



Agenda
*Advanced Economics Institute on
Torts and Product Liability*
Judicial Education Program
Law & Economics Center
Antonin Scalia Law School
George Mason University
Monday, March 16 – Thursday, March 19, 2026

Agenda

Monday, March 16

4:30 – 5:00 pm **Registration**

5:00 – 6:30 pm **Class 1: Law and Economics and Tort Law: A Survey of Scholarly Opinion**

Andrew “Andy” Morriss, Professor of Law, Bush School of Government and Public Service and School of Law, Texas A&M University

Reading Assignment:

Andrew P. Morriss, John C. Moorhouse, & Robert Whaples, *Law and Economics and Tort Law: A Survey of Scholarly Opinion*, 62 ALB. L. REV. 667 (1998).

6:30 – 7:30 pm **Opening Reception**

Welcome Remarks

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

Tuesday, March 17

7:00 – 7:50 am **Breakfast**

8:00 – 9:15 am **Class 2: The Spectrum of Liability and the Basic Model**

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

Reading Assignment:

J. SHAHAR DILLBARY & WILLIAM M. LANDES, *Chapter 7: Torts*, in LAW AND ECONOMICS: THEORY, CASES AND OTHER MATERIALS 343-65, 371-74, 376-84, 386-91 (Aspen Publishing, 1st ed. 2022).

9:15 – 9:30 am **Break**

9:30 – 10:45 am **Class 3: Negligence & Duty of Care | Dillbary**

Reading Assignments:

J. SHAHAR DILLBARY & WILLIAM M. LANDES, *Chapter 7: Torts*, in LAW AND ECONOMICS: THEORY, CASES AND OTHER MATERIALS 407-15 (Aspen Publishing, 1st ed. 2022).

Randi W. v. Muroc Joint Unified Sch. Dist., 929 P.2d 582 (Cal. 1997).

10:45 – 11:00 am **Break**

11:00 am – 12:15 pm **Class 4: The Reasonable Person Standard & The (Marginal) Hand Formula | Dillbary**

Reading Assignments:

J. SHAHAR DILLBARY & WILLIAM M. LANDES, *Chapter 7: Torts, in* LAW AND ECONOMICS: THEORY, CASES AND OTHER MATERIALS 376-78, 386-91, 394 (Aspen Publishing, 1st ed. 2022).

Wood v. Groh, 7 P.3d 1163 (Kan. 2000).

Andrews v. United Airlines. Inc., 24 F.3d 39 (9th Cir. 1994).

OLIVER WENDELL HOLMES JR., *Lecture III – Torts – Trespass and Negligence in*, THE COMMON LAW 108-10 (1881).

12:15 pm **Adjourn for Day: Afternoon Study Session**

Wednesday, March 18

7:00 – 7:50 am **Breakfast**

8:00 – 9:15 am **Class 5: Survey of the Law & Economics of Torts**

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

Reading Assignments:

A. MITCHELL POLINSKY, *Chapter 6: Third Application – Automobile Accidents, in* An Introduction to Law and Economics 43-56 (Aspen Publishing, 5th ed. 2018).

A. MITCHELL POLINSKY, Chapter 4: First Application – Nuisance, in *An Introduction to Law and Economics* 17-27 (Aspen Publishing, 5th ed. 2018).

9:15 – 9:30 am **Break**

9:30 – 10:45 am **Class 6: The Economics of Causation | Dillbary**

Reading Assignments:

J. Shahar Dillbary, Griffin Edwards & Fred Vars, *Why Exempting Negligent Doctors May Reduce Suicide: An Empirical Analysis*, 93 IND. L. J. 457, 458-472 (2017).

J. Shahar Dillbary, *Causation Actually*, 51 GA. L. REV. 1-40 (2016).

Stubbs v. City of Rochester, 124 N.E. 137 (N.Y. 1919).

Hymowitz v. Eli Lilly, 539 N.E.2d 1069 (N.Y. 1989).

Doe v. Manheimer, 563 A.2d 699 (Conn. 1989).

J. Shahar Dillbary, *Apportioning Liability Behind a Veil of Uncertainty*, 62 HASTINGS L. J. 1729-33, 1746-51, 1757-58 (2011).

10:45 – 11:00 am **Break**

11:00 am – 12:15 pm **Class 7: Punitive Damages: A Law & Economics Approach | Sharkey**

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).

12:15 – 6:30 pm **Afternoon Break**

6:30 – 7:15 pm **Closing Reception**

7:15 – 9:00 pm **Closing Dinner**

Thursday, March 19

7:00 – 7:50 am **Breakfast**

8:00 - 9:15 am **Class 8: Products Liability in the Digital Age | Sharkey**

Reading Assignment:

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).

9:15 – 9:30 am **Break**

9:30 – 10:45 am **Class 9: Novel Liability Theories and Modern Tort Expansion: An Economics, Doctrinal, and Constitutional Analysis | Kochan**

Reading Assignments:

Richard A. Epstein, *The Static Conception of Common Law*, 9 J. LEGAL STUD. 253 (1980).

Victor E. Schwartz, *Rendering Justice in Key Areas of Tort Law in the Next Decade*, 49 SW L. REV. 378 (2020).

10:45 am **Program Adjourns**
Participants depart at their own leisure