



**Agenda**  
***Twentieth Meeting of the***  
***American College of Business Court Judges***  
**Judicial Education Program**  
**Law & Economics Center**  
**Antonin Scalia Law School**  
**George Mason University**  
Wednesday, February 25 – Friday, February 27, 2026

## Agenda

### Wednesday, February 25

**5:00 – 6:00 pm**            **ACBCJ Board Meeting**

**6:00 pm**                    **Registration**

**6:00 – 8:30 pm**            **Opening Reception and Dinner**

**Dinner Remarks: History and Future of the ACBCJ**

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

**Elihu M. Berle**, President, ACBCJ; Judge, Los Angeles County Superior Court, California

**After Dinner Remarks**

**Meghan A. Adams**, Vice President, ACBCJ; Judge, Superior Court of Delaware

### Thursday, February 26

**7:00 – 7:50 am**            **Breakfast**

**8:00 – 8:05 am**            **Welcome Remarks | Berle**

**8:05 – 9:05 am**            **Session 1: The Economic Way of Thinking**

**Henry N. Butler**, Henry G. Manne Chair in Law and Economics and Chairman, Law &  
Economics Center, George Mason University Antonin Scalia Law School

**Reading Assignment:**

HENRY N. BUTLER, JOANNA SHEPHERD, & JAMES C. COOPER, *Chapter 1: The Economics  
Perspective*, in *ECONOMIC ANALYSIS FOR LAWYERS* 3-33 (Carolina Academic Press ed., 4th ed.  
2024).

**9:05 – 9:15 am**            **Break**

**9:15 – 10:15 am**            **Session 2: State and Federal Antitrust / Competition Laws: Sometimes the Same,  
Sometimes Different, and Often Confusing**

**Babette E. Boliek**, Professor of Law, Pepperdine University Caruso School of Law

**Reading Assignments:**

Babette Boliek, *The States and Antitrust Law*, 7 J. L. & INNOVATION 134 (2024).

Geoffrey H. Kozen, *Summary of the Trial Decision in Epic Games, Inc. v. Apple Inc.*, ROBINS KAPLAN LLP (Oct. 25, 2021).

Brian Byrne, Heather S. Nyong'o, & George S. Cary, *California's Antitrust Law Amendments Kick In, Targeting Algorithmic Pricing*, CLEARY GOTTLIEB STEEN & HAMILTON LLP (Jan. 6, 2026).

**10:15 – 10:30 am**

**Break**

**10:30 – 11:30 am**

**Session 3: Delaware on Trial: DExit, Specialized Courts, and the Market for Corporate Law**

**Paolo Saguato**, Professor of Law and Founder and Director of the Program on Financial Markets, Law & Economics Center, George Mason University Antonin Scalia Law School

**Reading Assignments:**

Amy Simmerman et al., *Delaware's Status as the Favored Corporate Home: Reflections and Considerations*, HARV. L. SCH. FOR. ON CORP. GOVERNANCE (May 8, 2024).

Cathy Hwang & Paolo Saguato, *Tornetta v. Musk & Beam ex rel. Martha Stewart Living v. Stewart in*, BUSINESS ASSOCIATIONS: A MODERN APPROACH (2025). (skim)

Roberta Romano, THE GENIUS OF AMERICAN CORPORATE LAW, 1-12 & 31-52, (1993).

Lee Applebaum et al., *Through the Decades: The Development of Business Courts in the United States of America*, 75 BUS. LAW. 2053 (2020).

LAW & ECONOMICS CENTER AT GMU SCALIA LAW, *Delaware Disrupted (?): The Battle for Corporate America*, (YOUTUBE, June 5, 2025).

**11:30 – 12:00 pm**

**Lunch Break**

**12:00 – 1:15 pm**

**Working Lunch and Session 4: Drafting Insurance Policies: Organization, Regulation, Law, and Economics**

**Michelle Boardman**, Associate Professor of Law, George Mason University Antonin Scalia Law School

**Reading Assignments:**

KENNETH S. ABRAHAM & DANIEL SCHWARCZ, *Chapter 2: General Principles of Insurance Law*, in INSURANCE LAW AND REGULATION 29-34 (Foundation Press, 8th ed. 2025).

NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, *State Insurance Regulation* (2011). (skim)

**1:15 – 1:30 pm**

**Break**

**1:30 – 2:30 pm**

**Session 5: Trading or Gaming? Prediction Markets and Event Contracts at the Boundaries of Regulatory Jurisdiction | Saguato**

**Reading Assignments:**

Nicole Moran, Laurent Samuel, & Mariano Palleja, *Event Contracts: A Primer on Growth, Mechanics and Regulation*, WESTLAW TODAY (Nov. 6, 2025).

Nick Devor, *As Prediction Markets Boom, the CFTC's Flagship Office Has Lost Its Last Enforcement Attorney*, BARRON'S (Feb. 10, 2026 at 10:04 am ET).

Matt Levine, *Predicting the Big Game*, BLOOMBERG: OPINION (Feb. 9, 2026 at 2:36 pm ET).

Matt Levine, *It's Not Gambling, It's Predicting*, BLOOMBERG: OPINION (June 17, 2026 at 2:15 pm ET).

Matt Levine, *Matt Levine's Money Stuff: Do Your Betting with Your Broker*, BLOOMBERG LAW NEWS (July 10, 2025 at 3:48 pm ET).

Romin Dabir et al., *The Complicated and Contentious Regulatory Treatment of Event Contracts*, REED SMITH LLP (Jan. 28, 2026). (Skip non-U.S. Discussion)

BLOOMBERG TELEVISION, *What are Event Contracts and Do They Work?*, (YOUTUBE, Feb. 15, 2025).

Daniel Wallach, *CFTC's Failure to Enforce 'Gaming' Contract Ban Could Still Upend Kalshi Sports Betting Lawsuits*, FORBES: SPORTSMONEY (June 4, 2025 at 1:32 am ET).

Frank J. Weigand et al., *Disagreement Deepens Among Federal Courts Over Whether Sports Event Contracts are Subject to State Regulation*, CAHILL GORDON & REINDEL LLP (Dec. 19, 2025).

*North America Derivatives Exchange, Inc. v. State of Nevada, et al.*, No. 25-7187 (9th Cir. 2025).

**2:30 – 2:45 pm**

**Break**

**2:45 – 3:45 pm**

**Session 6: Interpreting Insurance Policies: Incentives All Around | Boardman**

**Reading Assignments:**

Michelle Boardman, *The Unpredictability of Insurance Interpretation*, 82 L & CONTEMP. PROBS. 27 (2019).

AMERICAN LAW INSITITUTE, *Restatement of the Law of Liability Insurance* (2024).

**3:45 – 4:00 pm**

**Break**

**4:00 – 5:00 pm**

**Session 7: The Student Athlete Market Post-Alston: NIL Rights, Employment Status, and More | Boliek**

**Reading Assignments:**

Babette Boliek, *The Potential Reach of O'Bannon v. NCAA*, 5 MISS. SPORTS L. REV. 28 (2015).

THE FEDERALIST SOCIETY, *The Evolution of Antitrust Laws Relating to College Athletics*, (YOUTUBE, Oct. 31, 2022).

Sara Coello, *What is NIL in College Sports? How do Athlete Deals Work?*, ESPN (Mar. 25, 2025).

*Johnson v. NCAA*, 108 F. 4<sup>th</sup> 163 (3d Cir. 2024).

**5:15 – 7:00 pm**

**Tennille Time Reception**

**Friday, February 27**

**7:00 – 7:50 am**

**Breakfast**

**8:00 – 9:00 am**

**Session 8: The Path of Law and Economics**

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

**Reading Assignments:**

Christopher Columbus Langdell, *A SELECTION OF CASES ON THE LAW OF CONTRACTS* (Boston, Little, Brown & Co. 1871).

Oliver Wendell Holmes Jr., *The Path of the Law*, 10 HARV. L. REV. 457 (1897).

<b>9:00 – 9:15 am</b>	<b>Break</b>
<b>9:15 – 10:15 am</b>	<p><b>Session 9: Junkyard Dogs: The Economics and Regulation of “Junk Fees”   Zywicki</b></p> <p><b>Reading Assignment:</b> Howard Beales &amp; Todd J. Zywicki, <i>Junkyard Dogs: The Law and Economics of “Junk” Fees</i>, CPI ANTITRUST CHRON. (Apr. 2023).</p>
<b>10:15 – 10:45 am</b>	<b>Break</b>
<b>10:45 am – 12:00 pm</b>	<p><b>Session 10: ACBCJ Judges Panel: Non-Competition Agreements and Restrictive Covenants</b></p> <p><b>Elihu M. Berle</b>, President, ACBCJ; Judge, Los Angeles County Superior Court, California</p> <p><b>Linda S. Jamieson</b>, Justice, New York Supreme Court, Ninth Judicial District</p> <p><b>Denise Owens</b>, Chancellor, Fifth Chancery District Court, Mississippi</p> <p><b>Patricia A. Winston</b>, Judge, Superior Court of Delaware</p> <p><b>Moderator: Anne C. Martin</b>, President-Elect, ACBCJ; Chancellor, Tennessee Chancery Court, 20th Judicial District</p>
<b>12:00 – 12:10 pm</b>	<b>Closing Remarks</b>
<b>12:10 – 12:30 pm</b>	<b>ACBCJ Business Meeting and Elections</b>
<b>12:30 pm</b>	<p><b>Program Adjourns</b> Participants depart at their leisure</p>