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## Dedication of Issue III to Professor Thomas J. Horton

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PROFESSOR THOMAS J. HORTON

The Board of Editors of the *South Dakota Law Review* is pleased to dedicate Issue III of Volume 68 to the late Thomas J. Horton.

Professor Thomas J. Horton was born in New York City in May 1955. Surrounded by his family, he passed away in November of 2022.

Professor Thomas J. Horton was a nationally recognized antitrust litigator and complex trial lawyer with more than forty years of active experience at the highest levels of antitrust and complex litigation. Professor Horton was recognized by The American Registry as one of the “Top 1% of America’s Most Honored Lawyers.” For the past twenty-five years, Professor Horton received Martindale-Hubbell’s “Highest Possible Rating in Both Legal Ability and Ethical Standards.” He was a “Top Rated Lawyer in Litigation” (Martindale-Hubbell – 2015) and a recipient of the Albert Nelson Marquis Lifetime Achievement Award, as well as both a Marquis Industry Leader and a Who’s Who Innovator and Achiever in the field of Law and Education.

From its inception, Professor Horton served as a member of the advisory board for the American Antitrust Institute. In 2016, Professor Horton served as the Organizing Committee Chair for the American Antitrust Institute’s 2016 Annual Symposium at the National Press Club in Washington, DC. For five years,

he served as one of ten judges who selected the American Antitrust Institute's Annual Awards for Outstanding Antitrust Litigation Achievement in Economics, Outstanding Antitrust Litigation Achievement in Private Practice, and Outstanding Antitrust Litigation Achievement by a Young or Newly Admitted Attorney. Professor Horton was also a member of the advisory board of the Capitol Forum and a member of the Society for Evolutionary Analysis in Law (SEAL).

Professor Horton was an esteemed scholar and leader addressing issues at the intersection of antitrust and agriculture. In October 2021, R-Calf USA awarded its annual Sentinel Award to Professor Horton for his "distinguished service, dedication, and perseverance keeping watch over the U.S. Cattle Industry." In January of 2022, Professor Horton was appointed to serve as one of twenty-five national academic professors to participate in the United States Department of Agriculture's Workshop on Consolidation in Agriculture.

Professor Horton actively studied China's Anti-Monopoly Law and its enforcement. During the summer of 2012, Professor Horton taught Comparative Antitrust and Competition Law to Chinese and American law students at the Chinese Youth University for Political Science in Beijing, China. During the summer of 2014, he taught the same course to students at the Shanghai International Studies University (SISU). On June 7, 2016, Professor Horton testified before the Subcommittee on Regulatory Reform, Commercial, and Antitrust Law of the Committee on the Judiciary of the United States House of Representatives about China's enforcement of its Anti-Monopoly Law.

Professor Horton spent fifteen years in the private sector, including partnerships in the Washington, DC offices of major international law firms Howrey & Simon and Orrick, Herrington & Sutcliffe. His representations included a diverse array of corporations and states, including Insignia Systems, General Mills, Quaker Oats, PepsiCo, Hershey Foods, Nestle, Prudential Insurance, Cyprus Amax Minerals, Texaco, Uniroyal Goodrich, Moore McCormack, Schering-Plough, Johnson & Johnson, Franklin Electric, Pacific Gas & Electric, Nippon Soda, Noor (Egyptian) Telephone, Foundry Networks, Affymetrix, Watchguard, Onyx, Arvesta Corp., and the states of Rhode Island and Idaho. He appeared in complex cases in courtrooms throughout the United States and was an active member of the bars of Ohio (1981), the District of Columbia (1987), and South Dakota (2013). Professor Horton was widely quoted on antitrust and complex cases in both national and international media, including the New York Times, USA Today, the Capitol Forum, Bloomberg, Reuters, WirtschaftsWoche, and the Dakota Farmer.

In 1990, Professor Horton was appointed by Rhode Island's Governor as an Assistant Special Counsel to investigate the failure of Rhode Island's RISDIC-insured financial institutions. The investigation and televised hearings uncovered a web of political and economic corruption and organized crime activity in the state's banking system. During the televised hearings, his tough questioning earned him the public nickname "The Barracuda."

In his thirteen years of public service, Professor Horton served stints as a trial attorney at the Federal Trade Commission and the Antitrust Division of the Department of Justice. He successfully represented the United States as a lead trial attorney in major antitrust cases and investigations. From 1981-83, he served as a law clerk for United States District Judge William K. Thomas in the Northern District of Ohio. In 1996, he ran as the Democratic candidate for the United States House of Representatives in Virginia's Eleventh District.

Professor Horton was also active in pro bono service throughout his career, including an appointment to represent a triple murderer in Georgia habeas proceedings and handling prisoners' rights cases in the United States District Court in the District of Columbia. In 2000, he received the United States Attorney General's Volunteer Service Award.

Following a distinguished career in both private practice and public service, Professor Horton transitioned to academia, serving as Professor of Law at the University of South Dakota ("USD") Knudson School of Law. Professor Horton made a deep and lasting impact on his students, colleagues, and academic community, receiving numerous teaching awards recognizing his outstanding teaching. In 2011, Professor Horton received the John Wesley Jackson Outstanding Faculty Award at USD's School of Law. In 2012, he was named the first Johnson, Heidepriem & Abdallah Trial Advocacy Fellow at USD. In 2013, he received USD's highest teaching award for tenure track faculty—the Belbas-Larson Award for Excellence in Teaching. He received the John Wesley Jackson Outstanding Faculty Award again in both 2016 and in 2019. In 2018, he was recognized by USD's Academic Affairs Committee as "Professor of the Game" at one of USD's basketball games. In 2021, the USD Honors Department recognized Professor Horton with their Outstanding Faculty Award. He also was invited by the 2021 USD Knudson School of Law graduates to appear as their guest graduation keynote speaker.

Professor Horton was widely published and wrote several articles applying evolutionary models and theories to structural and behavioral competition and antitrust analyses. His 2018 article "Rediscovering Antitrust's Lost Values" was a finalist for the Best Antitrust Article of 2018, selected by an international judging panel through Concurrences.com. Most recently, in 2021, Professor Horton published "Innovation and Antitrust: An Evolutionary and Historical Perspective in Concurrences Institute of Competition Law's *Liber Amicorum* to Herbert Hovenkamp—The Dean of American Antitrust Law." Professor Horton was invited to deliver the paper to an international audience as one of the top peer-reviewed antitrust papers of 2021 by Concurrences.

Professor Horton earned his A.B. from Harvard University (*cum laude*) in 1977, majoring in the biological sciences. He earned his J.D. from the Case Western Reserve University School of Law (Order of the Coif; Law Review member) in 1981, and a MALS (American Studies) (*Scholae Studiorum Superiorum*; Class Marshal) from Georgetown University in 2007.

When not at work or school, Professor Horton was an avid nature lover, dedicated Cleveland sports fan, patron of the arts, and active member of the local

community. He attended movies, plays, musicals, concerts, sporting events, museums, and historical places of interest with his family. He enjoyed reading history books, running, and playing the drums. His favorite memory was taking drum lessons with the legendary Joe Morello. Professor Horton's greatest love was spending time with his family and pets. He was an ardent supporter of his children's artistic, educational, and athletic pursuits. He especially loved their summer vacations to Montauk, New York, and traveling by train to explore new destinations.