



*Case Analysis Seminar
for Judges*
**Judicial Education Program
Law & Economics Center
Antonin Scalia Law School
George Mason University**

Wednesday, September 23 - Tuesday, September 26, 2026

Agenda

Wednesday, September 23

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| 3:30 – 4:00 pm | Registration |
| 4:00 – 4:05 pm | Welcome Remarks

Daniel B. Kelly , Allison and Dorothy Rouse Dean and Professor of Law, George Mason University Antonin Scalia Law School |
| 4:05 – 5:00 pm | Session 1: The Economic Perspective: Incentives Matter

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

Reading Assignment:
HENRY N. BUTLER, JOANNA SHEPHERD, & JAMES C. COOPER [hereinafter BSC], <i>Chapter 1: The Economics Perspective</i> , in <i>ECONOMIC ANALYSIS FOR LAWYERS</i> 3-33 (Carolina Academic Press, 4th ed. 2024). |
| 5:00 – 5:15 pm | Break |
| 5:15 – 6:15 pm | Session 2: Risk and Regulation

Douglas H. Ginsburg , Judge, U.S. Court of Appeals for the District of Columbia Circuit; Professor of Law, George Mason University Antonin Scalia Law School

Reading Assignment:
BSC, <i>Chapter 6: Risk</i> (269-372).

Case Discussions:
<i>Corrosion Proof Fittings v. Environmental Protection Agency</i> , 947 F.2d 1201 (5th Cir. 1991): 385-95.

<i>Business Roundtable v. Securities Exchange Commission</i> , 647 F.3d 1144 No. 10-1305 (D.C. Cir. 2011) (Edited). |
| 6:15 – 7:15 pm | Opening Reception

The History of the Law & Economics Center Kochan

Reading Assignment:
Henry G. Manne, <i>An Intellectual History of the George Mason University School of Law</i> , L. & Econ. Ctr. (1993). |

Thursday, September 24

8:00 – 9:15 am Session 3: Property Rights and Exchange | Kochan

Reading Assignment:

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

Case Discussions:

Amoco Production Co. v. Southern Ute Tribe, 526 U.S. 865 (1999).

Wheelock v. Noonan, 108 N.Y. 179 (1888).

9:15 – 9:30 am Break

9:30 – 10:45 am Session 4: Dealing with Externalities | Kochan

Reading Assignment:

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

Case Discussions:

Spur Industries Inc. v. Del E. Webb Development Co., 494 P.2d 700 (Ariz. 1972): 213-17.

Boomer v. Atlantic Cement Co., 257 N.E.2d 870 (N.Y. 1970): 164-69.

10:45 – 11:00 am Break

11:00 am – 12:15 pm Session 5: Markets and Prices

Todd J. Zywicki, George Mason University Foundation Professor of Law and Co-Founder and Co-Director, Institute for Consumer Financial Choice, George Mason University Antonin Scalia Law School

Reading Assignment:

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

Case Discussion:

Peevyhouse v. Garland Coal & Mining Co., 382 P.2d 109 (Okla. 1962): 69-73.

12:15 pm Adjourn for Day: Afternoon Study Session

Friday, September 25

8:00 – 9:15 am Session 6: Monopoly and Cartels | Ginsburg

Reading Assignment:

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

Case Discussion:

Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574 (1986): 14-20; 517-18.

9:15 – 9:30 am Break

9:30 – 10:45 am Session 7: Vertical Restraints in Monopoly | Ginsburg

Reading Assignment:

BSC, *Chapter 8: Industrial Organizations and Competition Law* (519-37).

Case Discussion:

Leegin Creative Leather Products, Inc. v. PSKS, Inc., 551 U.S. 877 (2007): 522-35.

10:45 – 11:00 am Break

11:00 am – 12:15 pm	Session 8: Markets in Action Zywicki Reading Assignment: BSC, <i>Chapter 2: Markets and the Price System</i> (92-104). Case Discussions: <i>Jones v. Star Credit Corp.</i> , 298 N.Y.S.2d 264 (1969): 103-04. <i>M. Kraus & Bros., Inc. v. U.S.</i> , 327 U.S. 614 (1945): 99-102.
12:15 pm – 3:00 pm	Afternoon Study Session
3:00 pm	Bus Departs
4:00 – 5:30 pm	Tour of Mount Vernon
5:30 – 8:30 pm	Closing Reception and Dinner

Saturday, September 26

7:00 – 8:00 am	Breakfast
8:00 – 9:15 am	Session 9: 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, <i>Chapter 5: Information Costs and Transaction Costs</i> (182-207). Case Discussions: <i>Va. Pharmacy Bd. v. Va. Consumer Council</i> , 425 U.S. 748 (1976): 185-92. <i>POM Wonderful, LLC v. F.T.C.</i> , 777 F.3d 478 (D.C. Cir. 2015).
9:15 – 9:30 am	Break
9:30 – 10:45 am	Session 10: Public Choice Economics and Rent-Seeking Zywicki Reading Assignments: BSC, <i>Chapter 8: Industrial Organization and Competition Law</i> (502-08). BSC, <i>Chapter 9: The Legislative Process and the Courts</i> (571-95). Case Discussions: <i>Goldfarb v. Virginia State Bar</i> , 95 S.Ct 2004 (1975) (Edited). <i>Bates v. State Bar of Arizona</i> , 97 S.Ct. 2691 (1977) (Edited).
10:45 – 11:00 am	Break
11:00 am – 12:15 pm	Session 11: Free Speech in the Political Marketplace Zywicki Case Discussion: <i>Citizens United v. Federal Communications Commission</i> , 558 U.S. 310 (2010) (Edited).
12:15 pm	Program Adjourns Participants depart at their leisure