

Saturday, January 21 through Friday, January 27, 2023

**4:00 – 5:30 pm**                      **Registration**

**Discussion Leader: Sabrina S. McKenna**, Justice, Supreme Court of Hawaii

## Welcome Remarks

## Introduction to the Law & Economics Center and the Origins of Scalia Law’s “Learn, Challenge, Lead”

**7:00 – 7:50 am**      **Breakfast**

### Reading Assignment:

**9:30 – 10:45 am      Session 3: Empowering States to Compete: The Role of Regulatory Competition**

### Reading Assignment:

**11:00 am – 12:15 pm      Session 4: 51 Imperfect Solutions: States and the Making of American Constitutional Law**

### Reading Assignment:

**12:15 pm** **Afternoon Study Break**

## Monday, January 23

**7:00 – 7:50 am**                      **Breakfast**

**8:00 – 9:00 am**      **Session 5: Distinguishing Interpretation in State Constitutional Law from Federal Constitutional Law**

**David R. Stras**, Judge, U.S. Court of Appeals for the Eighth Circuit

**9:15 – 10:15 am      Session 6: Law & Economics Applications Under State Law—Property Rights | Kochan**

Reading Assignment:  
BDS, Chapter I, Sec. B (pp. 17-33)

**10:30 – 11:30 am      Session 7: Frontiers of Property Rights: The Not-So-Wild Wild West**

**Terry L. Anderson**, John and Jean De Nault Senior Fellow, Hoover Institution, Stanford University

Reading Assignment:  
Anderson, Terry L. and P.J. Hill. "The Evolution of Property Rights: A Study of the American West." *The Journal of Law & Economics* 18, no. 1 (April 1975):163-179.

Anderson, Terry L. and Fred S. McChesney. "Raid or Trade? An Economic Model of Indian-White Relations." *The Journal of Law and Economics* 37, no. 1 (April 1994): 39- 74.

**11:30 am – 1:00 pm      Working Lunch: Discussion Over Division – The Path to More Robust Civil Discourse**

**JoAnn Koob**, Assistant Professor and Director, Liberty and Law Center, George Mason University Antonin Scalia Law School

Reading Assignment:  
JoAnn Koob, Scalia Spotlights: The Need for Civil Discourse is Greater Than Ever (2020).

Donald J. Kochan, *On the Imperative of Civil Discourse: Lessons from Alexander Hamilton and FEDERALIST NO. 1*, 94 SOUTHERN CALIFORNIA LAW REVIEW POSTSCRIPT 32 (2020)

**1:00 pm** **Afternoon Study Break**

**Tuesday, January 24**

**7:00 – 7:50 am**                      **Breakfast**

**8:00 – 9:15 am      Session 8: Lessons from State Administrative Law for the Reassessment of Chevron | Sutton**

Reading Assignment:  
Sutton, Jeffrey S. “Administrative Law.” In *Who Decides? States as Laboratories of Constitutional Experimentation*, 183-235 (2021).

**9:30 – 10:45 am      Session 9: Common Law versus Codification | Morriss**

**11:00 am – 12:15 pm      Session 10: An Interview with Judge Stras: The Evolution of a State Supreme Court Judge in Transition to the Federal Bench, including Lessons Learned on the Differences in Role | Stras**

**Interviewer: Kochan**

**12:15 pm** **Afternoon Study Break**

## Wednesday, January 25

**7:00 – 7:50 am**                      **Breakfast**

**8:00 – 9:15 am**                      **Session 11: Indigenous Economies | Anderson**

Reading Assignment:

Anderson, Terry L. and Dominic P. Parker. “Lessons in Fiscal Federalism from American Indian Nations,” in *The Law & Economics of Federalism* (2017).

Anderson, Terry and Wendy Purnell, “Native American Heritage: It’s Not What You Think,” *Hoover Institution*, February 12, 2019.

Anderson, Terry and Wendy Purnell, “The Bonds of Colonialism,” *Hoover Institution*, April 26, 2019.

Anderson, Terry and Wendy Purnell, “Reservation Capitalism” *Hoover Institution*, August 15, 2019.

Video Assignment:

“Original Indigenous Economies, The Renewing Indigenous Economies Project,” PolicyEd, April 21, 2020, YouTube video, 4:30.

“Colonialism: Then and Now, The Renewing Indigenous Economies Project,” PolicyEd, April 21, 2020, YouTube video, 3:12.

“A New Path Forward, The Renewing Indigenous Economies Project,” PolicyEd, April 21, 2020, YouTube video, 4:29.

**9:30 – 10:45 am**                      **Session 12: Introduction to Statistics**

**Orley C. Ashenfelter**, Joseph Douglas Green 1895 Professor of Economics, Princeton University

**11:00 am – 12:15 pm**                      **Session 13: Introduction to Econometrics | Ashenfelter**

Reading Assignment:

Marginal Revolution University. “The Economics of Wine (Orley Ashenfelter, Princeton).” YouTube, 4:46, September 30, 2020,

**12:15 – 6:00 pm**                      **Afternoon Study Break**

**6:00 – 7:00 pm**                      **Session 14: Wine Tasting and Chat | Ashenfelter**

**7:30 pm**                                      **Dinner**

## Thursday, January 26

**7:00 – 7:50 am**                      **Breakfast**

**8:00 – 9:15 am**                      **Session 15: Law & Economics Applications Under State Law—Torts | Kochan**

Reading Assignment:

BDS, Chapter VI, Sec. D, pp. 327-358.

**9:30 – 10:45 am**                      **Session 16: Regulation by Litigation | Morriss**

**11:00 am – 12:15 pm**                      **Session 17: Environmental Markets v. Environmental Mandates | Anderson**

**12:15 – 4:45 pm**                      **Afternoon Study Break**

**5:00 – 6:00 pm**                      **Discussion Session 18 | McKenna**

**6:30 – 9:00 pm**                      **Closing Reception and Dinner**  
*(Guests Welcome)*

**Closing Remarks**

**Mark E. Recktenwald**, Chief Justice, Hawaii Supreme Court

**Friday, January 27**

*Travel Day; participants depart at their leisure*