

HENRY G. MANNE PROGRAM IN LAW & ECONOMICS STUDIES
LAW & ECONOMICS CENTER, GEORGE MASON UNIVERSITY SCHOOL OF LAW
Public Policy Conference on Administration Unbound? Delegation, Deference, and
Discretion
Friday, September 12, 2014

Agenda

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Sessions held at George Mason University Founders Hall Auditorium

- 8:00 – 8:30 am** **Breakfast, Founders Hall Multipurpose Room**
- 8:30 – 8:35 am** **Welcome**
- Henry N. Butler**, George Mason University Foundation Professor of Law, George Mason University School of Law, and Executive Director, Law & Economics Center
- 8:35 – 10:00 am** **Panel 1: Agency Deference: Appropriate or Abusive?**
- Richard O. Faulk**, Partner, Hollingsworth LLP and Senior Director, Energy and Environment, Law & Economics Center
Thomas H. Hill, Senior Executive and General Counsel, Global EHS Operations, General Electric
Sanne H. Knudsen, Assistant Professor of Law, University of Washington School of Law
Kevin M. Stack, Professor of Law and Associate Dean for Research, Vanderbilt Law School
Amy J. Wildermuth, Professor of Law and Associate Vice President of Faculty, SJ Quinney College of Law, University of Utah
- Moderator:**
Sam Kazman, General Counsel and Director, Center for Law and Litigation, Competitive Enterprise Institute
- Reading Assignment:** Knudsen, Sanne H. and Amy J. Wildermuth. "[Lessons from the Lost History of Seminole Rock.](#)"
- Stack, Kevin M. "[The Interpretive Dimension of Seminole Rock.](#)"
- 10:15 – 11:45 am** **Panel 2: Excessive Delegation and the Expansion of Federal Power**
- Jack M. Beermann**, Harry Elwood Warren Scholar and Professor of Law, Boston University School of Law
F. William Brownell, Partner, Hunton & Williams LLP
C. Boyden Gray, Founding Partner, Boyden Gray & Associates
Kristin E. Hickman, Harlan Albert Rogers Professor in Law and Associate Director, Corporate Institute, University of Minnesota Law School
Neomi Rao, Associate Professor of Law, George Mason University School of Law
- Moderator:**
Thomas H. Dupree, Jr., Partner, Gibson Dunn & Crutcher LLP
- Reading Assignment:** Gray, C. Boyden. "[The Nondelegation Canon's Neglected History and Underestimated Legacy.](#)"
- 12:00 – 1:15 pm** **Luncheon, Founders Hall Multipurpose Room**

Luncheon Keynote: “Is Administrative Law Unlawful?”

Philip A. Hamburger, Maurice and Hilda Friedman Professor of Law, Columbia Law School

Friday, September 12 continued

Moderator:

The Honorable Douglas H. Ginsburg, Professor of Law, George Mason University School of Law and Senior Circuit Judge, US Court of Appeals for the District of Columbia Circuit

1:30 – 3:00 pm

Panel 3: Revisiting Agency Discretion and the Scope of Judicial Review

David E. Bernstein, George Mason University Foundation Professor of Law, George Mason University School of Law

Caroline Cecot, Postdoctoral Research Scholar in Law and Economics, Vanderbilt Law School

Charles J. Cooper, Partner, Cooper & Kirk PLLC

Michael S. Greve, Professor of Law, George Mason University School of Law

W. Kip Viscusi, University Distinguished Professor of Law, Economics and Management; Co-Director, PhD Program in Law and Economics, Vanderbilt Law School

Moderator:

Helgi C. Walker, Partner, Gibson Dunn & Crutcher LLP

Reading Assignment: Bernstein, David E. [“What to do about Federal Agency Science: Some Doubts about Regulatory Daubert.”](#)

Cecot, Caroline and W. Kip Viscuci. [“Judicial Review of Agency Benefit-Cost Analysis.”](#)

3:00 pm

Adjourn