

**LAW & ECONOMICS CENTER, GEORGE MASON UNIVERSITY SCHOOL OF LAW**  
**8<sup>th</sup> Annual Meeting of the American College of Business Court Judges**  
Sunday, December 9 through Tuesday, December 11, 2012

Classes: George Mason University School of Law, Founders Hall, 3301 Fairfax Drive, Arlington, VA 22201  
Hotel: Le Méridien Arlington, 1121 19<sup>th</sup> Street North, Arlington, VA 22209

## Agenda

### Sunday, December 9

*Classes and dinner held at Le Méridien Arlington*

**4:30 – 6:00 pm**                    **Registration, Vivace Foyer**

**5:00 – 6:00 pm**                    **Board Meeting, Opus Boardroom**

**6:00 – 6:45 pm**                    **Reception, Vivace Foyer**

**6:45 – 9:00 pm**                    **Dinner, Vivace**

**Call to Order**

**Allen Goldberg**, President, American College of Business Court Judges

**Welcoming Remarks**

**Karen M. Czarnecki**, Director, Education, Law & Economics Center

**Keynote Address: Rule 4(b) and Incentives for Litigation Abuse**

**E. Donald Elliott**, Adjunct Professor of Law, Yale Law School and Partner, Wilkie, Farr & Gallagher, Washington

### Monday, December 10

*Classes held at George Mason University School of Law, Founders Hall Auditorium*

**7:00 & 7:30 am**                    **Bus departs** Le Méridien Arlington for George Mason University School of Law

**7:00 – 7:50 am**                    **Breakfast, Founders Hall Atrium**

**8:00 – 9:15 am**                    **Executive Director Welcome, Henry N. Butler**, George Mason University Foundation Professor of Law, and Executive Director, Law & Economics Center

**What an Effective Corporate Compliance Program Should Look Like**

**Patricia J. Harned**, President, Ethics Resource Center

**Moderator: Paul J. McNulty**, Chair, Global Compliance, Baker & McKenzie

**9:30 – 10:45 am**

**The Economics of Privacy and Data Security**

**Maureen K. Ohlhausen**, Commissioner, Federal Trade Commissioner

**Peter P. Swire**, C. William O'Neill Professor in Law and Judicial Administration  
Moritz College of Law, The Ohio State University

**D. Reed Freeman**, Partner, Morrison Foerster LLP

**Moderator: James C. Cooper**, Director, Research, Law & Economics Center and Lecturer in Law, George Mason University School of Law

Reading Assignment: Peter P. Swire, et al., Social Science Research Network, Why the Right to Data Portability Likely Reduces Consumer Welfare: Antitrust and Privacy Critique (October 9, 2012) at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2159157](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2159157).

- 11:00 – 12:15 pm**      **Panel: Class Action Waivers Via Mandatory Arbitration: Coping With Uncertainty**  
**Deepak Gupta**, Founding Principal, Gupta Beck PLLC  
**Archis A. Parasharami**, Partner, Mayer Brown
- Moderator: William J. Highberger**, Superior Court, Los Angeles County
- Reading Assignment: Paul W. Mollica, Recent Federal Court Decisions holding Arbitration Clauses Partially or Entirely Unenforceable (2012).
- William F. Highberger, Compelling Arbitration: Who Knows The Rules to Apply? (Sept. 9, 2012)
- 12:30 – 1:45 pm**      **Introduction by Henry N. Butler**
- Luncheon Keynote, Multipurpose Room**  
**Stories of Focus, Fortunes, & Hubris: A Corporate Lawyer's Inside View of Corporations**  
**Arnold A. Pinkston**, Executive Vice President and General Counsel, Allergan
- 2:00 – 3:15 pm**      **Behavioral Economics**  
**Joshua D. Wright**, Professor of Law, George Mason University School of Law
- 3:30 – 5:00 pm**      **Economics of Civil Procedure**  
**Bruce H. Kobayashi**, Professor of Law, George Mason University School of Law
- 5:15 – 6:15 pm**      **Annual Meeting**
- 6:15 – 7:15 pm**      **Tennille Time Reception, Founders Hall Atrium**
- 7:15 pm**      **Adjourn**  
**Bus departs** George Mason University School of Law for Le Méridien Arlington  
**Dinner on your own**

## Tuesday, December 11

*Classes held at George Mason University School of Law, Founders Hall Auditorium*

- 7:00 & 7:30 am**      **Bus departs** Le Méridien Arlington for George Mason University School of Law
- 7:00 – 7:50 am**      **Breakfast, Founders Hall Atrium**
- 8:00 – 9:40 am**      **Eminent Domain, Mortgage Modifications & The Rule of Law**  
**Jonathan Hacker**, Partner, O'Melveny & Myers
- 10:00 - 11:45 am**      **Derivatives and Litigation in State Courts**  
**Ben F. Tennille**, Founding President, ACBCJ and Partner, Black Swan ADR  
**Jeffrey Golden**, Visiting Professor, Law Department, London School of Economics and Political Science; Chairman, the P.R.I.M.E. Finance Foundation; Director, MFX Solutions, Inc.
- Reading Assignment: Special Commissioners' Decisions/Special Commissioners' Decisions 2002/HSBC Life (UK) Ltd v Stubbs (Inspector of Taxes); Nationwide Life Ltd v Crisp (Inspector of Taxes); Abbey Life Assurance Co Ltd v Colclough (Inspector of Taxes); TSB Life Ltd v Colclough (Inspector of Taxes); Lloyds TSB Life Assurance Co Ltd v Colclough (Inspector of Taxes), STC (SCD) 9 (2012).
- Lehman Brothers Commodity Services, Inc. v. Crédit Agricole Corporate and Investment Bank*, 2011 EWHC 1390 (Comm), Royal Courts of Justice (July 6, 2011).
- 11:45 am**      **Adjourn**  
**Bus departs** George Mason University School of Law for Reagan National and Dulles Airports