

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL

# LAW & ECONOMICS CENTER



**MASON JUDICIAL EDUCATION PROGRAM**

## ELEVENTH ANNUAL JUDICIAL SYMPOSIUM ON CIVIL JUSTICE ISSUES

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MAY 21 - 23, 2017

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL



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 large-scale empirical projects and 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.

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## OUR PROGRAMS

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

**THE CONGRESSIONAL CIVIL JUSTICE CAUCUS ACADEMY** organizes rigorous, balanced educational programs on a range of civil justice issues for the benefit of the general public and members of the US Congress and their staff.

**THE PROGRAM ON ECONOMICS & PRIVACY** is dedicated to studying the economic tradeoffs inherent to privacy, data security, and other digital information debates, and to producing relevant and original research and education programs for policymakers.

HELPFUL RESOURCES

WIFI NETWORK

Please see page 27.

TAXI INFORMATION

Red Top Cab of Arlington  
703.522.3333

MASON JUDICIAL EDUCATION PROGRAM  
ELEVENTH ANNUAL JUDICIAL SYMPOSIUM ON CIVIL JUSTICE ISSUES  
MAY 21 – 23, 2017, ARLINGTON, VA

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### IMPORTANT EVENT CONTACTS

Rachel Trello, JEP Program Assistant  
Cell: 301.944.4197 Email: [rtrello@gmu.edu](mailto:rtrello@gmu.edu)

### WEB INFORMATION

[www.MasonJEP.org](http://www.MasonJEP.org)

MASON JUDICIAL EDUCATION PROGRAM

ELEVENTH ANNUAL JUDICIAL SYMPOSIUM ON CIVIL JUSTICE ISSUES

Sunday, May 21

Westin Arlington Gateway,  
F. Scott Fitzgerald Room A

6:00 PM – 7:30 PM

**REGISTRATION & RECEPTION**

*F. Scott Fitzgerald Room A*

Monday, May 22

Founders Hall Auditorium,  
All Panels

7:45 AM & 8:15 AM

**SHUTTLE DEPARTS**

*Westin Arlington Gateway to George Mason University Antonin Scalia Law School*

8:00 AM – 8:50 AM

**BREAKFAST**

*Founders Hall Multipurpose Room*

9:00 AM – 9:15 AM

**OPENING REMARKS**

**TODD J. ZYWICKI**

Executive Director, Law & Economics Center and George Mason University Foundation  
Professor of Law, George Mason University Antonin Scalia Law School

9:15 AM – 10:30 AM

**ASBESTOS: TRAVAILS,  
TRUSTS, AND  
TRANSPARENCY**

PANELISTS

**THE HONORABLE PEGGY ABLEMAN**

Special Counsel, McCarter & English LLP

**MARK BEHRENS**

Partner, Shook, Hardy & Bacon LLP

**NATHAN FINCH**

Member, MotleyRice LLC

MODERATOR

**TODD J. ZYWICKI**

**CLASSES:** George Mason University Antonin Scalia Law School, 3351 Fairfax Drive, Arlington, VA 22201

**HOTEL:** Westin Arlington Gateway, 801 North Glebe Road, Arlington, VA 22203

Monday, May 22

Founders Hall Auditorium,  
All Panels

<p><b>10:45 AM – 12:00 PM</b> <b>DAUBERT V. FRYE: THE EVOLVING STANDARDS FOR EXPERT TESTIMONY</b></p>	<p>PANELISTS <b>ANDREW JURIS</b> Professor of Law, Drake University Law School <b>WAYNE HOGAN</b> Partner, The Terrell Hogan Law Firm <b>JOE G. HOLLINGSWORTH</b> Partner, Hollingsworth LLP</p> <p>MODERATOR <b>DAVID E. BERNSTEIN</b> George Mason University Foundation Professor of Law, George Mason University Antonin Scalia Law School</p>
<p><b>12:00 PM – 1:45 PM</b> <b>LUNCHEON &amp; KEYNOTE ADDRESS</b></p> <p><i>Founders Hall Multipurpose Room</i></p> <p><b>EUGENE F. SOLTES</b> Jakurski Family Associate Professor, Harvard Business School and author of <i>Why They Do It: Inside the Mind of the White Collar Criminal</i></p>	
<p><b>2:00 PM – 3:15 PM</b> <b>DRUG LABELING, PREEMPTION, AND STATE CONSUMER PROTECTION LAWS</b></p>	<p>PANELISTS <b>BRENDAN CRIMMINS</b> Partner, Kellogg, Hansen, Todd, Figel &amp; Frederick PLLC <b>JAY P. LEFKOWITZ</b> Senior Partner, Kirkland &amp; Ellis <b>HENRY I. MILLER</b> Robert Wesson Fellow in Scientific Philosophy and Public Policy, Hoover Institution, Stanford University</p> <p>MODERATOR <b>GREGORY CONKO</b> Deputy Director, Law &amp; Economics Center, George Mason University Antonin Scalia Law School</p>

MASON JUDICIAL EDUCATION PROGRAM

ELEVENTH ANNUAL JUDICIAL SYMPOSIUM ON CIVIL JUSTICE ISSUES

Monday, May 22

Founders Hall Auditorium,  
All Panels

**3:30 PM – 4:45 PM**  
**CONTINGENCY FEE**  
**ARRANGEMENTS IN**  
**PUBLIC ENFORCEMENT**  
**ACTIONS: ARE THERE**  
**LEGAL AND ETHICAL**  
**CONCERNS?**

PANELISTS

**MARGARET A. LITTLE**

Partner, Little and Little, and Director, Federalist Society Pro Bono Center

**MARTIN H. REDISH**

Louis and Harriet Ancel Professor of Law and Public Policy, Northwestern University  
Pritzken School of Law

**THE HONORABLE LINDA SINGER**

Member, MotleyRice LLC

MODERATOR

**JEFFREY PARKER**

Professor of Law, George Mason University Antonin Scalia Law School

**5:00 PM**  
**SHUTTLE DEPARTS**

*George Mason University Antonin Scalia Law School to Westin Arlington Gateway*

**CLASSES:** George Mason University Antonin Scalia Law School, 3351 Fairfax Drive, Arlington, VA 22201

**HOTEL:** Westin Arlington Gateway, 801 North Glebe Road, Arlington, VA 22203

Tuesday, May 23

Founders Hall Auditorium,  
All Panels

<p><b>7:45 AM &amp; 8:15 AM</b> <b>SHUTTLE DEPARTS</b> <i>Westin Arlington Gateway to George Mason University Antonin Scalia Law School</i></p>	
<p><b>8:00 AM – 8:50 AM</b> <b>BREAKFAST</b> <i>Founders Hall Multipurpose Room</i></p>	
<p><b>9:00 AM – 10:15 AM</b> <b>DATA BREACHES AND PRIVACY</b></p>	<p>PANELISTS  <b>JOSEPH JEROME</b>  Policy Counsel, Privacy &amp; Data, Center for Democracy &amp; Technology  <b>LYDIA PARNES</b>  Partner, Wilson, Sonsini, Goodrich &amp; Rosati  <b>SASHA ROMANOSKY</b>  Policy Researcher, RAND Corporation, Faculty Member, Pardee RAND Graduate School</p> <p>MODERATOR  <b>JAMES C. COOPER</b>  Director, Program on Economics &amp; Privacy and Associate Professor of Law, George Mason University Antonin Scalia Law School</p>
<p><b>10:30 AM – 11:45 AM</b> <b>THE IMPACT OF RESTATEMENTS: SUMMARIZING THE LAW OR A THUMB ON THE SCALE</b></p>	<p>PANELISTS  <b>ROBERT D. CHESLER</b>  Shareholder, Anderson Kill  <b>CHRISTOPHER FRENCH</b>  Visiting Assistant Professor of Law, Penn State Law  <b>PAUL D. SMOLINSKY</b>  Senior Counsel, Jackson &amp; Campbell, PC</p> <p>MODERATOR  <b>MICHELLE BOARDMAN</b>  Associate Professor of Law, George Mason University Antonin Scalia Law School</p>
<p><b>11:45 AM</b> <b>ADJOURN</b></p>	