



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).

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

Wednesday, March 11

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

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 | 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