



GEORGE MASON UNIVERSITY SCHOOL OF LAW



MASON JUDICIAL EDUCATION PROGRAM
TENTH ANNUAL JUDICIAL SYMPOSIUM
ON CIVIL JUSTICE ISSUES

MAY 22 – 24, 2016

LAW & ECONOMICS CENTER

ABOUT US

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.

The generous support of individuals, foundations, and corporations make all LEC activities possible. A current list of LEC donors may be found on our website.

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 SEARLE CIVIL JUSTICE INSTITUTE is a public policy institute devoted to producing timely, analytically rigorous, and balanced research on important civil justice issues confronting our free enterprise system.

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 GLOBAL ANTITRUST INSTITUTE is a leading international platform for research and education that focuses on the legal and economic analysis of key antitrust issues confronting competition agencies and courts around the world.

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: MASON

User Name: leceventsguest

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TAXI INFORMATION

Red Top Cab of Arlington

703.522.3333

MASON JUDICIAL EDUCATION PROGRAM
TENTH ANNUAL JUDICIAL SYMPOSIUM ON CIVIL JUSTICE ISSUES
MAY 22 – 24, 2016, ARLINGTON, VA

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IMPORTANT EVENT CONTACT

Roger Gibboni, JEP Program Assistant
Phone: 703.993.8008 Cell: 610.389.4108 Email: rgibboni@gmu.edu

WEB INFORMATION

www.MasonJEP.org

Sunday, May 22

*Key Bridge Marriott, Capitol View
Ballroom*

6:00 PM – 7:30 PM

REGISTRATION & RECEPTION

Capitol View Ballroom

CLASSES: George Mason University School of Law, 3301 Fairfax Drive, Arlington, VA 22201

HOTEL: Key Bridge Marriott, 1401 Lee Highway, Arlington, VA 22209

Monday, May 23

Founders Hall Multipurpose Room
126, All Sessions

7:40 AM & 8:15 AM

BUS 1 & 2 DEPART

Key Bridge Marriott for George Mason University School of Law

8:00 AM – 8:50 AM

BREAKFAST

Founders Hall Multipurpose Room

9:00 AM – 9:15 AM

WELCOME

TODD J. ZYWICKI

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

9:30 AM – 10:30 AM

**SPOKEO: CLASS
ACTIONS WITHOUT
INJURIES?**

MODERATOR

ERIC R. CLAEYS

Professor of Law, George Mason University School of Law

PANELISTS

WILLIAM S. CONSOVOY

Partner, Consovoy McCarthy Park PLLC

JAMES C. COOPER

Director, Program on Economics and Privacy, Law & Economics
Center and Associate Professor of Law, George Mason University
School of Law

ANDREW J. PINCUS

Partner, Mayer Brown

Monday, May 23

Founders Hall Multipurpose Room
126, All Sessions

10:45 AM – 12:00 PM
THE RESTATEMENT
PROCESS TODAY:
RESTATEMENT OF
THE LAW OR PRIVATE
LEGISLATURE?

MODERATOR

ROSS E. DAVIES

Professor of Law, George Mason University School of Law

PANELISTS

VICTOR E. SCHWARTZ

Partner, Shook, Hardy & Bacon

STEPHANIE A. MIDDLETON

Deputy Director, The American Law Institute

LAURA A. FOGGAN

Partner, Wiley Rein LLP

BRUCE H. KOBAYASHI

Associate Dean for Research & Faculty Development and Professor of Law,
George Mason University School of Law

12:00 PM – 1:45 PM
LUNCH & LUNCHEON
ADDRESS:
JUSTICE SCALIA'S
CONTRIBUTIONS TO CIVIL
JUSTICE JURISPRUDENCE

MODERATOR

THE HONORABLE DOUGLAS H. GINSBURG

Senior Circuit Judge, US Court of Appeals for the District of Columbia Circuit
and Professor of Law, George Mason University School of Law

PANELISTS

DEEPAK GUPTA

Founding Principal, Gupta Wessler PLLC

CHRISTOPHER M. NEWMAN

Associate Professor of Law, George Mason University School of Law

THOMAS R. MCCARTHY

Partner, Consovoy McCarthy Park PLLC

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HOTEL: Key Bridge Marriott, 1401 Lee Highway, Arlington, VA 22209

Monday, May 23

*Founders Hall Multipurpose Room
126, All Sessions*

<p>2:00 PM – 3:15 PM</p> <p>THE NEW DISCOVERY RULES: HOW WILL THEY IMPACT LITIGATION?</p>	<p>MODERATOR</p> <p>JEFFREY S. PARKER Professor of Law, George Mason University School of Law</p> <p>PANELISTS</p> <p>THE HONORABLE JOHN M. FACCIOLA Magistrate Judge (Ret.), US District Court for the District of Columbia</p> <p>MICHAEL F. WILLIAMS Partner, Kirkland & Ellis LLP</p> <p>BRUCE H. KOBAYASHI Associate Dean for Research & Faculty Development and Professor of Law, George Mason University School of Law</p>
<p>3:30 PM – 5:00 PM</p> <p>AGENCIES AND ADMINISTRATIVE LAW JUDGES: USE OR OVERUSE?</p>	<p>MODERATOR</p> <p>NEOMI RAO Associate Professor of Law and Director of the Center for the Study of the Administrative State, George Mason University School of Law</p> <p>PANELISTS</p> <p>THE HONORABLE ROBERT L. LESNICK Chief Administrative Law Judge, Federal Mine Safety and Health Review Commission</p> <p>KENT BARNETT Assistant Professor of Law, University of Georgia School of Law</p> <p>JAN RYBNICEK Senior Associate, Freshfields Bruckhaus Deringer</p> <p>JW VERRET Professor of Law, George Mason University School of Law</p> <p>STEPHEN J. CRIMMINS Shareholder, Murphy & McGonigle PC</p>

Monday, May 23

*Founders Hall Multipurpose Room
126, All Sessions*

5:15 PM

BUS DEPARTS

George Mason University School of Law for Key Bridge Marriott

CLASSES: George Mason University School of Law, 3301 Fairfax Drive, Arlington, VA 22201

HOTEL: Key Bridge Marriott, 1401 Lee Highway, Arlington, VA 22209

Tuesday, May 24

Founders Hall Multipurpose Room
126, All Sessions

7:40 AM & 8:15 AM

BUS 1 & 2 DEPART

Key Bridge Marriott for George Mason University School of Law

8:00 AM – 8:50 AM

BREAKFAST

Founders Hall Multipurpose Room

9:00 AM – 10:15 AM

**VW: LITIGATING A
CORPORATE LEGAL
CRISIS**

MODERATOR

MICHAEL I. KRAUSS

Professor of Law, George Mason University School of Law

PANELISTS

KENNETH FEINBERG

Partner, The Law Offices of Kenneth R. Feinberg, PC

ADAM SCHULMAN

Attorney, Center for Class Action Fairness, Competitive Enterprise
Institute

MATTHEW WESSLER

Founding Principal, Gupta Wessler PLLC

10:30 AM – 11:45 AM

**PHARMACEUTICALS:
FDA APPROVED
WARNING LABELS AND
PRE-EMPTION**

MODERATOR

MICHAEL S. GREVE

Professor of Law, George Mason University School of Law

PANELISTS

MAX KENNERLY

Of Counsel, Tor Hoerman Law, LLC

AMY LAURENDEAU

Partner, O'Melveny & Myers LLP



Wednesday, May 4

*Founders Hall Multipurpose Room
126, All Sessions*

11:45 AM
ADJOURN