



**Agenda**  
***Economics Institute for Judges***  
**Judicial Education Program**  
**Law & Economics Center**  
**Antonin Scalia Law School**  
**George Mason University**  
Sunday, March 8 – Friday, March 13, 2026

## Agenda

### Sunday, March 8

3:30 – 4:00 pm

**Registration**

4:00 – 5:00 pm

**Class 1: The Economic Perspective**

**Henry N. Butler**, Henry G. Manne Chair of 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 [hereinafter BSC], *Chapter 1: The Economics Perspective*, in *ECONOMIC ANALYSIS FOR LAWYERS* 3-33 (Carolina Academic Press, ed., 4th ed. 2024).

Leonard E. Read, I, Pencil, FOUND. FOR ECON. EDUC. (Dec. 1958).

**Supplemental Video Assignments:**

TODD ZYWICKI, *What is Law and Economics?* (Law and Economics Course, The Federalist Society's No. 86 Video Series Project).

Free to Choose Network, *Milton Friedman - I Pencil*, YouTube (July 31, 2012).

DONALD J. KOCHAN, *What are Opportunity Costs?* (Law and Economics Course, The Federalist Society's No. 86 Video Series Project).

DONALD J. KOCHAN, *Why Do Marginal Costs Matter?* (Law and Economics Course, The Federalist Society's No. 86 Video Series Project).

DONALD J. KOCHAN, *Evaluating Unintended Consequences* (Law and Economics Course, The Federalist Society's No. 86 Video Series Project).

5:00 – 5:15 pm

**Break**

5:15 – 6:30 pm

**Class 2: Incentives Matter | Butler**

**Reading Assignment:**

*Continuation of previous assignment.*

**Supplemental Video Assignment:**

THE HONORABLE DOUGLAS GINSBURG, *Economic Insights for Everyday Problems* (Law and Economics Course, The Federalist Society's No. 86 Video Series Project).

6:30 – 7:15 pm

**Opening Reception**

7:15 – 9:00 pm

**Opening Dinner**

**The History of the Law & Economics Center | Butler**

**Reading Assignment:**

Henry G. Manne, *An Intellectual History of the George Mason University's School of Law, L. & ECON. CTR.* (1993).

**Monday, March 9**

**8:00 – 9:15 am**

**Class 3: Supply, Demand, and Mutually–Beneficial Exchange**

**J. Shahar Dillbary**, Professor of Law and Associate Dean for Faculty Research, George Mason University Antonin Scalia Law School

**Reading Assignment:**

BSC, *Chapter 2: Markets and the Price System* (35-75).

**Supplemental Reading:**

J. Shahar Dillbary, *Packet* (2025).

**Case Discussion:**

*Houseman v. Dare*, 405 N.J. Super. 538 (2009): 203-07.

**Supplemental Video Assignments:**

DONALD J. KOCHAN, *What are Opportunity Costs?* (Law and Economics Course, The Federalist Society's No. 86 Video Series Project).

DONALD J. KOCHAN, *Why Do Marginal Costs Matter?*, (Law and Economics Course, The Federalist Society's No. 86 Video Series Project).

SETH ORANBURG, *How Do Transactions Improve Societal Value?* (Contracts Course, The Federalist Society's No. 86 Video Series Project).

**9:15 – 9:30 am**

**Break**

**9:30 – 10:45 am**

**Class 4: Market Restraints and Dynamic Response | Dillbary**

**Reading Assignment:**

BSC, *Chapter 2: Markets and the Price System* (64-72, 75-92).

**Case Discussion:**

*Competitive Enterprise Institute v. NHTSA*, 956 F.2d 321 (1992): 76-83.

**Supplemental Video Assignments:**

DONALD J. KOCHAN, *Evaluating Unintended Consequences* (Law and Economics Course, The Federalist Society's No. 86 Video Series Project).

THE HONORABLE DOUGLAS GINSBURG, *An Economic Approach to Regulation* (Law and Economics Course, The Federalist Society's No. 86 Video Series Project).

**10:45 – 11:00 am**

**Break**

**11:00 am – 12:15 pm**

**Class 5: Markets in Action | Dillbary**

**Reading Assignment:**

BSC, *Chapter 2: Markets and the Price System* (92-104).

**Case Discussion:**

Complaint, *State v. Medina* (Fla. Cir. Ct. 2005): 94-99.

**Supplemental Video Assignments:**  
PUBLIUS, *Theories of Economic Regulation* (Law and Economics Course, The Federalist Society's No. 86 Video Series Project).

12:15 – 12:45 pm

**Lunch Break**

12:45 – 2:00 pm

**Class 6: Insurance | Butler**

**Reading Assignment:**  
BSC, *Chapter 6: Risk* (269-324).

**Case Discussions:**  
*Atwater Creamery Co. v. Western National Mutual Insurance Co.*, 366 N.W. 2d 271 (1985): 286-91.  
*Greenman v. Yuba Power Products, Inc.*, 377 P.2d 897 (1963): 335-39.

2:00 pm

**Adjourn for Day: Afternoon Study Session**

**Tuesday, March 10**

8:00 – 9:15 am

**Class 7: Property Rights and the Coase Theorem**

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

**Reading Assignments:**  
BSC, *Chapter 3: Property Rights* (111-24).

BSC, *Chapter 4: Externalities* (135-80).

**Case Discussion:**  
*Matthews v. Wozencraft*, 15 F.3d 432 (5th Cir. 1994): 117-22.

**Supplemental Video Assignments:**  
RICHARD EPSTEIN, *The Directness of Causation When Charging Defendants for Losses* (Common Law Course, The Federalist Society's No. 86 Video Series Project).

PUBLIUS, *The Problem of Social Cost* (In Review, The Federalist Society's No. 86 Video Series Project).

TODD ZYWICKI, *The Coase Theorem* (Law and Economics Course, The Federalist Society's No. 86 Video Series Project).

9:15 – 9:30 am

**Break**

9:30 – 10:45 am

**Class 8: Incompatible Uses of Property Rights | Kochan**

**Reading Assignment:**  
BSC, *Chapter 3: Property Rights and Chapter 4: Externalities* (111-24, 135-80).

**Case Discussion:**  
*Fontainebleau Hotel Corp. v. Forty-Five Twenty-Five, Inc.*, 114 So. 2d 357 (1959): 153-61.  
*Boomer v. Atlantic Cement Co.*, 257 N.E.2d 870 (1970): 164-69.

**Supplemental Video Assignments:**  
RICHARD EPSTEIN, *How is the Law of Tort Organized* (Common Law Course, The Federalist Society's No. 86 Video Series Project).

DONALD J. KOCHAN, *Limits on Property Rights: Reciprocity and Externalities* (Property Law Course, The Federalist Society's No. 86 Video Series Project).

<b>10:45 – 11:00 am</b>	<b>Break</b>
<b>11:00 am – 12:15 pm</b>	<p><b>Class 9: Update on Scientific Methodology &amp; the Rules for Admissibility of Expert Testimony   Kochan</b></p> <p><b>Reading Assignment:</b>  <i>Engilis v. Monsanto Company</i>, 151 F.4th 1040 (2025).</p> <p><i>New Rule 702 Decisions, Legislation Improve Expert Evidence Standards</i>, LAWYERS FOR CIV. JUST. (2026).</p>
<b>12:15 – 12:45 pm</b>	<b>Lunch Break</b>
<b>12:45 – 2:00 pm</b>	<p><b>Class 10: Risk, Injury, and Liability</b></p> <p><b>Nuno Garoupa</b>, Professor of Law and Faculty Director of Graduate Studies, George Mason University Antonin Scalia Law School</p> <p><b>Reading Assignment:</b>  <i>BSC, Chapter 6: Risk</i> (269-372).</p> <p><b>Case Discussion:</b>  <i>United States v. Carroll Towing Co.</i>, 159 F.2d 169 (1947): 325-34.</p> <p><b>Supplemental Video Assignments:</b>          THE HONORABLE DOUGLAS GINSBURG, <i>How is Risk Regulation Related to Economic Analysis?</i> (Law and Economics Course, The Federalist Society’s No. 86 Video Series Project).</p> <p>IRINA MANTA, <i>Best Cost Avoider</i> (Torts Course, The Federalist Society’s No. 86 Video Series Project).</p>
<b>2:00 pm</b>	<b>Adjourn for Day: Afternoon Study Session</b>

## Wednesday, March 11

<b>8:00 - 9:15 am</b>	<p><b>Class 11: Agency Costs and Contracting</b></p> <p><b>Todd J. Zywicki</b>, George Mason University Foundation Professor of Law, George Mason University Antonin Scalia Law School</p> <p><b>Reading Assignment:</b>  <i>BSC, Chapter 5: Information Costs and Transaction Costs</i> (207-39).</p> <p><b>Case Discussion:</b>  <i>Bloor v. Falstaff Brewing Corp.</i>, 601 F.2d 609 (1979).</p> <p><b>Supplemental Video Assignments:</b>          RICHARD EPSTEIN, <i>What Role Do Contracts Play in Social Order?</i> (Common Law Course, The Federalist Society’s No. 86 Video Series Project).</p> <p>RICHARD EPSTEIN, <i>Why Are There Set Terms in Contracts?</i> (Common Law Course, The Federalist Society’s No. 86 Video Series Project).</p>
<b>9:15 – 9:30 am</b>	<b>Break</b>
<b>9:30 – 10:45 am</b>	<p><b>Class 12: Corporate Governance   Kochan</b></p> <p><b>Reading Assignment:</b>  <i>BSC, Chapter 5: Information Costs and Transaction Costs</i> (239-68).</p>

**Case Discussion:**

*Kamin v. American Express Co.*, 383 N.Y.S.2d 807 (1976): 249-53.

**Supplemental Video Assignments:**

SEAN GRIFFITH, *What Makes a Corporation Legal?* (Corporate Law Course, The Federalist Society's No. 86 Video Series Project).

ROBERT MILLER, *Why Are Corporate Executives Subject to Fiduciary Duties?* (Corporate Law Course, The Federalist Society's No. 86 Video Series Project).

**10:45 – 11:00 am**

**Break**

**11:00 am - 12:15 pm**

**Class 13: Economics of Information**

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

**Reading Assignment:**

BSC, *Chapter 5: Information Costs and Transaction Costs* (182-207).

**12:15 – 12:45 pm**

**Lunch Break**

**12:45 – 2:00 pm**

**Class 14: The Economics of the Criminal Justice System, Part 1: Dealing with the Incarceration Cycle, Room 221 | Garoupa**

**Reading Assignments:**

BSC, *Chapter 7: The Economics of Crime and Punishment* (399-490) (skim entire chapter).

Jennifer L. Doleac, *Encouraging Desistance from Crime*, 61 J. ECON. LIT. 383 (2020).

**Supplemental Video Assignments:**

JOSHUA KLEINFELD, *Crime and Punishment* (Criminal Law Course, The Federalist Society's No. 86 Video Series Project).

ROBERT LEIDER, *Why Do Theories about Punishment Matter?* (Criminal Law Course, The Federalist Society's No. 86 Video Series Project).

**2:00 pm**

**Adjourn for Day: Afternoon Study Session**

**Thursday, March 12**

**8:00 – 9:15 am**

**Class 15: Competition and Monopoly**

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

**Reading Assignment:**

BSC, *Chapter 8: Industrial Organization and Competition Law* (491-568) (skim entire chapter).

**9:15 – 9:30 am**

**Break**

**9:30 – 10:45 am**

**Class 16: Public Choice Economics | Zywicki**

**Reading Assignments:**

BSC, *Chapter 8: Industrial Organization and Competition Law* (502-08).

BSC, *Chapter 9: The Legislative Process and the Courts* (571-95).

**Case Discussion:**

*City of Columbia v. Omni Outdoor Advertising, Inc.*, 499 U.S. 365 (1991): 580-89.

**Supplemental Video Assignment:**

TODD ZYWICKI, *Public Interest Theory vs. Public Choice Theory* (Law and Economics Course, The Federalist Society's No. 86 Video Series Project).

**10:45 – 11:00 am**

**Break**

**11:00 am – 12:15 pm**

**Class 17: The Economics of the Criminal Justice System, Part 2:  
The Debate About the Pretrial System | Garoupa**

**Reading Assignment:**

Will Dobbie & Crystal S. Yang, *The US Pretrial System: Balancing Individual Rights and Public Interests*, 35 J. ECON. PERSP. 49 (2021).

**12:15 – 6:00 pm**

**Afternoon Study Session**

**6:00 pm**

**Bus Departs**

**6:15 – 9:15 pm**

**Closing Reception and Dinner**

**Friday, March 13**

**8:00 – 9:10 am**

**Class 18: Cartels | Yun**

**Reading Assignment:**

BSC, *Chapter 8: Industrial Organization and Competition Law* (491-568).

**Case Discussion:**

*Bell Atlantic Corporation v. Twombly*, 550 U.S. 544 (2007): 537-40.

**Supplemental Video Assignment:**

RICHARD EPSTEIN, *What are Limits on Freedom of Contract? Conspiracy, Force, Cartels, and Rate Regulation* (Common Law Course, The Federalist Society's No. 86 Video Series Project).

**9:10 – 9:25 am**

**Break**

**9:25 – 10:35 am**

**Class 19: The Economics of Privacy | Cooper**

**Reading Assignment:**

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

**10:35 – 11:05 am**

**Break**

**11:05 am – 12:15 pm**

**Class 20: Data & Competition | Cooper**

**Reading Assignments:**

James C. Cooper & John M. Yun, *Antitrust & Privacy: It's Complicated*, 2022 J. L. TECH. & POL'Y 343 (2022).

BSC, *Chapter 8, Section 4: Industrial Organization and Competition Law* (515-17).

Rytr L.L.C., 232-3052 F.T.C No. C-4806 (2025).

*U.S. v. Topkins*, No. 3:15-cr-00201-WHO (N.D.CA filed Apr. 6, 2015).

**12:15 pm**

**Program Adjourns**

Participants depart at their leisure