

JUDICIAL EDUCATION PROGRAM

Public Law: Economic Concepts and Cases

Sunday, June 13 – Saturday, June 19, 2021 | BEAVER CREEK, CO

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL

LAW &
ECONOMICS
CENTER

SUNDAY, JUNE 13

4:00 - 6:30 pm

Registration, Library

6:30 pm

Welcome Reception & Dinner, Crooked Hearth
(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, JUNE 14

All classes held in Gore Range Hall

7:00 - 7:50 am

Breakfast, Crooked Hearth
(Guests welcome)

8:00 - 9:15 am

Class 1: Get Your Motor Running! Economic Thinking | 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: Market Imperfections and the Economic Efficiency Case for Government Intervention | 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.

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, JUNE 15

All classes held in Gore Range Hall

7:00 - 7:50am

Breakfast, Crooked Hearth
(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

Douglas H. Ginsburg, Senior Judge, United States Court of Appeals for the District of Columbia; Professor of Law, George Mason University Antonin Scalia Law School

Reading Assignment:

Business Roundtable v. Securities Exchange Commission, 647 F.3d 1144 (D.C. Cir. 2011)

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 Ginsburg****Reading Assignment:**

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

Case Session 4: Agency Behavior I Ginsburg**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, JUNE 16

All classes held in Gore Range Hall

7:00 - 7:50 am

Breakfast, Crooked Hearth
(Guests welcome)

8:00 - 9:15 am

Class 5: 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.

Case Session 5: Employment-at-Will I Cecot

Reading Assignment:

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

9:30 - 10:45 am

Case Session 6: 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).

11:00 am - 12:15 pm

Case Session 7: 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).

12:15 pm

Adjourn for Day: Afternoon Study Session

THURSDAY, JUNE 17

All classes held in Gore Range Hall

7:00 - 7:50 am

Breakfast, Crooked Hearth
(Guests welcome)

8:00 - 9:15 am**Class 6: 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 8: Fines v. Imprisonment I Garoupa****Reading Assignment:**

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

Case Session 9: Repeat Offenders I Garoupa**Reading Assignment:**

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

11:00 am - 12:15 pm**Class 7: Environmental Economics | Cecot****Reading Assignment:**

Richard L. Revesz, Michael A. Livermore, Caroline Cecot, & Jayni Foley Hein, Environmental Law and Policy, 4th Ed. (West Academic Publishing, 2019): 1-23; 476-77; 492-98.

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

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

FRIDAY, JUNE 18

All classes held in Crooked Hearth

7:00 - 7:50 am

Breakfast, Gore Range Hall
(Guests welcome)

8:00 - 9:15 am

Case Session 10: Environmental Policy I Cecot

Reading Assignment:

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

Case Session 11: 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).

City of New York v. Chevron Corp., No. 18-2188 (2d Cir. 2021).

9:30 - 10:45 am

Class 8: Economic Liberties I Ginsburg

Reading Assignment:

Stearns, Micelli, & Zywicki, 417-449.

Case Session 12: Economic Liberties I Ginsburg

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 - 11:40 am

Case Session 13: Political Speech I Zywicki

Reading Assignment:

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

11:40 am - 12:15 pm

Case Session 14: Labor Unions and Political Speech I Ginsburg

Reading Assignment:

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

12:15 - 5:30 pm

Afternoon Study Session

5:30 pm

Shuttle, Park Hyatt to Saddle Ridge

6:00 - 7:30 pm

Fireside Chat: On Judging | Ginsburg

7:30 pm

Reception & Dinner

(Guests welcome)

SATURDAY, JUNE 19

Participants Depart at Their Leisure