

**Law Institute for Economics Professors**  
**The Henry G. Manne Program in Law & Economics Studies****Law & Economics Center****Antonin Scalia Law School****George Mason University**

Sunday, June 1 – Friday, June 13, 2025

*Grand Summit Hotel; 4000 Canyons Resort Drive, Park City, UT 84098***Agenda****Sunday, June 1****4:00 – 5:00 pm**      **Registration****5:00 – 6:00 pm**      **Welcome Remarks and [History of the LEC](#)****Donald J. Kochan**, Professor of Law and Executive Director, Law & Economics Center,  
George Mason University Antonin Scalia Law School**6:00 – 7:00 pm**      **Welcome Reception**  
*(Registered guests welcome)***7:00 – 9:30 pm**      **Welcome Dinner**  
*(Registered guests welcome)***Monday, June 2****7:00 – 7:50 am**      **Breakfast****8:00 – 9:15 am**      **Session 1: Introduction to the Law: What is Law? What are Legal Rules? How do  
Norms, Customs & Private Ordering Fit | Kochan**Reading Assignment:Jonathan R. Macey, *Public and Private Ordering and the Production of Legitimate and  
Illegitimate Legal Rules*, 82 CORNELL L. REV. 1123, 1125-1135 (1997).Richard H. McAdams, *The Origin, Development, and Regulation of Norms*, 96 MICH. L. REV.  
339, 339-349 (1997).Antonin Scalia, *The Rule of Law as a Law of Rules*, 56 U. CHI. L. REV. 1189 (1988).*Swift v. Gifford*, 23 F. Cas. 558, 559 (D. Mass. 1872) (No. 13,696).Non-required supplemental reading: Robert C. Ellickson, *A Hypothesis of Wealth-  
Maximizing Norms, Evidence from the Whaling Industry*, 5 J. L. ECON & ORG. 83 (1989).**9:15 – 9:30 am**      **Break**

<b>9:30 – 10:45 am</b>	<b>Session 2: Introduction to the Law: Institutions – Courts and Congress</b>  <b>Michael S. Greve</b> , Professor of Law, George Mason University Antonin Scalia Law School  <u>Reading Assignment:</u> THE FEDERALIST No. 51 (James Madison), No. 78 (Alexander Hamilton).
<b>10:45 – 11:00 am</b>	<b>Break</b>
<b>11:00 am – 12:15 pm</b>	<b>Session 3: Introduction to the Law: Institutions – The Executive and the Administrative State   Greve</b>  <u>Reading Assignment:</u> THE FEDERALIST No. 70 (Alexander Hamilton).
<b>12:15 – 1:15 pm</b>	<b>Lunch</b>
<b>1:15 – 2:30 pm</b>	<b>Session 4: English Common Law and Stare Decisis</b>  <b>Todd J. Zywicki</b> , George Mason University Foundation Professor of Law, George Mason University Antonin Scalia Law School  <u>Reading Assignment:</u> Todd J. Zywicki, <i>The Rise and Fall of Efficiency in the Common Law: A Supply-Side Analysis</i> , 97 NORTHWESTERN L. REV. 1551, 1565-1581 (2002-03).  Todd J. Zywicki, <i>The Supreme Court “Pulled a Brodie”: Swift and Erie in a Commercial Law Perspective</i> , 17 N.Y.U. J. L. & LIBERTY 296, 321-341 (2024).
<b>2:30 – 2:45 pm</b>	<b>Break</b>
<b>2:45 – 4:00 pm</b>	<b>Session 5: Statutes and the Common Law   Greve</b>  <u>Reading Assignment:</u> Paul H. Rubin, <i>Common Law and Statute Law</i> , 11.2 J. LEGAL STUD. 205-223 (1982).
<b>4:00 – 4:15 pm</b>	<b>Break</b>
<b>4:15 – 5:30 pm</b>	<b>Session 6: Common Law and the Federal System   Greve</b>  <u>Reading Assignment:</u> <i>Erie Railroad Co. v. Tompkins</i> , 304 U.S. 64 (1938): 760-764.  <i>Swift v. Tyson</i> , 41 U.S. (16 Pet.) 1 (1842): 749-753.
<b>5:30 pm</b>	<b>Adjourn for the Day</b>
<b>Tuesday, June 3</b>	
<b>7:00 – 7:50 am</b>	<b>Breakfast</b>

<b>8:00 – 9:15 am</b>	<b>Session 7: Civil Procedure</b>  <b>Michael L. Davis</b> , Senior Lecturer in Law, George Mason University Antonin Scalia Law School  <u>Reading Assignment:</u> JOSEPH W. GLANNON ET AL., <i>An Introduction to American Courts</i> , in CIVIL PROCEDURE: A COURSEBOOK 5-19 (4 <sup>th</sup> ed. 2021).  GLANNON, <i>A Description of the Litigation Process and Sources of Procedural Law</i> , 21-37.
<b>9:15 – 9:30 am</b>	<b>Break</b>
<b>9:30 – 10:45 am</b>	<b>Session 8: Contracts – Formation   Zywicki</b>  <u>Reading Assignment:</u> MARVIN A. CHIRELSTEIN, CONCEPTS AND CASE ANALYSIS IN THE LAW OF CONTRACTS 12-22, 36-53 (6 <sup>th</sup> ed. 2010).
<b>10:45 – 11:00 am</b>	<b>Break</b>
<b>11:00 am – 12:15 pm</b>	<b>Session 9: Civil Procedure   Davis</b>  <u>Reading Assignment:</u> GLANNON, <i>Diversity Jurisdiction in the Federal Courts</i> , 43-53, 58-64, 74-81.
<b>12:15 – 12:30 pm</b>	<b>Break</b>
<b>12:30 – 2:00 pm</b>	<b>Working Lunch and Session 10: Is the Common Law Efficient?   Zywicki (with Economics Institute for Law Professors)</b>  <u>Reading Assignment:</u> TODD J. ZYWICKI AND EDWARD PETER STRINGHAM, <i>Common Law and Economic Efficiency</i> , in PRODUCTION OF LEGAL RULES (Francesco Parisi ed., 2012).
<b>2:00 – 2:15 pm</b>	<b>Break</b>
<b>2:15 – 3:30 pm</b>	<b>Session 11: Property   Kochan</b>  <u>Reading Assignment:</u> James Y. Stern, <i>The Essential Structure of Property Law</i> , 115 MICH. L. REV. 1167 (2017).
<b>3:30 – 3:45 pm</b>	<b>Break</b>
<b>3:45 – 5:00 pm</b>	<b>Session 12: Torts</b>  <b>Erin E. Meyers</b> , Assistant Professor of Law, George Mason University Antonin Scalia Law School  <u>Reading Assignment:</u> KENNETH S. ABRAHAM, <i>Chapter 1: The Nature and Functions of Tort Law</i> , in THE FORMS AND FUNCTIONS OF TORT LAW 1-24 (6 <sup>th</sup> ed. 2022).
<b>5:00 pm</b>	<b>Adjourn for the Day</b>

## Wednesday, June 4

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

**8:00 – 9:15 am            Session 13: Civil Procedure | Davis**

Reading Assignment:

GLANNON, *Federal Question Jurisdiction*, 91-96.

GLANNON, *Removal of Cases from State to Federal Court*, 127-128.

GLANNON, *The Evolution of Personal Jurisdiction*, 147-148.

GLANNON, *Other Constitutional Bases for Personal Jurisdiction*, 251-252.

GLANNON, *Long Arm Statutes*, 309-317.

**9:15 – 9:30 am            Break**

**9:30 – 10:45 am        Session 14: Property | Kochan**

Reading Assignment:

*Amoco Production Co. v. Southern Ute Indian Tribe*, 526 U.S. 865 (1999).

*Peters v. Archambault*, 361 Mass. 91 (1972).

*Wheelock v. Noonan*, 108 N.Y. 179 (1888).

**10:45 – 11:00 am        Break**

**11:00 am – 12:15 pm    Session 15: Torts | Meyers**

Reading Assignment:

ABRAHAM, *Chapter 3: The Negligence Standard*, 61-89.

**12:15 pm                  Adjourn for the Day**

## Thursday, June 5

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

**8:00 – 9:15 am            Session 16: Contracts – Interpretation and Breach | Zywicki**

Reading Assignment:

*Chirelstein*, 101-111, 124-130, 141-152, 161-162

**9:15 – 9:30 am            Break**

**9:30 – 10:45 am        Session 17: Tort Law: Risk, Injury and Liability | Meyers**

Reading Assignment:

ABRAHAM, *Chapter 5: Cause-in-Fact (Joint & Several Liability)*, 137-139.

ABRAHAM, *Chapter 10: Damages*, 241-260.

**10:45 – 11:00 am        Break**

**11:00 am – 12:15 pm     Session 18: Contract Remedies | Zywicki**

Reading Assignment:  
*Chirelstein*, 189-195, 198-228

**12:15 – 1:15 pm             Lunch**

**1:15 – 2:30 pm             Session 19: Products Liability | Meyers**

Reading Assignment:  
*ABRAHAM, Chapter 9: Products Liability*, 215-240.

**2:30 pm                     Adjourn for the Day**

## **Friday, June 6**

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

**8:00 – 9:15 am             Session 20: Introduction to Public Choice | Zywicki**

Reading Assignment:  
MAXWELL L. STEARNS, TODD J. ZYWICKI, THOMAS MICELLI, *LAW AND ECONOMICS: PUBLIC AND PRIVATE* at 658-661, 687-704, 752-764 (West Academic Publishing ed., 2018).

**9:15 – 9:30 am             Break**

**9:30 – 10:45 am           Session 21: Insurance Law and Regulation | Meyers**

Reading Assignment:  
*ABRAHAM, Chapter 12: Insurance, Tort Reform, and No-Fault Systems*, 283-300.

**10:45 – 11:00 am           Break**

**11:00 am – 12:15 pm     Session 22: Criminal Procedure**

**Nuno Garoupa**, Professor of Law; Faculty Director of Graduate Studies, George Mason University Antonin Scalia Law School

Reading Assignment:  
Daniel J. Seidmann & Alex Stein, *The Right to Silence Helps the Innocent: A Game-Theoretic Analysis of the Fifth Amendment Privilege*, 114 HARV. L. REV. 432-440, 502-504 (2000).

Frank H. Easterbrook, *Criminal Procedure as a Market System*, 12 J. LEGAL STUD. 289-291, 330-331 (1983).

**12:15 – 1:15 pm             Lunch**

**1:15 – 2:30 pm             Session 23: Crime and Punishment | Meyers**

Reading Assignment:  
JOSHUA DRESSLER, *Chapters 1-3, in UNDERSTANDING CRIMINAL LAW* 3-31 (Carolina Academic Press ed., 9<sup>th</sup> ed.2022).

**2:30 – 2:45 pm             Break**

<b>2:45 – 4:00 pm</b>	<p><b>Session 24: Antitrust Law: Per Se and Rule of Reason</b></p> <p><b>James C. Cooper</b>, Professor of Law; Director, Program on Economics &amp; Privacy, George Mason University Antonin Scalia Law School</p> <p><u>Reading Assignment:</u> HENRY N. BUTLER, JOANNA SHEPHERD, &amp; JAMES C. COOPER, <i>Chapter 8: Industrial Organization and Competition Law</i>, in ECONOMIC ANALYSIS FOR LAWYERS 537-543, 554-568 (Carolina Academic Press ed., 4th ed. 2024) [Hereinafter <b>BSC</b>].</p>
<b>4:00 – 4:15 pm</b>	<b>Break</b>
<b>4:15 – 5:30 pm</b>	<p><b>Session 25: Antitrust Law: Vertical and Unilateral Conduct   Cooper</b></p> <p><u>Reading Assignment:</u> BSC, <i>Chapter 8: Industrial Organization and Competition Law</i>, 498-535.</p>
<b>5:30 – 6:30 pm</b>	<b>Afternoon Break</b>
<b>6:30 – 7:15 pm</b>	<p><b>Reception</b> (Registered guests welcome)</p>
<b>7:15 – 9:30 pm</b>	<p><b>Dinner</b> (Registered guests welcome)</p>

## **Saturday, June 7**

<b>7:00 – 7:50 am</b>	<b>Breakfast</b>
<b>8:00 – 9:15 am</b>	<p><b>Session 26: Business Associations</b></p> <p><b>Paolo Saguato</b>, Professor of Law; Founder and Executive Director, Program on Financial Markets, George Mason University Antonin Scalia Law School</p> <p><u>Reading Assignment:</u> STEPHEN M. BAINBRIDGE, AGENCY, PARTNERSHIPS, &amp; LLCs 1-18 (Foundation Press ed., 4<sup>th</sup> ed. 2024).</p> <p>Henry Hansmann &amp; Reinier Kraakman, <i>The Essential Role of Organizational Law</i>, 110 YALE L.J. 387, 390-398 (2000).</p> <p><i>Martin v. Peyton</i>, 246 N.Y. 213, 158 N.E. 77 (1927): 90-93.</p>
<b>9:15 – 9:30 am</b>	<b>Break</b>
<b>9:30 – 10:45 am</b>	<p><b>Session 27: Agency, Fiduciary Duties &amp; Limited Liability   Saguato</b></p> <p><u>Reading Assignment:</u> <i>A. Gay Jensen Farms Co. v. Cargill, Inc.</i>, 309 N.W.2d 285 (1981): 5-10.</p> <p><i>Bartholomew v. Burger King Corp.</i>, 15 F. Supp. 3d 1043 (2014): 57-61.</p> <p><i>Meinhard v. Salmon</i>, 249 N.Y. 458, 164 N.E. (1928): 99-105.</p>
<b>10:45 – 11:00 am</b>	<b>Break</b>

**11:00 am – 12:15 pm      Session 28: Remedies | Kochan**

Reading Assignment:

Samuel L. Bray, *Remedies, Meet Economics; Economics, Meet Remedies*, 38 OXFORD J. LEGAL STUD. 71 (2018).

**12:15 pm                      Adjourn for the weekend**

**Sunday, June 8**

*On your own in Park City*

**Monday, June 9**

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

**8:00 – 9:15 am              Session 29: Recent Developments in Antitrust Law | Cooper**

Reading Assignment:

James C. Cooper & John M. Yun, *Antitrust & Privacy: It's Complicated*, 2022 U. ILL. J.L. TECH. & POL'Y. 343, 341-369 (2021)

**9:15 – 9:30 am              Break**

**9:30 – 10:45 am            Session 30: Corporate Law | Saguato**

Reading Assignment:

STEPHEN M. BAINBRIDGE, CORPORATE LAW 1-14 (Foundation Press ed., 4<sup>th</sup> ed. 2020).

*Walkovszky v. Carlton*, 18 N.Y.2d 414 (1966): 215-220.

*Tornetta v. Musk*, 250 A.3d 793 (2019): 1-8.

**10:45 – 11:00 am           Break**

**11:00 am – 12:15 pm      Session 31: Introduction to Intellectual Property Law (including Trade Secrets)**

**Ryan T. Holte**, Judge, US Court of Federal Claims

Reading Assignment:

PETER S. MENELL ET AL., INTELLECTUAL PROPERTY IN THE NEW DIGITAL AGE: 2023 VOL. I 1-10, 18-40 (2023).

**12:15 – 1:15 pm            Lunch**

**1:15 – 2:30 pm              Session 32: Takeovers, Mergers, and Acquisitions | Saguato**

Reading Assignment:

STEPHEN M. BAINBRIDGE, MERGERS AND ACQUISITIONS 16-26, 353, 356, 373-374, 376-381 (Foundation Press ed., 4<sup>th</sup> ed. 2021).

**2:30 – 2:45 pm              Break**

**2:45 – 4:00 pm**                      **Session 33: Intellectual Property | Holte**

Reading Assignment:  
MENELL, VOL. II 810-814, 1250-1255, 1257-1260, 1260-1272, 1277-1283.

*Thomson Reuters Enterprise v. Ross Intelligence*, 694 F.Supp.3d 467 (D. Del. 2023).

*Thomson Reuters Enterprise v. Ross Intelligence*, 2025 WL 458520 (D. Del. 2025).

**4:00 – 4:15 pm**                      **Break**

**4:15 – 5:30 pm**                      **Session 34: Forms of Heterogeneity in the Law**

**Douglas R. Cole**, Judge, US District Court for the Southern District of Ohio

Reading Assignment:  
Eric Ostermeier, *119th Congress Smashes Record Low for Number of Split US Senate Delegations*, Smart Politics (Nov. 19, 2024).

Penny Reid & Tiffanie Limbrick, *Selecting The Arbitrator: A Key Decision For Your Next Arbitration*, Sidley Austin LLP (2016).

Stephen J. Ware, *Ideological Competition over State Supreme Court Selection Methods*, 87 Alb. L. Rev 963, 963-971 (2023).

**5:30 pm**                                **Adjourn for the Day**

## **Tuesday, June 10**

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

**8:00 – 9:15 am**                      **Session 35: Mediation**

**Sarah Rudolph Cole**, Michael E. Moritz Chair in Alternative Dispute Resolution, The Ohio State University Michael E. Moritz College of Law

Reading Assignment:  
SARAH RUDOLPH COLE ET AL., *Chapter 3: The Practice of Mediation*, in DISPUTE RESOLUTION: NEGOTIATION, MEDIATION, ARBITRATION, AND OTHER PROCESSES 105-137 (7<sup>th</sup> ed. 2020) [hereinafter SRC].

**9:15 – 9:30 am**                      **Break**

**9:30 – 10:45 am**                      **Session 36: Introduction to Class and Collective Actions | Douglas Cole**

Reading Assignment:  
Janet Cooper Alexander, Professor of Law and Justin M. Roach, Jr. Faculty Scholar, Stanford Law School, Presentation at Debates over Group Litigation in Comparative Perspective Conference in Geneva, Switz.: An Introduction to Class Action Procedure in the United States (July 21-22, 2000).

**10:45 – 11:00 am**                      **Break**

**11:00 am – 12:15 pm**                      **Session 37: Patent Law | Holte**

Reading Assignment:  
MENELL, VOL. II 185-188, 192-194, 220-238, 247, 257, 451-464.



<b>12:15 – 12:30 pm</b>	<b>Break</b>
<b>12:30 – 2:00 pm</b>	<b>Working Lunch and Session 38: Law, Regulation, and Macroeconomics   Zywicki (with Economics Institute for Law Professors)</b>  <u>Reading Assignment:</u> Todd J. Zywicki, <i>The Law and Political Economy Project: A Critical Analysis</i> J.L. ECON. & POL'Y 21-62 (Forthcoming) (Available on SSRN).
<b>2:00 – 2:15 pm</b>	<b>Break</b>
<b>2:15 – 3:30 pm</b>	<b>Session 39: Arbitration   Sarah Cole</b>  <u>Reading Assignment:</u> Excerpts from SRC, <i>Chapter 6: Arbitration</i> , 259-265 (Assigned pages in the document).  Excerpts from Julius Henry Cohen & Kenneth Dayton, <i>The New Federal Arbitration Law</i> , 12 VA. L. REV. 265, 269-284 (1926) (Assigned pages in the document).  Excerpts from Soia Mentschikoff, <i>Commercial Arbitration</i> , 61 COLUM. L. REV. 846 (1961) (Assigned pages in the document).  Excerpts from Samuel Estreicher, <i>Saturns For Rickshaws: The Stakes in the Debate over Predispute Employment Arbitration Agreements</i> , 16 OHIO ST. J. ON DISP. RESOL. 559 (2001) (Assigned pages in the document).  Excerpts from Jean Sternlight, <i>Panacea Or Corporate Tool?: Debunking The Supreme Court's Preference For Binding Arbitration</i> , 74 WASH. U. L.Q. 637 (1996) (Assigned pages in the document).
<b>3:30 – 3:45 pm</b>	<b>Break</b>
<b>3:45 – 5:00 pm</b>	<b>Session 40: Introduction to Constitutional Law: Structure and Rights   Kochan</b>  <u>Reading Assignment:</u> Jonathan R. Macey, <i>Competing Economic Views of the Constitution</i> , 56 GEO. WASH. L. REV. 50 (1987).  U.S. CONST.
<b>5:00 pm</b>	<b>Adjourn for the Day</b>

## **Wednesday, June 11**

<b>7:00 – 7:50 am</b>	<b>Breakfast</b>
<b>8:00 – 9:15 am</b>	<b>Session 41: Bankruptcy   Zywicki</b>  <u>Reading Assignment:</u> Michael D. Contino, <i>Bankruptcy Basics: A Primer</i> , CONG. RSCH. SERV. (2022).
<b>9:15 – 9:30 am</b>	<b>Break</b>

**9:30 – 10:45 am      Session 42: Property: Eminent Domain and Takings | Kochan**

Reading Assignment:

*Cedar Point Nursery v. Hassid*, 141 S. Ct. 2063 (2021).

*Nollan v. California Coastal Commission*, 107 S. Ct. 3141 (1987).

*Pennsylvania Coal Co. v. Mahon*, 43 U.S. 158 (1922).

**10:45 – 11:00 am      Break**

**11:00 am – 12:15 pm      Session 43: Commerce Clause and Dormant Commerce Clause**

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

Reading Assignment:

*National Park Producer Council v. Ross*, 598 U.S. 356 (2023).

*United States v. E.C. Knight Co.*, 156 U.S. 1 (1895).

*United States v. Morrison*, 529 U.S. 598 (2000).

**12:15 pm      Adjourn for the Day**

**Thursday, June 12**

**7:00 – 7:50 am      Breakfast**

**8:00 – 9:15 am      Session 44: Statutory Interpretation | Kochan**

Reading Assignment:

Lawrence B. Solum, *Legal Theory Lexicon 030: Textualism*, Legal Theory Lexicon (2004).

Lawrence B. Solum, *Legal Theory Lexicon 078: Theories of Statutory Interpretation and Construction*, Legal Theory Lexicon (2017).

Lawrence B. Solum, *Legal Theory Lexicon: Legal Theory Lexicon 063: Interpretation and Construction*, Legal Theory Lexicon (Apr. 2008).

*Whitman v. American Trucking Associations*, 121 S. Ct. 903 (2001).

**9:15 – 9:30 am      Break**

**9:30 – 10:45 am      Session 45: State Constitutional Law | Stras**

Reading Assignment:

*City of Golden Valley v. Wiebesick*, 899 N.W.2d 152 (2017).

*In re the Guardianship of Jeffers J. Tschumy, Ward*, 853 N.W.2d 728 (2014).

**10:45 – 11:00 am      Break**

**11:00 am – 12:15 pm      Session 46: Administrative Agencies: The Fourth Branch and Constitutional Problems | Kochan**

Reading Assignment:

Cary Coglianese, *Administrative Law: Governing Economic and Social Governance*, U. Pa. L. Sch., Public Law Research Paper No. 22-05 (2022).

**12:15 – 12:30 pm**

**Break**

**12:30 – 2:00 pm**

**Working Lunch and Session 47: On Judging | Stras  
(with Economics Institute for Law Professors)**

Reading Assignment:

Excerpts from NEIL GORSUCH, *A REPUBLIC, IF YOU CAN KEEP IT* (2019) (Assigned pages in the document).

Richard A. Posner, *Chapter 4: Formalism and Realism in Appellate Decision Making*, in *REFLECTIONS ON JUDGING* 105-120 (Harvard University Press, 2013).

**2:00 – 6:30 pm**

**Adjourn for the afternoon**

**6:30 – 7:15 pm**

**Closing Reception**  
*(Families and children welcome)*

**7:15 – 10:00 pm**

**Dinner Party**  
*(Families and children welcome)*

**Friday, June 13**

**7:00 – 8:20 am**

**Breakfast**

**8:30 – 10:00 am**

**Inaugural Robert Cooter Lecture: The Path of Law and Economics | Zywicki**

**10:00 am**

*Participants depart at their leisure*