



Agenda

Study Group on the Economics of Consumer Protection for State Attorneys General

Sunday, September 7 – Wednesday, September 10, 2025

Agenda

Sunday, September 7

6:00 – 6:30 pm **Registration**

6:30 – 9:30 pm **Opening Reception and Dinner**
(Registered guests are welcome)

The History of the Law & Economics Center

Donald J. Kochan, Professor of Law and Executive Director, Law & Economics Center, George Mason University Antonin Scalia Law School

Reading Assignment:

Henry G. Manne, [*An Intellectual History of the George Mason University School of Law, LAW AND ECONOMICS CENTER*](#) (1993).

Remarks

Divonne Smoyer, Principal, Albemarle Law & Policy PLLC

Monday, September 8

6:30 – 7:30 am **Breakfast**, *on your own at the hotel*

7:30 – 8:00 am **Walk from hotel to Antonin Scalia Law School**

8:00 – 9:15 am **Session 1: Balancing the Three Legs of the Consumer Protection Stool: Competitive Markets, Common Law Litigation, and Regulation**

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

Reading Assignment:

Todd J. Zywicki et. al., *Taskforce on Federal Consumer Financial Law Report*, 1 BUREAU OF CONSUMER FIN. PROT. 244 (Jan. 2021).

9:15 – 9:30 am **Break**

9:30 – 10:45 am Session 2: Economics of Information

James C. Cooper, Professor of Law and Director, Program on Economics & Privacy, George Mason University Antonin Scalia Law School

Reading Assignment:

Howard Beales et al., *The Efficient Regulation of Consumer Information*, 24 J. OF L. ECON. 491 (1981).

10:45 – 11:00 am Break

11:00 am – 12:15 pm Session 3: The Economics of Privacy | Cooper

Reading Assignment:

Alessandro Acquisti et. al., *The Economics of Privacy*, 54 J. OF ECON. LITERATURE 442 (2016).

12:15 pm Adjourn for the Day, Afternoon Study Session

Tuesday, September 9

6:30 – 7:30 am Breakfast, on your own at the hotel

7:30 – 8:00 am Walk from hotel to Antonin Scalia Law School

8:00 – 9:15 am Session 4: Economics of Information II: Solutions

John M. Yun, Associate Professor of Law, George Mason University Antonin Scalia Law School

Reading Assignment:

HENRY N. BUTLER, JOANNA SHEPHERD, & JAMES C. COOPER, *Chapter V: Information Costs and Transaction Costs*, in ECONOMIC ANALYSIS FOR LAWYERS 182-205 (Carolina Academic Press, ed., 4th ed. 2024).

F.A. Hayek, *The Use of Knowledge in Society*, 35 AM. ECON REV. 519 (1945).

9:15 – 9:30 am Break

9:30 – 10:45 am Session 5: Are State Consumer Protection Acts Really Little FTC Acts?

Henry N. Butler, Henry G. Manne Professor of Law & Economics and Chairman, Law & Economics Center, George Mason University Antonin Scalia Law School

Reading Assignment:

Henry N. Butler & Joshua D. Wright, *Are State Consumer Protection Acts Really Little FTC Acts?* 63 FLA. L. REV. 163 (2011).

Additional Resources:

Joshua D. Wright, *Federalism and the Rise of State Consumer Protection in the United States*, The Law & Economics of Federalism (Geo. Mason, Working Paper No. 44, 2016).

Henry N. Butler & Jason S. Johnston, *Reforming State Consumer Protection Liability: An Economic Approach*, 2010 COLUM. BUS. L. REV. 1 (2010).

- 10:45 – 11:00 am** **Break**
- 11:00 am – 12:15 pm** **Session 6: Economics of Harm-Based Remedies in Consumer Protection**
- Bruce H. Kobayashi**, Paige V. and Henry N. Butler Chair in Law and Economics, George Mason University Antonin Scalia Law School
- Reading Assignment:**
James C. Cooper & Bruce H. Kobayashi, *Equitable Monetary Relief Under the FTC Act: An Opportunity For a Marginal Improvement*, 83 ANTITRUST L. J. 645 (2021).
- 12:15 pm** **Adjourn for the Day, Afternoon Study Session**

Wednesday, September 10

- 6:30 – 7:30 am** **Breakfast, on your own at the hotel**
- 7:30 – 8:00 am** **Walk from hotel to Antonin Scalia Law School**
- 8:00 – 9:15 am** **Session 7: The Economics of Junk Fees | Zywicki**
- Reading Assignment:**
Howard Beales & Todd J. Zywicki, *Junkyard Dogs: The Law and Economics of “Junk” Fees*, CPI ANTITRUST CHRON. (April 2023).
- 9:15 – 9:30 am** **Break**
- 9:30 – 10:45 am** **Session 8: Defaults, Self-Preferencing, & Nudges | Yun**
- Reading Assignment:**
Cass Sunstein, *Misconceptions About Nudges*, 2 J. BEHAVIORAL ECON. FOR POL'Y 61 (2018).

John M. Yun, *Understanding Google’s Search Platform and the Implications for Antitrust Analyses*, 14 J. COMP. L. & ECON. 311 (2018).
- 10:45 – 11:00 am** **Break**
- 11:00 – 11:05 am** **Welcome**
- Ken Randall**, Allison and Dorothy Rouse Dean and George Mason University Foundation Professor of Law, George Mason University Antonin Scalia Law School
- 11:05 am – 12:15 pm** **Session 9: Economics of Data Security | Kobayashi**
- Reading Assignment:**
James C. Cooper & Bruce H. Kobayashi, *Unreasonable: A Strict Liability Solution to the FTC’s Data Security Problem*, 28 MICH. TECH. L. REV. 257 (2022).
- 12:15 pm** **Program Adjourns, Participants depart at their leisure**