

ATTORNEYS GENERAL EDUCATION PROGRAM

Public Law, Economics, & Policy Institute

Sunday, May 16 – Friday, May 21, 2021 | AMELIA ISLAND, FL

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL

LAW &
ECONOMICS
CENTER

SUNDAY, MAY 16

5:00 - 6:30 pm

Registration, Lobby

6:30 pm

Welcome Reception & Dinner, Sunset Café and Terrace
(Guests welcome)

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

MONDAY, MAY 17

All classes held in Magnolia EF

7:00 - 7:50 am

Breakfast, Magnolia Foyer
(Guests welcome)

8:00 - 9:15 am

Class 1: The Economic Way of Thinking

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, Henry N., Christopher R. Drahozal, and Joanna Shepherd. *Economic
Analysis for Lawyers*, 3rd ed. Durham: Carolina Academic Press, 2014: Chapters I
& II.

9:30 - 10:45 am

**Class 2: Market Imperfections and the Economic Case for Government
Intervention | Garoupa**

Reading Assignment:

Butler, Drahozal, & Shepherd, *Economic Analysis for Lawyers*, Chapter I & 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, *Economic Analysis for Lawyers*, Chapter VI, §§C and
E.

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

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

- 12:15 pm** **Afternoon Study Session**
- 4:45 pm** **Refreshments, Magnolia EF**
- 5:00 - 6:15 pm** **Lecture: The Private Law Origins of Public Nuisance Law**
- Richard A. Epstein**, Laurence A. Tisch Professor of Law & Director of the Classical Liberal Institute, New York University School of Law; and James Parker Hall Distinguished Service Professor Emeritus of Law & Senior Lecturer, The University of Chicago Law School

TUESDAY, MAY 18

All classes held in Magnolia EF

- 7:00 - 7:50 am** **Breakfast, Magnolia Foyer**
(Guests welcome)
- 8:00 - 9:15 am** **Class 4: Environmental Economics I Cecot**
- Reading Assignment:**
Revesz, Richard L., Michael A. Livermore, Caroline Cecot, and Jayni Foley Hein. *Environmental Law and Policy*, 4th ed. St. Paul: West Academic Publishing, 2019: 1-23.
- Butler, Drahozal, & Shepherd, *Economic Analysis for Lawyers*, Chapter I, §B & Chapter IV.
- 9:30 - 10:45 am** **Class 5: Introduction to Public Choice Economics**
- Todd J. Zywicki**, George Mason University Foundation Professor of Law, George Mason University Antonin Scalia Law School
- Reading Assignment:**
Stearns, Maxwell L., Todd J. Zywicki, and Thomas J Micelli. *Law and Economics: Private and Public*. St. Paul: West Academic Publishing, 2018: 417-449.
- Butler, Drahozal, & Shepherd, *Economic Analysis for Lawyers*, Chapter III, §§ A and C.
- 11:00 am - 12:15 pm** **Class 6: Statutory Interpretation and Agency Behavior I Zywicki**
- Reading Assignment:**
Stearns, Zywicki, & Micelli, *Law and Economics*, 687-716, 781-806.
- Mississippi Poultry Ass'n, Inc. v. Madigan, 31 F.3d 293 (5th Cir. 1994).
- Utility Air Regulatory Group (UARG) v. EPA, 573 U.S. 302 (2014).
- 12:15 pm** **Afternoon Study Session**

WEDNESDAY, MAY 19

All classes held in Magnolia EF

7:00 - 7:50 am

Breakfast, Magnolia Foyer
(Guests welcome)

8:00 - 9:15 am

Class 7: Economics of Crime and Punishment

Murat Mungan, Professor of Law, George Mason University Antonin Scalia Law School

Reading Assignment:

Butler, Drahozal, & Shepherd, *Economic Analysis for Lawyers*, Chapter VII.

9:30 - 10:45 am

Case Session 1: Fines v. Imprisonment I Mungan

Reading Assignment:

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

Case Session 2: Repeat Offenders I Mungan

Reading Assignment:

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

11:00 - 11:45 am

Case Session 3: Occupational Regulation

David Bernstein, University Professor and Executive Director of the Liberty & Law Center, George Mason University Antonin Scalia Law School

Reading Assignment:

Stearns, Zywicki, & Micelli, *Law and Economics*, 419-429, 444-445.

Kleiner, Morris M., *Reforming Occupation Licensing Policy*. The Brookings Institution, 2015.

Haw Allensworth, Rebecca. "Foxes at the Henhouse: Occupational Licensing Boards Up Close." *California Law Review* 105, no. 6 (December 2017): 1570-1679.

12:00 - 2:00 pm

Working Lunch and Class 8: The Economics of Regulatory Federalism | Cecot & Kochan

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

Reading Assignment:

Butler, Henry N. and Joshua D. Wright. "Are State Consumer Protection Acts Really Little-FTC Acts?" *Florida Law Review* 63, no. 1 (January 2011): 163-192.

2:00 pm

Afternoon Study Session

THURSDAY, MAY 20

All classes held in Magnolia EF

7:00 - 7:50 am

Breakfast, Magnolia Foyer
(Guests welcome)

8:00 - 9:15 am

Class 9: Economic Liberties | Bernstein

Reading Assignment:

Larkin Jr., Paul J. *Economic Liberty and the Constitution: An Introduction*. The Heritage Foundation, 2014.

Zieger, Robert H. "Review: Race and Labor in the Twentieth Century." *Reviews in American History* 29, no. 4 (December 2001).

9:30 - 10:45 am

Case Session 4: Wage and Hour Regulation | Bernstein

Reading Assignment:

Stearns, Zywicki, & Micelli, *Law and Economics*, 452-458.

West Coast Hotel v. Parrish, 300 U.S. 379 (1937).

Case Session 5: Economic Liberties | Bernstein

Reading Assignment:

Sensational Smiles v. Mullen, 793 F. 3d 281 (2d Cir. 2015).

St. Joseph Abbey v. Castille, 712 F. 3d 215 (5th Cir. 2021).

11:00 am - 12:15 pm

Case Session 6: Political Speech | Zywicki

Reading Assignment:

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

Case Session 7: Labor Unions and Political Speech | Zywicki

Reading Assignment:

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

12:15 - 4:45 pm

Afternoon Study Session

5:00 - 6:15 pm

Class 10: The Economics of Separation of Powers and Constitutional Structure

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

Reading Assignment:

Macey, Jonathan R. "Competing Economic Views of the Constitution." *George Washington Law Review* 56, no. 1 (November 1987).

Posner, Richard A. "The Constitution as an Economic Document." *George Washington Law Review* 56, no. 4 (November 1987).

6:30 pm

Reception and Dinner, Oceanside Beach
(Guests welcome)

FRIDAY, MAY 21

Travel day, participants depart at their leisure