



Agenda
Justices Scalia & Ginsburg Colloquium
for State Supreme Court Justices
Judicial Education Program
Law & Economics Center
Antonin Scalia Law School
George Mason University
Friday, March 13 – Friday, March 20, 2026

Agenda

Friday, March 13

Travel day; participants arrive at their leisure

Saturday, March 14

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

8:00 – 9:15 am **Session 1: 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).

9:15 – 9:30 am **Break**

9:30 – 10:45 am **Session 2: Establishing a Natural Right to Property**

Eric R. Claeys, Professor of Law, George Mason University Antonin Scalia Law School

Reading Assignments:

ERIC R. CLAEYS, *Chapter 5: Property's Elements and Scope*, in NATURAL PROPERTY RIGHTS 82-104 (2025).

Pierson v. Post, 3 Cai. R. 175 (N.Y. Sup. Ct. 1805).

Haslem v. Lockwood, 37 Conn. 500, WL 1608 (1871).

Ghen v. Rich, 8 F. 159 (D. Mass. 1881).

Ploof v. Putnam, 81 Vt. 471, 71 A. 188 (1908).

Hinman v. Pac. Air Transp., 84 F.2d 755 (9th Cir. 1936).

10:45 – 11:00 am **Break**

11:00 am – 12:15 pm **Session 3: Maintaining Judicial Structure: Dividing Judicial Authority**

David R. Stras, Judge, U.S. Court of Appeals for the Eighth Circuit

Reading Assignments:

Grable v. Darue Engineering, 545 U.S. 309 (2005).

Minnesota v. American Petroleum Institute, 63 F.4th 703 (8th Cir. 2023).

12:15 – 6:30 pm

Afternoon Study Break

6:30 – 7:15 pm

Opening Reception

7:15 – 9:30 pm

Opening Dinner

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

Sunday, March 15

7:00 – 7:50 am

Breakfast

8:00 – 9:15 am

Session 4: Economics of Wolves and Wildlife Management

Dominic “Nick” Parker, Morton Harris Senior Fellow, Hoover Institution; Anderson Bascom Professor of Applied Economics, University of Wisconsin-Madison

Reading Assignments:

Dean Lueck & Dominic Parker, *The Creation and Extent of America’s First Environmental Agencies*, 12 J. OF THE ASS’N OF ENV’T AND RES. ECON. 1097 (2025).

Jennifer L. Raynor, Corbett A. Grainger, & Dominic P. Parker, *Wolves Make Roadways Safer, Generating Large Economic Returns to Predator Conservation*, 118 PROCEEDINGS OF THE NAT’L ACAD. OF SCI. 1 (2021).

9:15 – 9:30 am

Break

9:30 – 10:45 am

Session 5: Judicial Review and Democratic Stability: The Experience of Peru’s Constitutional Court

José Luis Sardón, Professor, Universidad de Piura Law School - Campus Lima; former Ambassador–Permanent Representative to the Organization of American States (OAS) for Peru; former Justice of Peru’s Constitutional Court (2014–2022).

Reading Assignment:

David Landau, *Abusive Constitutionalism*, 47 U.C. DAVIS L. REV. 189 (2013).

10:45 – 11:00 am

Break

11:00 am – 12:15 pm

Session 6: Natural Rights, Res in Property Law, and Fracking | Claeys

Reading Assignments:

ERIC R. CLAEYS, *Chapter 10: Designing Property Rights*, in NATURAL PROPERTY RIGHTS 174-200 (2025).

Westmoreland Nat. Gas Co. v. De Witt, 5 L.R.A 731, 130 Pa. 235, 18 A. 724 (Pa. 1889).

Gray-Mellon Oil Co. v. Fairchild, 219 Ky. 143 (1927).

Coastal Oil & Gas Corp. v. Garza Energy Tr., 268 S.W.3d 1 (Tex. 2008).

Stone v. Chesapeake Appalachia, 2013 WL 7863861, slip copy 5:12-CV-102, (N.D. W. Va. July 30, 2013).

12:15 pm

Program Adjourns for Day

Monday, March 16

7:00 – 7:50 am **Breakfast**

8:00 – 9:15 am **Session 7: Nuisance, Natural Property Rights, and Coasean Economic Analysis | Claeys**

Reading Assignments:

ERIC R. CLAEYS, *Chapter 12: Common Law, Duties, and Harms*, in NATURAL PROPERTY RIGHTS 221-44 (2025).

R. H. Coase, *The Problem of Social Cost*, 3 J. L. & ECON. 1 (1960).

RICHARD A. POSNER, *Chapter 3: Property*, in ECONOMIC ANALYSIS OF LAW 63-7 (8th ed. 2010).

Morgan v. High Penn Oil Co., 238 N.C. 185, 77 S.E.2d 682 (1953).

Sturges v. Bridgman, (1879) LR 11 Ch. D. 852 (C.A Eng.).

Leroy Fibre Co. v. Chicago, M., & St.P. Ry., 232 U.S. 340, 34 S.Ct 415 (1914).

9:15 – 9:30 am **Break**

9:30 – 10:45 am **Session 8: “How Science Works:” Thinking about Science, Experts, and Expertise**

Jessica L. Weinkle, Associate Professor, University of North Carolina Wilmington

Reading Assignment:

Steve Rayner & Daniel Sarewitz, *Policy Making in the Post-Truth World: On the Limits of Science and the Rise of Inappropriate Expertise*, 13 THE BREAKTHROUGH J. 15 (Winter 2021).

10:45 – 11:00 am **Break**

11:00 am – 12:15 pm **Session 9: Economic Implications of State Versus Tribal Legal Jurisdiction | Parker**

Reading Assignments:

Terry L. Anderson & Dominic P. Parker, *Lessons in Fiscal Federalism from American Indian Nations*, in LAW AND ECONOMICS OF FEDERALISM, 55-90 (Jonathan Klick, Edward Elgar Publishing ed., 2017).

Sarah Johnston & Dominic Parker, *Causes and Consequences of Policy Uncertainty: Evidence from McGirt vs. Oklahoma*, SSRN Working Paper (2022).

Dustin Frye & Dominic P. Parker, *Self-Governance and Development on American Indian Reservations*, 111 AEA PAPERS & PROCEEDINGS 233 (2021).

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

Tuesday, March 17

7:00 – 7:50 am **Breakfast**

8:00 – 9:15 am **Session 10: Implications of Conservation Easements and Similar Land Use Restrictions | Parker**

Reading Assignments:

Dominic P. Parker & Walter N. Thurman, *Private Land Conservation and Public Policy*, 11 ANN. REV. OF RES. ECON 337 (2019).

Annalise Helm, Dominic Parker, & Garret Shost, *Trading Green: Do Tax Credit Markets Improve Land Conservation?*, SSRN Working Paper (2026).

9:15 – 9:30 am	Break
9:30 – 10:45 am	Session 11: Rule of Law, Courts, and Investment Confidence: Evidence from Latin America Sardón Reading Assignment: WORKING GROUP ON LATIN AMERICA, GRP. FOR THIRTY, WHY DOES LATIN AMERICA UNDERPERFORM? 1-34 (Sept. 2023).
10:45 – 11:00 am	Break
11:00 am – 12:15 pm	Session 12: Damagings & State Eminent Domain Law Maureen “Molly” Brady, Louis D. Brandeis Professor of Law and Deputy Dean, Harvard Law School Reading Assignment: Maureen E. Brady, <i>The Damagings Clauses</i>, 104 VA. L. REV. 341 (2018).
12:15 pm	Program Adjourns for Day
Wednesday, March 18	
7:00 – 7:50 am	Breakfast
8:00 – 9:15 am	Session 13: The Declaration of Independence at 250: Implications for State Constitutions, Federalism, and Originalism Kochan Reading Assignment: Akhil Reed Amar & Samarth Desai, <i>The Annotated Declaration of Independence</i>, NAT’L CONST. CTR.
9:15 – 9:30 am	Break
9:30 – 10:45 am	Session 14: “Public Use” in the States Brady Reading Assignment: Maureen E. Brady, <i>Debates Over “Public Use” in the State Constitutional Convention</i>, 43 YALE J. ON REG. 36 (2025).
10:45 – 11:00 am	Break
11:00 am – 12:15 pm	Session 15: Down the Rabbit Hole: Understanding Power Structures in Science Using Climate Change as a Case Study Weinkle Reading Assignments: Roger Pielke Jr. & Justin Ritchie, <i>How Climate Scenarios Lost Touch with Reality</i>, 37 ISSUES IN SCI. & TECH. 74 (Summer 2021). Jessica Weinkle, <i>The Great Climate Change Science Bottleneck: And the Powerful Few that Control it</i>, CONFLICTED: SUBSTACK (Aug. 16, 2023). Jessica Weinkle, <i>Performing Climate Risks to Financial Stability: Are Climate Change Models the Source of Our Next Financial Crisis?</i>, THE BREAKTHROUGH INST. (May 17, 2024).
12:15 pm	Program Adjourns for Day

Thursday, March 19

7:00 – 7:50 am	Breakfast
8:00 – 9:15 am	Session 16: Austrian Law and Economics Zywicki Reading Assignment: Todd J. Zywicki, <i>Posner Meets Hayek: The Elements of an Austrian Law & Economics Research Program</i> , 23-24 GEO. MASON L. & ECON. RSCH. PAPER SER. (2023).
9:15 – 9:30 am	Break
9:30 – 10:45 am	Session 17: The Uses of Convention Evidence in State Constitutional Interpretation Brady Reading Assignment: Maureen E. Brady, <i>Uses of Convention History in State Constitutional Law</i> , 2022 WIS. L. REV. 1169 (2022).
10:45 – 11:00 am	Break
11:00 am – 12:15 pm	Session 18: Public Choice Economics: The Legislature and Executive Branch Zywicki Reading Assignments: MAXWELL L. STEARNS, TODD J. ZYWICKI, & THOMAS J. MICELLI, <i>Chapter 17: The Legislature (Part 1)</i> , in LAW AND ECONOMICS: PUBLIC AND PRIVATE 658-61 (2018). MAXWELL L. STEARNS, TODD J. ZYWICKI, & THOMAS J. MICELLI, <i>Chapter 18: The Legislature (Part 2)</i> , in LAW AND ECONOMICS: PUBLIC AND PRIVATE 687-704 (2018). MAXWELL L. STEARNS, TODD J. ZYWICKI, & THOMAS J. MICELLI, <i>Chapter 19: The Executive Branch and Agencies (Part 1)</i> , in LAW AND ECONOMICS: PUBLIC AND PRIVATE 752-64 (2018).
12:15 – 6:30 pm	Afternoon Break
6:30 – 7:15 pm	Closing Reception
7:15 – 9:30 pm	Closing Dinner

Friday, March 20

Travel day; participants depart at their leisure