

LAW & ECONOMICS CENTER, GEORGE MASON UNIVERSITY SCHOOL OF LAW  
Public Policy Conference on the Economics of Consumer Protection  
Sunday, October 21 through Tuesday, October 23, 2012

## Agenda

### Sunday, October 21

*Le Méridien Arlington*

**5:00 – 7:00 pm**      **Registration and Meet & Greet Reception**  
*Le Méridien Arlington, Adagio Room*

### Monday, October 22

*Classes held at GMU School of Law, Hazel Hall, Room 215*

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

**7:00 – 7:50 am**      **Breakfast**, *Rear Atrium*

**8:00 – 9:15 am**      **Welcome**  
**Daniel D. Polsby**, Dean and Professor of Law, George Mason University School of Law  
**Karen M. Czarnecki**, Director, Education, Law & Economics Center

**The Institutions of Consumer Protection: Competitive Markets, Common Law, and Regulation**  
**Todd Zywicki**, George Mason University Foundation Professor of Law, George Mason University School of Law

**9:30 – 10:45 am**      **Market Forces in Action: Advertising, Reputation, Bonding, Contracting**  
**James C. Cooper**, Director, Research and Policy, Law & Economics Center, and Adjunct Professor, George Mason University School of Law

**11:00 am – 12:00 pm**      **The Role of Self-Regulatory Organizations in Protecting Consumers**  
**Lee Peeler**, Executive Vice President, Council of Better Business Bureaus & President & CEO, Advertising Self Regulatory Council  
**Linda Sherry**, Director, National Priorities, Consumer Action

**Moderator: Lydia Parnes**, Partner, Wilson Sonsini Goodrich & Rosati

Reading Assignments: Press Release, Advertising Self-Regulatory Council, Accountability Program Looks Under Hood of Online Ad Campaign: Self-Regulation Process Ensures Consumers Receive Notice of Interest-Based Ads (Oct. 1, 2012)

Press Release, Advertising Self-Regulatory Council, Self-Regulation Keeps Pace with Innovation: Accountability Program Makes Clear that All Technologies Must Comply with Industry Self-Regulatory Standards (May 30, 2012)

Press Release, Advertising Self-Regulatory Council, CARU Recommends USA BMX/BMX Canada Modify Website to Better Protect Children's Privacy (Sept. 6, 2012)

Advertising Self-Regulatory Council, Children's Advertising Review Unit, Website Privacy Digest, June 21, 2012

## Monday, October 22 continued

Advertising Self-Regulatory Council, Self-Regulatory Program for Children's Advertising

Speech to the Council of Better Business Bureaus, Deborah Platt Majoras, *Self Regulatory Organizations and the FTC*, April 11, 2005

Press Release, Advertising Self-Regulatory Council, NAD Recommends Allstate Discontinue Certain Claims in 'Mayhem' Campaign, May 8, 2012

Press Release, The National Advertising Division of the Council of Better Business Bureaus, NAD Recommends Merck Discontinue Claim that Coppertone 'Protects Across 100% of the UVA UVB Spectrum,' Dec. 15, 2011

Press Release, Advertising Self-Regulatory Council, NAD Finds Nutrisystem's "Pinned" Content is Testimonial in Nature, Requires Disclosures, July 12, 2012

The Advertising Industry's Process of Voluntary Self-Regulation, Policies and Procedures by Advertising Self-Regulatory Council

Procedures, Online Interest-Based Advertising Accountability Program, Advertising Self-Regulatory Council, Revised April 3, 2012

12:00 – 1:30 pm

**Luncheon Discussion**, *Multipurpose Room 125*

### **Evolving First Amendment Protections of Commercial Speech**

**Dawn C. Nunziato**, Professor of Law, The George Washington University Law School  
**Ilya Somin**, Professor of Law, George Mason University School of Law

1:45 – 3:00 pm

### **The Economics of Privacy**

**Paul H. Rubin**, Samuel Candler Dobbs Professor of Economics, Emory University

Reading Assignments: Paul H. Rubin, *Ten Fallacies About Web Privacy*, The Wall Street Journal, August 30, 2010,  
<http://online.wsj.com/article/SB10001424052748704147804575455192488549362.html>

Michael R. Hammock & Paul H. Rubin, *Applications Want to be Free: Privacy Against Information*, Competition Policy International, Volume 7, Number 1 (Spring 2011)

3:15 – 4:30 pm

### **The Interface Between Privacy and Competitive Analysis in Search and Social Media**

**Paul H. Rubin**, Samuel Candler Dobbs Professor of Economics, Emory University  
**Peter P. Swire**, C. William O'Neill Professor in Law and Judicial Administration, Moritz College of Law, Ohio State University

**Catherine Tucker**, Mark Hyman, Jr. Career Development Professor and Associate Professor of Management Science, MIT Sloan School of Management

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

Reading Assignment: Peter Swire & Yianni Lagos, "Why the Right to Data Portability Likely Reduces Consumer Welfare: Antitrust and Privacy Critique," *available at* <http://ssrn.com/abstract=2159157>

## Monday, October 22 continued

- 4:45 – 6:00 pm**      **Self Regulating Organizations From a Business Perspective**  
**Phillip J. Grudzinski**, CEO, Professional Association for Customer Engagement  
**Rick Stauffer**, Chief Operating Office, PossibleNOW
- Moderator: Betty Montgomery**, Of Counsel, MacMurray, Petersen & Shuster LLP, and former Ohio Attorney General
- 6:00 pm**              **Bus departs** George Mason University School of Law for Le Méridien Arlington
- 6:30 – 9:00 pm**      **Reception and Dinner**  
*Le Méridien Arlington, Vivace Room*

## Tuesday, October 23, 2012

*Classes held at GMU School of Law, Hazel Hall, Room 215*

- 7:00 & 7:30 am**      **Bus departs** Le Méridien and the Hyatt Arlington for GMU School of Law  
Please bring your bags with you.
- 7:00 – 7:50 am**      **Breakfast**, *Rear Atrium*
- 8:00 – 9:15 am**      **Competition and Consumer Welfare in Financial Services Markets**  
**J.W. Verret**, Assistant Professor of Law, George Mason University School of Law
- 9:30 – 10:45 am**      **Dodd-Frank Developments Update**  
**Frank M. Salinger**, General Counsel, Card Coalition  
**Andrew J. Pincus**, Partner, Mayer Brown  
**Arthur E. Wilmarth, Jr.**, Professor of Law and Executive Director, Center for Law, Economics and Finance, The George Washington University Law School
- Moderator: Jodie Z. Bernstein**, Of Counsel, Kelley Drye & Warren LLP
- Reading Assignments: Arthur E. Wilmarth, Jr., *The Financial Services Industry's Misguided Quest to Undermine the Consumer Financial Protection Bureau*, The George Washington University Law School Public Law and Legal Theory Paper No. 2012-4 (Jan. 2012)
- Consumer Financial Protection Bureau. Supervision and Examination Manual, Version 1.0
- Frank Salinger, *The Short Legislative History of "Abusive" Acts or Practices (or Why Are We Here, Anyway?)*, June 5, 2012
- 11:00 am – 12:30 pm**      **Using Disparate Impact Analysis to Establish Discrimination in Lending**  
**Andrew L. Sandler**, Chairman & Executive Partner, BuckleySandler LLP  
**Alan M. White**, Professor of Law, CUNY School of Law  
**D. Jean Veta**, Partner, Covington & Burling LLP  
**Paul H. Rubin**, Samuel Candler Dobbs Professor of Economics, Emory University
- Moderator: Satya P. Thallam**, Deputy Director for Research and Policy, Law & Economics Center

## Tuesday, October 23 continued

12:30 – 1:45 pm

**Luncheon**, *Hazel Hall, Room 215*

**Charles A. Harwood**, Deputy Director, Bureau of Consumer Protection, Federal Trade Commission

1:50 pm

**Adjourn**

2:00 pm

**Bus departs** George Mason University School of Law for Reagan National Airport