

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL



MASON JUDICIAL EDUCATION PROGRAM

Case Analysis Seminar

Wednesday, April 10 – Sunday, April 14, 2019 | ARLINGTON, VA



Agenda

WEDNESDAY, APRIL 10

(All classroom sessions and dinner held at Residence Inn)

3:00 – 5:00 pm

Registration (*Residence Inn Lobby*)

5:00 – 6:30 pm

Welcome, Introductions (*Liberty Room*)

Session 1: The Economics Perspective: Incentives Matter — **Butler**

Reading Assignment:

Butler, Drahozal, & Shepherd, *Economic Analysis for Lawyers*, 3rd ed., Carolina Academic Press (2014): Chapter I, pp.3-53

6:30 pm

Welcome Reception and Dinner (*Gatehouse & Liberty Room*)

The History of the Law & Economics Center — **Butler**

(Guests welcome)

THURSDAY, APRIL 11

(All classroom sessions held at Antonin Scalia Law School, in Hazel Hall Room 215)

6:00 - 7:40 am

Breakfast (*Residence Inn*)

7:40 - 8:00 am

Walk from Residence Inn to Antonin Scalia Law School

8:00 - 9:00 am

Session 2: Markets and Prices — **Zywicki**

Reading Assignment:

Butler, Drahozal, & Shepherd, Chapter II, pp. 55-123

Case Discussion:

Peevyhouse v. Garland Coal & Mining Co. pp. 69-73

9:00 - 10:00 am

Session 3: Property Rights and Exchange — **Butler**

Reading Assignment:

Butler, Drahozal, & Shepherd, Chapter IV, §§A and B, pp. 185-222

Case Discussion:

Fontainebleau Hotel Corp. v. Forty-Five Twenty-Five, Inc. pp. 30-33

10:00 - 10:15 am

Break

10:15 - 11:15 am

Session 4: Dealing with Externalities — **Zywicki**

Case Discussion:

Spur Industries, Inc. v. Del E. Webb Development Co. pp. 213-217

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11:15 am - 12:15 pm

Session 5: Principles of Valuation — Garoupa

Reading Assignment:

Butler, Drahozal, & Shepherd, Chapter X, §§A and B, pp. 565-591

Case Discussion:

Haugan v. Haugan pp. 574-578

O'Shea v. Riverway Towing pp. 587-591

12:15 pm

Adjourn for Day: Afternoon Study Session

FRIDAY, APRIL 12

(All classroom sessions held at Antonin Scalia Law School, in Hazel Hall Room 215)

6:00 - 7:40 am

Breakfast (*Residence Inn*)

7:40 - 8:00 am

Walk from Residence Inn to Antonin Scalia Law School

8:00 - 9:00 am

Session 6: Markets in Action — Zywicki

Case Discussion:

Jones v. Star Credit Corp. pp. 104-106

M. Kraus & Bros., Inc. v. United States pp. 99-104

9:00 - 10:00 am

Session 7: Monopoly — Butler

Reading Assignment:

Butler, Drahozal, & Shepherd, Chapter IX, §B pp. 492 - 564

Case Discussion:

Matsushita Elec. Indus. Co. v. Zenith Radio Corp. pp. 12-17

10:00 - 10:15 am

Break

10:15 - 11:15 am

Session 8: Public Choice Economics and Rent-Seeking — Zywicki

Reading Assignment:

Butler, Drahozal, & Shepherd, Chapter III, §B, pp. 130 - 147

Case Discussion:

Goldfarb v. Virginia State Bar pp. 551-552

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Bates v. State Bar of Arizona

11:15 am - 12:15 pm

Session 9: Tort Law and the Costs of Accidents — Garoupa

Reading Assignment:

Butler, Drahozal, & Shepherd, Chapter VI, §D, pp. 327 - 362

Case Discussion:

United States v. Carroll Towing Co. pp. 328-335

12:15 pm

Adjourn for Day: Afternoon Study Session

SATURDAY, APRIL 13

(All classroom sessions held at Antonin Scalia Law School, in Hazel Hall Room 215)

7:00 - 7:40 am

Breakfast (*Residence Inn*)

7:40 - 8:00 am

Walk from Residence Inn to Antonin Scalia Law School

8:00 - 9:00 am

Session 10: Insurance, Adverse Selection, and Moral Hazard — Butler

Reading Assignment:

Butler, Drahozal, & Shepherd, Chapter VI, §§B and C, pp. 298-327

Case Discussion:

Atwater Creamery Co. v. Western National Mutual Insurance Co. pp. 304 -308

Greenman v. Yuba Power Products, Inc. pp. 335-337

9:00 - 10:00 am

Session 11: Corporate Law — Butler

Reading Assignment:

Butler, Drahozal, & Shepherd, Chapter V, §D, pp. 266-290

Case Discussion:

Kamin v. American Express Co. pp. 274-277

10:00 - 10:15 am

Break

10:15 - 11:15 am

Session 12: Free Speech in the Political Marketplace — Zywicki

Case Discussion:

Citizens United v. Federal Communications Commission (Edited)

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11:15 am - 12:15 pm

Session 13: Class Actions — Garoupa

Reading Assignment:

Butler, Drahozal, & Shepherd, Chapter III, pp. 172-181

Case Discussion:

Wal-Mart Stores v. Dukes (Edited)

12:15 pm

Closing Luncheon — Grand Cru, 4301 Wilson Boulevard, Arlington, Virginia 22203
(*Guests welcome*)

SUNDAY, APRIL 14

8:00 am

Travel day, participants depart at leisure.

Instructor Profiles



HENRY N. BUTLER, JD, PHD

Dean and Professor of Law; Executive Director, Law & Economics Center
George Mason University Antonin Scalia Law School

Henry N. Butler is Dean and Professor of Law at George Mason University Antonin Scalia Law School and Executive Director of the George Mason University Law & Economics Center. For over 20 years, he has led judicial education programs that teach judges the basics of economics, finance, accounting, statistics, and scientific methods. He received a MA and PhD in economics from Virginia Polytechnic Institute and State University and a JD from the University of Miami School of Law. He received a bachelor's degree in economics from the University of Richmond.



NUNO GAROUPA, LLM, JD

Professor of Law
George Mason University Antonin Scalia Law School

Professor Garoupa recently joined the faculty at George Mason University Antonin Scalia Law School. Previously, he taught at Texas A&M University School of Law, University of Illinois College of Law, Universidade Nova de Lisboa, Portugal and Universitat Pompeu Fabra, Barcelona, Spain. He has a long-established research interest in the economics of law and legal institutions and comparative judicial politics and is the current President of the Spanish Association of Law and Economics. Professor Garoupa received his PhD in Economics from the University of York in the United Kingdom and holds an LLM from the University of London.



TODD J. ZYWICKI, JD

Foundation Professor of Law
George Mason University Antonin Scalia Law School

Professor Zywicki is a George Mason University Foundation Professor of Law at George Mason University School of Law. In 2009, Professor Zywicki was honored as the recipient of the Institute for Humane Studies 2009 Charles G. Koch Outstanding IHS Alum Award. Since 2006 he has served as co-editor of the Supreme Court Economic Review. From 2003-2004, Professor Zywicki served as the director of the Office of Policy Planning at the Federal Trade Commission. He teaches in the area of bankruptcy, contracts, commercial law, business associations, law and economics, and public choice and the law. He has also taught at Vanderbilt University Law School, Georgetown University Law Center, Boston College Law School, and Mississippi College School of Law.