

HENRY G. MANNE PROGRAM IN LAW & ECONOMICS STUDIES

Sixteenth Annual Symposium of the *Journal of Law, Economics & Policy*

The Changing Nature of Work and the Economics of Employment in the 21st Century

Friday, November 8, 2019 | Arlington, VA

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL

**LAW &
ECONOMICS
CENTER**

ABOUT US

Because laws are incentives for changing behavior and achieving policy objectives, it is vital that the policymakers who create and shape our laws understand economic concepts and methods.

Since its inception in 1974, the Law & Economics Center has played a critical role as a leader in law and economics research and education. The LEC recognizes both the importance of timely, relevant, and unassailable research on public policy issues as well as the necessity of communicating research findings to those who are directly shaping our country's public policy discussions. With research divisions devoted to top-quality legal policy analysis and educational arms reaching out to judges, attorneys general, and other policymakers, the LEC is uniquely equipped to positively affect national policy outcomes.

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OUR PROGRAMS

THE JUDICIAL EDUCATION

PROGRAM is the nation's preeminent provider of high-quality, balanced judicial education seminars and conferences that focus on economics, finance, accounting, statistics, and the scientific method. The LEC has been offering educational programs for judges since 1976.

THE HENRY G. MANNE

PROGRAM IN LAW & ECONOMICS STUDIES promotes law and economics scholarship by funding faculty research and hosting policy-relevant research roundtables and academic conferences.

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JUSTICE ACADEMY provides balanced educational programs on a range of civil justice issues for the benefit of Members of the US Congress, their staffs, and their constituents.

THE PROGRAM ON ECONOMICS

& PRIVACY produces timely and original economic analysis of the privacy, data security, competition, and consumer protection issues intrinsic to the modern, digital

economy, and it injects this analysis into public discussions by holding educational programs and forums in which scholars, thought leaders, and policymakers share research and insights.

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VAN METRE HALL AUDITORIUM • 3351 FAIRFAX DRIVE, ARLINGTON, VA 22201

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About the cover: The “Bill of Rights Eagle” by sculptor Greg Wyatt is a 4,300-pound cast bronze monument. Created in 1989, the sculpture was on display in the Russell Senate Building rotunda for five years before being moved to a display in the Harvard courtyard. In 2017, the sculpture was installed at the Antonin Scalia Law School at George Mason University, a fitting location for a university named for the Father of the Bill of Rights, and author of the Virginia Declaration of Rights, George Mason.

FRIDAY, NOVEMBER 8

All sessions held in the Van Metre Auditorium

- 8:00 – 8:50 am** **Breakfast & Registration**, *Van Metre Multipurpose Room*
- 8:50 – 9:00 am** **Welcome and Opening Remarks**
Hannah Bell, Editor, *Journal of Law, Economics & Policy*
Stuart Nincehelter, Director, Attorney General Education Program and Henry G. Manne Program, Law & Economics Center, George Mason University Antonin Scalia Law School
- 9:00 – 10:30 am** **Panel 1: Is there Freedom in Freelancing? Do Workers Win or Lose in the Gig Economy?**
Paper Presentations
Tensions from the Changing Nature of Work and Employment
Vincy Fon, Professor of Economics, George Washington University
Contractual Freedom and Private Ordering in the On-Demand Economy
Wanjiru Njoya, Senior Lecturer, University of Exeter Law School
- Discussants**
C. Jarrett Dieterle, Director, Commercial Freedom; Senior Fellow, R Street
Maria C. Figueroa, Director of Labor and Policy Research, Cornell University Worker Institute
Michael H. LeRoy, Professor, School of Labor and Employment Relations, and College of Law, University of Illinois at Urbana-Champaign
- Moderator: Michael Reksulak**, Executive Editor, *Journal of Law, Economics & Policy*; Director of Online Programs, George Mason University Antonin Scalia Law School
- 10:45 am – 12:00 pm** **Panel 2: Changing Demographics and the End of Workin' 9 to 5**
Paper Presentation
Women in the Gig Economy: The Impact of Independent Contracting Opportunities on the Female Labor Force Participation Rate
Paola A. Suarez, Assistant Professor of Economics, Seton Hall University, Stillman School of Business
- Discussants**
Ariane Hegewisch, Program Director, Employment and Earnings, Institute for Women's Policy Research
Hye Jin Rho, Postdoctoral Researcher, Center for Economic and Policy Research
- Moderator: Anusha Sunkara**, Articles & Research Editor, *Journal of Law, Economics & Policy*, George Mason University Antonin Scalia Law School and Law Clerk, Federal Trade Commission
- 12:00 – 1:30 pm** **Lunch and Keynote Address**, *Van Metre Multipurpose Room*
Ardine Williams, Vice President, Workforce Development, HQ2 at Amazon

1:45 - 3:00 pm

Panel 3: Effects of the Digital Revolution on Work in the Shadow Economy ... and Lessons for the Formal Economy

The Economics of Employment and Lessons from Sex Workers

Yvette Butler, Director of Capacity Building and Systems Change, Center for Survivor Agency and Justice

Discussants

Elizabeth Nolan Brown, Associate Editor, *Reason*

Puneet Cheema, Staff Attorney, Lambda Legal

Moderator: Megan Stevenson, Assistant Professor of Law, George Mason University Antonin Scalia Law School

3:15 - 4:30 pm

Panel 4: Litigation v. Arbitration: Which Works Better for Workers?

An Empirical Assessment of Employment Arbitration Agreements

Mary Donovan, Principal, ndp | analytics

Discussants

J. Ryan Lamare, Associate Professor, University of Illinois at Urbana-Champaign School of Labor and Employment Relations

Stewart J. Schwab, Jonathan and Ruby Zhu Professor of Law, Cornell Law School

Robert M. Shea, Shareholder, Ogletree, Deakins, Nash, Smoak & Stewart, PC

Moderator: Slade Mendenhall, Submissions Editor, *Journal of Law, Economics & Policy*; Robert A. Levy Fellow in Law & Economics, George Mason University Antonin Scalia Law School

4:30 - 4:40 pm

Closing Remarks

4:40 - 5:30 pm

Reception, Van Metre Hall Gallery



ELIZABETH NOLAN BROWN

Associate Editor, Reason

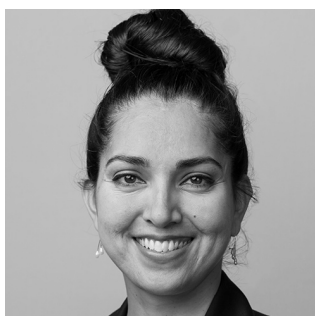
Elizabeth Nolan Brown is an associate editor at Reason, where she writes regularly on the intersections of sex, speech, tech, crime, politics, panic, and civil liberties. She is also co-founder of the libertarian feminist group Feminists for Liberty. Since starting at Reason in 2014, Ms. Brown has won multiple awards for her writing on the US government's war on sex. Her writing has also appeared in *The New York Times*, *Los Angeles Times*, *The Daily Beast*, *Buzzfeed*, *Playboy*, *Fox News*, *Politico*, *The Week*, and numerous other publications. She is a regular commentator on radio, TV, and podcasts and has been a guest on programs such as *The Laura Ingraham Show*, *Fox News @ Night*, *NPR's 1A*, *BBC Business Matters*, and *Midday Live with Dr. Drew*. Prior to coming to Reason, Ms. Brown worked for *Bustle*, *Defy Media*, *AARP publications*, and the Columbus, Ohio, *Daily Reporter*. She is a graduate of American University, where she received an MA in strategic communication, and Ohio University, where she received a BFA in theater.



YVETTE BUTLER

Director of Capacity Building and Systems Change, Center for Survivor Agency and Justice

Yvette Butler is an attorney who has focused her research and advocacy on sex work, sex trafficking, and other instances where someone's sexuality is used against them. She is currently the Director of Capacity Building and Systems Change at the Center for Survivor Agency and Justice. CSAJ's work focuses on the intersection of intimate partner violence and economic security. Before joining CSAJ, Ms. Butler served as the Director of Policy and Strategic Partnerships with the Amara Legal Center, a DC-based non-profit providing legal services to sex workers and survivors of trafficking in DC, Maryland, and Virginia. Ms. Butler also served as a law clerk to a federal magistrate judge in her home state of South Dakota. Immediately after law school, she served as a fellow with the federal, civil rights litigation firm of Victor Glasberg & Associates. Ms. Butler earned her JD from George Washington University Law School and is licensed to practice in DC and Virginia.



PUNEET CHEEMA

Staff Attorney, Lambda Legal (DC)

Puneet Cheema is a staff attorney for Lambda Legal, and her work involves impact litigation, policy, and advocacy to prevent and address discrimination against LGBTQ people in schools, employment, health care, and the criminal legal system, and to secure access to accurate identity documents. She currently represents a transgender teacher in *Eller v. Prince George's County Public Schools* in the District of Maryland in an employment discrimination action, and in *Zzyym v. Pompeo*, she is litigating against the US Department of State in the Tenth Circuit on behalf of Dana Zzyym, an intersex, non-binary person seeking a passport with a non-binary gender marker. Prior to joining Lambda, Ms. Cheema served as a trial attorney in the Special Litigation Section of the Civil Rights Division in the Department of Justice (DOJ) for five years where she investigated patterns and practices of unconstitutional conduct by law enforcement agencies, and negotiated, and implemented, consent decrees. During her time at the DOJ, Ms. Cheema received several awards and recognitions, including the Distinguished Service Award in 2016, and Special Commendation Awards in 2016 and 2018. She holds a JD from The George Washington University School of Law and a BA in philosophy from the Ohio State University.



C. JARRETT DIETERLE

Director of Commercial Freedom and Senior Fellow, R Street

C. Jarrett Dieterle is director of commercial freedom policy and a senior fellow at the R Street Institute, a Washington, DC-based free-market-focused think tank, where he researches and writes on regulatory affairs, alcohol policy, occupational licensing, and other commercial freedom issues. He also oversees the Institute's postal, labor and disintermediation policy programs. Mr. Dieterle joined R Street in January 2017, having previously worked as a regulatory attorney at a Washington law firm. He also clerked for a federal judge on the US Court of Federal Claims. He has worked and written for numerous policy organizations and think tanks in addition to R Street, including the Reason Foundation, the Manhattan Institute, the Mackinac Center, and the Federalist Society. He also is the drinks columnist for the *Richmond-Times Dispatch* and the author of "Drink for Your Country," to be published in 2020. He earned his law degree from Georgetown University and his bachelor's degree from the University of Richmond.



MARY DONOVAN

Principal, ndp | analytics

Mary Donovan is a principal at ndp | analytics, a strategic research firm that specializes in economic analysis of public policy and legal issues. As a senior economist, she conducts and manages quantitative research across a range of fields including intellectual property and innovation, technology, legal issues, and higher education. Ms. Donovan is particularly interested in examining the impact of public policies on middle- and lower-income workers and on rural areas. Previously, she was an account executive at the Kellen Company where she provided full-service management, including government affairs work and strategic consulting, to trade associations in the payments and food-business industries. Ms. Donovan holds a master's in applied economics from the University of Maryland and a bachelor's in international relations and French from State University of New York (SUNY) Geneseo. She serves on the Leadership Committee for Upwardly Global, a national nonprofit that helps high-skilled immigrants and refugees rebuild their careers in the United States.



MARIA C. FIGUEROA

Director of Labor and Policy Research, Cornell University Worker Institute

Maria C. Figueroa is the Director of Labor and Policy Research at the Worker Institute, Cornell University-School of Industrial and Labor Relations. Ms. Figueroa's work has involved applied research and technical assistance in the area of low wage and contingent (or precarious) work. She has worked in several projects commissioned by unions, employer groups, government agencies, and private foundations. Ms. Figueroa has more than twenty-five years of experience in labor and industry research, having worked as a senior analyst and researcher for national and international organizations, including the Teamsters union and the United Nations.



VINCY FON

Professor of Economics, The George Washington University

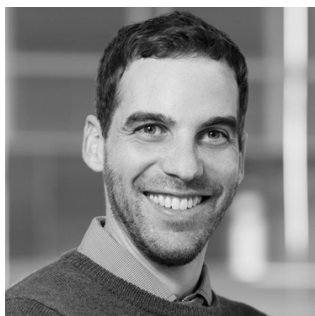
Vincy Fon is a Professor of Economics in the Department of Economics at The George Washington University; she received her PhD in economics from the University of Kansas. Professor Fon has served as a program director in the Economics Program at the National Science Foundation and has also been a consultant in the World Bank's Infrastructure & Urban Development Department. Her publications include refereed articles in various journals including the *Journal of Economic Theory*, *Public Choice*, *American Law and Economics Review*, *European Journal of Law and Economics*, *International Review of Law and Economics*. Professor Fon coauthored (with Francesco Parisi) a book, *The Economics of Lawmaking*, published by Oxford University Press. Her current research interests in law and economics include sovereign debt, legal mechanism and social behavior, customary international law, state liability, and US presidential elections, along with applied microeconomic theory.



ARIANE HEGEWISCH

Program Director, Employment and Earnings, Institute for Women's Policy Research

Ariane Hegewisch is the Program Director of Employment and Earnings at Institute for Women's Policy Research (IWPR) and Scholar in Residence at American University; prior to that she was with the Center for WorkLife Law at UC Hastings before she spent two years at IWPR as a scholar-in-residence. She is responsible for IWPR's research on workplace discrimination and is a specialist in comparative human resource management, with a focus on policies and legislative approaches to facilitate greater work life reconciliation and gender equality, in the US and internationally. Previously, she taught comparative European human resource management at Cranfield School of Management in the UK where she was a founding researcher of the Cranet Survey of International HRM. She has published many papers and articles and co-edited several books, including *Women, Work and Inequality: The Challenge of Equal Pay in a Deregulated Labour Market*. She has a BSc in economics from the London School of Economics and an MPhil in development studies from the IDS, Sussex.



J. RYAN LAMARE

Associate Professor, University of Illinois at Urbana-Champaign School of Labor and Employment Relations

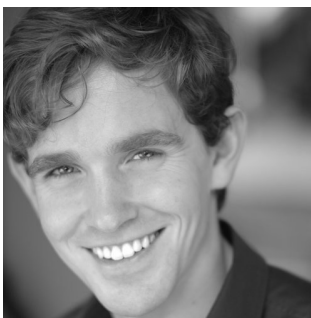
J. Ryan Lamare is an associate professor in the School of Labor and Employment Relations at the University of Illinois at Urbana-Champaign. His research interests include labor and employment arbitration, ADR in the securities industry, the development of ADR systems in organizations, and the relationship between union and non-union voice and political activities. He has published extensively on these issues in top industrial relations, human resource management, and law journals. He serves on the editorial boards at *Human Resource Management Journal*, *Human Resource Management Review*, and the *New Zealand Journal of Employment Relations* and is secretary-treasurer of Labor and Employment Relations Association (LERA). Dr. Lamare has his PhD, his MS, and his BS all in industrial and labor relations from Cornell University.



MICHAEL H. LEROY

Professor, School of Labor and Employment Relations, and College of Law, University of Illinois at Urbana-Champaign

Professor Michael LeRoy has published extensively on antitrust in professional sports, immigration and employment policy (in particular, the “gig economy”), strikes and lockouts, voluntary and mandatory arbitration, employee involvement teams, and labor law implications stemming from national emergencies. Professor LeRoy has testified before the full US Senate Committee on labor and human resources; consulted at the request of the President’s Council of Economic Advisers in connection with the Taft-Hartley labor dispute involving Pacific Maritime Association and International Longshore and Warehouse Union; and served as an advisor to the President’s Commission on the United States Postal Service. This bipartisan commission adopted Professor LeRoy’s recommendations to Congress for the use of final offer interest arbitration in place of conventional arbitration in contract impasses with various postal worker unions. He has been interviewed by *The New York Times*, *USA Today*, *Forbes*, *NPR*, and other national media; and his published research on collective bargaining for college football players has appeared in widely read blogs, such as *Salon*. His research has been cited as authority by two federal appeals courts and the Minnesota Supreme Court.



SLADE MENDENHALL

Submissions Editor, Journal of Law, Economics & Policy; Robert A. Levy Fellow in Law & Economics, George Mason University Antonin Scalia Law School

Slade Mendenhall is a Robert A. Levy Fellow in Law & Economics at the Antonin Scalia Law School. As an economist his work is at the cross-section of political economy, monetary economics, and law. His dissertation, which is currently underway, centers upon issues of competitiveness in banking and financial services in recent decades as well as debates surrounding the role of public policy in fostering or restricting competition in those industries.



WANJIRU NJOYA

Senior Lecturer, University of Exeter Law School

Dr Wanjiru Njoya (LLB, LLM, PhD) is a senior lecturer at the University of Exeter, where she teaches corporate law and business law, and a research associate at the Centre for Business Research, University of Cambridge. She was previously appointed to the law faculties of the University of Oxford and London School of Economics in the UK, and Queen’s University in Ontario, Canada. Her current research explores ideas of freedom, autonomy, and choice in on-demand work performed through digital platforms, exploring the interplay between socio-economic vulnerability and contractual freedom and how that shapes our understanding of sustainable economic wellbeing. She has published widely in the field of employment law and industrial relations with recent work including “The Acceptable Face of Capitalism: Law, Corporations and Economic Wellbeing” (2018, 29 *King’s Law Journal*).



MICHAEL REKSULAK

Executive Editor, Journal of Law, Economics & Policy; Director of Online Programs, George Mason University Antonin Scalia Law School

Michael Reksulak is Director of Online Programs at George Mason University's Antonin Scalia Law School. From 2014 until 2017, Dr. Reksulak served as the Director for Social Sciences, Arts, and Humanities at the Qatar National Research Fund and, for most of 2017, as Director of Research Policy at the Qatar Foundation Research and Development. He was also the Chair of the Board of Directors of the Melton Foundation between 2012 and 2016. He has also held positions with the Max-Planck-Institute for Economics, Georgia Southern University, and the National Science Foundation. Dr. Reksulak's research has been published in leading journals, such as *Theory and Decision*, *Public Choice*, *Constitutional Political Economy*, *Economics & Politics* and the *Review of Industrial Organization*. He is the lead editor of *The Elgar Companion to Public Choice*, 2nd Edition. He received an MA and PhD in economics from the University of Mississippi, and a Diploma in European Management Science from the University of Kent at Canterbury. He earned a bachelor's degree (equiv.) in economics from the University of Jena in Germany.



HYE JIN RHO

Economist, Center for Economic and Policy Research

Hye Jin Rho is an Economist at the Center for Economic and Policy Research (CEPR). Her research focuses on the changing nature of work, employment and labor market institutions and their impact on employment outcomes. She holds a PhD in Management from MIT Sloan School of Management with the Institute for Work and Employment Research, and a BA in Political Science and International Studies from Northwestern University. She is also a research affiliate at the MIT Sloan Good Companies, Good Jobs Initiative.



STEWART J. SCHWAB

Jonathan and Ruby Zhu Professor of Law, Cornell Law School

Stewart J. Schwab is the Jonathan and Ruby Zhu Professor of Law at Cornell Law School, and was its Allan R. Tessler Dean from 2004 to 2014. He has been a member of the Cornell Law School faculty since 1983. Professor Schwab is a leading scholar in economic analysis of law and in employment law. He was a reporter for the American Law Institute's recently completed *Restatement of Employment Law*, and has been named by Human Resource Executive as one of the fifty most powerful employment attorneys in America. He is an editor of the *Journal of Empirical Legal Studies*, and a member of the Society of Empirical Legal Studies and the American Law and Economics Association. A native of North Carolina, he obtained his JD as well as a PhD in economics from the University of Michigan. Before joining the Cornell faculty, Professor Schwab clerked for the Honorable J. Dickson Phillips, Jr. of the US Court of Appeals for the Fourth Circuit, and then for the Honorable Sandra Day O'Connor of the US Supreme Court.



ROBERT M. SHEA

Shareholder, Ogletree, Deakins, Nash, Smoak & Stewart, PC

Robert M. Shea is a shareholder in the Boston office of Ogletree Deakins. His practice includes working closely with clients to develop best practices, and providing advice on discipline and discharge, discrimination, harassment, worker misclassification, wage-hour compliance, disability, non-competition, and workforce reductions. He also focuses on drafting employment agreements, independent contractor agreements and separation agreements, and he regularly conducts workplace training for clients, including anti-harassment training and performs worker wage-hour classification analyses. Mr. Shea regularly represents clients before federal and state courts and administrative agencies, including the Massachusetts Commission Against Discrimination (MCAD), the Equal Employment Opportunity Commission (EEOC), the Massachusetts Attorney General's Office, and the US Department of Labor. He has handled employment litigation matters before courts in ten states nationwide. Mr. Shea also serves as an arbitrator and mediator, engaged by businesses and individuals to resolve employment contract disputes and statutory claims. He has served since 1995 on the American Arbitration Association's panel of employment arbitrators and mediators.



MEGAN STEVENSON

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

Megan Stevenson is an Assistant Professor of Law at George Mason University Antonin Scalia Law School. Her studies have been published in top journals, such as the *Stanford Law Review* and the *Review of Economics and Statistics*, and she was the 2019 winner of the Oliver E Williamson prize for best article in the *Journal of Law, Economics, and Organization*. Her research on bail was cited extensively in a landmark federal civil rights decision, *O'Donnell v. Harris*, and has received widespread media coverage. She has written a number of op-eds for news outlets such as the *Houston Chronicle* and the *Philadelphia Inquirer*. Her research has been funded by the National Science Foundation, the Russell Sage Foundation, and the Laura and John Arnold Foundation. Prior to joining Scalia Law, she was a fellow at the Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania Law School. She holds a BA in interdisciplinary studies and a PhD in agricultural and resource economics, both from the University of California, Berkeley.



PAOLA A. SUAREZ

Assistant Professor of Economics, Seton Hall University, Stillman School of Business

Paola Suarez joins Seton Hall University as assistant professor in the Department of Economics and Legal Studies at the Stillman School of Business. Her research is primarily on economic development, with a focus on the economics of gender. She has worked on investigating the causes of child-bride marriage in developing countries, with special attention to India. Dr. Suarez was a Visiting Assistant Professor of Economics at State University of New York, Purchase from 2018 to 2019. Previously, she was a visiting PhD fellow in the Department of Economics at New York University from 2016 to 2018, and she earned her PhD in economics from George Mason University in 2018.

ANUSHA SUNKARA

Articles & Research Editor, Journal of Law, Economics & Policy, George Mason University Antonin Scalia Law School and Law Clerk, Federal Trade Commission

Anusha Sunkara is the Articles & Research Editor for the *Journal of Law, Economics & Policy* at George Mason University Antonin Scalia Law School and a Law Clerk for the Healthcare Division at the Federal Trade Commission. Previously, Ms. Sunkara served as a Law Clerk for Architect of the Capitol and as a Financial Accountant Advisory Senior Analyst for Accenture, where she advanced the business goals of the Navy's Office of Financial Management, Assurance and Risk Management Division. Ms. Sunkara holds a JD from George Mason University Antonin Scalia Law School and a bachelor's in Business Administration from Marymount University.



ARDINE WILLIAMS

Vice President, Workforce Development, HQ2 at Amazon

Ardine Williams is Vice President of People Operations and is leading workforce development for Amazon's HQ2. Her team delivers programs including Career Choice, which has helped thousands of Amazonians re-train for careers in high demand fields. Previously, Ms. Williams was Vice President of Talent Acquisition for Amazon Web Services (AWS), where she scaled the recruiting capability for Amazon's rapidly growing cloud computing business—including strengthening AWS' pipeline of military and veteran talent. Ms. Williams has more than thirty years of leadership experience across the tech industry. She has held roles in product and corporate business development, venture capital and M&A. Prior to joining Amazon, Ms. Williams served as Intel's Vice President of HR Enterprise Services. She began her career as a commissioned officer in the US Army Signal Corps in 1983.



**EXPERIMENTAL LAW AND ECONOMICS
RESEARCH ROUNDTABLE**

Thursday, November 21 –
Friday, November 22, 2019

*George Mason University
Antonin Scalia Law School
Arlington, VA*

**AGEP WORKSHOP ON ANTITRUST
ECONOMICS**

Wednesday, February 19 –
Thursday, February 20, 2020

*George Mason University
Antonin Scalia Law School
Arlington, VA*

**TWENTY-THIRD ANNUAL GEORGE MASON
LAW REVIEW ANTITRUST SYMPOSIUM:
"COMPETING 2020 VISIONS"**

Friday, February 21, 2020

*George Mason University
Antonin Scalia Law School
Arlington, VA*

**SUPREME COURT ECONOMIC REVIEW
RESEARCH ROUNDTABLE: ECONOMICS OF
CRIMINAL PROCEDURE, PUNISHMENT, AND
THEIR CONSEQUENCES**

Thursday, March 26 –
Friday, March 27, 2020

*George Mason University
Antonin Scalia Law School
Arlington, VA*

For a full calendar of LEC programs, visit our website:

[**https://masonlec.org/upcoming-events/**](https://masonlec.org/upcoming-events/)

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