

LAW & ECONOMICS CENTER, GEORGE MASON UNIVERSITY SCHOOL OF LAW
Henry G. Manne Program in Law & Economics Studies
LEC Workshop for Law Professors on the Economics of Litigation and Civil Procedure
Friday, January 25 through Monday, January 28, 2013

Agenda

Friday, January 25

Registration and Classes held in the Sextant Room

- 4:00 – 4:30 pm** **Registration Desk Open, Refreshments Available**
- 4:30 – 4:45 pm** **Welcome and Introductions**
Discussion Leader: Bruce H. Kobayashi, Professor of Law, George Mason University School of Law
- 4:45 – 6:15 pm** **CLASS 1: Rules, Incentives, and Sequential Decision Making | Kobayashi**
- Reading Assignment:
- Bone, *Civil Procedure: The Economics of Civil Procedure*, Foundation Press Turning Point Series (2003), Chapter 1
- Cornell, "The Incentive to Sue: An Option Pricing Approach," 19 J. Legal Stud. 173 (1990)
- 6:30 – 8:30 pm** **Reception and Dinner, King's Crown Lawn**
History of the LEC
Henry N. Butler, George Mason University Foundation Professor of Law, George Mason University School of Law, and Executive Director, Law & Economics Center

Saturday, January 26

Classes held in the Sextant Room

- 7:30 – 8:00 am** **Breakfast, Quarter Deck**
- 8:00 – 9:30 am** **CLASS 2: The Economics of Litigation and Settlement, Case Selection Effects**
Keith N. Hylton, Honorable Paul J. Liacos Professor of Law, Boston University School of Law
- Reading Assignment:
- Bone, Chapter 2
- Hylton, "Asymmetric Information and the Selection of Disputes for Litigation," 22 J. Legal Stud. 187 (1993)
- 10:00 – 11:30 am** **CLASS 3: Fee Shifting, Injunctive Settlements | Hylton**
- Reading Assignment:
- Bone, Chapter 5
- Hylton and Cho, "The Economics of Injunctive and Reverse Settlements," 12 Am. L. & Econ. Rev. 181 (2010)
- Hylton, "Litigation Cost Allocation Rules and Compliance with the Negligence Standard," 22 J. Legal Stud. 457 (1993) **(read first four pages only)**

Saturday, January 26, continued

- 11:30 am – 12:15 pm **Group Lunch, Quarter Deck**
- 12:30 – 2:00 pm **CLASS 4: The Economics of Pleading and Discovery Reform | Kobayashi**
- Reading Assignment:
- Bone, Chapters 4 and 7
- Cooter and Rubinfeld, "An Economic Model of Legal Discovery," 23 J. Legal Stud. 435 (1994)
- 2:00 – 6:00 pm **Study Break**
- 6:30 – 8:30 pm **Reception and Dinner, Sea Pearl at The Pointe**

Sunday, January 27

Classes held in the Sextant Room

- 8:30 – 9:00 am **Breakfast, Quarter Deck**
- 9:00 – 10:30 am **CLASS 5: Measuring the Effect of Heightened Pleading Rules**
Jonah B. Gelbach, Senior Research Fellow, Yale Department of Economics Program in Applied Economics & Policy, and Yale Law School
- Reading Assignment:
- Hatamyar, "The Tao of Pleading: Do Twombly and Iqbal Matter Empirically?", 59 Am. U. L. Rev. 553 (2010).
- Cecil, et al, Fed. Judicial Ctr., *Motions to Dismiss for Failure to State a Claim After Iqbal: Report to the Judicial Conference Advisory Committee on Civil Rules* (2011)
- Cecil, et al, Fed Judicial Ctr, *Update on Resolution of Rule 12(B)(6) Motions Granted with Leave to Amend: Report to the Judicial Conference Advisory Committee on Civil Rules* (2011)
- Gelbach, "Locking the Doors to Discovery? Assessing the Effects of *Twombly* and *Iqbal* on Access to Discovery", 121 Yale L.J. 2270 (2012)
- Gelbach, *Selection in Motion: Measuring and Estimating the Effects of Heightened Pleading* (August 29, 2012)
- 11:00 am – 12:30 pm **CLASS 6: Empirical Analyses of Litigation Reform | Gelbach**
- Reading Assignment:
- Hubbard, "Testing for Change in Procedural Standards, with Application to *Bell Atlantic v. Twombly*" (September 2012, forthcoming in *Journal of Legal Studies*)
- Choi, et al, "The Screening Effect of the Private Securities Litigation Reform Act", 6 J. Empirical L. Stud. 35 (2009)
- 12:30 – 4:30 pm **Study Break** (Lunch on your own)

Sunday, January 27, continued

4:30 – 6:00 pm

CLASS 7: Discussion Session, Research Topics | Kobayashi, Hylton, Gelbach

6:30 – 8:30 pm

Reception, Dinner and Closing Remarks, *Sea Pearl at The Pointe*

8:30 pm

Adjourn

Monday, January 28

Departure