



Agenda

The Hill Country Colloquium, Judge Douglas H. Ginsburg Judicial Colloquium Series

Sunday, December 3 through Saturday, December 9, 2023

Sunday, December 3

5:00 – 6:00 pm **Registration**

6:00 – 7:00 pm **Reception**
(Registered guests welcome)

7:00 – 9:00 pm **Welcome Dinner**
(Registered guests welcome)

Welcome Remarks

History of the LEC

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

Monday, December 4

7:00 – 8:30 am **Breakfast**
(Registered guests welcome)

8:00 – 9:15 am **Session 1: The Recording Contract in Historical Perspective**

Olufunmilayo Arewa, Professor; Senior Fellow for Entrepreneurship & Senior Scholar, Center for Intellectual Property x Innovation Policy (C-IP2), George Mason University Antonin Scalia Law School

Reading Assignment:

Antonia Eliason, *Lillian McMurry and the Blues Contracts of Trumpet Records*, 87 MISS. L. J. 279 (2018), 280-301.

Recording of Otto von Bismarck, Nat'l Park Serv. (Oct. 7, 1889).

White-Smith Music Publ'g Co. v. Apollo Co., 209 U.S. 1 (1908).

9:30 – 10:45 am **Session 2: Opaque Capital and Mass-Tort Financing**

Samir Parikh, Professor of Law and Editor-in-Chief, Bloomberg Law Bankruptcy Treatise, Lewis & Clark Law School

Reading Assingment:

Samir D. Parikh, *Opaque Capital and Mass-Tort Financing*, 133 YALE L.J. F. 36 (2023).

Optional Reading:

Francesca Mari, *The Lawyer Whose Clients Didn't Exist*, THE ATLANTIC (Apr. 26, 2020).

11:00 am – 12:15 pm

Session 3: Is (Clause-Bound) Originalism Efficient?

Michael S. Greve, Professor of Law, George Mason University Antonin Scalia Law School

Reading Assignment:

National Pork Producers Council v. Ross, 598 U.S. 356 (2023).

Mallory v. Norfolk Southern R. Co., 600 U.S. ____ (2023).

12:15 – 5:45 pm

Afternoon Study Break

5:45 – 7:00 pm

Fireside Chat

(Registered guests welcome)

Interview of Judge James C. Ho by Judge Douglas H. Ginsburg

James C. Ho, Judge, US Court of Appeals for the Fifth Circuit

Douglas H. Ginsburg

Tuesday, December 5

7:00 – 8:30 am

Breakfast

(Registered guests welcome)

8:00 – 9:15 am

Session 4: The Contra-capitalist Company

Robert L. Bradley Jr., CEO and Founder, The Institute for Energy Research

Reading Assignment:

Robert L Bradley, *Contra-Capitalism as a Business Syndrome*, MASTERRESOURCE BLOG (Mar. 27, 2018).

Roger Donway, *The Business Subversion of Markets: Contra-Capitalism*, EconLib (Oct. 4, 2021).

Roger Donway, *Contra-capitalism: the Exit Ramp from Market Oriented Business*, 26 THE INDEPENDENT REVIEW 4 (2022).

9:30 – 10:45 am

Session 5: Rethinking Rights and Remedies | Greve

Reading Assignment

A.V. Dicey, *Chapter IV The Rule of Law: Its Nature and General Applications*, THE LAW OF THE CONSTITUTION 107 (1982)

11:00 am – 12:15 pm

Session 6: Laws, Transaction Costs, & Efficiency

Andrew Morriss, Professor, Bush School of Government & Public Service and School of Law Texas A&M University

Reading Assignment:

Ronald H. Coase, *The Problem of Social Cost*, 3 J. OF L. & ECON. 1 (1960).

Wednesday, December 6

- 7:00 – 8:30 am** **Breakfast**
(Registered guests welcome)
- 8:00 – 9:15 am** **Session 7: Copyright, Royalty Accounting, and Conflicts of Interest | Arewa**
- Reading Assignments:
Thomas E. Borcharding & Darren Filson, *Conflicts of Interest in the Hollywood Film Industry: Coming to America - Tales from the Casting Couch, Gross and Net, in a Risky Business*, 1-10, 14-25 (Claremont Coll. Working Papers in Econ., Working Paper No. 7, 2000).
- Corrina Cree Clover, *Accounting Accountability: Should Record Labels Have a Fiduciary Duty to Report Accurate Royalties to Recording Artists*, 23 LOY. L.A. ENT. L. REV. 395 (2003), 395-403, 422-442.
- First Amended Complaint, *Tolkien v. New Line Cinema*, (July 14, 2008) (No. BC385294), 1-15.
- Defendant's Answer to First Amended Complaint, *Tolkien v. New Line Cinema*, (Oct. 3, 2008) (No. BC385294).
- Notice of Settlement, *Tolkien v. New Line Cinema*, (Sept. 10, 2009) (No. BC385294).
- 9:30 – 10:45 am** **Session 8: Online Platforms: The Problem of Content Moderation | Ginsburg**
- 11:00 am – 12:15 pm** **Session 9: What the #S**@ is Wrong with Universities? Incentives & Governance | Morriss**
- Reading Assignments:
BRYAN CAPLAN, *THE CASE AGAINST EDUCATION: WHY THE EDUCATION SYSTEM IS A WASTE OF TIME AND MONEY* 1, 1-7, 262, 262-284 (2018).
- 12:15 – 5:45 pm** **Afternoon Study Break**
- 5:45 – 7:00 pm** **Fireside Chat**
(Registered guests welcome)
- The Social and Economic Impact of the Post Civil War Cattle Trails in Texas**
- Monte L. Monroe**, Historian for the State of Texas; Archivist, Texas Tech University

Thursday, December 7

- 7:00 – 8:30 am** **Breakfast**
(Registered guests welcome)
- 8:00 – 9:15 am** **Session 10: Classical Liberalism and Electricity | Bradley**
- Reading Assignment:
Robert L. Bradley, *The Great Texas Blackout of 2021: Classical Liberalism and Electricity*, EconLib (May 3, 2021).
- Robert L. Bradley, *The Great Texas Blackout of 2021: Is Planning Necessary?*, EconLib (May 6, 2021).
- Robert L. Bradley, *The Origins of Political Electricity: Market Failure or Political Opportunism?*, 17 ENERGY. LAW JOURNAL 1 (1996).

9:30 – 10:45 am **Session 11: Why are Wyoming and Texas Different? | Morriss**

Reading Assignment:

Andrew Morriss, *Miners, Vigilantes, and Cattlemen: Property Rights on the Western Frontier*, FOUNDATION FOR ECON. EDUC. (2007)

11:00 am – 12:15 pm **Session 12: Pipeline Stories**

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

Reading Assignment:

“Trans-Alaska Pipeline”, BRITANNICA, <https://www.britannica.com/topic/Trans-Alaska-Pipeline>.

Video Assignment:

“Classic Video: Pipeline! The story of the building of the trans-Alaska pipeline”, AlaskaNPS, Jan. 14, 2018. Video Here.

12:15 pm **Program Adjourns for Day**

Friday, December 8

7:00 – 8:30 am **Breakfast**

(Registered guests welcome)

8:00 – 9:15 am **Session 13: Do We Need Administrative Courts? | Greve**

Reading Assignment:

Michael S. Greve, *Why We Need Federal Administrative Courts*, 28 GEO. MASON L. REV. 76

A.V. Dicey, *Chapter IV The Rule of Law: Its Nature and General Applications*, THE LAW OF THE CONSTITUTION 107 (1982)

9:30 – 10:45 am **Session 14: Revisiting the Perils and Promise of Mass Tort Bankruptcies | Parikh**

Reading Assignment:

Evading Accountability: Corporate Manipulation of Chapter 11 Bankruptcy: Before the S. Comm. on the Judiciary, 118th Cong. (2023) (Statement of Samir D. Parikh, Professor of Law, Lewis & Clark Law School).

Samir D. Parikh, *The New Mass Torts Bargain*, 91 Fordham L. Rev. 1 (2022), 1-21.

11:00 am – 12:15 pm **Session 15: Copyright, Music, and State Law | Arewa**

Reading Assignment:

Lydia Pallas Loren, *Copyright Jumps the Shark: The Music Modernization Act*, 99 B.U. L. REV. 2519 (2019), 2535-2540.

Marketa Trimble, *U.S. State Copyright Laws: Challenge and Potential*, 20 STAN. TECH. L. REV. 66 (2017), 72-92, 100-105, and 124-127.

ABKCO Music, Inc. v. LaVere, 217 F.3d 684 (2000).

12:15 – 5:45 pm **Afternoon Study Break**

5:45 – 7:00 pm

Fireside Chat

(Registered guests welcome)

Interview of Dr. Darrell Beauchamp by Judge Douglas H. Ginsburg

Darrell Beauchamp, Executive Director, Museum of Western Art

Douglas H. Ginsburg

Reading Assignment:

“About”, THE MUSEUM OF WESTERN ART, <https://www.museumofwesternart.com/about-the-museum-of-western-art>

7:00 – 9:00 pm

Closing Dinner

(Registered guests welcome)

Saturday, December 9

Travel Day; participants at their leisure