

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL

**LAW &  
ECONOMICS  
CENTER**

**ATTORNEYS GENERAL EDUCATION PROGRAM**

# AGEP Public Law, Economics, & Policy Institute

Sunday, May 15 - Friday, May 20, 2022  
Amelia Island, Florida



# AGENDA

## SUNDAY, MAY 15

**4:00 - 6:00 pm**

**Registration**, *Lobby*

**6:00 - 9:00 pm**

**Welcome Reception & Dinner**, *Sunrise Café and Terrace*  
(*Guests Welcome*)

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

## MONDAY, MAY 16

*All sessions held in Egret (Racquet Park Conference Center)*

**7:00 - 7:50 am**

**Breakfast**, *Verandah Restaurant (Racquet Park Conference Center)*  
(*Guests Welcome*)

**8:00 - 9:15 am**

**Class 1: The Economic Way of Thinking | Butler**

**Reading Assignment:**

*Chapter I & II* in HENRY N. BUTLER, ET AL.,  
ECONOMIC ANALYSIS FOR LAWYERS (3rd ed. 2014).

**9:15 - 9:30 am**

**Break**

**9:30 - 10:45 am**

**Class 2: Market Imperfections and the Economic Case for Government Intervention I Butler**

**Reading Assignment:**

*Chapter I & III* in HENRY N. BUTLER, ET AL.,  
ECONOMIC ANALYSIS FOR LAWYERS (3rd ed. 2014).

**10:45 - 11:00 am**

**Break**

**11:00 am - 12:15 pm**

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

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

**Reading Assignment:**

*Chapter VI, §§ C and E*: in HENRY N. BUTLER, ET AL.,  
ECONOMIC ANALYSIS FOR LAWYERS (3rd ed. 2014).

*Corrosion Proof Fittings v. EPA*, 947 F.2d 1201 (5th Cir. 1991).

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

**12:15 pm**

**Adjourn for the Day; Afternoon Study Session**

## TUESDAY, MARCH 17

*All sessions held in Egret*

**7:00 - 7:50 am**

**Breakfast**, Verandah Restaurant  
(Guests Welcome)

**8:00 - 9:15 am**

**Class 4: Cartels, Predatory Pricing, and the Social Costs of Monopoly | Butler**

**Reading Assignment:**

Chapter I in HENRY N. BUTLER, ET AL., ECONOMIC ANALYSIS FOR LAWYERS 45-51 (3rd ed. 2014).

**Case Discussion:**

*Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574 (1986): 12-17, 515-517.

**9:15 - 9:30 am**

**Break**

**9:30 - 10:45 am**

**Class 5: Taking the Neo-Brandeisians Literally?—Merger Policy Before the 40 Year “Failed Experiment”**

**Timothy J. Muris**, George Mason University Foundation Professor of Law, George Mason University Antonin Scalia Law School

**Reading Assignment:**

1968 Department of Justice Merger Guidelines

2010 Department of Justice and FTC Merger Guidelines

Muris, Timothy J. and Nuechterlein, Jonathan E., Chicago and Its Discontents, 87 University of Chicago Law Review 495, 2020.

**10:45 - 11:00 am**

**Break**

**11:00 am - 12:15 pm**

**Class 6: The Biden Administration and the Return of the Robinson Patman Act | Muris**

**12:15 pm**

**Adjourn for the Day; Afternoon Study Session**

## WEDNESDAY, MAY 18

*All sessions held in Egret*

**7:00 - 7:50 am**

**Breakfast**, Verandah Restaurant  
(Guests Welcome)

**8:00 - 9:15 am**

**Class 7: 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.

**9:15 - 9:30 am**

**Break**

**9:30 - 10:45 am**

**Class 8: Statutory Interpretation and Agency Behavior I Zywicki**

**Reading Assignment:**

Stearns, Zywicki, & Micelli, Law and Economics, 687-716; 781-806.

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

Utility Air Regulatory Group (UARG) v. EPA, 573 U.S. 302 (2014).

**10:45 - 11:00 am**

**Break**

**11:00 am - 12:15 pm**

**Class 9: Populist Eras of Antitrust | Muris**

**Reading Assignment:**

Muris, Timothy J. and Nuechterlein, Jonathan E. "Antitrust in the Internet Era: The Legacy of United States v. A&P." 54 Review of Industrial Organization 650, 2019.

**12:15 pm**

**Adjourn for the Day; Afternoon Study Session**

## THURSDAY, MAY 19

*All sessions held in Egret*

**7:00 - 7:50 am**

**Breakfast**, Verandah Restaurant  
(Guests Welcome)

**8:00 - 9:15 am**

**Case Session 1: Political Speech I Zywicki**

**Reading Assignment:**

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

**Case Session 2: Labor Unions and Political Speech I Zywicki**

**Reading Assignment:**

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

**9:15 - 9:30 am**

**Break**

**9:30 - 10:45 am**

**Class 10: Economics of Crime and Punishment | Mungan**

**Reading Assignment:**

*Chapter VII: in HENRY N. BUTLER, ET AL.,  
ECONOMIC ANALYSIS FOR LAWYERS* (3rd ed. 2014).

**11:00 am - 12:15 pm**

**Case Session 3: Fines v. Imprisonment I Mungan**

**Reading Assignment:**

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

**Case Session 4: Repeat Offenders I Mungan**

**Reading Assignment:**

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

**12:15 - 6:00 pm**

**Program Adjourns**

**6:00 pm**

**Reception and Dinner**, *The Sprouting Project*  
(Guests Welcome)

# AGENDA

## FRIDAY, MAY 20

*All sessions held in Egret*

**7:00 - 7:50 am**

**Breakfast**, Verandah Restaurant  
(Guests Welcome)

**8:00 - 9:15 am**

**Class 11: Property Rights, Externalities, and the Coase Theorem | Mungan**

**Reading Assignment:**

*Chapter I, §B & IV* in HENRY N. BUTLER, ET AL.,  
ECONOMIC ANALYSIS FOR LAWYERS (3rd ed. 2014).

**9:15 am**

**Program Adjourns**