

JUDICIAL EDUCATION PROGRAM

Public Law: Economic Concepts and Cases

Sunday, March 21 – Friday, March 26, 2021 | NAPLES, FL

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL

LAW &
ECONOMICS
CENTER

SUNDAY, MARCH 21

1:00 - 6:00 pm

Registration, *South Terrace*

6:00 pm

Welcome Reception & Dinner, *Beach House*
(*Guests Welcome*)

The History of the Law & Economics Center

Henry N. Butler, Professor of Law and Executive Director, Law & Economics Center, George Mason University Antonin Scalia Law School

MONDAY, MARCH 22

All classes held in Vanderbilt I

7:00 - 8:00 am

Breakfast, *Vanderbilt II & III*
(*Guests welcome*)

8:00 - 9:15 am

Class 1: Market Imperfections and the Economic Case for Government Intervention I Butler

Reading Assignment:

Butler, Henry N., Christopher R. Drahozal, and Joanna Shepherd. *Economic Analysis for Lawyers*, 3rd ed. Durham, North Carolina: Carolina Academic Press, 2014: Chapter I and Chapter III §§A and B.

9:30 - 10:45 am

Class 2: Fundamental Economics of Taxation I Butler

Reading Assignment:

Butler, Drahozal, & Shepherd, 117-120, 219-222, 424-425.

11:00 am - 12:15 pm

Class 3: Risk, Risk Regulation, and Cost-Benefit Analysis

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

Reading Assignment:

Butler, Drahozal, & Shepherd, Chapter VI, §§C and E.

12:15 pm

Adjourn for Day: Afternoon Study Session

TUESDAY, MARCH 23

All classes held in Vanderbilt I

7:00 - 8:00 am

Breakfast, *Vanderbilt II & III*
(Guests welcome)

8:00 - 9:15 am**Case Session 1: Risk Regulation I Cecot****Reading Assignment:**

Corrosion Proof Fittings v. Environmental Protection Agency, 947 F.2d 1201 (5th Cir. 1991).

Case Session 2: Adequate Cost-Benefit Analysis I Cecot**Reading Assignment:**

Business Roundtable v. Securities Exchange Commission, 905 F.2d 406 (D.C. Cir. 1990).

9:30 - 10:45 am**Class 4: Statutory Interpretation of Interest Group Legislation**

Todd J. Zywicki, George Mason University Foundation Professor of Law,
George Mason University Antonin Scalia Law School

Reading Assignment:

Miceli, Thomas J., Maxwell L. Stearns, and Todd J. Zywicki. *Law and Economics: Private and Public*. Saint Paul, Minnesota: West Academic Publishing, 2018: 687-716, 781-806.

11:00 am - 12:15 pm**Case Session 3: What's a Judge to Do? I Zywicki****Reading Assignment:**

Mississippi Poultry Ass'n, Inc. v. Madigan, 31 F.3d 293 (5th Cir. 1994).

Case Session 4: Agency Behavior I Zywicki**Reading Assignment:**

FDA v. Brown & Williamson Tobacco Corp., 529 U.S. 120 (2000).
Utility Air Regulatory Group (UARG) v. EPA, 573 U.S. 302 (2014).

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

WEDNESDAY, MARCH 24

All classes held in Vanderbilt I

7:00 - 8:00 am

Breakfast, *Vanderbilt II & III*
(Guests welcome)

8:00 - 9:15 am

Class 5: Economics of Crime and Punishment

Nuno Garoupa, Professor of Law, Associate Dean for Research and Faculty Development & Faculty Director of Graduate Studies, George Mason University Antonin Scalia Law School

Reading Assignment:

Butler, Drahozal, & Shepherd, Chapter VII.

9:30 - 10:45 am

Case Session 5: Fines v. Imprisonment I Garoupa

Reading Assignment:

Tate v. Short, 401 U.S. 395 (1971).

Case Session 6: Repeat Offenders I Garoupa

Reading Assignment:

Ewing v. California, 538 U. S. 11 (2003).

11:00 - 11:40 am

Class 6: Labor Economics (as applied to Employment Law and Collective Bargaining) I Cecot

Reading Assignment:

Butler, Drahozal, & Shepherd, Chapter VIII, 421-425, 450-453, 464-466.

11:40 am - 12:15 pm

Case Session 7: Employment-at-Will I Cecot

Reading Assignment:

Garcia v. Kankakee County Housing Authority, 279 F.3d 532 (7th Cir. 2002).

12:15 pm

Adjourn for Day: Afternoon Study Session

THURSDAY, MARCH 25

All classes held in Vanderbilt I

7:00 - 8:00 am

Breakfast, Vanderbilt II & III
(Guests welcome)

8:00 - 9:15 am

Case Session 8: Occupational Regulation

Donald J. Kochan, Professor of Law and Deputy Executive Director,
Law & Economics Center, George Mason University Antonin Scalia Law School

Reading Assignment:

Butler, Drahozal, & Shepherd, 466-470.
Goldfarb v. Virginia State Bar, 421 U.S. 773 (1975).
Bates v. State Bar of Arizona, 433 U.S. 350 (1977).

9:30 - 10:00 am

Class 7: Economic Liberties I Zywicki

Reading Assignment:

Stearns, Micelli, & Zywicki, 417-449.

10:00 - 10:45 am

Case Session 9: Economic Liberties I Zywicki

Reading Assignment:

Sensational Smiles v. Mullen, 793 F.3d 281 (2nd Cir. 2015).
St. Joseph Abbey v. Castille, 712 F.3d 215 (5th Cir. 2013).

11:00 am - 12:15 pm

Case Session 10: Political Speech I Zywicki

Reading Assignment:

Citizens United v. Federal Communications Commission, 558 U.S. 310 (2010).

Case Session 11: Labor Unions and Political Speech I Zywicki

Reading Assignment:

United States v. Janus, 585 U.S. (2018)

12:15 - 4:45 pm

Afternoon Study Session

4:45 - 6:15 pm

Case Session 12: Wage and Hour Regulation I Zywicki

Reading Assignment:

Lochner v. New York, 198 U.S. 45 (1905).
West Coast Hotel v. Parrish, 300 U.S. 379 (1937).

6:30 pm

Reception and Dinner, Center Court
(Guests welcome)

FRIDAY, MARCH 26

All classes held in Vanderbilt I

7:00 - 8:00 am

Breakfast, Vanderbilt II & III
(Guests welcome)

8:00 - 9:15 am

Class 8: Environmental Economics | Cecot

Reading Assignment:

Revesz, Richard L., Michael A. Livermore, Caroline Cecot, & Jayni Foley Hein.
Environmental Law and Policy, 4th Ed. West Academic Publishing, 2019: 1-23.

9:30 - 10:45 am

Case Session 13: Environmental Policy I Cecot

Reading Assignment:

Environmental Protection Agency v. EME Homer City Generation, 572 U.S. 489
(2014).

Case Session 14: Climate Change and Public Nuisance Litigation I Kochan

Reading Assignment:

Dana, David A. "The Mismatch Between Public Nuisance and Global Warming."
Supreme Court Economic Review, vol. 18 (2010).

American Electric Power Co, Inc. v. Connecticut, 564 U.S. 410 (2011).

10:45 am

Closing Remarks and Adjourn