



50th
1974–2024

Agenda
Manne Madness Las Vegas
Regional Tournament
Sunday, September 15 through
Friday, September 20, 2024

Sunday, September 15

6:30 – 9:30 pm **Welcome Reception**

7:15 – 9:30 pm **Welcome Dinner**

Monday, September 16

7:00 – 7:55 am **Breakfast**

8:00 – 8:40 am **Green Room: They Clapped: In Support of Price Gouging**

Michael Munger, Director, Philosophy, Politics & Economics Certificate Program;
Professor of Political Science, Duke University

Reading Assignments:

Michael Munger, *They Clapped: Can Price-Gouging Laws Prohibit Scarcity*, ECONLIB
ARTICLES (Jan. 8 2007).

RESTATEMENT OF THE LAW (THIRD) OF TORTS: LIABILITY FOR ECONOMIC HARM § 1, 3,
& 7 (AM. L. INST. 2020).

Gold Room: The Economic Loss Rule(s)

Catherine Sharkey, Segal Family Professor of Regulatory Law and Policy, New York
University School of Law

Reading Assignments:

Catherine M. Sharkey, *The Remains of the Citadel (Economic Loss Rule in Products
Cases)*, 100 MINN. L. REV. 1845 (2016).

Catherine M. Sharkey, *In Search of the Cheapest Cost Avoider: Another View of the
Economic Loss Rule*, 85 UNIV. OF CIN. L. REV. 1017, 1052 (2018).

8:40 – 9:00 am **Break**

9:00 – 9:40 am **Green Room: AI and The Law**

Thomas Stratmann, Distinguished University Professor, George Mason University

Reading Assignments:

Christopher Winter et. al., *Value Alignment for Advanced Artificial Judicial Intelligence*,
(LAW AI, Working Paper No. 2022).

Gold Room: The Nobels of law and Economics? – Buchanan, Coase, North and Williamson

Eric Alston, Scholar in Residence, Finance Division, University of Colorado Boulder
Leeds School of Business

Reading Assignments:

The voice of public choice, THE ECONOMIST (Jan. 19, 2013).

9:40 – 10:00 am

Break

10:00 – 10:40 am

Green Room: Contract Modification Without Consideration

Barry Adler, King Professor of Law, New York University School of Law

Reading Assignments:

Barry E. Adler, *Contract Modification without Consideration* (2024).

Gold Room: Judging Without Romance: Public Choice Implications for Judging

Todd Zywicki, George Mason University Foundation Professor of Law, George Mason University Antonin Scalia Law School

Reading Assignments:

TODD J. ZYWICKI, MAXWELL L. STEARNS, & THOMAS J. MICELLI, *Interest Group Theory (Part I)*, in LAW AND ECONOMICS: PUBLIC AND PRIVATE 423-431 (2018).

Emelyn Rude, *How the Great Sandwich War of 1958 Changed the Way We Eat*, TIME (Nov. 3, 2015).

10:40 – 11:00 am

Break

11:00 – 11:40 am

Green Room: Corporate Governance as Bloodsport

Jeremy Kidd, Professor of Law, Drake University Law School

Reading Assignments:

Jeremy Kidd, *No Perfect Solutions for Market Imperfections*, 26 U. PA. J. BUS. L. 443 (2024).

Flavio Felice & Massimiliano Vatiello, *Elinor Ostrom and the Solution to the Tragedy of the Commons*, AM. ENTER. INST. (Jun. 27, 2012).

Gold Room: Understanding Statistical Evidence

Andrew Vassallo, Associate Professor and Chair, Economics Department, Shippensburg University

Reading Assignments:

A. P. Smith Mfg. Co. v. Barlow, 98 A.2d 581 (N.J. 1953).

Richard A. Posner, *The Law and Economics of the Economic Expert Witness*, 13 J. ECON. PERSP. 91 (1999).

11:40 am – 12:00 pm Voting Results & Schedule Announcements

Tuesday, September 17

7:00 – 7:55 am Breakfast

8:00 – 8:40 am Statistical Evidence and Error Costs | Vassallo

Reading Assignment:

Michelle M. Burtis et. al., *Error Costs, Legal Standards of Proof, and Statistical Significance*, 25 SUP. CT. ECON. REV. 1 (2017).

8:40 – 9:00 am Break

9:00 – 9:40 am Property, Uncertainty, and Development – Squaring Demsetz and de Soto | Alston

Reading Assignment:

Eric Alston & Steven M. Smith, *Development Derailed: Policy Uncertainty and Coordinated Investment*, 65 J. L. & ECON. 39 (2022).

9:40 – 10:00 am Break

10:00 – 10:40 am Proximate Cause in Tort | Adler

Reading Assignment:

Barry E. Adler, *Proximate Causes in Tort* (2024).

10:40 – 11:00 am Break

11:00 – 11:40 am Property Rights | Stratmann

Reading Assignment:

PETER T. LEESON, *Chapter 3: An-Arrgh-chy*, in *THE INVISIBLE HOOK: THE HIDDEN ECONOMICS OF PIRATES*, 52-61 (2011).

11:40 am – 12:00 pm Voting Results & Schedule Announcements

Wednesday, September 18

7:00 – 7:55 am Breakfast

8:00 – 8:40 am Consumer Finance and Its Regulation: Or, The Not-So-Good-Old-Days of Consumer Finance | Zywicki

Reading Assignment:

Todd J. Zywicki, Thomas A. Durkin, & Gregory Eliehausen, *Consumer Credit and the American Economy: An Overview*, 11(3) J. L., ECON., & POL'Y 279, 284-288 (2015).

8:40 – 9:00 am Break

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| 9:00 – 9:40 am | Public Nuisance as Modern Business Tort Sharkey <u>Reading Assignments:</u> Catherine M. Sharkey, <i>Public Nuisance as Modern Business Tort: A Unified Framework for Liability for Economic Harms</i> , 79 DEPAUL L. REV. 431 (2022). <i>City and County of San Francisco v. Purdue Pharma L.P.</i> , 620 F. Supp. 3d 936 (N.D. Cal. 2022). <i>City of New York v. Chevron Corp.</i> , 993 F.3d 81 (2d Cir. 2021). <i>City and County of Honolulu v. Sunoco LP</i> , 537 P.3d 1173 (Haw. 2023). |
| 9:40 – 10:00 am | Break |
| 10:00 – 10:40 am | Kindergarten Coase Kidd <u>Reading Assignments:</u> Paul H. Rubin, <i>Law and Economics</i> , ECONLIB CONCISE ENCYCLOPEDIA OF ECON. Herbert Hovenkamp, <i>Marginal Utility and the Coase Theorem</i> , 75 CORNELL L. REV. 783 (1990). Jeremy Kidd, <i>Kindergarten Coase</i> , 17 THE GREEN BAG 141 (2014). <i>Peevyhouse v. Garland Coal & Min. Co.</i> , 382 P.2d 109 (Okla. 1962). |
| 10:40 – 11:00 am | Break |
| 11:00 – 11:40 am | A Legislature is a "They," Not an "It" Munger <u>Reading Assignment:</u> Kenneth A. Shepsle, <i>Congress Is a "They," Not an "It": Legislative Intent as Oxymoron</i> , 12 INT'L REV. L. & ECON. 239 (1992). |
| 11:40 am – 12:30 pm | Lunch |
| 12:30 – 1:10 pm | Numbers and Estimates Stratmann <u>Reading Assignment:</u> MICHAEL O. FINKELSTEIN & BRUCE LEVIN, <i>Chapter 1 Descriptive Statistics in STATISTICS FOR LAWYERS</i> 7, 7-13 (3rd ed. 2015). |
| 1:10 – 1:30 pm | Break |
| 1:30 – 2:10 pm | Nothing New Under the Sun? Digital Currencies and Information Asymmetries Alston <u>Reading Assignment:</u> Eric Alston, <i>Digital Currency Industry Self-Regulation: Not all Consensus is Automatic</i> , 27:1 VA. J. L. & TECH. 3 (2023). |
| 2:10 – 2:30 pm | Voting Results & Schedule Announcements |

Thursday, September 19

7:00 – 7:55 am Breakfast

8:00 – 8:40 am Adam Smith and Vicarious Liability | Kidd

Reading Assignments:

Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (2000).

Gorton v. Doty, 57 Idaho 792 (1937).

Humble Oil & Refining Co. v. Martin, 222 S.W.2d 995 (Tex. 1949).

Clover v. Snowbird Ski Resort, 808 P.2d 1037 (Utah 1991).

8:40 – 9:00 am Break

9:00 – 9:40 am "Junk Fees," Behavioral Economics, and the Economics of Consumer Protection | Zywicki

Reading Assignment:

Todd J. Zywicki & Geoffrey A. Manne, *The Constitution Says Nothing About Behavioral Economics*, WALL ST. J. (Jan. 9, 2017).

Todd J. Zywicki, *The Behavioral Economics of Behavioral Law & Economics*, 5 J. Behavioral Econ. 439, 452-56 (2018).

Testimony of Professor Todd Zywicki Presented to U.S. S. Comm. on Com., Sci., and Transp. Subcomm. on Consumer Prot., Prod. Safety, and Data Sec. "Protecting Consumers from Junk Fees" (Tuesday, June 8, 2023).

9:40 – 10:00 am Break

10:00 – 10:40 am Products Liability in the Digital Age | Sharkey

Reading Assignments:

CATHERINE SHARKEY & RICHARD EPSTEIN, *Chapter 8: Products Liability in CASES AND MATERIAL ON TORTS* 575 – 580 (13th ed., 2024).

In re Soc. Media Adolescent Addiction/Pers. Inj. Prod. Liab. Litig., No. 4:22-MD-03047YGR, 2023 WL 7524912 (N.D. Cal. Nov. 14, 2023).

Amazon.com, Inc. v. McMillan, 625S.W.3d 101 (Tex. 2021).

10:40 – 11:00 am Break

11:00 – 11:40 am The Stream Cannot Rise Above Its Source | Munger

Reading Assignment:

Michael C. Munger, *A Stream That Rises Above Its Source: Judicial Review from a Public Choice Perspective*, 27 U.S. ECON. REV. 25 (2019).

11:40 am – 12:00 pm Schedule Announcements

12:00 – 6:30 pm Afternoon Break

6:30 – 9:30 pm **Closing Reception & Dinner**
Announcement of the First Winner

Friday, September 20

7:00 – 7:55 am **Breakfast**

8:00 – 8:40 am **Governing Data Intermediation in the Age of Platform Economies | Alston**

Reading Assignment:

Mikolaj Barczentewicz, *Google Previews and the Coming Tussle Between GDPR and DMA Article 6(11)*, Truth on the Market (May 7, 2024).

8:40 – 9:00 am **Break**

9:00 – 9:40 am **Student Loans and the Regulatory State | Zywicki**

Reading Assignment:

Taskforce on Federal Consumer Financial Law Report, 1 CONSUMER FIN. PROT. BUREAU 680 (2021).

9:40 – 10:00 am **Break**

10:00 – 10:40 am **Don't Know the Question, But the Answer is Transaction Costs | Munger**

Reading Assignment:

MICHAEL MUNGER, *Chapter 9: Coase and the “Sharing Economy”* in FOREVER CONTEMPORARY: THE ECONOMICS OF RONALD COASE, 187, 187-196 (Cento Veljanovski eds., 2015).

10:40 – 11:00 am **Break**

11:00 – 11:40 am **Topic of Choice | Alston**

11:40 am – 12:00 pm **Closing Remarks & Announcement of Second Winner**

12:00 pm **Program Adjourns**