

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL



MASON JUDICIAL EDUCATION PROGRAM

# Case Analysis Seminar

Thursday, June 27 – Sunday, June 30, 2019 | BEAVER CREEK, CO



# Agenda

## THURSDAY, JUNE 27

3:00 – 5:00 pm

**Registration** (*Park Hyatt Lobby*)

5:00 – 6:30 pm

**Welcome and Introductions** (*Dempsey/Brown Room*)

**Session 1: The Economics Perspective: Incentives Matter** | **Henry N. Butler**, Dean; George Mason University Foundation Professor of Law; Executive Director, Law & Economics Center, George Mason University Antonin Scalia Law School

**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** (*Reception: Billiards Room, Dinner: Crooked Hearth Room*)  
(*Guests welcome*)

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

## FRIDAY, JUNE 28

(*All classroom sessions held in Tabor/Ouray Room*)

7:00 - 8:00 am

**Breakfast** (*Crooked Hearth Room, Guests Welcome*)

8:00 - 9:00 am

**Session 2: Markets and Prices** | **Tood Zywicki**, George Mason University Foundation Professor of Law, George Mason University Antonin Scalia Law School

**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.

10:15 - 11:15 am

**Session 4: Dealing with Externalities** | **Andrew Morriss**, Dean, School of Innovation; Professor, Bush School of Government and Public Service, Texas A&M University

**Case Discussion:**

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

# Agenda

**11:15 am - 12:15 pm**      **Session 5: Markets in Action | Zywicki**

**Case Discussion:**  
*Jones v. Star Credit Corp.* pp. 104-106.  
*M. Kraus & Bros., Inc. v. United States* pp. 99-104.

**12:15 pm**      **Adjourn for Day: Afternoon Study Session**

## **SATURDAY, JUNE 29**

*(All classroom sessions held in Tabor/Ouray Room)*

**7:00 - 8:00 am**      **Breakfast** (*Crooked Hearth Room, Guests Welcome*)

**8:00 - 9:00 am**      **Session 6: Principles of Valuation | Morriss**

**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.

**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.

**10:15 - 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.  
*Bates v. State Bar of Arizona.*

**11:15 am - 12:15 pm**      **Session 9: Tort Law and the Costs of Accidents | Morriss**

**Reading Assignment:**  
Butler, Drahozal, & Shepherd, Chapter VI, §D, pp. 327 - 362.

**Case Discussion:**  
*United States v. Carroll Towing Co.* pp. 328-335.

# Agenda

- 12:15 - 1:30 pm**                      **Session 10: Free Speech in the Political Marketplace | Zywicki** (*Lunch Provided*)
- Case Discussion:**  
*Citizens United v. Federal Communications Commission* (Edited)
- 1:30 - 6:00 pm**                      **Adjourn for Afternoon Study Session**
- 6:00 & 6:15 pm**                      **Buses Depart for Dinner**
- 6:30 pm**                                **Closing Reception and Dinner | Allie's Cabin, 15 West Thomas Place, Avon, CO 81620**  
(Guests Welcome)
- SUNDAY, JUNE 30**  
(*All classroom sessions held in Tabor/Ouray Room*)
- 7:00 - 8:00 am**                      **Breakfast** (*Crooked Hearth Room, Guests Welcome*)
- 8:00 - 9:00 am**                      **Session 11: 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 12: Corporate Law | Morriss**
- Reading Assignment:**  
Butler, Drahozal, & Shepherd, Chapter V, §D, pp. 266-290.
- Case Discussion:**  
*Kamin v. American Express Co.* pp. 274-277.
- 10:15 - 11:15 am**                      **Session 13: Class Actions | Zywicki**
- Reading Assignment:**  
Butler, Drahozal, & Shepherd, Chapter III, pp. 172-181.
- Case Discussion:**  
*Wal-Mart Stores v. Dukes* (Edited)
- 11:15 am**                                **Adjourn and Departure**

# Instructor Profiles



## **HENRY N. BUTLER, JD, PHD**

*Dean; George Mason University Foundation 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.



## **ANDREW MORRISS, JD, PHD**

*Dean, School of Innovation; Professor, Bush School of Government and Public Service, Texas A&M University*

Professor Morriss has previously clerked for US District Judge Barefoot Sanders and for US Magistrates William Sanderson and John Tolle in Dallas and has also practiced in the Texas Rural Legal Aid offices in Hereford and Plainview. In addition to teaching law, Professor Morris is also the Founding Dean of the Texas A&M University School of Innovation (I-School) and Vice President for Entrepreneurship and Economic Development. When it comes to research, Professor Morriss' work focuses on international financial centers like the Cayman and Channel Islands, and on regulatory issues involving the environment and energy.



## **TODD ZYWICKI, JD**

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

Professor Todd J. 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.