

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
9:30 – 10:45 am	Session 2: Introduction to the Law: Institutions – Courts and Congress Michael S. Greve , Professor of Law, George Mason University Antonin Scalia Law School <u>Reading Assignment:</u> THE FEDERALIST No. 51 (James Madison), No. 78 (Alexander Hamilton).
10:45 – 11:00 am	Break
11:00 am – 12:15 pm	Session 3: Introduction to the Law: Institutions – The Executive and the Administrative State Greve <u>Reading Assignment:</u> THE FEDERALIST No. 70 (Alexander Hamilton).
12:15 – 1:15 pm	Lunch
1:15 – 2:30 pm	Session 4: English Common Law and Stare Decisis Todd J. Zywicki , 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).
2:30 – 2:45 pm	Break
2:45 – 4:00 pm	Session 5: Statutes and the Common Law Greve <u>Reading Assignment:</u> Paul H. Rubin, <i>Common Law and Statute Law</i> , 11.2 J. LEGAL STUD. 205-223 (1982).
4:00 – 4:15 pm	Break
4:15 – 5:30 pm	Session 6: Common Law and the Federal System Greve <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.
5:30 pm	Adjourn for the Day

Tuesday, June 3

7:00 – 7:50 am **Breakfast**

8:00 – 9:15 am **Session 7: Civil Procedure**

Michael L. Davis, Senior Lecturer in Law, George Mason University Antonin Scalia Law School

Reading Assignment:

JOSEPH W. GLANNON ET AL., *An Introduction to American Courts*, in CIVIL PROCEDURE: A COURSEBOOK 5-19 (4th ed. 2021).

GLANNON, *A Description of the Litigation Process and Sources of Procedural Law*, 21-37.

9:15 – 9:30 am **Break**

9:30 – 10:45 am **Session 8: Contracts – Formation | Zywicki**

Reading Assignment:

MARVIN A. CHIRELSTEIN, CONCEPTS AND CASE ANALYSIS IN THE LAW OF CONTRACTS 12-22, 36-53 (6th ed. 2010).

10:45 – 11:00 am **Break**

11:00 am – 12:15 pm **Session 9: Civil Procedure | Davis**

Reading Assignment:

GLANNON, *Diversity Jurisdiction in the Federal Courts*, 43-53, 58-64, 74-81.

12:15 – 12:30 pm **Break**

12:30 – 2:00 pm **Working Lunch and Session 10: Is the Common Law Efficient? | Zywicki
(with Economics Institute for Law Professors)**

Reading Assignment:

TODD J. ZYWICKI AND EDWARD PETER STRINGHAM, *Common Law and Economic Efficiency*, in PRODUCTION OF LEGAL RULES (Francesco Parisi ed., 2012).

2:00 – 2:15 pm **Break**

2:15 – 3:30 pm **Session 11: Property | Kochan**

Reading Assignment:

James Y. Stern, *The Essential Structure of Property Law*, 115 MICH. L. REV. 1167 (2017).

3:30 – 3:45 pm **Break**

3:45 – 5:00 pm

Session 12: Torts

Erin E. Meyers, Assistant Professor of Law, George Mason University Antonin Scalia Law School

Reading Assignment:

KENNETH S. ABRAHAM, *Chapter 1: The Nature and Functions of Tort Law*, in THE FORMS AND FUNCTIONS OF TORT LAW 1-24 (6th ed. 2022).

5:00 pm

Adjourn for the Day

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 <u>Reading Assignment:</u> <i>Chirelstein</i> , 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 <u>Reading Assignment:</u> <i>ABRAHAM</i> , <i>Chapter 5: Cause-in-Fact (Joint & Several Liability)</i> , 137-139. <i>ABRAHAM</i> , <i>Chapter 10: Damages</i> , 241-260.
10:45 – 11:00 am	Break
11:00 am – 12:15 pm	Session 18: Contract Remedies Zywicki <u>Reading Assignment:</u> <i>Chirelstein</i> , 189-195, 198-228
12:15 – 1:15 pm	Lunch
1:15 – 2:30 pm	Session 19: Products Liability Meyers <u>Reading Assignment:</u> <i>ABRAHAM</i> , <i>Chapter 9: Products Liability</i> , 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 <u>Reading Assignment:</u> MAXWELL L. STEARNS, TODD J. ZYWICKI, THOMAS MICELLI, <i>LAW AND ECONOMICS: PUBLIC AND PRIVATE</i> 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., 9th ed. 2022).

2:30 – 2:45 pm Break

2:45 – 4:00 pm Session 24: Antitrust Law: Per Se and Rule of Reason

James C. Cooper, Professor of Law; Director, Program on Economics & Privacy, George Mason University Antonin Scalia Law School

Reading Assignment:

HENRY N. BUTLER, JOANNA SHEPHERD, & JAMES C. COOPER, *Chapter 8: Industrial Organization and Competition Law*, in ECONOMIC ANALYSIS FOR LAWYERS 537-543, 554-568 (Carolina Academic Press ed., 4th ed. 2024) [Hereinafter **BSC**].

4:00 – 4:15 pm Break

4:15 – 5:30 pm Session 25: Antitrust Law: Vertical and Unilateral Conduct | Cooper

Reading Assignment:

BSC, *Chapter 8: Industrial Organization and Competition Law*, 498-535.

5:30 – 6:30 pm Afternoon Break

6:30 – 7:15 pm Reception

(Registered guests welcome)

7:15 – 9:30 pm **Dinner**
(Registered guests welcome)

Saturday, June 7

7:00 – 7:50 am **Breakfast**

8:00 – 9:15 am **Session 26: Business Associations**

Paolo Saguato, Professor of Law; Founder and Executive Director, Program on Financial Markets, George Mason University Antonin Scalia Law School

Reading Assignment:

STEPHEN M. BAINBRIDGE, AGENCY, PARTNERSHIPS, & LLCs 1-18 (Foundation Press ed., 4th ed. 2024).

Henry Hansmann & Reinier Kraakman, *The Essential Role of Organizational Law*, 110 YALE L.J. 387, 390-398 (2000).

Martin v. Peyton, 246 N.Y. 213, 158 N.E. 77 (1927): 90-93.

9:15 – 9:30 am **Break**

9:30 – 10:45 am **Session 27: Agency, Fiduciary Duties & Limited Liability | Saguato**

Reading Assignment:

A. Gay Jensen Farms Co. v. Cargill, Inc., 309 N.W.2d 285 (1981): 5-10.

Bartholomew v. Burger King Corp., 15 F. Supp. 3d 1043 (2014): 57-61.

Meinhard v. Salmon, 249 N.Y. 458, 164 N.E. (1928): 99-105.

10:45 – 11:00 am **Break**

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., 4th 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., 4th 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 (7th 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.

12:15 – 12:30 pm

Break

12:30 – 2:00 pm

**Working Lunch and Session 38: Law, Regulation, and Macroeconomics | Zywicki
(with Economics Institute for Law Professors)**

Reading Assignment:

Todd J. Zywicki, *The Law and Political Economy Project: A Critical Analysis* J.L. ECON. & POL'Y 21-62 (Forthcoming) (Available on SSRN).

2:00 – 2:15 pm

Break

2:15 – 3:30 pm

Session 39: Arbitration | Sarah Cole

Reading Assignment:

Excerpts from SRC, *Chapter 6: Arbitration*, 259-265 (Assigned pages in the document).

Excerpts from Julius Henry Cohen & Kenneth Dayton, *The New Federal Arbitration Law*, 12 VA. L. REV. 265, 269-284 (1926) (Assigned pages in the document).

Excerpts from Soia Mentschikoff, *Commercial Arbitration*, 61 COLUM. L. REV. 846 (1961) (Assigned pages in the document).

Excerpts from Samuel Estreicher, *Saturns For Rickshaws: The Stakes in the Debate over Predispute Employment Arbitration Agreements*, 16 OHIO ST. J. ON DISP. RESOL. 559 (2001) (Assigned pages in the document).

Excerpts from Jean Sternlight, *Panacea Or Corporate Tool?: Debunking The Supreme Court's Preference For Binding Arbitration*, 74 WASH. U. L.Q. 637 (1996) (Assigned pages in the document).

3:30 – 3:45 pm

Break

3:45 – 5:00 pm

Session 40: Introduction to Constitutional Law: Structure and Rights | Kochan

Reading Assignment:

Jonathan R. Macey, *Competing Economic Views of the Constitution*, 56 GEO. WASH. L. REV. 50 (1987).

U.S. CONST.

5:00 pm

Adjourn for the Day

Wednesday, June 11

7:00 – 7:50 am	Breakfast
8:00 – 9:15 am	Session 41: Bankruptcy Zywicki <u>Reading Assignment:</u> Michael D. Contino, <i>Bankruptcy Basics: A Primer</i> , CONG. RSCH. SERV. (2022).
9:15 – 9:30 am	Break
9:30 – 10:45 am	Session 42: Property: Eminent Domain and Takings Kochan <u>Reading Assignment:</u> <i>Cedar Point Nursery v. Hassid</i> , 141 S. Ct. 2063 (2021). <i>Nollan v. California Coastal Commission</i> , 107 S. Ct. 3141 (1987). <i>Pennsylvania Coal Co. v. Mahon</i> , 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 <u>Reading Assignment:</u> <i>National Park Producer Council v. Ross</i> , 598 U.S. 356 (2023). <i>United States v. E.C. Knight Co.</i> , 156 U.S. 1 (1895). <i>United States v. Morrison</i> , 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 <u>Reading Assignment:</u> Lawrence B. Solum, <i>Legal Theory Lexicon 030: Textualism</i> , Legal Theory Lexicon (2004). Lawrence B. Solum, <i>Legal Theory Lexicon 078: Theories of Statutory Interpretation and Construction</i> , Legal Theory Lexicon (2017). Lawrence B. Solum, <i>Legal Theory Lexicon: Legal Theory Lexicon 063: Interpretation and Construction</i> , 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*