

LAW & ECONOMICS CENTER, GEORGE MASON UNIVERSITY SCHOOL OF LAW
Henry G. Manne Program in Law & Economics Studies
LEC Workshop for Law Professors on the Economics of Litigation and Civil Procedure
Thursday, January 29 through Sunday, February 1, 2015

Classes & Hotel: Hawks Cay Resort, 61 Hawks Cay Boulevard, Duck Key, FL 33050

Agenda

Thursday, January 29

Registration and Classes held in Ballroom Center

- 4:00 – 4:30 pm** **Registration Desk Open, Refreshments Available**
- 4:30 – 4:45 pm** **Welcome and Introductions**
Discussion Leader: Bruce H. Kobayashi, Professor of Law, George Mason University School of Law
- 4:45 – 6:15 pm** **CLASS 1: Rules, Incentives, and the Decision to File a Lawsuit**
Robert G. Bone, G. Rollie White Teaching Excellence Chair in Law, School of Law, University of Texas at Austin
- Reading Assignment:
- Bone, *Civil Procedure: The Economics of Civil Procedure*, Foundation Press Turning Point Series (2003), Chapter 1.
- 6:30 – 8:30 pm** **Reception and Dinner, Landings**
- History of the LEC**
Henry N. Butler, George Mason University Foundation Professor of Law, George Mason University School of Law, and Executive Director, Law & Economics Center

Friday, January 30

Classes held in Ballroom Center

- 7:00 – 7:50 am** **Breakfast, Lagoon Deck**
- 8:00 – 9:30 am** **CLASS 2: Settlement, Agency Costs, and Fee Shifting| Bone**
- Reading Assignment:
- Bone, Chapters 2 and 5.
- 10:00 – 11:30 am** **CLASS 3: The Selection of Cases for Litigation**
Jonah B. Gelbach, Associate Professor of Law, University of Pennsylvania Law School
- Reading Assignment:
- Priest and Klein, "[The Selection of Disputes for Litigation](#)," *Journal of Legal Studies*, 1984, 13, 1–30.
- Klerman and Lee, "[Inferences from Litigated Cases](#)," *Journal of Legal Studies*, 2014, 43, Parts I, V-VII.
- 11:30 am – 12:15 pm** **Lunch, Lagoon Deck**

Friday, January 30, continued

12:30 – 2:00 pm

CLASS 4: Measuring the Effect of Heightened Pleading Rules | Gelbach

Reading Assignment:

Bone, Chapter 4

Gelbach, [Can the Dark Arts of the Dismal Science Shed Light on the Empirical Reality of Civil Procedure?](#) (March 14, 2014). U of Penn, Inst for Law & Econ Research Paper No. 14-17.

2:00 pm

Adjourn for the Day

Saturday, January 31

Classes held in Ballroom Center

8:00 – 8:50 am

Breakfast, Lagoon Deck

9:00 – 10:30 am

CLASS 5: The Economics of Discovery and Discovery Reform | Kobayashi

Reading Assignment:

Bone, Chapter 7

Kobayashi, "[Law's Information Revolution as Procedural Reform: Predictive Search as a Solution to the In Terrorem Effect of Externalized Discovery Costs](#)," ___ *U. Ill. L. Rev.* 101 (forthcoming 2014)

Gelbach and Kobayashi, [The Law and Economics of Proportionality in Discovery](#), Paper for the Implementing Discovery Proportionality Standard Conference, Duke Law Center for Judicial Studies (November 13-14, 2014).

11:00 am – 12:30 pm

CLASS 6: Empirical Analyses of Litigation Reform | Kobayashi

Reading Assignment:

Helland, Klick, and Tabarrok, "[Data Watch: Tort-uring the Data](#)," 19 *J. Econ. Persp.* 207 (2005)

Helland and Showalter, "[The Impact of Liability on the Physician Labor Market](#)," 52 *J. L. & Econ* 635 (2009)

Shepherd, "[Products Liability and Economic Activity: An Empirical Analysis of Tort Reform's Impact on Businesses, Employment, and Production](#)," 66 *Vand. L. Rev.* 257 (2013)

Abrams and Chen, [A Market for Justice: A First Empirical Look at Third Party Litigation Funding](#), Institute for Law and Economics Research paper, No. 14-7, University of Pennsylvania Law School (2014)

Snyder and Hughes, "[The English Rule for Allocating Legal Costs: Evidence Confronts Theory](#)," 6 *J. L. Econ. & Org* 345 (1990).

12:30 – 4:30 pm

Study Break (Lunch on your own)

4:30 – 6:00 pm

CLASS 7: Discussion Session, Research Topics | Kobayashi, Bone, Gelbach

Saturday, January 31 continued

6:30 – 8:30 pm **Reception, Dinner, and Closing Remarks, *Tranquility Pool/Courtyard***

8:30 pm **Adjourn**

Sunday, February 1

Departures – No Group Activities Planned