

Law & Economics Center

Symposium for Judges: Judicial Deference and Regulatory Agency Science

October 5 – 7, 2017, Arlington, Virginia

Classes on October 6: AUSA Conference and Events Center, 2425 Wilson Blvd., Arlington, VA 22201

Panels on October 7: George Mason University, Founders Hall Auditorium, 3351 Fairfax Drive, Arlington, VA 22201

Hotel: Hyatt Place: Arlington-Courthouse Plaza, 2401 Wilson Blvd, Arlington, VA 22201

AGENDA

Thursday, October 5

6:00–8:30 pm **Reception & Dinner**, Association of the United States Army Conference Center, 2425 Wilson Blvd, Arlington, VA

Welcome: Henry N. Butler, Dean of the Antonin Scalia Law School, George Mason University and Gregory Conko, Interim Executive Director, Law & Economics Center

Opening Keynote Address: The Importance of Sound Science in the Regulatory Process, John Tierney, columnist and science journalist, *The New York Times*

Friday, October 6

Friday classes held at the Association of the U.S. Army Conference Center, 2425 Wilson Blvd, Arlington, VA

9:00—10:00 am **Session I: A Primer on the Scientific Method** (Lecture), Louis Anthony Cox, Clinical Professor of Biostatistics and Informatics, University of Colorado, and President, Cox Associates

10:00—11:00 am **Session II: Understanding What Science Can and Cannot Do** (Lecture), Cox

11:15 am—12:30 pm **Session III: An Introduction to Regulatory Impact Assessment** (Lecture), Susan Dudley, Director, George Washington University Regulatory Studies Center

12:30—2:00 pm **Luncheon Panel Discussion: OIRA and the Regulatory Review Process**

- Sally Katzen, Senior Advisor, Podesta Group, and OIRA Administrator (1993-1998)
- John Graham, Dean, Indiana University School of Public and Environmental Affairs, and OIRA Administrator (2001-2006)

Moderator: Douglas H. Ginsburg, Senior Judge, U.S. Court of Appeals for the DC Circuit

2:15—3:30 pm **Session IV: The Political Economy of Agency Science** (Lecture), Randall Lutter, Professor of Public Policy, University of Virginia

5:30 pm Bus departs for Charlie Palmer Steak, 101 Constitution Ave. NW, Washington DC

6:00–8:30 pm **Reception & Dinner** – Charlie Palmer Steak

8:30 pm Shuttle departs from Charlie Palmer to Hyatt Place hotel

Saturday, October 7

Saturday panels held at the George Mason University Founders Hall Auditorium, 3351 Fairfax Drive, Arlington, VA

- 8:30 am Shuttle departs from Hyatt Place hotel to Law School
- 9:00—10:30 am **Session V: The Regulation of Emerging Risks: Precautionary Principle or Risk v. Risk** (Panel Discussion)
- Sheila Jasanoff, Pforzheimer Professor of Science and Technology Studies, Harvard University
 - Jonathan Wiener, Perkins Professor of Law, Duke Law School
 - Jonathan Adler, Johan Verheij Memorial Professor of Law, Case Western Reserve University School of Law
- Moderator: A. Raymond Randolph, Judge, U.S. Court of Appeals for the DC Circuit
- 10:30 am—12:00 pm **Session VI: Arbitrary and Capricious? Cost-Benefit Analysis and Administrative Law** (Panel Discussion)
- Jonathan Masur, John P. Wilson Professor of Law, University of Chicago
 - Lisa Heinzerling, William J. Brennan Jr. Professor of Law, Georgetown University
 - C. Boyden Gray, Boyden Gray & Associates
- Moderator: Pauline Newman, Judge, US Court of Appeals for the Federal Circuit
- 12:00—2:00 pm **Luncheon Panel Discussion: Scientific Evidence in the Courts: A View from the Bench** (Panel Discussion)
- Douglas H. Ginsburg, Senior Judge, U.S. Court of Appeals for the DC Circuit
 - Stephen F. Williams, U.S. Court of Appeals for the DC Circuit
 - Alex Kozinski, Judge, U.S. Court of Appeals for the Ninth Circuit
- Moderator: Albert Diaz, Judge, U.S. Court of Appeals for the Fourth Circuit
- 2:15—3:45 pm **Session VII: Do We Need (or Want) a Regulatory *Daubert*?** (Panel Discussion)
- Thomas McGarity, Joe R. and Teresa Lozano Long Endowed Chair in Administrative Law, University of Texas
 - David Bernstein, George Mason University Foundation Professor, Antonin Scalia Law School
 - Tracy Heinzman, Partner, Wiley Rein LLP
- Moderator: C. Darnell Jones, Judge, U.S. District Court for the Eastern District of Pa.
- 3:45—4:00 pm **Closing Remarks:** Gregory Conko, Law & Economics Center
- 4:15 pm Shuttle departs from campus to Hyatt Place hotel