

**LAW &
ECONOMICS
CENTER**

JUDICIAL EDUCATION PROGRAM

The Bar Harbor Colloquium

Judge Douglas H. Ginsburg

Judicial Colloquium Series

Sunday, June 19 - Friday, June 24, 2022

Bar Harbor, Maine



AGENDA

SUNDAY, JUNE 19

6:00 pm **Registration**, *Bar Harbor Club Lobby*

6:30 - 7:30 pm **Opening Reception and Remarks**, *Bar Harbor Club Patio*
(Guests Welcome)

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

Judge to Judge: Douglas H. Ginsburg Interviews C. Boyden Gray

Douglas H. Ginsburg

C. Boyden Gray, Founding Partner, Boyden Gray & Associates

7:30 pm **Welcome Dinner**, *Club Dining Room*
(Guests Welcome)

MONDAY, JUNE 20

All classes will be held in the McMurtry Ballroom

7:00 - 7:50 am **Breakfast**, *Club Dining Room*
(Guests Welcome)

8:00 - 9:15 am **Session 1: (Busting) Myths About International Trade**

Donald J. Boudreaux, Senior Fellow, FA Hayek Program for Advanced Study in Philosophy, Politics, and Economics and Martha and Nelson Getchell Chair for the Study of Free Market Capitalism, Mercatus Center; Professor of Economics, George Mason University

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

9:30 - 10:45 am **Session 2: Is the American Middle Class Stagnating Economically? | Boudreaux**

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

Monday's schedule continued on next page

11:00 am - 12:15 pm **Session 3: Populist Eras of Antitrust**

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

Reading Assignment:
Timothy J. Muris & Jonathan E. Nuechterlein, *Antitrust in the Internet Era: The Legacy of United States v. A&P*, 54 REV. OF. INDUS. ORG. 650 (2019).

J. Howard Beales III & Timothy J. Muris, *Return of the National Nanny*, WALL ST. J. (2022).

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

TUESDAY, JUNE 21

All classes will be held in the McMurtry Ballroom

7:00 - 7:50 am **Breakfast**, Club Dining Room
(Guests Welcome)

8:00 - 9:15 am **Session 4: Taking the Neo-Brandeisians Literally?—Merger Policy Before the 40 Year “Failed Experiment” | Muris**

Reading Assignment:
Timothy J. Muris & Jonathan E. Nuechterlein, *Chicago and Its Discontents*, 87 U. CHI. L. REV. 495 (2020).

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

9:30 - 10:45 am **Session 5: Introduction to Statistics**

Orley C. Ashenfelter, Joseph Douglas Green 1985 Professor of Economics,
Princeton University

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

11:00 am - 12:15 pm **Session 6: Introduction to Econometrics | Ashenfelter**

Reading Assignment:
Marginal Revolution University, *The Economics of Wine* (Orley Ashenfelter, Princeton), YouTube (September 30, 2020).

12:15 - 6:00 pm **Afternoon Study Break**

6:00 - 7:30 pm **Session 7: Wine Tasting | Ashenfelter**, McMurtry Ballroom

7:30 - 9:00 pm **Dinner**, Club Dining Room
(Guests Welcome)

AGENDA

WEDNESDAY, JUNE 22

All classes will be held in the McMurtry Ballroom

7:00 - 7:50 am

Breakfast, Club Dining Room
(Guests Welcome)

8:00 - 9:15 am

Session 8: The Replication Crisis and Evidence Law

Kathryn Zeiler, Professor of Law and Nancy Barton Scholar, Boston University School of Law

Reading Assignment:

Jason M. Chin & Kathryn Zeiler, *Replicability in Empirical Legal Research*, 17 ANNU. REV. LAW SOC. SCI. 4, 4-7, and 15-19 (2021).

Jason M. Chin, *What Irreproducible Results Mean for the Law of Scientific Evidence*, 35 ADVOC. J. 17, 17-21 (2016).

9:15 - 9:30 am

Break

9:30 - 10:45 am

Session 9: The Economics of Competition in Hospital Markets | Zeiler

Reading Assignment:

Nancy D. Beaulieu et al., *Changes in Quality of Care after Hospital Mergers and Acquisitions*, 382 N. ENGL. J. MED. 51, 51-59 (2020).

Zack Cooper & Martin Gaynor, *Addressing Hospital Concentration and Rising Consolidation in the United States*, 1% STEPS FOR HEALTH CARE REFORM 1, 1-8 (2021).

10:45 - 11:00 am

Break

11:00 am - 12:15 pm

Session 10: Economic Growth, Income Inequality, and the Rule of Law

Sanjai Bhagat, Provost Professor of Finance, University of Colorado, Boulder

Reading Assignment:

Sanjai Bhagat, *Economic Growth, Income Inequality, and the Rule of Law*, HAR. BUS. L. REV. (2020).

12:15 pm

Adjourn for Day: Afternoon Study Session

THURSDAY, JUNE 23

All classes will be held in the McMurtry Ballroom

7:00 - 7:50 am

Breakfast, *Club Dining Room*
(Guests Welcome)

8:00 - 9:15 am

Session 11: Woke Law!

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

Reading Assignment:

Robert Paul Wolff, Barrington Moore, Jr. & Herbert Marcuse, *A CRITIQUE OF PURE TOLERANCE* 3 (5th ed. 1970).

Helen Pluckrose & James Lindsay, *CYNICAL THEORIES: HOW ACTIVIST SCHOLARSHIP MADE EVERYTHING ABOUT RACE, GENDER, AND IDENTITY – AND WHY THIS HARMS EVERYBODY*, 45 (2020).

9:15 - 9:30 am

Break

9:30 - 10:45 am

Session 12: The Purpose of the Modern Corporation | Bhagat

Reading Assignment:

Sanjai Bhagat & Glenn Hubbard, *Rule of Law and Purpose of the Corporation*, *CORP. GOV.: INT. REV.* 1,1-17 (2021).

Lucian A. Bebchuk & Roberto Tallarita, *Will Corporations Deliver Value to All Stakeholders?* 75 *VAND. L. REV.* 1 (forthcoming in May 2022).

Ryan Flugum & Matthew E. Souther, *Stakeholder Value: A Convenient Excuse for Underperforming Managers?* (2021).

Jeremiah Green & John R. M. Hand, *Diversity Matters/Delivers/Wins Revisited in S&P 500® Firms* (2021).

10:45 - 11:00 am

Break

11:00 am - 12:15 pm

Session 13: Consumer Credit | Zywicki

Reading Assignment:

Thomas A. Durkin, Gregory Elliehausen, & Todd J. Zywicki, *Consumer Credit and the American Economy: An Overview* 11 *J.L. ECON. POL'Y.* 279 (2015).

Todd J. Zywicki, *The CFPB Could Be a Force for Good*, *WALL ST. J.* (2018).

AGENDA

12:15 - 5:30 pm

Afternoon Study Break

5:30 pm

Shuttle Departs

6:00 - 9:30 pm

Reception and Dinner, Offsite at Private Residence
(Guests Welcome)

9:30 pm

Shuttle Departs

FRIDAY, JUNE 24

All classes will be held in the McMurtry Ballroom

7:00 - 7:50 am

Breakfast, Club Dining Room
(Guests Welcome)

8:00 - 9:15 am

Session 14: The War on Big Tech | Ginsburg

Reading Assignment (the following all included in single Course Packet):

John D. McKinnon & Meghan Bobrowsky, *President Biden's Executive Order Opens New Front in Battle With Big Tech*, WALL ST. J. (2021).

Jim Tankersley & Cecilia Kang, *Biden's Antitrust Team Signals a Big Swing at Corporate Titans*, N.Y. TIMES (2021).

Daniel Michaels & Brent Kendall, *US Competition Policy Is Aligning With Europe, and Deeper Cooperation Could Follow*, WALL ST. J. (2021).

Jonathan Jacobson & Christopher Mufarrige, *Acquisitions of 'Nascent' Competitors*, ANTITRUST SOURCE (2020).

Douglas H. Ginsburg & Koren W. Wong-Ervin, *Challenging Consummated Mergers Under Section 2*, COMP. POL'Y. INT'L. 2 (2020).

9:15 - 9:30 am

Closing Comments and Program Adjourns

Depart at your leisure