



# CASE ANALYSIS SEMINAR

## FOR FEDERAL JUDGES

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL

**LAW &  
ECONOMICS  
CENTER**

**MASON JUDICIAL  
EDUCATION PROGRAM**

---

**JANUARY 25 - 28, 2018  
PLAYA LARGO RESORT & SPA  
KEY LARGO, FLORIDA**

## ABOUT US

Because laws are incentives for changing behavior and achieving policy objectives, it is vital that the public servants who create and shape our laws understand economic concepts and methods.

Since its inception in 1974, the Law & Economics Center has played a critical role as a leader in law and economics research and education. The LEC recognizes both the importance of timely, relevant, and unassailable research on public policy issues as well as the necessity of communicating research findings to those who are directly shaping our country's public policy discussions. With research divisions devoted to top-quality legal policy analysis and educational arms reaching out to judges, attorneys general, and other policymakers, the LEC is uniquely equipped to positively affect national policy outcomes.

The generous support of individuals, foundations, and corporations makes all LEC activities possible. A current list of LEC donors may be found on our website at [www.masonlec.org](http://www.masonlec.org).

---

## OUR PROGRAMS

**THE MASON JUDICIAL EDUCATION PROGRAM** is the nation's preeminent provider of high-quality, balanced judicial education seminars and conferences that focus on economics, finance, accounting, statistics, and the scientific method. The LEC has been offering educational programs for judges since 1976.

**THE HENRY G. MANNE PROGRAM IN LAW & ECONOMICS STUDIES** promotes law and economics scholarship by funding faculty research and hosting policy-relevant research roundtables and academic conferences.

**THE MASON ATTORNEYS GENERAL EDUCATION PROGRAM** offers courses that provide a broad-based understanding of economic and public policy issues to state attorneys general and their staff lawyers.

**THE CONGRESSIONAL CIVIL JUSTICE ACADEMY** provides balanced educational programs on a range of civil litigation issues for the benefit of Members of the US Congress, their staffs, and their constituents.

**THE PROGRAM ON ECONOMICS & PRIVACY** produces timely and original economic analysis of the privacy, data security, competition, and consumer protection issues intrinsic to the modern, digital economy, and it injects this analysis into public discussions by holding educational programs and forums in which scholars, thought leaders, and policymakers share research and insights.

## MASON JUDICIAL EDUCATION PROGRAM CASE ANALYSIS SEMINAR FOR FEDERAL JUDGES

**JANUARY 25 - 28, 2018**

**PLAYA LARGO RESORT & SPA**

---

97450 Overseas Highway, Key Largo, Florida 33037

## CONTENTS

Agenda	4
Participant List	7
Participant Bios	8
Instructor Bios	12
Advisory Board	13
LEC Contact Info	14
Upcoming Schedule	15

# AGENDA

Thursday, January 25

6:00 PM -  
8:30 PM

**OPENING RECEPTION &  
DINNER**

*Event Lawn*

**WELCOME**

**HENRY N. BUTLER**

Dean and George Mason University Foundation Professor of  
Law, George Mason University Antonin Scalia Law School

Friday, January 26

7:00 AM -  
7:50 AM

**BREAKFAST**

*Event Lawn*

8:00 AM -  
8:30 AM

**SEMINAR INTRODUCTION  
& REVIEW OF ECONOMIC  
CONCEPTS**

*Rock Harbor Meeting Room*

**INSTRUCTORS**

**HENRY N. BUTLER**

Dean and George Mason University Foundation Professor of  
Law, George Mason University Antonin Scalia Law School

**DOUGLAS H. GINSBURG**

Professor of Law, George Mason University Antonin Scalia  
Law School; Chair, International Board of Advisors Global  
Antitrust Institute; Senior Judge, US Court of Appeals for the  
District of Columbia Circuit; and Visiting Professor, University  
of London Faculty of Laws

8:30 AM -  
9:45 AM

**CLASS 1: REVIEW OF  
ECONOMIC CONCEPTS:  
THE COASE THEOREM**

*Rock Harbor Meeting Room*

**Readings:**

*Adams v. Cleveland Cliffs Iron Co.*  
Richard A. Posner, *Economic Analysis of Law*, 8th ed. Aspen  
Publishers (2011), pp. 77-81 (§ 3.8)

10:00 AM -  
11:15 AM

**CLASS 2: PROPERTY  
RIGHTS & TAKINGS**

*Rock Harbor Meeting Room*

**Readings:**

*Board of Supervisors v. Omni Homes*  
*Metropolitan Water Reclamation District of Greater Chicago v.*  
*Terra Foundation for America Art*  
Posner, pp. 59-63 (§§ 3.4–5); 108-109 (§ 3.15); 857-863 (§§  
23.5–8); 70-77 (§ 3.7)

## Friday, January 26

11:30 AM -  
12:45 PM

### CLASS 3: NEGLIGENCE

Rock Harbor Meeting Room

#### Readings:

*Annett Holdings v. Kum & Go*

*Haygood v. DeEscabedo*

Posner, pp. 213-217 (§ 6.1); 320-323 (§ 8.2); 243-259 (§§ 6.10-14)

8:45 AM -  
12:45 AM

### WORKING LUNCH

Rock Harbor Meeting Room

#### Readings:

*Citizens United v. FEC*

*Madison Teachers, Inc. v. Scott Walker*

Posner, pp. 931-932 (§ 28.1); 939-943 (§§ 28.3-4); 945-947 (§ 28.6)

2:30 PM

### ADJOURN FOR DAY

## Saturday, January 27

7:00 AM -  
7:50 AM

### BREAKFAST

Event Lawn

8:00 AM -  
9:15 AM

### CLASS 5: CLASS ACTION

Rock Harbor Meeting Room

#### Readings:

*Wal-Mart Stores v. Dukes*

*Halliburton Co. v. Erica P. John Fund*

Posner, pp. 782-792 (§ 21.12); 800-804 (§§ 21.16-17)

9:30 AM -  
10:45 AM

### CLASS 6: HOT GAS

Rock Harbor Meeting Room

#### Readings:

*In re Motor Fuel Temperature Sales Practices*

Posner, pp. 138-148 (§§ 4.7-9); 492-499 (§§ 13.2-4)

11:00 AM -  
12:15 PM

### CLASS 7: EX POST/EX ANTE LAWS

Rock Harbor Meeting Room

#### Readings:

*City of Indianapolis v. Armour*

*Caprio v. New York State Department of Taxation and Finance*

Posner, pp. 487-492 (§ 13.1))

# AGENDA

Saturday, January 27

*Continued*

12:15 PM -  
5:15 PM

**STUDY BREAK**

*Lunch on your own.*

5:15 PM -  
6:30 PM

**CLASS 8: ANTITRUST**

*Rock Harbor Meeting Room*

**Readings:**

*FTC v. Staples*

*NC Dental v. FTC*

Posner, pp. 369-80 (§ 10.1); 387-395 (§§ 10.4–7); 404-412 (§ 10.10)

6:30 PM -  
9:00 PM

**CLOSING RECEPTION &  
DINNER**

*South Beach*

Sunday, January 28

*Travel Day – No Group Activities Planned*