

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL

LAW & ECONOMICS CENTER

MASON JUDICIAL EDUCATION PROGRAM

Workshop On The Economics Of Environmental Law & Policy

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, 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 Dempsey/Brown Room*)

7:00 - 8:00 am

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

8:00 - 9:15 am

Session 2: Free Market Environmentalism | **Terry L. Anderson**, John and Jean De Nault Senior Fellow, Hoover Institution, Stanford University

Reading Assignment:

Terry L. Anderson and Donald R. Leal, *Free Market Environmentalism: The Next Generation*, 3rd Ed., (New York: Palgrave, 2015), Chapters 2 and 3.

9:30 - 10:45 am

Session 3: Efficiencies and Externalities | **Caroline Cecot**, Assistant Professor of Law, George Mason University Antonin Scalia Law School

Reading Assignment:

Butler, Drahozal, & Shepherd, Chapter IV

11:00 am - 12:15 pm

Session 4: Property Rights and the Law: From Pigou to Coase | **Anderson**

Reading Assignment:

Terry L. Anderson and Gary D. Libecap, *Environmental Markets: A Property Rights Approach*, (Stanford: Hoover Institution). Chapters 2 and 3

12:15 pm

Adjourn for Day: Afternoon Study Session

Agenda

SATURDAY, JUNE 29

(All classroom sessions held in Dempsey/Brown Room)

7:00 - 8:00 am

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

8:00 - 9:15 am

Session 5: The Common Law and the Environment | **Jonathan H. Adler**,
Johan Verheij Memorial Professor of Law and Director of the Coleman P. Burke Center for
Environmental Law, Case Western Reserve University School of Law

Reading Assignment:

Jonathan Adler, "Fables of the Cuyahoga: Reconstructing a History of Environmental
Protection," *Fordham Environmental Law Journal* 89 (2002): 89-146.

9:30 - 10:45 am

Class 6: Benefit-Cost Analysis | **Cecot**

Reading Assignment:

Albert L. Nichols, "Lead in Gasoline," in *Economic Analyses at EPA: Assessing Regulatory
Impact*, ed. Richard D. Morgenstern (New York: Resources for the Future, 1997), 49-86.

Caroline Cecot and W. Kip Viscusi, "Judicial Review of Agency Benefit-Cost Analysis," *George
Mason Law Review* 22, (2015): 575-617.

11:00 am - 12:15 pm

Class 7: Political Environmentalism | **Anderson**

Reading Assignment:

Terry L. Anderson and Gary D. Libecap, *Environmental Markets: A Property Rights Approach*,
Chapter 5.

12:15 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)

Agenda

SUNDAY, JUNE 30

(All classroom sessions held in Dempsey/Brown Room)

7:00 - 8:00 am

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

8:00 - 9:00 am

Class 8: Environmental Federalism | Adler

Reading Assignment:

Jonathan Adler, "When is Two a Crowd? The Impact of Federal Action on State Environmental Regulation," *Harvard Environmental Law Review* 31 (2007): 67-114.

9:15 - 10:15 am

Class 9: Wildlife and Endangered Species | Anderson

Reading Assignment:

Terry L. Anderson and Gary D. Libecap, *Environmental Markets: A Property Rights Approach*, Chapter 6.

Terry L. Anderson and Hannah Downey, "Hunting Can Be Good for Lions and Elephants," *Wall Street Journal* (November 28, 2017).

10:30 - 11:30 am

Class 10: Climate Change | Adler

Reading Assignment:

Jonathan Adler, "The Supreme Court Disposes of a Nuisance Suit: *American Electric Power v. Connecticut*," *Cato Supreme Court Review* 2010-2011, 295-317.

11:30 am

Adjourn and Departure

Instructor Profiles



JONATHAN H. ADLER, JD

Johan Verheij Memorial Professor of Law and Director of the Coleman P. Burke Center for Environmental Law, Case Western Reserve University School of Law

Jonathan H. Adler is the inaugural Johan Verheij Memorial Professor of Law and Director of the Coleman P. Burke Center for Environmental Law at the Case Western Reserve University School of Law, where he teaches courses in environmental, administrative and constitutional law. Professor Adler is the author or editor of seven books, including *Business and the Roberts Court* (Oxford University Press, 2016) and *Rebuilding the Ark: New Perspectives on Endangered Species Act Reform* (AEI Press, 2011), and over a dozen book chapters. His articles have appeared in publications ranging from the *Harvard Environmental Law Review* and *Yale Journal on Regulation* to *The Wall Street Journal* and *USA Today*. He has testified before Congress a dozen times, and his work has been cited in the US Supreme Court. A 2016 study identified Professor Adler as the most cited legal academic in administrative and environmental law under age 50.



TERRY L. ANDERSON, PHD

John and Jean De Nault Senior Fellow, Hoover Institution, Stanford University

Terry L. Anderson has been a senior fellow at the Hoover Institution since 1998 and is currently the John and Jean De Nault Senior Fellow. He is the past president of the Property and Environment Research Center in Bozeman, MT, and a Professor Emeritus at Montana State University where he won many teaching awards during his 25 year career. Anderson is one of the founders of “free market environmentalism,” the idea of using markets and property rights to solve environmental problems, and in 2015 published the third edition of his co-authored book by that title. He is author or editor of 39 books, including most recently, *Unlocking the Wealth of Indian Nations* (2016), exploring the institutional underpinnings of American Indian reservation economies. In addition to publishing in professional journals, Dr. Anderson speaks around the world and is often featured in the popular press, including frequent editorials in the *Wall Street Journal*. Dr. Anderson received his PhD from the University of Washington in 1972 and has been a visiting scholar at Oxford University, Basel University, Clemson University, and Cornell, and a Fulbright Fellow at the University of Canterbury.

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.



CAROLINE CECOT, JD, PHD

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

Professor Cecot holds a JD from Vanderbilt Law School, where she received the Robert F. Jackson and Archie B. Martin Memorial Prizes for her grades; was elected to Order of the Coif; and served as Senior Articles Editor for the Vanderbilt Law Review and Articles Editor for the Environmental Law and Policy Annual Review. Professor Cecot also holds a PhD in law and economics from Vanderbilt University. Following her graduate studies, Professor Cecot was the Postdoctoral Research Scholar in Law and Economics at Vanderbilt Law School and clerked for the Honorable Raymond J. Lohier, Jr., of the United States Court of Appeals for the Second Circuit. She was also Legal Fellow at the Institute for Policy Integrity at New York University School of Law, where she authored amicus curiae briefs and submitted comments on environmental and regulatory issues. Professor Cecot graduated from Harvard College magna cum laude with an AB degree in economics.