

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL

LAW & ECONOMICS CENTER

JUDICIAL EDUCATION PROGRAM

Sixteenth Meeting of the American College of Business Court Judges

Wednesday, October 27 - Friday, October 29, 2021
Jackson, Mississippi



WEDNESDAY, OCTOBER 27

3:00 - 6:00 pm

Registration, Jackson Ballroom Pre-Function Foyer

6:30 pm

Welcome Reception & Dinner, Jackson Ballroom Pre-Function Foyer & Terrace,
Jackson Ballroom I
(Guests Welcome)

Welcome

Denise D. Owens, Judge and President of the American College of Business Court
Judges, Fifth Chancery District Court, Mississippi

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

Introduction to the Mississippi Civil Rights Museum

Reuben V. Anderson, Senior Partner and former Supreme Court
Justice of Mississippi, Phelps Dunbar LLP

Fred L. Banks Jr., Senior Partner, and former Supreme Court
Justice of Mississippi, Phelps Dunbar LLP

Introduction to Speaker

Mike Frascogna, Senior Partner, Frascogna Courtney PLLC

Opening Remarks

Haley Barbour, Founding Partner and former Governor of Mississippi, BGR Group

THURSDAY, OCTOBER 28

All classes held in Jackson Ballroom II

7:00 - 7:50 am

Breakfast, Jackson Ballroom I
(Guests welcome)

8:00 - 8:15 am

Welcoming Remarks

Chokwe Antar Lumumba, Mayor of Jackson, Mississippi

8:15 - 9:30 am

Panel 1: Ownership, Transfer, and Tracing of Intellectual Property Rights
Part 1: Contracting in the Face of Uncertainty - Music Tourism, Royalties
Trademark, and Copyright Law

Wayne Coleman, Owner, The Royalty Compliance Organization; Founder and Chairman of Capstone International, Inc., Financial Services Team, Inc., and Royalty Information Technology Services, Inc.

Serona Elton, Associate Dean of Administration and Director of the Music Industry Program Frost School of Music, University of Miami

Andrew Morriss, Professor, Bush School of Government & Public Service and School of Law Texas A&M University

Sean O'Connor, Professor of Law and Faculty Director Center for Intellectual Property x Innovation Policy (C-IP2) , George Mason University Antonin Scalia Law School

Moderator: Jeffrey M. Graves, Principal Entertainment and Sports Attorney, Graves Legal Services, PLLC

Reading Assignment:

O'Connor, Sean M. "The Multiple Levels of 'Property' in IP and Why That Matters for the Natural Versus Regulatory IP Debates" *George Mason Law Review* (October 2018).

Ayotte Kenneth, Henry E. Smith, and Edward Elgar. "Toward an Economic Theory of Property in Information" in *Research Handbook on the Economics of Property Law*, 2011.

AGENDA

9:45 - 11:00 am

**Panel 2: Ownership, Transfer, and Tracing of Intellectual Property Rights
Part 2: The Robert Johnson Estate**

Olufunmilayo Arewa, Murray H. Shusterman Professor of Transactional and Business Law, Temple University Beasley School of Law

John Kitchens, Partner and Attorney for Robert Johnson Estate
Kitchens Law Firm, P.A.

Loren Mulraine, Professor of Law & Director of Music and Entertainment Law Studies, Belmont University College of Law

Moderator: Jannie M. Lewis-Blackmon, Judge, Twenty-First Judicial District Circuit Court, Mississippi

Reading Assignment:

Arewa, Olufunmilayo. "Blues Lives: Promise and Perils of Musical Copyright." *Cardozo Arts & Entertainment Law Journal*, Vol. 27 (2010).

In re Est. of Johnson (Edited).

Est. of Johnson v. Kitchens L. Firm (Edited).

11:15 am - 12:30 pm

Panel 3: The Cost of Truth, Can You Afford It?

Curtis Wilkie, American Journalist, Overby Fellow, and Associate Professor of School of Journalism and New Media, University of Mississippi

Jerry Mitchell, Founder, Mississippi Center for Investigative Reporting

Moderator: Ebony Lumumba, Associate Professor and Department Chair of English, Modern Foreign Languages & Speech, Jackson State University

12:30 - 1:45 pm

Lunch and Keynote Address

Marshall Ramsey, Two-Time Pulitzer Prize Finalist, Author, Speaker, Radio host, and Syndicated Editorial Cartoonist

2:00 - 3:15 pm

Panel 4: Artificial Intelligence, Machine Learning, and Algorithms: Studies in Law, Economics, and Racial Bias

Nicol Turner Lee, Senior Fellow, Governance Studies and Director, Center for Technology Innovation, The Brookings Institution

David Rubenstein, James R. Ahrens Chair in Constitutional Law, Washburn University School of Law

Moderator: Christopher Yates, Judge, Kent County Circuit Court, Michigan

Reading Assignment:

Thierer Adam. "OMB's AI Guidance Embodies Wise Tech Governance." *Mercatus Center at George Mason University* (March 2020).

Gaudry, Kate, Susan Hallen, Stephen Kabakoff, and Sean M. O'Connor. "The Intersection of Ip and Artificial Intelligence (Ai)." *les Nouvelles - Journal of the Licensing Executives Society* 14, No. 3 (September 2021).

Pethokoukis, James, and Darrell M. West. "How will artificial intelligence shape our future? My long-read Q&A with Darrell M. West." *AEIdeas Blog* (January 2021).

3:30 - 4:45 pm

Panel 5: Shareholder Wealth Maximization versus ESG and the Business Roundtable: The Growing Debate Over Corporate Purpose

Donald J. Kochan

Todd Zywicki, George Mason University Foundation Professor of Law, George Mason University Antonin Scalia Law School; and Senior Fellow, Center for Monetary and Financial Alternatives, Cato Institute

John Anderson, Professor, Mississippi College School of Law

Moderator: Elihu Berle, Judge, Los Angeles Superior Court, California

Reading Assignment:

Sharfman, Bernard S. "The Illusion of Success: A Critique of Engine No. 1's Proxy Fight at ExxonMobil." *Harvard Business Law Review Online* (Forthcoming).

Bhagat, Sanjai, and R. Glenn Hubbard. "Should the Modern Corporation Maximize Shareholder Value?" *AEI Economic Perspectives* (September 2020).

5:00 pm

Tenille Time Reception, Mississippi Museum of Art
(Guests Welcome)

AGENDA

FRIDAY, OCTOBER 29

All classes held in Jackson Ballroom II

7:00 - 7:50 am

Breakfast, Jackson Ballroom I
(Guests welcome)

8:00 am

Call to Order

8:00 - 8:15 am

Friday Morning Remarks

Robert Gibbs, Senior Partner and President of The Mississippi Bar
Gibbs Travis PLLC

8:20 - 9:30 am

Panel 6: Thriving Post Pandemic, Part 1: Private Practice and Expanding Regulatory Authority After COVID-19

Nakimuli Davis Primer, Shareholder, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC

Baxter Kruger, Assistant United States Attorney, Southern District of Mississippi

James Henley, United States Bankruptcy Trustee for the Southern District of Mississippi

Moderator: James Graves, Judge, US Court of Appeals for the Fifth Circuit

9:45 - 10:55 am

ACBCJ Member Panel 7: Thriving Post Pandemic, Part 2: The Judiciary after Covid-19

Timothy Driscoll, Justice, New York Supreme Court

Faye Peterson, Judge, Hinds County Circuit Court, Mississippi

Michael Gwin, Member, Watkins & Eager Law

Susan Steffey, Member, Watkins & Eager Law

Moderator: Clifton B. Newman, Judge, Circuit Court of South Carolina

11:10 - 11:55 am

ACBCJ Business Meeting and Elections

10:55 am - 12:00 pm

Closing Remarks | Kochan and Owens

12:00 pm

Tour of Mississippi Civil Rights Museum
(Guests Welcome)