

**Wednesday, April 24**

4:00 – 6:00 pm

**Registration**

5:00 – 6:00 pm

**ACBCJ Board Meeting**

6:30 – 9:00 pm

**Welcome Reception & Dinner**

**Dinner Remarks**

**Donald J. Kochan**, Professor of Law and Executive Director, Law & Economics Center,  
George Mason University Antonin Scalia Law School

**Mark R. Denton**, Judge, Eighth Judicial District Court, Nevada

**John L. Smith**, Freelance Writer, Columnist, and Author, Nevada Smith Enterprises

**Thursday, April 25**

7:00 – 7:50 am

**Breakfast**

8:00 – 8:15 am

**Welcoming Remarks | Denton & Kochan**

8:15 – 9:30 am

**Session 1: Setting the Table – Re-engaging the Economic Mind | Kochan**

**Reading Assignment:**

HENRY N. BUTLER, ET AL., *Chapter I: The Economics Perspective: Incentives Matter and Chapter III: The Legislative Process*, in ECONOMIC ANALYSIS FOR LAWYERS 3-53, 125-147 (3d ed. 2014).

9:45 – 11:00 am

**Session 2: Keeping Out Junk Science: The Timing and Standards for the Judge's Gatekeeping Role**

**Jessica L. Brennan**, Partner, Barnes & Thornburg LLP

**Deirdre R. Kole**, Assistant General Counsel, Litigation, Johnson & Johnson

**Gary E. Marchant**, Regents and Foundation Professor of Law; Faculty Director, Center for Law, Science, and Innovation, Arizona State University Sandra Day O'Connor College of Law

**Moderator: Nancy L. Alf**, Judge, Eighth Judicial District Court, Nevada

**Reading Assignments:**

David L. Faigman, *Bringing Scientific Peer Review to Scientific Evidence*, 30 TOXICS L. REP. 1 (2015).

David L. Faigman, *Is Science Different for Lawyers?* 297 SCI. 339 (July 19, 2002).

11:15 am – 12:30 pm

**Session 3: The Economics of Artificial Intelligence and its Implications for Judicial Processes**

**Deven R. Desai**, Professor; Area Coordinator, Law and Ethics, Georgia Institute of Technology Scheller College of Business

**Gary L. Myers**, Earl F. Nelson Professor of Law, University of Missouri School of Law

**Will Rinehart**, Senior Fellow, Center for Technology, Science, and Energy, American Enterprise Institute

**Moderator: Brian P. Stern**, Justice, Superior Court of Rhode Island

**Reading Assignments:**

Justin Henry, *We Asked Every Am Law 100 Firm How They're Using Gen AI. Here's What We Learned*, THE AM. LAW. (Dec. 11, 2024).

Regulatory Transparency Project's Fourth Branch Podcast, *Explainer Episode 44: The Implications of AI Innovation and Regulation*, THE FED. SOC'Y (Dec. 21, 2022).

12:30 – 1:45 pm

**Session 4: Luncheon Session: Cryptocurrency and Other Digital Assets: What do Judges Need to Understand?**

**Tor Ekeland**, Founder, Tor Ekeland Law, PLLC

**Stephen D. Palley**, Partner, Brown Rudnick LLP

**J.W. Verret**, Associate Professor of Law, George Mason University Antonin Scalia Law School

**Moderator: Joanna S. Kishner**, Judge, Eighth Judicial District Court, Nevada

**Reading Assignments:**

Andrew Sergeenkov, *What Is Bitcoin?*, COINDESK (Jun. 8, 2023).

Haseeb Qureshi, *The Cypherpunks*, NAKAMOTO (Dec. 29, 2019).

Cryptopedia Staff, *What is Custody in Crypto*, CRYPTOPEDIA (Jun. 28, 2022).

Steven L. Caponi et. al., *In Matter of First Impression, Delaware Superior Court Calculates Value of Cryptocurrency for \$25 Million Damages Award*, K&L GATES (Apr. 27, 2022).

2:00 – 3:15 pm

**Session 5: Developments in the Standards for Third Party Neutrals and Other Aids to the Court**

**Merril Hirsh**, Executive Director, Academy of Court-Appointed Neutrals, Hirsh ADR PLLC

**Peter B. "Bo" Rutledge**, Dean & Talmadge Chair of Law, University of Georgia School of Law

**Stephen J. Ware**, Frank Edwards Tyler Distinguished Professor of Law, University of Kansas School of Law

**Moderator: Christopher P. Yates**, Judge, Michigan Court of Appeals

**Reading Assignment:**

Letter from Mary Smith, President, A.B.A., to H. Thomas Byron III, Sec'y Comm. on Rules of Prac. and Proc., Admin. Off. of the U.S. Ct. (Feb. 12, 2024) (on file with the United States Courts).

STEPHEN J. WARE, *Chapter II: Arbitration and Similar Processes and Chapter IV: Mediation and Other Processes In Aid of Negotiation*, in PRINCIPLES OF ALTERNATIVE DISPUTE RESOLUTIONS, 303-305, 521-557, (4th ed. 2023).

3:30 – 4:45 pm

**Session 6: Third Party Litigation Finance: What Judges Don't Yet Know They Need to Know and Why it Matters for the Civil Justice System**

**Suneal Bedi**, Assistant Professor of Business Law and Ethics Center for IP Research, Center for Law, Culture, and Society, Kelley School of Business, University of Indiana

**Mark A. Behrens**, Co-Chair, Public Policy Practice Group, Shook, Hardy, & Bacon L.L.P.

**Donald J. Kochan**, Professor of Law and Executive Director, Law & Economics Center, George Mason University Antonin Scalia Law School

**Ashok M. Pinto**, Director, Intellectual Property Policy Group, Intel Corporation

**Moderator: Anne C. Martin**, Chancellor, Twentieth Judicial District Chancery Court, Tennessee

**Reading Assignments:**

Suneal Bedi & William C. Marra, *What if litigation funding reduces litigation?*, THE HILL: CONG. BLOG (Sept. 26, 2023).

*Nimitz Technologies LLC v. Imagine Learning, Inc.*, No. 21-1855 (DE.D., Nov. 27, 2023).

AdvaMed & Shook, Hardy, & Bacon L.L.P., *Dark Money: Undisclosed Third Party Litigation Funding and its Impact on Medical Technology* (2023).

Michael Shapiro, *Courts Not a Casino, Says Judge Seeking Third-Party Transparency*, BL NEWS (Mar. 28, 2024).

U.S. GOV'T ACCOUNTABILITY OFF., GAO-23-105210, *Third Party Litigation Financing: Market Characteristics, Data, and Trends*, 11-12 (Dec. 2022).

*What You Need to Know about Third Party Litigation Funding*, U.S. CHAMBER OF COM. INST. FOR LEGAL REFORM (Feb. 7, 2023).

*Standing Order Regarding Third-Party Litigation Funding Arrangements*, DE.D.R.1. (Apr. 18, 2022).

**Supplemental Readings:**

Lesley Stahl, *Litigation Funding: A multibillion-dollar industry for investments in lawsuits with little oversight*, on CBS NEWS' "60 MINUTES" (Dec. 18, 2022).

The Editorial Board, *The Litigation Finance Snare*, WALL ST. J. (Mar. 21, 2023).

Donald J. Kochan, *Keep Foreign Cash Out of U.S. Courts*, WALL ST. J. (Nov. 22, 2022) at A13.

5:00 – 7:00 pm

**Tennille Time Reception**

## **Friday, April 26**

**7:00 – 7:50 am**

**Breakfast**

**8:00 – 9:15 am**

**Session 7: The Economics of Non-Competes**

**Gary L. Myers**, Earl F. Nelson Professor of Law, University of Missouri School of Law

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

**Moderator: John D. Telleen**, Judge, Seventh Judicial District Court, Iowa

**Reading Assignment:**

Evan P. Starr et al., *Noncompete Agreements in the US Labor Force*, 64 J. OF L. & ECON. 53 (2021).

**9:30 – 10:45 am**

**Session 8: ACBCJ Panel**

**Elizabeth Gonzalez**, Judge, Eighth Judicial District Court, Nevada

**Richard Licht**, Justice, Superior Court of Rhode Island

**Clifton B. Newman**, Judge, South Carolina Circuit Court

**Richard M. Platkin**, Justice, New York Supreme Court, Third Judicial District

**Moderator: Timothy S. Driscoll**, Justice, New York Supreme Court  
Second Judicial District

**11:00 – 11:15 am**

**Closing Remarks**

**11:15 am – 12:00 pm**

**ACBCJ Business Meeting and Elections**