



Agenda
San Juan Colloquium:
Judge Douglas H. Ginsburg
Judicial Colloquium Series
Saturday, January 24 through
Friday, January 30, 2026

Agenda

Saturday, January 24

4:00 – 6:00 pm **Registration**

6:00 – 7:00 pm **Opening Reception**

7:00 – 9:30 pm **Opening Dinner**

Welcome Remarks

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

Sunday, January 25

7:00 – 7:50 am **Breakfast**

8:00 – 9:15 am **Session 1: Punitive Damages: A Law & Economics Approach**

Catherine M. Sharkey, Segal Family Professor of Regulatory Law and Policy, New York
University School of Law

Reading Assignments:

Catherine M. Sharkey, *Economic Analysis of Punitive Damages: Theory, Empirics, and Doctrine*
(L. & ECON. RSCH. PAPER SER., Working Paper No. 12-02, 2012).

RESTATEMENT (THIRD) OF TORTS: REMEDIES § 39 Liab. for Punitive Damages (Exemplary
Damages) (A.L.I. 2020).

Mathias v. Accor Economy Lodging, Inc., 347 F.3d 672 (7th Cir. 2003).

Guieb v. Guieb, 571 P.3d 382 (Hawai'i 2025).

9:15 – 9:30 am **Break**

9:30 – 10:45 am **Session 2: Antitrust, Competition Policy, and the Problem of Platforms**

Michael C. Munger, Director, Philosophy, Politics & Economics Certificate Program; Professor of
Political Science, Duke University

Reading Assignment:

Michael C. Munger, *Giants Among Us: Do We Need a New Antitrust Paradigm?*, 33 CONST.
POL. ECON. 445 (2021).

10:45 – 11:00 am **Break**

11:00 am – 12:15 pm **Session 3: Immigration Law Update**

Daniel Klerman, Edward G. Lewis Chair in Law and History, and Director, Center of Law & Social Science, University of Southern California Gould School of Law

Reading Assignments:

Trump v. J. G. G., 604 U.S. ____ (Per curium 2025).

A. A. R. P. v. Trump, 605 U.S. ____ (Per curiam 2025).

Mem. & Order Granting Partial Relief on Pls.’ Motion for Prelim. Inj. & Stay of Admin. Action at 13, *Doe v. Noem*, No. 1:25-cv-10495-IT (D. Mass May 28, 2025) Dkt. 98.

Order Granting Prelim. Inj. at 25, *Washington v. Trump*, No. C25-0127-JCC (W.D. Wash. Feb. 6, 2025) Dkt. 63 & 74.

Supplemental Reading Assignment:

Daniel Klerman, *Immigration Law Update* (2025).

12:15 – 5:30 pm **Afternoon Study Break**

5:30 – 7:00 pm **Fireside Chat**

Ernesto Padilla, Senior Law Enforcement Officer, San Juan National Historic and World Heritage Site

Myrna I. Palfrey, Superintendent, San Juan National Historic and World Heritage Site

Monday, January 26

7:00 – 7:50 am **Breakfast**

8:00 – 9:15 am **Session 4: Tort Liability & Insurance | Sharkey**

Reading Assignments:

Kenneth S. Abraham & Catherine M. Sharkey, *The Glaring Gap in Tort Theory*, 133 YALE L. J. 2169 (2024).

Kesner v. Superior Court, 384 P.3d 283 (Cal 2016).

9:15 – 9:30 am **Break**

9:30 – 10:45 am **Session 5: Unconscionability: Disallowing Contracts | Munger**

Reading Assignments:

JOHN LOCKE, *Venditio*, in COMMONPLACE BOOK (Anomaly, Brennan, Munger, & Sayre-McCord reprt. ed., Oxford Anthology, Oxford Univ. Press 2015) (1661).

Ricardo Andrés Guzmán & Michael C. Munger, *Euvoluntariness and Just Market Exchange: Moral Dilemmas from Locke’s Venditio*, 158 Pub. Choice 39 (2014).

10:45 – 11:00 am **Break**

11:00 am – 12:15 pm **Session 6: Products Liability in the Digital Age | Sharkey**

Reading Assignments:

RICHARD EPSTEIN & CATHERINE SHARKEY, *Chapter 8: Section C. The Restatements in CASES AND MATERIALS ON TORTS 575-80* (Aspen Publishing, 13th ed. 2024).

In re Soc. Media Adolescent Addiction/Pers. Inj. Prod. Liab. Litig., No. 4:22-Md-03047-YGR, 2023 WL 7524912 (N.D. Cal. 2023).

Amazon.com v. McMillan, 625 S.W.3d 101 (Tex. 2021).

12:15 pm **Program Adjourns for Day**

Tuesday, January 27

7:00 – 7:50 am **Breakfast**

8:00 – 9:15 am **Session 7: Anti-gouging Laws: Why Are Economists So Weird? | Munger**

Reading Assignments:

Michael Munger, *They Clapped: Can Price-Gouging Laws Prohibit Scarcity?*, LIBR. OF ECON. & LIBERTY (Jan. 08, 2007).

Michael Munger, *Three Undeniable Problems with Anti-Gouging Laws*, DAILY ECON. (Sept. 15, 2018).

9:15 – 9:30 am **Break**

9:30 – 10:45 am **Session 8: Personal Property Servitudes | Klerman**

Reading Assignments:

Donald Kochan, *Should Property Law Evolve to Recognize Personal Property Servitudes?*, PROP. JOTWELL (July 16, 2025) (reviewing Daniel M. Klerman & Stefan Bechtold, *Personal Property Servitudes Revisited*, 99 TUL. L. REV. 345 (2024)).

Daniel Klerman and Stefan Bechtold, *Personal Property Servitudes Revisited*, 99 TUL. L. REV. 345 (2024).

10:45 – 11:00 am **Break**

11:00 am – 12:15 pm **Session 9: Diversity Jurisdiction: Empirical and Historical Perspectives | Klerman**

Reading Assignment:

Mark Moller & Lawrence B. Solum, *The Article III “Party” and the Originalist Case Against Corporate Diversity Jurisdiction*, 64 WM. & MARY L. REV. 1345 (2023).

12:15 – 5:30 pm **Afternoon Study Break**

5:30 – 7:00 pm **Fireside Chat: Interview of Carlos F. Farchette and Miguel A. Rolón by Donald J. Kochan**

Carlos F. Farchette, Chair, Caribbean Fishery Management Council

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

Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council

Wednesday, January 28

7:00 – 7:50 am **Breakfast**

8:00 – 9:15 am **Session 10: What is Capitalism, REALLY? | Munger**

Reading Assignments:

Michael Munger, *Everybody Loves Mikey*, LIBR. OF ECON. & LIBERTY (Aug. 01, 2005).

Michael Munger, *Capitalism is a “DDoLL”*, AM. INST. FOR ECON. RSCH. (Oct. 24, 2023).

Michael Munger, *China: House Divided*, DAILY ECON. (Jan. 31, 2023).

- 9:15 – 9:30 am** **Break**
- 9:30 – 10:45 am** **Session 11: The Declaration of Independence at 250**
- Douglas H. Ginsburg**, Judge, U.S. Court of Appeals for the District of Columbia Circuit; Professor of Law, George Mason University Antonin Scalia Law School
- Reading Assignments:**
THE DECLARATION OF INDEPENDENCE (U.S. 1776).
- Judge Douglas H. Ginsburg’s Civics Educational Materials* (2025).
- 10:45 – 11:00 am** **Break**
- 11:00 am – 12:15 pm** **Session 12: “Public Choice” and “Public Use”: Lessons 20 Years After *Kelo v. City of New London* | Kochan**
- Reading Assignments:**
Brief for James M. Buchanan et. al. as Amicus Curiae in Support of Petitions at i, *Kelo v. City of New London*, No. 04-108 (U.S. Aug. 19, 2004).
- Donald J. Kochan, “*Public Use*” and the Independent Judiciary: *Condemnation in an Interest-Group Perspective*, 3 TEX. REV. OF L. & POL. 49 (1998).
- 12:15 pm** **Program Adjourns for Day**

Thursday, January 29

- 7:00 – 7:50 am** **Breakfast**
- 8:00 – 9:15 am** **Session 13: Hospital Consolidation**
- Kathryn Zeiler**, Professor of Law, Boston University School of Law
- Reading Assignments:**
Nancy D. Beaulieu et. al., *Changes in Quality of Care after Hospital Mergers and Acquisitions*, 382 N. ENG. J. OF MED. 51 (2020).
- Zack Cooper & Martin Gaynor, *Addressing Hospital Concentration and Rising Consolidation in the United States*, 1% STEPS FOR HEALTH CARE REFORM.
- 9:15 – 9:30 am** **Break**
- 9:30 – 10:45 am** **Session 14: The Economics Behind the Affordable Care Act | Zeiler**
- Reading Assignment:**
Jonathan Gruber & Benjamin D. Sommers, *The Affordable Care Act’s Effects on Patients, Providers and the Economy: What We’ve Learned So Far*, (Nat’l Bureau of Econ. Rsch Working Paper No. 25932).
- 10:45 – 11:00 am** **Break**
- 11:00 am – 12:15 pm** **Session 15: The Replication Crisis | Zeiler**
- Reading Assignment:**
Kathryn Zeiler, *What We Should Know About the Reliability of Empirical Legal Studies* (Aug. 31, 2025).
- 12:15 – 5:30 pm** **Afternoon Break**
- 5:30 – 7:00 pm** **Fireside Chat: Interview of Judge Ryan D. Nelson by Judge Douglas H. Ginsburg**

Douglas H. Ginsburg, Judge, U.S. Court of Appeals for the District of Columbia Circuit;
Professor of Law, George Mason University Antonin Scalia Law School

Ryan D. Nelson, Judge U.S. Court of Appeals for the Ninth Circuit

7:00 – 9:00 pm

Closing Dinner

Friday, January 30

Travel day; participants depart at their leisure