



50th
1974–2024

Agenda **Nineteenth Meeting of the American** **College of Business Court Judges**

Wednesday, April 30 through
Friday, May 2, 2025

Wednesday, April 30

- 5:00 – 6:00 pm** **Registration**
- 5:00 – 6:00 pm** **ACBCJ Board Meeting**
- 6:00 – 8:30 pm** **Welcome Reception & Dinner**

Dinner Remarks: History and Future of the ACBCJ

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

Christopher P. Yates, President, ACBCJ; Judge, Michigan Court of Appeals

Thursday, May 1

- 7:00 – 7:50 am** **Breakfast**
- 8:00 – 8:15 am** **Welcome Remarks | Kochan & Yates**
- 8:15 – 9:30 am** **Session 1: Get Your Motor Running! The Economic Way of Thinking | Kochan**

Reading Assignments:

Leonard E. Read, I, PENCIL, FOUND. FOR ECON. EDUC. (Dec. 1958).

Free to Choose Network, *Milton Friedman - I Pencil*, YOUTUBE (July 31, 2012)
<https://youtu.be/67tHtpac5ws?si=TGzBe-OU9L5zna4g>.

Friedrich A. Hayek, *The Use of Knowledge in Society*, 35 THE AM. ECON. REV. 519 (1945).

Supplemental Reading Assignments:

HENRY N. BUTLER, JOANNA SHEPHERD, & JAMES C. COOPER, *Chapter I: The Economics Perspective*, in ECONOMIC ANALYSIS FOR LAWYERS 3-33 (4th ed. 2024).

Deirdre Nansen McCloskey, *How Growth Happens: Liberalism, Innovism, and the Great Enrichment*, ECON. HIST. AT NW UNIV. (2018).

Paul G. Mahoney, *The Common Law and Economic Growth: Hayek Might Be Right*, 30 THE J. OF LEGAL STUD. 503. (2001).

- 9:30 – 9:45 am** **Break**
- 9:45 – 11:00 am** **Session 2: Update on Third Party Litigation Financing**

Dai Wai Chin Feman, Managing Director and Corporate Counsel – Commercial Litigation,
Parabellum Capital

Aviva Wein, Assistant General Counsel, Products Liability, Group Leader, Litigation Policy and
Risk Mitigation, Johnson & Johnson

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

Reading Assignments:

Maya Steinitz, *Zombie Litigation: Claim Aggregation, Litigant Autonomy and Funders' Intermeddling*, CORNELL L. REV. (Forthcoming, 2025).

Donald J. Kochan, *Testimony on "The U.S. Intellectual Property System and the Impact of Litigation Financed by Third-Party Investors and Foreign Entities" Before the House Judiciary Committee, Subcommittee on Courts, Intellectual Property, and the Internet*, GEO. MASON UNIV. L. & ECON. RSCH. PAPER SERIES 24-19 (2024).

Hearing on "The U.S. Intellectual Property System and the Impact of Litigation Financed by Third-Party Investors and Foreign Entities" Before the H. Judiciary Subcomm. on the Ct., Intell. Prop., & the Internet, 118th Cong. (2024) (written testimony of Victoria Sahani, Assoc. Provost for Cmty. Inclusion at B.U. & Professor of L. at B.U. Sch. of L.).

Suggested Additional Readings:

ERIC M. DAVID & J. TRAVIS LASTER, REPORT TO THE CHIEF JUSTICE AND THE PRESIDING JUDGES OF THE STATE OF DELAWARE FROM THE COMMITTEE TO STUDY TRANSPARENCY IN THIRD-PARTY LITIGATION FUNDING (2023).

U.S. GOV'T ACCOUNTABILITY OFF., GAO-23-105210, THIRD-PARTY LITIGATION FINANCING: MARKET CHARACTERISTICS, DATA, AND TRENDS (2022).

11:00 – 11:15 am **Break**

11:15 am – 12:30 pm **Session 3: Business at the Supreme Court**

David R. Stras, Judge, US Court of Appeals for the Eighth Circuit

Reading Assignment:

David R. Stras, *Business Law at the Supreme Court* (2025).

12:30 – 12:45 pm **Break**

12:45 – 1:45 pm **Session 4: ACBCJ Member Panel: Federal Rule of Evidence 702, *Daubert*, and Issues Involving Expert Witnesses (Luncheon Panel)**

Meghan A. Adams, Judge, Delaware Superior Court

Timothy S. Driscoll, Justice, New York Supreme Court, Tenth Judicial District

Abigail M. LeGrow, Justice, Supreme Court of Delaware

Richard A. Licht, Justice, Rhode Island Superior Court

Moderator: Christopher Yates, President, ACBCJ; Judge, Michigan Court of Appeals

Reading Assignment:

Christopher P. Yates, *Challenges to Expert Witness Under New Rule of Evidence 702*, QUICKREAD: LITIG. CONSULTING (June 5, 2024).

1:45 – 2:00 pm **Break**

2:00 – 3:15 pm **Session 5: The Market-Facilitating Functions of Federalism | Kochan**

Reading Assignments:

Jonathan Macey & Roberta Romano, *Texas is Disrupting Delaware's Dominance through Innovation*, HARV. L. SCH. F. ON CORP. GOVERNANCE (Mar. 7 2025).

Donald J. Kochan, *The Meaning of Federalism in a System of Interstate Commerce: Free Trade Among the Several States*, 95 NOTRE DAME L. REV. REFLECTION 166 (2020).

Roberta Romano, *The Market for Corporate Law Redux*, (Eur. Corp. Governance Inst., Working Paper No. 270, 2014).

3:15 – 3:30 pm

Break

3:30 – 4:45 pm

Session 6: Oh, the Places You'll Go!

Sean Wallace, Judge, United Nations Dispute Tribunal

Reading Assignments:

Sean Wallace, *Postcard for Nairobi, Kenya: Q&A with Judge Sean Wallace*, JUDICATURE INT'L (2023).

David A. Fahrenthold & Farnaz Fassihi, *A U.N. Official's Payments: Zero Interest Loans, a Mercedes and a Tennis Sponsorship*, N.Y. TIMES (Oct. 8, 2024).

Nadine Kaddoura, *UNDT Judgement Exposes Culture of Impunity for Senior Sexual Predators*, CERTIORARIS (Dec. 4, 2024).

Adjovi S.R. & Wilson A.K., *A Minor Revolution in the United Nations Secretariat in favor of Justice*, MEDIUM (Jan. 12, 2025).

Supplemental Reading Assignments:

Vanshelboim v. Secretary-General of the United Nations, Case No. UNDT/GVA/2023/020, Judgement, UNDT/2024/072 (Oct. 3, 2024).

ATR v. Secretary-General of the United Nations, Case No. UNDT/NBI/2023/077, Amended Judgement, UNDT/2024/100-Amend.1 (Mar. 8, 2025).

Order in ATR regarding Statistics of Sexual Harassment in UN,
<https://search.un.org/search?collection=oaj¤tPageNumber=1&q=ATR&row=10&sort=relevance> (skim through six separate documents).

Likukela v. Secretary-General of the United Nations, Case No. UNDT/NBI2024/037, Judgement, UNDT/2025/006 (Feb. 7, 2025).

Kisumiro v. Secretary-General of the United Nations, Case No. UNDT/NBI/2023/055, Judgement, UNDT/2024/084 (Oct. 24, 2024).

5:00 – 7:00 pm

Tennille Time Reception

Piano Accompaniment

Nick Ayoub, Judge, Sixty-First Judicial District Court, Michigan

Friday, May 2

7:00 – 7:50 am

Breakfast

8:00 – 9:00 am

Session 7: Overview of Financial Statements

Glenn M. Pfeiffer, Warren and Doris Uehlinger Endowed Professorship in Business, Argyros School of Business & Economics, Chapman University

Reading Assignment:

Basic understanding of a company's financial statements, PwC (Sept. 2020).

9:00 – 9:15 am

Break

9:15 – 10:15 am

Session 8: Financial Analysis and Market Efficiency | Pfeiffer

Reading Assignment:

Shengle Lin, Glenn Pfeiffer, & David Porter, *Accounting Standards and Financial Market Stability: An Experimental Examination*, 127 THE ECON. J. F545 (2017).

10:15 – 10:30 am

Break

10:30 – 11:30 am

Session 9: Taxes, Tariffs, and Transfer Prices | Pfeiffer

Reading Assignment:

Corporate Finance Institute Team, *Transfer Pricing*, CORP. FIN. INST. (last visited Apr. 21, 2025).

Lara Witte, *Transfer Pricing Agility Offers a Shield Against Trump's Tariffs*, BLOOMBERG TAX (Apr. 15, 2025, 4:30 am).

11:30 – 11:45 am

Closing Remarks

11:45 am – 12:15 pm

ACBCJ Business Meeting and Elections

12:15 pm

Program Adjourns