

# LAW & ECONOMICS CENTER, GEORGE MASON UNIVERSITY SCHOOL OF LAW

## Mason Attorneys General Education Program

### Workshop on Administrative Law & the States

Wednesday, September 10 through Friday, September 12

Classes: George Mason University School of Law, Founders Hall Auditorium, 3351 Fairfax Drive, Arlington, VA 22201

Hotel: Le Méridien Arlington, 1121 19<sup>th</sup> Street North, Arlington, VA 22209

## Agenda

### Wednesday, September 10, 2014

*Reception and dinner held at Le Méridien Arlington*

**6:30 - 7:00 pm**                      **AGEP Registration and Reception, Vivace Foyer**

**7:00 - 8:30 pm**                      **Dinner, Vivace Room**

**Welcome**

**Karen M. Czarnecki**, Director, Education, Law & Economics Center

### Thursday, September 11, 2014

*Sessions held at George Mason University Founders Hall Auditorium*

**7:00 am**                                **Bus Departs, Le Méridien Arlington for George Mason University School of Law**

**7:15 – 8:00 am**                      **Breakfast, Founders Hall Multipurpose Room**

**8:00 – 9:30 am**

**Welcome**

**Daniel D. Polsby**, Dean and Professor of Law, George Mason University School of Law

**Class 1: Basic Structure of the Administrative State**

**Neomi Rao**, Associate Professor of Law, George Mason University School of Law

**9:45 - 11:00 am**

**Class 2: Judicial Review of Agency Action**

**Michael S. Greve**, Professor of Law, George Mason University School of Law

**11:15 am – 12:30 pm**

**Class 3: Statutory Interpretation and Administrative Law | Rao**

**12:30 – 1:15 pm**

**Lunch, Founders Hall Multipurpose Room**

**Luncheon Address: Constitutional Concerns with the Administrative State**

**The Honorable Douglas H. Ginsburg**, Senior Circuit Judge, US Court of Appeals for the District of Columbia Circuit and Professor of Law, George Mason University School of Law

**1:30 – 2:45 pm**

**Class 4: Political Control of Administrative Agencies**

**Jeremy A. Rabkin**, Professor of Law, George Mason University School of Law

**3:00 – 5:00 pm**

**Class 5: State Administration of Federal Law**

**Case Study: Dodd-Frank**

**Todd J. Zywicki**, George Mason University Foundation Professor of Law, George Mason University School of Law

**Case Study: Greenhouse Gas Emissions: The EPA v. Small Business**  
**Richard O. Faulk**, Partner, Hollingsworth LLP and Senior Director, Energy and Environment, Law & Economics Center

**5:00 pm** **Bus Departs**, *George Mason University School of Law for Le Méridien Arlington*  
**5:30 - 6:00 pm** **Reception**, *Vivace Foyer*  
**6:00 - 7:30 pm** **Dinner**, *Vivace Room*

**HENRY G. MANNE PROGRAM IN LAW & ECONOMICS STUDIES**  
**LAW & ECONOMICS CENTER, GEORGE MASON UNIVERSITY SCHOOL OF LAW**  
**Public Policy Conference on Administration Unbound? Delegation, Deference, and Discretion**  
**Friday, September 12, 2014**

## Agenda

**Friday, September 12, 2014**

*Sessions held at George Mason University Founders Hall Auditorium*

**7:40 am** **Bus Departs**, *Le Méridien Arlington for George Mason University School of Law*  
**Please bring your luggage with you**

**8:00 – 8:30 am** **Breakfast**, *Founders Hall Multipurpose Room*

**8:30 – 8:35 am** **Welcome**

**Henry N. Butler**, George Mason University Foundation Professor of Law, George Mason University School of Law, and Executive Director, Law & Economics Center

**8:35 – 10:00 am** **Panel 1: Agency Deference: Appropriate or Abusive?**

**Richard O. Faulk**, Partner, Hollingsworth LLP and Senior Director, Energy and Environment, Law & Economics Center  
**Thomas H. Hill**, Senior Executive and General Counsel, General Electric Company  
**Sanne H. Knudsen**, Assistant Professor of Law, University of Washington School of Law  
**Kevin M. Stack**, Professor of Law and Associate Dean for Research, Vanderbilt Law School  
**Amy J. Wildermuth**, Professor of Law and Associate Vice President of Faculty, SJ Quinney College of Law, University of Utah

**Moderator:**  
**Sam Kazman**, General Counsel and Director, Center for Law and Litigation, Competitive Enterprise Institute

**10:15 – 11:45 am** **Panel 2: Excessive Delegation and the Expansion of Federal Power**

**Jack M. Beerman**, Harry Elwood Warren Scholar and Professor of Law, Boston University School of Law  
**F. William Brownell**, Partner, Hunton & Williams LLP  
**C. Boyden Gray**, Founding Partner, Boyden Gray & Associates  
**Kristin E. Hickman**, Harlan Albert Rogers Professor in Law and Associate Director, Corporate Institute, University of Minnesota Law School  
**Neomi Rao**, Associate Professor of Law, George Mason University School of Law

**Moderator:**  
**Thomas H. Dupree, Jr.**, Partner Gibson Dunn

**12:00 – 1:15 pm**

**Luncheon**, *Founders Hall Multipurpose Room 126*

**Luncheon Keynote: “Is Administrative Law Unlawful?”**

**Philip A. Hamburger**, Maurice and Hilda Friedman Professor of Law, Columbia Law School

**Commentator:**

**The Honorable Douglas H. Ginsburg**, Professor of Law, George Mason University School of Law and Senior Circuit Judge, US Court of Appeals for the District of Columbia Circuit

**1:30 – 3:00 pm**

**Panel 3: Revisiting Agency Discretion and the Scope of Judicial Review**

**David E. Bernstein**, George Mason University Foundation Professor of Law, George Mason University School of Law

**Caroline Cecot**, Postdoctoral Fellow in Law and Economics, Vanderbilt Law School

**Charles J. Cooper**, Partner, Cooper & Kirk PLLC

**Michael S. Greve**, Professor of Law, George Mason University School of Law

**W. Kip Viscusi**, University Distinguished Professor of Law, Economics and Management; Co-Director, PhD Program in Law and Economics, Vanderbilt Law School

**Moderator:**

**Helgi C. Walker**, Partner, Gibson Dunn

**3:00 pm**

**Adjourn**