

JUDICIAL EDUCATION PROGRAM AND
ATTORNEYS GENERAL EDUCATION PROGRAM

Symposium on the Law & Economics of Consumer Protection

Sunday, September 29 – Tuesday, October 1, 2019 | Arlington, VA

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL

LAW &
ECONOMICS
CENTER

SUNDAY, SEPTEMBER 29

All sessions held at Le Meridien Hotel, Arlington, VA

3:00 – 5:00 pm

Registration, Lobby

5:00 – 6:30 pm

Welcome Reception, Vivace Room

MONDAY, SEPTEMBER 30

All sessions held at George Mason University Antonin Scalia Law School, Van Metre Hall Auditorium

6:45 & 7:00 am

Bus Departs Hotel for George Mason University Antonin Scalia Law School

7:00 – 7:50 am

Breakfast, Multipurpose Room

8:00 – 8:05 am

Welcome

Gregory Conko, Deputy Director, Law & Economics Center

8:05 – 9:15 am

Keynote Lecture: A 21st Century Approach to Consumer Protection

Timothy J. Muris, Foundation Professor of Law, George Mason University Antonin Scalia Law School

Reading Assignment:

J. Howard Beales III and Timothy J. Muris, "FTC Consumer Protection at 100: 1970s Redux or Protecting Markets to Protect Consumers?" *George Washington Law Review*, Vol. 83 No. 6 (2015), 2157-2229, 2157-74.

9:30 – 10:45 am

Lecture 1: The Role of Competitive Markets in Protecting Consumers

Joshua D. Wright, University Professor of Law, George Mason University Antonin Scalia Law School, and former Member, US Federal Trade Commission

Reading Assignment:

C. Robert Clark, "Advertising Restrictions and Competition in the Children's Breakfast Cereal Industry," *Journal of Law & Economics*, Vol. 50, No. 4 (2007), 757-80.

11:00 am – 12:15 pm

Lecture 2: The Economics of Advertising, Promotion, and Commercial Speech

J. Howard Beales III, Professor of Strategic Management & Public Policy, George Washington School of Business, and former Director, US Federal Trade Commission Bureau of Consumer Protection

Reading Assignment:

Howard Beales, Richard Craswell, and Steven C. Salop, "The Efficient Regulation of Consumer Information," *Journal of Law & Economics*, Vol. 24, No. 3 (1981), 491-539.

12:15 - 1:45 pm

Lunch and Luncheon Debate, *Multipurpose Room*

Retroactive Liability, Due Process, and Free Speech: Promotion of Lawful Products in the Wake of *Sherwin-Williams* and *Con Agra*

Donald Kochan, Parker S. Kennedy Professor in Law, Chapman University Dale E. Fowler School of Law

Robert J. McConnell, Member, Motley Rice, LLP

Moderator: The Honorable Brock A. Swartzle, Judge, Michigan Fourth District Court of Appeals

Reading Assignment:

Petition for a Writ of Certiorari, *ConAgra Grocery Products Company v. California*, cert. denied, cert. denied (US Oct. 15, 2018) (No. 18-84), 2-36.

Brief in Opposition, *ConAgra Grocery Products Company v. California*, cert. denied, cert. denied (US Oct. 15, 2018) (No. 18-84), 6-37.

2:00 - 3:30 pm

Panel 1: From the Common Law to No Harm Class Actions Under State Consumer Protection Acts

Leonard A. Bennett, Founding Partner, Consumer Litigation Associates

James C. Cooper, Associate Professor of Law, George Mason University Antonin Scalia Law School

William N. Shepherd, Partner, Holland & Knight, LLP

Matthew Wessler, Principal, Gupta Wessler PLLC

Moderator: The Honorable J. Michelle Childs, District Judge, US District Court for the District of South Carolina

Reading Assignment:

Henry N. Butler and Joshua D. Wright, "Are State Consumer Protection Acts Really Little-FTC Acts?," *Florida Law Review*, Vol. 63, No. 1 (2011), 163-92.

Carolyn L. Carter, *Consumer Protection in the States: A 50-State Report on Unfair and Deceptive Acts and Practices Statutes*, National Consumer Law Center, Inc., Feb. 2018, 5-6, 13-23.

3:45 - 5:15 pm

Panel 2: Consumer Protection at the Federal Trade Commission: The Economics of Privacy and Consumer Data Protection

Justin Brookman, Director of Consumer Privacy and Technology Policy, Consumer Reports

James C. Cooper, Associate Professor of Law, George Mason University Antonin Scalia Law School

Roslyn Layton, Visting Scholar, American Enterprise Institute

Andrew Stivers, Deputy Director for Consumer Protection, US Federal Trade Commission Bureau of Economics

Moderator: The Honorable Maryellen Noreika, District Judge, US District Court for the District of Delaware

Reading Assignment:

Federal Trade Commission, *Privacy and Data Security Update: 2018*, US Federal Trade Commission (March 2019).

James C. Cooper and Joshua D. Wright, "The Missing Role of Economics in FTC Privacy Policy," Ch. 26 in *Cambridge Handbook of Consumer Privacy*, Jules Polonetsky, Evan Selinger, and Omer Tene, eds., Cambridge University Press, 2018, 465-488.

5:15 pm

Adjourn for Day

Bus Departs George Mason University Antonin Scalia Law School for Hotel

TUESDAY, OCTOBER 1

All session held at George Mason University Antonin Scalia Law School, Van Metre Hall Auditorium

6:45 & 7:00 am

Bus Departs Hotel for George Mason University Antonin Scalia Law School

7:00 - 7:50 am

Breakfast, Multipurpose Room

8:00 - 9:15 am

Panel 3: State AGs and Consumer Protection: Do Aspiring Governors Generate Sound Public Policy?

Cynthia Coffman, former Attorney General of Colorado

Douglas F. Gansler, Partner, Buckley LLP, and former Attorney General of Maryland

Peter C. Harvey, Partner, Patterson Belknap Webb & Tyler LLP, and former Attorney General of New Jersey

Bill McCollum, Partner, Dentons, and former Attorney General of Florida

Moderator: The Honorable William C. Mims, Justice, Supreme Court of Virginia and Former Attorney General of Virginia

Reading Assignment:

Dennis Cuevas, "Consumer Protection," Ch. 13 in *State Attorneys General Powers and Responsibilities*, 3rd ed., Emily Myers, ed., National Association of Attorneys General, 2013, 231-45.

9:30 - 10:45 am

Panel 4: The Evolution of America's Lemon Laws

Doug Lampe, Counsel, Ford Motor Company

Ira Rheingold, Executive Director, National Association of Consumer Advocates

Moderator: James C. Cooper, Associate Professor of Law, George Mason University Antonin Scalia Law School

Reading Assignment:

George A. Akerlof, "The Market for 'Lemons': Quality Uncertainty and the Market Mechanism," *Quarterly Journal of Economics*, Vol. 84, No. 3. (1970), 488-500.

Daniel B. Klein, "Trust for Hire: Voluntary Remedies for Quality and Safety," in *Reputation: Studies in the Voluntary Elicitation of Good Conduct*, Daniel B. Klein ed., University of Michigan Press, 1997, 97-133.

11:00 am - 12:15 pm

Panel 5: The Proper Role of the Judge in Evaluating Expert Testimony

David Faigman, Chancellor and Dean, University of California Hastings

College of the Law

Andrew Jurs, Associate Dean and Professor of Law, Drake University Law School

Leslie M. Kroeger, Partner, Cohen Milstein Sellers & Toll PLLC

Eric G. Lasker, Partner, Hollingsworth LLP

Moderator: Dana Baiocco, Member, US Product Safety Commission

Reading Assignment:

David L. Faigman, "The Daubert Revolution and the Birth of Modernity: Managing Scientific Evidence in the Age of Science," *University of California, Davis Law Review*, Vol. 46, No. 3 (2013), 893-930, 909-26.

Andrew W. Jurs, "The Gatekeeper's Toolbox: A Survey on Judicial Handling of Expert-Reliability Motions," *Court Review*, Vol. 51, No. 1 (2015), 8-15.

12:15 - 1:45 pm

Lunch and Luncheon Debate, Multipurpose Room

Federalism and the Preemption of State Tort Actions

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

Catherine M. Sharkey, Crystal Eastman Professor of Law, New York University School of Law

Moderator: The Honorable David J. Porter, Circuit Judge, US Court of Appeals for the Third Circuit

Reading Assignment:

Michael S. Greve, Jonathan Klick, Michael Petrino, and J.P. Sevilla, "Preemption in the Rehnquist and Roberts Courts: An Empirical Analysis," *Supreme Court Economic Review*, Vol. 23, No. 1 (2015), 353-92.

2:00 - 3:15 pm

Panel 6: Justice For All - Is Social Justice Legal Justice?

Antonio F. (Tony) Dias, Partner, Jones Day

Joanne Doroshov, Founder and Executive Director, Center for Justice & Democracy, New York Law School

John Hasnas, Professor of Business, Georgetown University McDonough School of Business

Toni Jackson, Office of the Attorney General of the District of Columbia

Moderator: The Honorable Sabrina S. McKenna, Associate Justice Supreme Court of Hawaii

3:15 pm

Closing Remarks and Adjourn



J. HOWARD BEALES III

Professor of Strategic Management & Public Policy, George Washington University School of Business, and former Director, US Federal Trade Commission Bureau of Consumer Protection

Professor Beales has published numerous articles addressing a wide variety of consumer protection regulatory issues, including privacy, law and economics, and the regulation of advertising. From 2001 to 2004, he served as the Director of the Bureau of Consumer Protection at the Federal Trade Commission, where he was instrumental in redirecting the FTC's privacy agenda to focus on the consequences of the use and misuse of consumer information. During his tenure, the Commission proposed, promulgated, and implemented the national Do Not Call Registry. He also worked with Congress and the Bush Administration to develop and implement the Fair and Accurate Credit Transactions Act of 2003. His aggressive law enforcement program produced the largest redress orders in FTC history and attacked high volume frauds promoted through heavy television advertising. Dr. Beales previously served at the FTC as a staff economist, Assistant to the Director of the Bureau of Consumer Protection, Associate Director for Policy and Evaluation, and Acting Deputy Director.



LEONARD A. BENNETT

Founding Partner, Consumer Litigation Associates

Leonard Bennett has been a trial attorney and consumer advocate since 1994 in Newport News, Virginia. He is on the Board of Directors of the National Association of Consumer Advocates (NACA), the National Consumer Law Center's Partner's Council and a Williamsburg Society member of the Virginia Trial Lawyers Association. He has been a speaker at numerous programs including NACA and NCLC conferences, ABA and state bar CLE seminars, NAVY and ARMY JAG instruction and law school courses. Mr. Bennett presented NACA's "Fair Credit Reporting Act" Congressional Testimony before the House Committee on Financial Services in 2003, 2007 and 2008. He has been quoted by the New York Times, USA Today, Kiplinger and the Washington Post, amongst other media sources. He was a Federal Trade Commission invited panelist for its 2011 Debt Collection 2.0 Roundtable. Mr. Bennett is also a contributing editor to the NCLC Fair Credit Reporting Manual. Mr. Bennett's practice is focused on the representation of consumers. He has litigated individual and class cases throughout the country, trying as many credit reporting cases to a jury as nearly anyone in the nation and has been approved as Class Counsel in numerous class action cases.



DANA BAIOTTO

US Consumer Product Safety Commission

Prior to joining the Commission, Ms. Baiocco was a partner at Jones Day, where she was a member of the firm's Business and Tort Litigation Practice. She joined Jones Day's Pittsburgh Office in 1998 and, in 2011, she was among the first partners to join the Firm's Boston Office when it opened. While at Jones Day, Ms. Baiocco provided strategic business advice for clients in high-intensity trials involving mass torts, consumer and industrial products, and medical devices at the federal, state, and international level. She counseled clients on risk mitigation, compliance with regulatory and reporting obligations, warranties, and product recalls. And she litigated on behalf of clients in antitrust, construction, and bankruptcy matters. Prior to joining Jones Day, Ms. Baiocco served as a federal law clerk to The Honorable Gustave Diamond, US District Court Judge for the Western District of Pennsylvania. Ms. Baiocco earned her law degree from Duquesne University, cum laude, and was awarded the Justice Louis Mandarino Honor Society for Achievement in Trial and Appellate Advocacy. She earned a BA in Journalism from Ohio University. Ms. Baiocco also holds a private pilot certificate.



JUSTIN BROOKMAN

Director of Consumer Privacy and Technology Policy, Consumer Reports

Prior to joining Consumer Reports, Brookman was Policy Director of the Federal Trade Commission's Office of Technology Research and Investigation. At the FTC, Brookman conducted and published original research on consumer protection issues raised by emerging technologies such as cross-device tracking, smartphone security, and the Internet of Things. He also helped initiate and investigate enforcement actions against deceptive or unfair practices, including actions against online data brokers and digital tracking companies. He previously served as Director of Consumer Privacy at the Center for Democracy & Technology (CDT), a digital rights nonprofit, where he coordinated CDT's advocacy for stronger protections for personal information in the United States and Europe. Brookman also served as an Assistant Attorney General and, later, Chief of the Internet Bureau in the New York Attorney General's office, where he brought consumer protection actions on a wide range of issues, including privacy, free speech, data security, and net neutrality. He began his career as a litigation associate at Fried, Frank, Harris, Shriver & Jacobson LLP.



J. MICHELLE CHILDS

US District Court for the District Court of South Carolina

The Honorable J. Michelle Childs holds a BS in Management from the University of South Florida Honors College, a JD from the University of South Carolina School of Law, a Masters in Personnel and Employment Relations from the University of South Carolina's Darla Moore School of Business, and a Masters of Judicial Studies from Duke University School of Law. Judge Childs was appointed to the US District Court for the District of South Carolina in August 2010. Prior to the federal court, she served as an At-Large Circuit Court Judge, including having responsibilities as the Chief Administrative Judge for General Sessions and Business Court for the Fifth Judicial Circuit of Richland and Kershaw Counties.



CYNTHIA COFFMAN

Former Attorney General of Colorado

Elected in 2014, Cynthia Coffman served as Colorado's Attorney General from 2015 to 2019.



JAMES C. COOPER

Associate Professor of Law, George Mason University Antonin Scalia Law School

Associate Professor of Law James C. Cooper brings over a decade of public and private sector experience to his research and teaching. He served as Deputy and Acting Director of the Federal Trade Commission's Office of Policy Planning, Advisor to Federal Trade Commissioner William Kovacic, and an associate in the antitrust group of Crowell and Moring, LLP. His research on vertical restraints, price discrimination, behavioral economics and antitrust, and privacy policy have appeared in top journals and are widely cited. Professor Cooper has a BA from the University of South Carolina, received his PhD in economics from Emory University, and his law degree, *magna cum laude*, from Antonin Scalia Law School, George Mason University, where he was a Levy Fellow and a member of the George Mason Law Review.



ANTONIO (TONY) F. DIAS

Partner, Jones Day

Tony Dias creates and implements strategic legal responses to high-profile and novel legal matters involving financial institutions, manufacturing, energy, telecommunications, consumer products and services, corporate conduct, and educational institutions. He defends companies facing federal government and state attorney general investigations, federal and state legislative investigations and hearings, regulatory challenges, and complex litigation. Among the numerous federal and state attorney general multistate investigations and actions Tony has handled, he served as lead counsel in responding to concurrent investigations by the Department of Justice, United States Senate, and a multi-state group of attorneys general concerning consumer facing conduct and internal corporate compliance with federal and state regulations. He also served as lead counsel to Mattel and Fisher-Price in responding to an investigation by 45 state attorneys general and state departments of health arising out of the voluntary recall of toys with the Consumer Product Safety Commission. Tony holds leadership positions in national and local organizations promoting better public policy and improving children's health and education. He is a member of the Board of Directors of the National Organization of African Americans in Housing, and a member of the US Conference of Mayors Business Council.



JOANNE DOROSHOW

Founder and Executive Director, Center for Justice & Democracy, New York Law School

Joanne Doroshow is the founder and executive director of the Center for Justice & Democracy and co-founder of Americans for Insurance Reform (AIR). She is also Adjunct Professor at New York Law School, where she teaches "Civil Justice & National Advocacy." As an attorney, Doroshow has worked on civil justice issues since 1986, when she directed an insurance industry and liability project for Ralph Nader. Together, they developed some of the first educational materials used to fight "tort reform" around the country including Goliath: Lloyd's of London in the United States (1988) and Safeguarding Democracy: The Case for the Civil Jury (1992). Doroshow founded CJ&D in 1998. As CJ&D Executive Director, she has testified before the US Congress many times and appeared before numerous state legislatures around the country. She has written or co-authored numerous CJ&D studies and white papers on civil justice and insurance issues for both CJ&D and AIR. As a nationally recognized civil justice expert, she has appeared on numerous television and radio programs, and is regularly quoted in newspapers nationwide.

**DAVID FAIGMAN**

Chancellor and Dean, University of California Hastings College of the Law

David L. Faigman is the Chancellor & Dean and the John F. Digardi Distinguished Professor of Law at the University of California Hastings College of the Law in San Francisco. He also holds an appointment as professor in the School of Medicine (Dept. of Psychiatry) at the University of California San Francisco. He received both his MA in Psychology and JD from the University of Virginia. Chancellor Faigman is the author of numerous articles and essays published in a wide assortment of journals, including leading law reviews and science journals. He is also the author of three books, *Constitutional Fictions: A Unified Theory of Constitutional Facts*, *Laboratory of Justice: The Supreme Court's 200-Year Struggle to Integrate Science and the Law* and *Legal Alchemy: The Use and Misuse of Science in the Law*. In addition, Professor Faigman is a co-author/co-editor of the five-volume treatise *Modern Scientific Evidence: The Law and Science of Expert Testimony*. Chancellor Faigman was a member of the National Academies of Sciences panel that investigated the scientific validity of polygraphs, the MacArthur Law and Neuroscience Network, and was a Senior Advisor to President Obama's Council of Advisors on Science and Technology (PCAST).

**DOUGLAS F. GANSLER**

Partner, Buckley LLP, and former Attorney General of Maryland

A former Attorney General of Maryland and president of the National Association of Attorneys General, Douglas Gansler draws on more than 30 years of public advocacy and leadership in advising businesses and individuals facing federal and state investigations and enforcement actions, as well as civil and criminal matters involving state Attorneys General, the Department of Justice and other government agencies. Doug represents clients in responding to and, when necessary, defending against AG inquiries from across the country, whether in civil lawsuits, regulatory investigations or both in matters involving financial services, health care, pharmaceutical, insurance, telecommunications and other consumer industries. He also handles complex litigation cases involving data breaches, cybersecurity, and privacy matters and provides regulatory compliance advice. Doug was appointed by the Pennsylvania Attorney General as Special Deputy Attorney General to investigate the improper use of email by Pennsylvania state employees, and he has conducted internal investigations for numerous national corporations. Throughout his career, Doug has handled a range of civil and criminal cases involving public corruption, economic crimes and other issues.

**MICHAEL S. GREVE**

Professor of Law, George Mason University Antonin Scalia Law School

Professor of Law Michael S. Greve joined the faculty of George Mason University's Antonin Scalia Law School in fall 2012 after having served as John G. Searle Scholar at the American Enterprise Institute (AEI), where he specialized in constitutional law, courts, and business regulation and served as chairman of the Competitive Enterprise Institute. Prior to joining AEI, Greve was founder and co-director of the Center for Individual Rights, a public interest law firm specializing in constitutional litigation. A prolific writer, Greve is the author of nine books and a multitude of articles appearing in scholarly publications, as well as numerous editorials, short articles, and book reviews. He is a frequent speaker for professional and scholarly organizations and has made many appearances on radio and television. In addition, Greve has provided congressional and state legislative testimony, has lobbied and consulted in federal agency proceedings, and has provided litigation services and management in over 30 cases, including matters before the US Supreme Court.



PETER C. HARVEY

Partner, Patterson Belknap Webb & Tyler LLP and former Attorney General of New Jersey

Peter Harvey is a past Attorney General of New Jersey and a former federal prosecutor. As such, Peter has been a central player in civil and criminal trials, government investigations and consumer fraud matters for many years. A gifted trial lawyer, his nearly 30 years of courtroom experience includes significant commercial matters, frequently within the hospitality, pharmaceutical and entertainment/sports industries. Mr. Harvey was nominated to serve as independent monitor for the Newark Police Department, responsible for overseeing the NPD's compliance with a Consent Decree issued by the US Department of Justice. He also currently represents corporations and individuals in business disputes throughout the nation. He has tried several major civil and criminal jury and non-jury cases in federal and state courts, and also conducts internal investigations for senior executives seeking to learn facts about employee misconduct or inappropriate business practices. Mr. Harvey also assists clients in navigating Grand Jury Subpoenas and government Civil Investigative Demands. He works with clients to develop strategies to achieve the client's desired result, whether through trial, court decision or settlement.



JOHN HASNAS

Professor of Business, Georgetown University McDonough School of Business

John Hasnas is a professor of business at Georgetown's McDonough School of Business and a professor of law (by courtesy) at Georgetown University Law Center in Washington, DC, where he teaches courses in ethics and law. Professor Hasnas is also the executive director of the Georgetown Institute for the Study of Markets and Ethics, whose tripartite mission is to produce high-quality research on matters related to the ethics of market activity, improve ethics pedagogy, and educate the broader, non-academic community about ethical issues related to the functioning of markets. Professor Hasnas has held previous appointments as associate professor of law at George Mason University School of Law, visiting associate professor of law at Duke University School of Law and the Washington College of Law at American University, and Law and Humanities Fellow at Temple University School of Law. Professor Hasnas has also been a visiting scholar at the Kennedy Institute of Ethics in Washington, DC and the Social Philosophy and Policy Center in Bowling Green, Ohio. He received his BA in Philosophy from Lafayette College, his JD and PhD in Legal Philosophy from Duke University, and his LLM in Legal Education from Temple Law School.



ANDREW JURs

Associate Dean and Professor of Law, Drake University Law School

Andrew Jurs became the Associate Dean of Drake University Law School on July 1, 2018. Jurs is an expert in criminal law and procedure, science and the law, and evidence. He earned his bachelor's degree at Stanford University and his JD at the University of California, Berkeley, School of Law. Before joining the Drake Law faculty, Jurs served as a deputy district attorney in the 18th Judicial District of Colorado, an associate at the firm Johnson, McConaty & Sargent, PC, and an assistant attorney general representing the State of Colorado. He was also a visiting assistant professor of law at Wake Forest University School of Law. At Drake, Jurs has twice been selected as the Leland Forrest Outstanding Professor of the Year. He also served as chair of the Association of American Law Schools (AALS) Section on Evidence in 2017-2018.



DONALD KOCHAN

Parker S. Kennedy Professor in Law, Chapman University Dale E. Fowler School of Law

Professor Kochan's scholarship focuses on areas of property law, constitutional law, administrative law, natural resources and environmental law, law & economics, and jurisprudence, among others. His forthcoming book, *Framing the Constitution: The Impact of Labels on Constitutional Interpretation*, is slated for publication by Cambridge University Press in 2020. His scholarship has been cited in dozens of books and more than 400 published law review articles, and his articles have been downloaded more than 15,000 times from SSRN and BePress. He has published more than 40 scholarly articles and essays in well-respected law journals, including in the *Cardozo Law Review*, *BYU Law Review*, *Florida State University Law Review*, *University of Richmond Law Review*, *Georgetown Journal of Legal Ethics*, *Michigan Journal of Environmental & Administrative Law*, *Berkeley Journal of International Law*, and *Virginia Journal of Social Policy & Law*, to name a few. Professor Kochan is also the co-author of the Eighth and Ninth Editions of *Emanuel Law Outlines: Property – Keyed To Dukeminier, Krier, Alexander, Schill & Strahilevitz*. Professor Kochan has testified before the US Senate Committee on Agriculture, Nutrition and Forestry and before a special federal lands committee of the State of Idaho Legislature.



LESLIE M. KROEGER

Partner, Cohen Milstein Sellers & Toll PLLC

Leslie M. Kroeger is a Partner at Cohen Milstein and Co-Chair of the firm's Complex Tort Litigation practice group. She focuses on complex, high-profile product liability, wrongful death, and managed care abuse litigation. Ms. Kroeger is a highly accomplished trial attorney who began her legal career in the courtroom as an Assistant Public Defender for the 18th Judicial Circuit of Florida and later became an Assistant State Attorney in Miami-Dade County, Florida. She then moved into private practice where she continues to handle a variety of complex civil litigation before state and federal courts in Florida and nationwide. Ms. Kroeger is the President of the Florida Justice Association (FJA), one of the nation's premier plaintiffs trial associations. She is the second female President in the history of the association.

DOUG LAMPE

Counsel, Ford Motor Company

A graduate of the University of Wisconsin, Madison, Doug Lampe has been with the Ford Motor Company for the past 25 years.




ERIC G. LASKER

Partner, Hollingsworth LLP

Eric G. Lasker litigates a wide variety of complex civil matters, with a current focus on toxic torts, environmental litigation, and pharmaceutical products liability. He has successfully represented his clients' interests as lead counsel in multi-district litigation, mass torts, jury trials and bench proceedings, and in oral argument in multiple federal courts of appeal and state supreme courts. Mr. Lasker has significant experience defending against all matter of legal claims involving FDA-regulated and EPA-regulated products and alleged toxins and environmental contaminants. He has represented clients in pharmaceutical products liability claims involving antipsychotic medications, obstetrical drugs, antifungals, antiepileptics, contact and intraocular lenses, and cough/cold medicines, and in toxics/environmental matters involving herbicides, asbestos, lead, nonionizing radiation, arsenic, and chemical solvents. He has represented clients in matters arising both in the United States and abroad, and in matters arising under both domestic and international law. Mr. Lasker's practice also includes matters involving sensitive national security issues, and he has represented his clients' interests in meetings with both US and foreign government officials.


ROSLYN LAYTON

Visiting Scholar, American Enterprise Institute

Roslyn Layton is a visiting scholar at the American Enterprise Institute, where she focuses on evidence-based policy for information, communications, and digital technology industries. Using empirical methods, she assesses regulations and policies for digitally connected domains such as mobile wireless, telecom, cable, internet, online advertising, e-government, media, software, financial technology (fintech), and telehealth, among others. Dr. Layton is also a visiting researcher at Aalborg University Center for Communication, Media, and Information Technologies and a vice president at Strand Consult, both in Denmark. She has worked on the adoption of technology by emerging countries, produced independent research on the mobile technology industry, and studied issues such as information technology, telehealth care, and fintech for a variety of firms. She has worked in Europe, India, and the United States. Dr. Layton has been published in numerous outlets of the popular press. Dr. Layton has a PhD in business economics from Aalborg University, an MBA from the Rotterdam School of Management, and a BA in international service from American University.


ROBERT J. MCCONNELL

Member, Motley Rice LLP

Robert McConnell was a member of the trial team in the landmark trial on behalf of the state of Rhode Island against corporate defendants from the lead paint industry. He secured the largest lead paint poisoning settlement in Rhode Island on behalf of a child and continues to represent children injured by lead poisoning against property owners, governmental agencies and lead pigment companies. He also played a leading role in a statewide lobbying effort to defeat legislation that would have denied lead-poisoned children and their families the right to seek justice. Through testimony, analysis and grassroots outreach, he helped the Rhode Island legislature pass a bill helping to prevent childhood lead poisoning without infringing on victims' rights. With more than two decades of experience in asbestos litigation, Bob also represents victims of asbestos exposure suffering from mesothelioma and other asbestos-related diseases. He has managed large consolidation trials in several states including Maryland, Mississippi and West Virginia.



BILL MCCOLLUM

Partner, Dentons, and former Attorney General of Florida

Former Florida Attorney General and Congressman Bill McCollum co-chairs Dentons' US State Attorney General Practice. His practice focuses on corporate compliance and investigations, complex state legal, regulatory and legislative matters, state anti-trust law enforcement, multi-state investigations and litigation, public policy, and advising and assisting companies with disruptive new technologies. He has represented and consulted for companies from a variety of industries with manufacturing and other business interests in Asia, Europe, the Middle East and Latin America. Bill represented Florida's 8th Congressional District in the US House of Representatives from 1981-2001, serving on the Judiciary, Banking and Financial Services and Intelligence Committees. He held a number of leadership positions including Chairman of the Judiciary Subcommittee on Crime, Chairman of the Subcommittee on Human Intelligence, Analysis and Counterintelligence, Vice Chairman of the Banking and Financial Services Committee, Ranking Member of the subcommittee overseeing the Federal Reserve, Founder and Chairman of the House Task Force on Terrorism, and served as Vice Chairman of the House Republican Conference for three terms.



SABRINA MCKENNA

Associate Justice, Supreme Court of Hawaii

Sabrina S. McKenna was sworn in as Associate Justice on March 3, 2011. She is a graduate of the University of Hawaii at Manoa and a 1982 graduate of the University of Hawaii William S. Richardson School of Law, where she served as Editor-in-Chief of the Law Review. Justice McKenna was a civil litigator, corporate counsel, and law professor before becoming a Hawaii state trial court judge in 1993. As a trial court judge, she presided in District, Circuit, and Family Courts, and also served as Senior Judge of the Family Court of the First Circuit.



WILLIAM C. MIMS

Justice, Supreme Court of Virginia

Justice William C. Mims became a member of the Supreme Court of Virginia in 2010. From 1992 until 2010, he served successively as a member of the Virginia House of Delegates and State Senate, and as Chief Deputy Attorney General and Attorney General of Virginia. Justice Mims grew up in Harrisonburg and was educated in the Harrisonburg public schools. He received a degree in History from the College of William and Mary, where he also did graduate work in Public Administration. He has law degrees from George Washington University and Georgetown University. During his years in the General Assembly, Justice Mims worked as an attorney in Leesburg. Prior to practicing law, he served as Chief of Staff to US Representative Frank Wolf and as Deputy Legislative Director to Senator Paul Tribble. He was a Distinguished Adjunct Professor of Law at George Mason University from 2002 through 2005. He presently serves as an elder of his church and on the board of the John Marshall Foundation.



TIMOTHY J. MURIS

Foundation Professor of Law, George Mason University Antonin Scalia Law School

Professor Timothy J. Muris, a George Mason University Foundation Professor of Law, served from 2000 to 2004 as Chairman of the Federal Trade Commission. During his tenure at the FTC, he created the highly popular National Do Not Call Registry that has allowed millions of consumers to block unwanted telemarketing calls. In addition to his current position at the Antonin Scalia Law School, Muris is Senior Counsel at Sidley Austin LLP. Professor Muris has held three previous positions at the Commission: Assistant Director of the Planning Office from 1974 to 1976, Director of the Bureau of Consumer Protection from 1981 to 1983, and Director of the Bureau of Competition 1983 to 1985. After leaving the FTC in 1985, Muris served with the Executive Office of the President, Office of Management and Budget for three years. He was also Of Counsel with the law firm of Collier, Shannon, Rill & Scott, Howrey Simon Arnold & White, O'Melveny & Myers, Kirkland & Ellis LLP, and is currently Senior Counsel at Sidley Austin LLP. A member of the American Bar Association's Antitrust Section, Muris has written widely on antitrust, consumer protection, regulatory, and budget issues.



MARYELLEN NOREIKA

US District Court for the District of Delaware

The Honorable Maryellen Noreika was sworn in as a District Judge on August 10, 2018. Prior to that time, Judge Noreika was a partner at the law firm Morris, Nichols, Arsht & Tunnell LLP in Wilmington, Delaware, where her practice focused on intellectual property litigation and unfair competition cases. Judge Noreika graduated from Lehigh University in 1988 with a Bachelor of Science in biology, and she earned her Master of Arts in biology from Columbia University in 1990. Judge Noreika graduated magna cum laude from University of Pittsburgh, School of Law in 1993.



DAVID J. PORTER

US Court of Appeals for the Third Circuit

Judge David J. Porter is a judge on the US Court of Appeals for the Third Circuit. He was nominated by President Donald Trump and confirmed on October 11, 2018. Before his appointment, he was a shareholder at Buchanan Ingersoll & Rooney PC, where he practiced commercial and civil litigation. Porter received his bachelor's degree from Grove City College and his JD from the George Mason University School of Law. He clerked for Judge D. Brooks Smith on the US District Court for the Western District of Pennsylvania.



IRA RHEINGOLD

Executive Director, National Association of Consumer Advocates

Ira Rheingold is Executive Director of the National Association of Consumer Advocates (NACA), an organization dedicated to protecting consumers from unfair and deceptive business practices. At NACA, Mr. Rheingold has testified before both houses of Congress on various mortgage lending and consumer finance issues, offered commentary before federal agencies charged with regulating financial service industries and protecting consumers, and helped draft amicus briefs on issues of great concern to consumers before the nation's highest courts. Before coming to NACA, Mr. Rheingold worked at the Legal Assistance Foundation of Chicago as a supervisory attorney in charge of the Foreclosure Prevention and Senior Housing Projects. His responsibilities included community outreach and education, legal and policy advocacy, and the development of impact litigation against predatory mortgage lenders. Mr. Rheingold also worked for three years as a legal services attorney in suburban Washington DC. At that job, his primary work included welfare advocacy and homelessness prevention. He is a graduate of Georgetown University Law Center.



CATHERINE M. SHARKEY

Crystal Eastman Professor of Law, New York University School of Law

Catherine Sharkey is the Crystal Eastman Professor of Law at New York University School of Law. She is one of the nation's leading authorities on the economic loss rule, punitive damages, and federal preemption. She has published more than fifty articles, essays, and book chapters in the fields of torts, business torts, products liability, administrative law, remedies, and class actions. Sharkey is co-author with Richard Epstein of *Cases and Materials on Torts* (12th edition, 2020) and co-editor with Saul Levmore of *Foundations of Tort Law* (2nd edition, 2009). She is an appointed public member of the Administrative Conference of the United States and a principal adviser on *Administering by Algorithm: Artificial Intelligence in the Regulatory State*, a project for the Office of the Chairman. Sharkey is an elected member of the American Law Institute and an adviser to the *Restatement Third, Torts: Liability for Economic Harm* and *Restatement Third, Torts: Remedies* projects. She was a 2011 to 2012 Guggenheim Fellow. Sharkey received her BA in economics summa cum laude from Yale University. A Rhodes Scholar, she received an MSc in economics for development, with distinction, from Oxford University, and her JD from Yale Law School, where she was Executive Editor of the *Yale Law Journal*. Sharkey served as a law clerk to Judge Guido Calabresi of the US Court of Appeals for the Second Circuit and Justice David H. Souter of the US Supreme Court.



WILLIAM N. SHEPHERD

Partner, Holland & Knight LLP

William Shepherd is a trial lawyer in Holland & Knight's West Palm Beach and Washington, DC offices. Mr. Shepherd, who also serves as executive partner of the firm's West Palm Beach office, represents clients involved in civil and criminal government investigations. He also assists the general counsel of public and private companies in conducting sensitive internal investigations and compliance matters. Prior to joining the firm, Mr. Shepherd served, at the appointment of the attorney general, as the statewide prosecutor of Florida and earlier in his career, as a prosecutor in Miami, Florida.



ANDREW STIVERS

Deputy Director for Consumer Protection, US Federal Trade Commission Bureau of Economics

Andrew Stivers is deputy director for consumer protection in the Bureau of Economics at the Federal Trade Commission (FTC). Prior to joining the FTC, Mr. Stivers held several titles at the Center for Food Safety and Applied Nutrition at the Food and Drug Administration, including acting deputy of the Office of Analytics and Outreach (2013 to 2014), director of public health informatics and analytics (2011 to 2014), and senior economist (2008 to 2011). Mr. Stivers publications include “*Voluntary Quality Disclosure Under Price-signaling Competition*” (with F. Caldieraro and D. Shin) in *Managerial and Decision Economics* (2011), “Pricing in Retail Gasoline Markets” (with S. Russell, S. McMullen and S. Mishra) in the *Journal of the Transportation Research Forum* (2010), and “Regulating Market Language: Market Failure in Descriptive Signals” in the *Journal of Consumer Policy* (2009). Prior to his government service, Mr. Stivers was an assistant professor in the department of economics at Oregon State University (2001 to 2008). He received his PhD from the University of Texas at Austin in 2001.



BROCK A. SWARTZLE

Michigan Fourth District Court of Appeals

Prior to joining the bench, Judge Swartzle was Chief of Staff for the Speaker of the Michigan House of Representatives, as well as General Counsel for the House, where he worked on numerous legal and policy issues, including the Detroit bankruptcy settlement package. Judge Swartzle has previously practiced in antitrust, healthcare fraud, white-collar crime, securities, and other areas. Judge Swartzle has clerked for three years in both the Eastern District of Michigan and the Western District of Michigan, as well as four years with the Hon. David W. McKeague on the US Court of Appeals for the Sixth Circuit. Judge Swartzle currently sits on the editorial board of the American Bar Association's Appellate Practice Journal, a publication for which he was Co-Editor-in-Chief for several years, as well as on the George Mason Law & Economics Center's Judicial Education Advisory Board. He has authored numerous legal articles as well as co-authored a chapter in the practitioner treatise, *Business and Commercial Litigation in Federal Courts* (West). Judge Swartzle received his BS with distinction from the University of Michigan and his JD with honors from George Mason University School of Law, where he served on the George Mason Law Review Board of Editors.



MATTHEW WESSLER

Principal, Gupta Wessler PLLC

Matt Wessler is a principal at Gupta Wessler PLLC, where he focuses on public interest and plaintiffs'-side appellate and complex litigation. Matt handles high-profile cases at all levels of both state and federal court and has argued multiple cases before the US Supreme Court, including *US Airways v. McCutchen*—a landmark ERISA case. Outside of the Supreme Court, Matt's practice involves a wide range of areas including class actions, health care, employee benefits, consumer protection, preemption, arbitration, and banking. He was named a 2015 Washington DC Rising Star in appellate litigation and has been profiled by the National Law Journal for his appellate work on behalf of plaintiffs. In addition to his appellate work, Matt frequently co-counsels with trial firms in complex, ground-up litigation. Before joining the firm in July 2015, Matt spent six years as a staff attorney at Public Justice, P.C. in Washington, DC, where he spearheaded the firm's focus on Supreme Court litigation and garnered national attention for taking the lead in high-profile cases involving ERISA, preemption, arbitration, and health care.

**JOSHUA D. WRIGHT**

University Professor of Law, George Mason University Antonin Scalia Law School, and former Member, US Federal Trade Commission

Professor Wright is a leading scholar in antitrust law, economics, intellectual property, and consumer protection, and has published more than 100 articles and book chapters, co-authored a leading antitrust casebook, and edited several book volumes focusing on these issues. Professor Wright also served on the editorial board of the Supreme Court Economic Review, the Antitrust Law Journal, and the International Review of Law and Economics. On January 1, 2013, the US Senate unanimously confirmed Professor Wright as a member of the Federal Trade Commission (FTC), following his nomination by President Obama to that position. He rejoined Scalia Law School as a full-time member of the faculty in Fall 2015. Wright previously served the Commission in the Bureau of Competition as its inaugural Scholar-in-Residence from 2007 to 2008, where he focused on enforcement matters and competition policy. Wright's return to the FTC as a Commissioner marked his fourth stint at the agency, after having served as an intern in both the Bureau of Economics and Bureau of Competition in 1997 and 1998, respectively.

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL



3301 Fairfax Drive
Arlington, VA 22201
703.993.8040

www.MasonLEC.org