARCH PROGRAM, BRUSSELS BELGIUM**
Studied competition law at the Commission of the European Union and lectured at several universities.
- 1986-87 **VISITING LECTURER, YALE LAW SCHOOL AND NIMH POST-DOCTORAL FELLOW, INSTITUTION FOR SOCIAL AND POLICY STUDIES, YALE UNIVERSITY**
Law Teaching: Advanced Antitrust Law: Mergers and Joint Ventures
- 1985-86 **VICTOR KRAMER FELLOW, YALE UNIVERSITY**
Visiting Fellow in Residence in Antitrust Law and Economics
- 1982-85 **ASSISTANT CHIEF, ANTITRUST DIVISION, U.S. DEPARTMENT OF JUSTICE**
Supervised civil and criminal antitrust litigation involving health care industry and the professions; also involved in policy formulation and legislative matters.
- 1976-81 **SENIOR TRIAL ATTORNEY, ANTITRUST DIVISION, U.S. DEPARTMENT OF JUSTICE**
Lead trial attorney in civil cases and grand jury investigations involving communications, banking and securities industries.
- 1974-76 **FEDERAL COMMUNICATIONS COMMISSION**
Law Clerk to Commissioners: drafted final opinions and prepared bench memoranda in adjudicatory matters.
- 1973-74 **LEGISLATIVE ASSISTANT, OFFICE OF REPRESENTATIVE ELIZABETH HOLTZMAN**
Review and advise on legislative matters including House Judiciary Committee affairs; speech writing.

EDUCATION:

HARVARD LAW SCHOOL, Cambridge, MA.
J.D. 1973
Honors: Ames Prize for Best Brief in First Year Class

WESLEYAN UNIVERSITY, Middletown, CT.
B.A. 1970, Magna Cum Laude
Honors: Phi Beta Kappa, High Honors, Vanderbilt Prize as Outstanding Student in the Social Sciences.

LEGAL WRITING:

BOOKS:

HEALTH LAW: CASES, MATERIALS AND PROBLEMS, with Furrow, Johnson, Jost & Schwartz (Thompson/West Publishing) (6th ed., 2008).

ORGANIZATION AND FINANCE (Paperback 6TH ED. 2008)

BIOETHICS (Paperback 6TH ED. 2008)

LIABILITY (Paperback 6TH ED. 2008)

INTERNATIONAL ENCYCLOPEDIA OF LAWS, MEDICAL LAW, UNITED STATES NATIONAL EDITION , with Furrow, et al. (Kluwer)(2005).

HEALTH LAW STATUTES & REGULATIONS, with R. Schwartz (Thompson/West Publishing - 2002)

HEALTH LAW (Treatise, 2d edition) with Furrow, Johnson, Jost and Schwartz (Thompson/West Publishing)(2000).

HEALTH LAW (Hornbook, 2d edition) with Furrow, Johnson, Jost and Schwartz (Thompson/West Publishing)(2000).

CHAPTERS:

Competition in the Unhealthy Health Sector, in ANTITRUST IN THE NEXT ADMINISTRATION: THE AMERICAN ANTITRUST INSTITUTE'S TRANSITION REPORT ON COMPETITION POLICY TO THE 44TH PRESIDENT OF THE UNITED STATES (2008).

U.S. v. Krizek: Rough Justice Under the Civil False Claims Act, (with Joan H. Krause) (forthcoming 2009).

Efficiencies in Merger Analysis: Alchemy in the Age of Empiricism? in Economic Theory and Competition Law, (Josef Drexler, Laurence Idot & Joel Monéger (eds.), Edward Elgar (2009).

Hospital Mergers, in COMPETITION POLICY AND MERGER ANALYSIS IN DEREGULATED AND NEWLY COMPETITIVE INDUSTRIES (Peter Carstensen & Susan Beth Farmer eds.), Edward Elgar (2009).

Economic Theory and Antitrust (with Patrick Welch) in LAW AND ECONOMICS: ALTERNATIVE ECONOMIC APPROACHES TO LEGAL AND REGULATORY ISSUES (Margaret Oppenheimer & Nicholas Mercurio eds.) (Sharp 2005).

Public Licensing and Credentialing of Professionals: An Antitrust Perspective in REGULATION OF THE HEALTHCARE PROFESSIONS, (T.S. Jost, Ed. 1997).

Regulating the Marketplace for Competition Among Mental Health Providers: The Roles of Antitrust Law and State Mandates in LAW'S IMPACT ON MENTAL HEALTH (Bruce D. Sales & Daniel W. Shuman, eds., 1996).

ARTICLES:

Thirty Years of Solicitude: Antitrust Law and Physician Cartels, 7 Hous. J. Health L. & Pol'y 189 (2007).

Antitrust and Hospital Mergers: Does the Nonprofit Form Affect the Competitive Substance? Symposium on FTC Report, IMPROVING HEALTH CARE: A DOSE OF COMPETITION, 31 J. Health Pol., Pol'y & L. 511 (2006).

Governance and Quality of Care in Nonprofit Hospitals, 14 Annals of Health Law 421 (2005).

Mission, Margin and Trust in the Nonprofit Healthcare Enterprise (with Kathleen Boozang) 5 Yale J. Health L. & Pol. 1 (2005)

Chicago's Procrustean Bed: Applying Antitrust Law in Health Care, 71 Antitrust L.J. 857 (2004).

Looking Beyond the Evildoers: Sarbanes-Oxley, Enron and Corporate Corruption, Saint Louis U.L.J. (2004).

Sarbanes-Oxley and the Arc of American Fiduciary Law, Conference Report, *La Securite Financiere et Les Societes Cotees*, University Paris-Dauphine (Dec. 2004).

The Residents' Match Antitrust Litigation, 289 Journal of the American Medical Association 913 (Feb.19, 2003).

A Perfect Storm on the Sea of Doubt: Physicians, Professionalism and Antitrust, 14 Loyola Consumer L. Rev. 481 (2002).

Whither Antitrust? The Uncertain Future of Competition Law in Health Care, 21 Health Affairs 185 (March/April 2002)

From Hero to Goat: Managed Care in the 1990's, 47 Saint Louis University L.J. 217, Forward, Symposium on Managed Care (2002).

Reconceptualizing Medicaid, 45 Saint Louis.U. L.J. 1 (2001).

Not for Import: Why the EU Should Not Adopt the American Efficiency Defense for Analyzing Mergers and Joint Ventures, 44 St. L. U. L.J. 871 (2000).

Antitrust and the Healthcare Industry: The View from the Three Branches, 32 J. Health L. 391 (1999).

How Many Libertarians Does It Take To Fix The Health Care System?, (Review essay of Richard Epstein, MORTAL PERIL), 96 U.Mich. L. Rev 1825 (1998).

Night Landings on An Aircraft Carrier: Hospital Mergers and Antitrust Law, 23 Am. J. L. & Med. 191 (1997).

Much Ado About Networks, 29 J. Health & Hosp. L. 307 (1996).

Is Antitrust Anti-Autonomy?, 6 Health Matrix (1996).

Regulating for Efficiency in the Health Care Sector through the Antitrust Laws, 1995 Utah Law Review 465 (1995), reprinted in A HEALTH LAW READER: AN INTERDISCIPLINARY APPROACH (John H Robinson, et al., eds.(1999)).

Managed Competition, Integrated Delivery Systems and Antitrust, 79 Cornell L.J. 1201 (1994).

When Politics and Law Collide: Why Health Care Reform Does Not Require Antitrust "Reform", 39 St.L.U.L.J. 135 (1994).

Antitrust Company Law and "Mega-Mergers" -- A Comparison of American and European Approaches to Regulation, Journal of the Europa-Institut, Universitat des Saarlandes.

The Department of Justice/FTC Health Care Policy Statements: A Critique, 8 Antitrust 20 (Spring 1994).

Medical Practice Guidelines, 4 Antitrust Chronicle (1992).

Reforming Physician Payment Under Medicare, 34 St. L. U.L.J. 749 (1990).

Quality of Care and Market Failure Defenses in Antitrust Health Care Litigation, 21 Conn. L.J. 605 (1989)

Competitive Reform in Health Care: The Vulnerable Revolution, 5 Yale Journal on Regulation 179 (1988).

Physician Joint Ventures: An Antitrust Analysis of Preferred Provider Organizations, 18 Rutgers L.J. 513 (1987) (with J. Sindelar).

An Assessment of the Anticompetitive Effects of Preferred Provider Organizations, 24 Inquiry 384 (1987) (with J. Sindelar).

Book Review of C. Havighurst HEALTH CARE LAW AND POLICY: READINGS, NOTES AND POLICY, 14 J. Health Pol., Pol'y & L. 841 (1989).

Reviving National Health Insurance (Book Review) 32 St. L. U. L.J. (1988) (Reviewing R. Fein, MEDICAL CARE, MEDICAL COSTS: THE SEARCH FOR A HEALTH INSURANCE POLICY.

OTHER:

Blind Faith in the Market Doesn't Work for Health Care, St. Louis Post Dispatch (Sept. 28, 2008).

The New Infrastructure of Medicare, 1 St. Louis U. J. Health L. & Pol'y 1 (2007).

Why Can't Politicians Be More Like Ball Players? St. Louis Post Dispatch, Sept. 17, 2003.

Lining Up the Suspects in the Enron Affair, St. Louis Post-Dispatch, Jan. 15, 2002.

Television Can Do Justice to the System, St. Louis Post-Dispatch, Nov. 28, 2000.

Misconceptions About Monopoly, Mergers and Microsoft, St. Louis Post-Dispatch, Nov. 14, 1999.

Beware Doctors' Claims for Unionization, St. Louis Post-Dispatch, June 29, 1999. *How the Home Team Lost its Case*, St. Louis Post-Dispatch, November 12, 1997.

Time/Turner Merger: Watch Out, Wall St. Journal (letters to the editor), August 1, 1996.

Health Care Industry Wants Special Protection, Saint Louis Post-Dispatch, March 28, 1994.

No Painless Way to Cut High Costs, National Law Journal, December 21, 1992.

Cut Health Care Costs--But How?, Christian Science Monitor, November 19, 1992.

The Health Care Cost Control Dilemma, St. Louis University School of Public Policy Newsletter, February, 1993.

The Reagan Legacy: Merger Policy and American Competitiveness, St. Louis Post-Dispatch, February 26, 1991, reprinted in The Chicago Tribune, March 16, 1991 and the Cleveland Plain Dealer, March 7, 1991.

Changing Approaches to Financing Indigent Care, Health Progress 87 (1988).

Antitrust Issues Affecting Health Care Providers: An Overview of Emerging Issues (Yale/National Institute of Mental Health Conference, 1986).

PEER REVIEWS

Peer Reviewer for: Health Affairs; Journal of Health Politics, Policy & Law; Milbank Quarterly; Journal of the American Medical Association.

SELECTED PRESENTATIONS AND PAPERS:

"Bank Mergers and Competition Policy during the Global Financial Crisis," Institute for Financial and Monetary Security, University of Frankfurt (March 2009).

"Lessons from American Health Care Regulation: Economics and Behavioral Economics" Universite Paris Dauphine (March 2009)

"Regulating Physicians: A Behavioral Economics Perspective," Childress Symposium, Saint Louis University School of Law (October 2008)

"Obama's Health Reform Proposal", Saint Louis University School of Medicine (October, 2008).

"Antitrust and Health Care in the New Administration", Annual Meeting of the American Antitrust Institute (May, 2008).

"Antitrust After Managed Care," Institute for Consumer Antitrust Studies, Loyola Chicago School of Law (April 2008).

"Health Care, Antitrust, and Health Reform" National Association of Attorneys General Annual Meeting (October 2007)

"Specialty Hospitals: Introduction", Saint Louis University and American Bar Association Program on Specialty Hospitals (September 2007).

"Year in Review in Health Care", Antitrust Section, American Bar Association Washington DC (September 2007).

"Health Reform in America: Medicare as an Object Lesson", ASLME Health Law Teachers Conference (June 2007)

"Nonprofit Governance and Executive Compensation in Nonprofit Health Systems" AHLA Teleconference on Executive Compensation (February, 2007).

Guest Blog: "Teaching Healthcare Antitrust", Antitrust Law Blog,
http://lawprofessors.typepad.com/antitrustprof_blog/2007/02/antitrust_pedag.html#comments

"Looking Outside of Silos: Evaluating Technology and IP in Health Care", Seton Hall Law School Symposium, "A Delicate Balance: FDA Drug & Device Regulation, IP, Public Health and the Economy" (February, 2007).

Comment on Entry Conditions in Antitrust Merger Analysis, Loyola Antitrust Symposium (April 2007)

“Alchemy in the Age of Empiricism: The American Efficiencies Defense”,
University of Paris-Dauphine & U. Paris Sorbonne (December 2006).

“Medicare Advantage: Nation Buidling or Insurgency” Innaugural Consortium
Lecture, University of Minnesota (October, 2006)

“Governance of the Nonprofit Hospital and the Provision of Charity Care,” Saint
Louis University Annual Health Law Symposium (March 2006).

“Retrospective on the Government’s Joint Venture Policy Statements,” ABA
Antitrust Section Annual Spring Meeting, Washington, DC (March 2006).

“Reading the Tea Leaves: Assessing the FTC’s Hospital Merger Analysis in the
Evanston Hospital Case,” Saint Louis Area Health Lawyers Association
(February 2006).

“Unpacking Medicare’s Reform: Southeastern Law School Association Annual
Meeting (June 2005).

“Medicare Reform under the MMA” American Society of Law, Medicine &
Ethics (June 2005).

“The New Nonprofit Paradigm,” Distinguished Speaker Series, Suffolk
University School of Law (February 2005).

Universite de Paris-Dauphine, Paris, France, Conference on Corporate
Governance, American Corporate Fiduciary Duties after Sarbanes-Oxley
(December 2004)

“Duties of Directors of Nonprofit Healthcare Enterprises in a Post-Enron World”
Loyola University School of Law (October, 2004) (Keynote Speech).

“Paradoxes and Conundrums Involving Fiduciary Duties and Mission in the
Nonprofit Sector,” American Society of Law, Medicine & Ethics, Health Law
Teachers’ Conference (June, 2004).

Witness, Federal Trade Commission, Hearings on Healthcare Policy, February 26,
2003.

“Antitrust, Chicago and Health Care,” Loyola Law School, Los Angeles, Working
Paper Series, April 2003.

“Managed Care and Competition Policy,” Executive Leadership Conference,
American Association of Health Plans, Phoenix AZ, February 6, 2003.

“Enron, WorldCom and the Crisis in American Corporate Law,” U. Paris-Dauphine, Dec. 11, 2002.

“Antitrust: Future and Past in Healthcare,” Northwestern University School of Law, Forum on Healthcare and Antitrust, November 7, 2002.

“The Role of States in Health Care Antitrust,” Keynote Address, Maine Competition Symposium, October 7, 2002.

Federal Trade Commission, Workshop on Healthcare and Antitrust, September 10, 2002.

“Pharmaceutical Patents and Antitrust: Does Current Doctrine Supply Workable Guidance?” Merck Pharmaceuticals Corp., February, 2002.

“Professionalism and Antitrust,” American Association of Law Schools, Annual Meeting, January 2002.

“The Mirage of Health Care Markets,” American Society of Law, Medicine & Ethics June, 2001.

“Microsoft: A Post Mortem,” St. Louis Economists Club, October, 2001.

“The Last 25 Years of Antitrust Healthcare,” American Health Lawyers Association, February 17-18, 2000.

“Antitrust and Health Care Markets,” Central States Law Schools Association Conference, Oct. 8, 1999.

E.U. Competition Law After the Euro, The Current European Union Agenda, University of Missouri, April, 1999.

Market Definition in a Changing Industry: Health Care, American Association of Law Schools Annual Meeting, Section on Antitrust, January, 1999.

Antitrust and Health Law in Missouri, Missouri Bar Association Mid-Year Meeting, November 1998.

FTC and Missouri v. Tenet Health Care Corp.: Hospital Merger Analysis in Local Markets, St. Louis Health Lawyers, September, 1998.

Antitrust Primer, Federal Trade Commission/Missouri Attorney General Conference on Antitrust and the Health Care Industry, St. Louis, November 14, 1997.

Antitrust Update, American Society of Law, Medicine & Ethics Health Law Teachers' Conference, Seton Hall University Law School, June 6, 1997.

Unilateral Effects, Efficiencies and Other Developments in Merger Analysis, Chicago Antitrust Forum, May 12-13, 1997.

The Impact of the FTC Report on Competition Policy in the New High-Tech Global Marketplace in Establishing Efficiencies in Hospital Mergers, National Health Lawyers Association, Washington, D.C. February 14, 1997

Antitrust and Health Care, American Bar Association, Forum on Health Law & Antitrust Section Program, October, 1996.

Antitrust and Health Care Industry Consolidation, American Society of Law, Medicine & Ethics, Health Law Teachers Conference, June, 1996.

Antitrust and Physician Networks, American Bar Association Section of Antitrust Law: Annual Meeting, Washington, D.C., March, 1995.

Antitrust and Physician Networks, American Bar Association Section of Antitrust Law Annual Meeting, March, 1995.

Efficiencies Defenses in Antitrust Health Care Litigation, Utah University School of Law Symposium on health Care Reform, October, 1994.

Antitrust Policy Statements on Health Care, Loyola University School of Law, October, 1994.

Evaluating Provider Integration Under Health Care Reform, Cornell University Law School Symposium, April 1994.

Competition or Collusion?, Saint Louis University Law Journal Symposium on Health Care Reform, March 18, 1994.

Antitrust Company Law and "Mega-Mergers" -- A Comparison of American and European Approaches to Regulation, Europa-Institut, Universitat des Saarlandes, Federal Republic of Germany, December 7, 1993.

Merger Regulation in the European Community and the United States, University of Ghent, November, 1993.

National Health Care Reform, St. Louis Area League of Women Voters Forum, April, 1992.

Medical Practice Guidelines, ABA Section on Antitrust, Annual Spring Meeting, April, 1992.

Antitrust in the Era of National Health Care Reform, Keynote Address, Connecticut Health Lawyers Association Annual Meeting, April, 1992.

Physicians and Antitrust, ABA Section on Litigation Annual Meeting, Business Torts Section, October, 1991.