HENRY G. MANNE PROGRAM IN LAW & ECONOMICS STUDIES
EIGHTH ANNUAL TRANSATLANTIC LAW FORUM
OCTOBER 23 – 24, 2015
THE EIGHTH ANNUAL TRANSATLANTIC LAW FORUM

Administrative law reflects the hope that modern societies can be governed not only liberally and democratically but also rationally, sensibly, and with tolerable efficiency. On both sides of the Atlantic, that once-confident conviction now meets with considerable skepticism, in somewhat different ways and for different reasons.

Americans like to tell themselves that their country is too rebellious, too big, too democratic, too fragmented, and too individualistic to be “administered” like France, Germany, or Denmark. But that “exceptionalist” story and self-image stands in tension with the pervasive presence of public administration (though not always federal administration) throughout American history. Lately, many scholars, pundits, politicians, and even Supreme Court Justices have come to lament that the administrative state—ill suited to the country’s constitutional culture in any event—appears increasingly beyond effective political and judicial control. Among the proposed remedies, perplexingly, is a quintessentially “European” product: bureaucratic legalism, either through more specific legislation or more aggressive judicial controls (or both). All the while, prominent scholars argue from diametrically opposed vantages that all administrative law is a charade—an unlawful departure from constitutional norms, or a thin veneer for an essentially “Schmittian” state above and beyond effective legal control.

If that raging debate seems confusing and perhaps bizarre to Europeans scholars, American scholars are bound to be equally perplexed at the absence of any comparably fundamental (and polemical) debate on the European Continent. Nation-states with long traditions of administrative law—droit administratif, Verwaltungsrecht—have long recognized the costs of excessive legalism, such as bureaucratic rigidity, a concomitant stifling of entrepreneurial activity and innovation, and a lack of democratic accountability. Perhaps, administrative law traditions are too entrenched to yield readily to ideological demands or perceived social imperatives. Oddly, though, they have posed no obstacle to the emergence of a highly improvisational, “networked” European administrative law without a state, a superintending legislature, reliable hierarchical controls, or systematic judicial controls.

At the Transatlantic Law Forum’s Eighth Annual Conference, prominent scholars, judges, and lawyers from European countries and from the United States will examine the administrative state and its law from a wide range of perspectives. Some panels will address overarching topics, such as judicial review and increased public discontent with administrative governance. Other panels will examine varying administrative (law) responses to a common set of more specific problems and challenges, from energy policy to financial regulation and central banks.
### Friday, October 23

**8:00 AM - 8:45 AM**
**REGISTRATION AND BREAKFAST**

*Founders Hall Multipurpose Room*

**8:45 AM - 9:00 AM**
**WELCOMING REMARKS**

**MICHAEL S. GREVE**  
Professor of Law, George Mason University School of Law

**TODD J. ZYWICKI**  
Executive Director, Law & Economics Center and George Mason University Professor of Law, George Mason University School of Law

**9:00 AM – 10:30 AM**
**PANEL 1: ADMINISTRATIVE LAW IN CRISIS?**

The United States and the European Union both have acquired administrative law in fits and starts. Both have borrowed extensively from foreign legal systems, both have struck often uneasy political and institutional compromises. In other crucial respects, however, the experiences differ greatly. In the United States, periods of quiescence and acceptance of administrative law have alternated with periods of intense ideological contest. Europe presents a more realist picture, notwithstanding the awkwardness of creating an administrative system that lacks any robust parliamentary checks or judicial controls. Is administrative law (in its contemporary versions) actually law—or merely a coping mechanism for what governments want to and will do in any event?

**PRESENTERS:**  
**Robert R. Gasaway**  
Partner, Kirkland & Ellis LLP  
**Ashley C. Parrish**  
Partner, King & Spalding LLP

**COMMENTERS:**  
**Neomi Rao**  
Associate Professor of Law, George Mason University School of Law  
**Francesca Bignami**  
Professor of Law, The George Washington University Law School

**MODERATOR**  
**The Honorable Douglas H. Ginsburg**  
Senior Judge, US Court of Appeals for the District of Columbia Circuit and Professor of Law, George Mason University School of Law

**10:45 AM – 12:15 PM**
**PANEL 2: JUDICIAL CONTROL OF AGENCY ACTION**

Independent judicial review of administrative action is widely viewed as an essential element of lawful government. There remains, however, the perennial tension with democratic government. How has this tension played out over time—and how is it playing out now, in countries whose long traditions of administrative law confront a supra-national administrative law of uncertain contours, provenance, and democratic legitimation?

**PRESENTERS:**  
**Adam Tomkins**  
Professor and John Millar Chair of Public Law, University of Glasgow School of Law  
**Florian Becker**  
Professor of Public Law, Christian-Albrechts-University Kiel

**COMMENTERS:**  
**Jeremy A. Rabkin**  
Harry Elwood Warren Scholar and Professor of Law, Boston University School of Law  
**Jack M. Beermann**  
Partner, McDermott Will & Emery Rechtsanwälte Steuerberater LLP

**MODERATOR**  
**Christian von Sydow**  
Partner, McDermott Will & Emery Rechtsanwälte Steuerberater LLP
Friday, October 23

12:15 PM – 1:45 PM
LUNCHEON AND DISCUSSION:
THE ADMINISTRATIVE STATE AND ITS DISCONTENTS

Europe’s economic (and political) recovery, it is widely believed, requires monetary accommodation and fiscal discipline—but also “structural reform,” meaning a sharp reduction of bureaucratic rigidities. That has not happened. Similarly, many observers have argued that ambitious regulatory initiatives—the Dodd-Frank Act, the Affordable Care Act, climate and energy policy—may account for the mediocre performance of the US economy over the past several years.

Does the administrative state and its law have anything to do with this? Or is it merely a reflection of broader social and political forces—democratic decay, the inexorable growth of executive government, or simply voter resistance to change?

DISCUSSANTS:
STEVEN M. TELES
Associate Professor of Political Science, Johns Hopkins University

PETER H. SCHUCK
Simeon E. Baldwin Professor Emeritus of Law, Yale Law School

ALBERTO MINGARDI
Director General, Istituto Bruno Leoni

MODERATOR
MICHAEL ZÖLLER
President, American-European Council on Public Policy and Professor Emeritus, Bayreuth University

Friday, October 23

2:00 PM – 3:30 PM
PANEL 3:
RULEMAKING UNDER STRESS: GOVERNING FINANCIAL INSTITUTIONS

After the 2008-2009 financial crisis, both Europe and the US felt compelled to ramp up their authorities’ rulemaking and oversight. On both sides of the Atlantic, the effort spawned novel institutional, administrative, and legal arrangements. And here as there, the innovations have been accompanied by concerns over excessive delegation of lawmaking authority to poorly supervised agencies.

In what respects are those responses similar? How and why do they differ? What do they tell us about the adaptation of administrative law to new social and political demands?

PRESENTER:
The Legal Response to the Next Financial Crisis
DAVID ZARING
Associate Professor of Legal Studies and Business Ethics, The Wharton School, University of Pennsylvania

COMMENTERS:
JEAN-CLAUDE GRUFFAT
Managing Director, Galileo Global Advisors

ALASTAIR SUTTON
Barrister, Brick Court Chambers, London and Brussels

GILLIAN METZGER
Stanley H. Fuld Professor of Law, Columbia Law School

MODERATOR
J.W. VERRET
Associate Professor of Law, George Mason University School of Law

3:30 PM
ADJOURN FOR THE DAY

6:00 PM - 9:00 PM
RECEPTION & DINNER (INVITATION ONLY)

SPONSORED BY THE FEDERALIST SOCIETY
The W Washington DC, 515 15th Street NW, Washington, District of Columbia 20004

KEYNOTE SPEAKER:
JONATHAN RAUCH
Senior Fellow in Governance Studies, The Brookings Institution
Saturday, October 24

8:00 AM – 8:45 AM
BREAKFAST
Founders Hall Multipurpose Room

8:45 AM – 10:15 AM
PANEL 4:
COMMANDEERING THE CLIMATE

Both the EU and the US pursue environmental and energy policies that require an inordinate amount of both central coordination and member-state cooperation. The American legal system is notoriously ill-adapted to such endeavors, and ambitious federal policy initiatives have encountered fierce resistance in the courts. In litigation brought by industry as well as states, Europe’s regulatory “style” and legal architecture are supposedly more conducive to coherent policymaking and smooth implementation. Is this actually the case? Clearly, the institutional and legal differences are great. For example, the EU may “commandeer” member-states, the US EPA may not. In the US, environmental groups can sue in federal court to force action and ensure compliance; not so in Europe. But how do these differences shape the outcomes?

PRESENTERS:
Regulation by Threat: EPA’s Clean Power Plan
JAMES W. COLEMAN
Assistant Professor of Law, University of Calgary Faculty of Law

Implementing Climate Change Policy in the EU
ALEXANDER PROELSS
Chair for Public Law and Director, Institute of Environmental and Technology Law, University of Trier

COMMENTERS:
JONATHAN H. ADLER
Johan Verheij Memorial Professor of Law and Director, Center for Business Law and Regulation, Case Western Reserve University School of Law

E. DONALD ELLIOTT
Senior Of Counsel, Covington & Burling LLP; Professor (adjunct) of Law, Yale Law School

MODERATOR
THE HONORABLE STEPHEN F. WILLIAMS
Senior Judge, US Court of Appeals for the District of Columbia Circuit

Saturday, October 24

10:30 AM – 12:00 PM
PANEL 5:
FINANCIAL SETTLEMENTS:
LAW ENFORCEMENT, SO-CALLED

Both in the US and in Europe, law enforcement has become big business: regulatory authorities routinely collect many billions in fines and settlements from banks and other financial institutions. It seems difficult to attribute this phenomenon to a sudden outbreak of corporate criminality in a most closely supervised industry. More likely, it is a regulatory response—but to what, precisely? The perceived need to wring exorbitant rents out of the financial system? To mollify restless voters? To disguise the uncomfortably close marriage of state and capital? If the fines have become purely transactional, what does that tell us about government’s capacity to actually regulate financial industries?

PRESENTERS:
For-Profit Government: Agency Finance in an Age of Executive Government
CHRISTOPHER C. DEMUTH
Distinguished Fellow, Hudson Institute

MICHAEL S. GREVE

COMMENTERS:
CHARLES W. CALOMIRIS
Henry Kaufman Professor of Financial Institutions, Division of Finance and Economics, Columbia Business School and Professor of International and Public Affairs, Columbia School of International and Public Affairs

NIZAN G. PACKIN
Assistant Professor of Law, Baruch College, City University of New York

PHILIP A. WALLACH
Fellow in Governance Studies, The Brookings Institution

MODERATOR
ALASTAIR SUTTON
12:00 PM – 1:15 PM
LUNCHEON AND DISCUSSION: THE POWER TO TAX AND ITS JUDICIAL CONTROL

In the US, judicial controls over the IRS and its exercise of tax and regulatory authority are much weaker than the controls that are available under general administrative law. Supposedly, fiscal imperatives warrant this arrangement. However, as the IRS is changing from a mere revenue collector into a regulatory agency, there are reasons to worry about extreme judicial deference. Moreover, other countries with (presumably) the same need for orderly fiscal administration provide rather more robust judicial checks. Germany, for example, subjects tax administrators’ decisions to de novo review by independent courts. What explains these different institutional arrangements, and how well have they served their intended purposes?

DISCUSSANTS:
THE HONORABLE ULRICH SCHALLMOSER
Judge, The Federal Fiscal Court, Germany

THE HONORABLE MARK V. HOLMES
Judge, US Tax Court

MODERATOR
KRISTIN E. HICKMAN
Harlan Albert Rogers Professor in Law and Associate Director, Corporate Institute, University of Minnesota Law School

Monday, July 13
12:00 PM – 1:15 PM
LUNCHEON AND DISCUSSION: THE POWER TO TAX AND ITS JUDICIAL CONTROL

In the US, judicial controls over the IRS and its exercise of tax and regulatory authority are much weaker than the controls that are available under general administrative law. Supposedly, fiscal imperatives warrant this arrangement. However, as the IRS is changing from a mere revenue collector into a regulatory agency, there are reasons to worry about extreme judicial deference. Moreover, other countries with (presumably) the same need for orderly fiscal administration provide rather more robust judicial checks. Germany, for example, subjects tax administrators’ decisions to de novo review by independent courts. What explains these different institutional arrangements, and how well have they served their intended purposes?

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**Florian Becker**

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Professor Florian Becker studied law at the Rheinische Friedrich-Wilhelms-Universität, Bonn from 1990 to 1994. He passed the first state examination in 1995. After that he worked as a research assistant at the University of Cologne, where he was awarded the doctor of laws in 1997 for his thesis on “Die Vernetzung der Landesbanken”. He studied for an LL.M at the University of Cambridge, where he was awarded the “Olve Parry Prize (Overseas) for International Law” (1997). Professor Becker passed the second state examination in 1999. From 2000 to 2004, he worked as a senior research fellow at the Max-Planck-Institute for Research on Collective Goods (former “Law of the Common Goods”, Bonn). In January 2004, he was awarded, by University of Bonn, the venia legendi for constitutional law and administrative law, including comparative law and European law. In 2004 he gave lectures as a visiting professor at Andrássy University, Budapest. Professor Becker held a Six-First Century Law at Aberden University Law School from 2004 to 2008. In 2008 he was appointed as a professor for public law at the Christian-Albrechts-University, Kiel. Since July 2014, Florian Becker has been the serving as dean of the law school in Kiel.

**Jonathan H. Adler**

Johan Verheij Memorial Professor of Law  
Director, Center for Business Law and Regulation  
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Jonathan H. Adler is the inaugural Johan Verheij/Memorial Professor of Law and director of the Center for Business Law & Regulation at the Case Western Reserve University School of Law, where he teaches courses in environmental, administrative, and constitutional law. A prolific writer, he is one of the most widely cited academics in environmental law. His articles have appeared in publications ranging from the Harvard Environmental Law Review and Supreme Court Economic Review to The Wall Street Journal and The Washington Post. Professor Adler is the author or editor of three books on environmental policy, including Environmentalism at the Crossroads (1995), and several book chapters. A regular commentator on environmental and legal issues, he has appeared on numerous radio and television programs, including the PBS NewsHour with Jim Lehrer, NPR’s Talk of the Nation, Fox News Channel’s O’Reilly Factor and Hannity & Colmes and Entertainment Tonight. Professor Adler is a contributing editor to National Review Online and a regular contributor to the popular legal blog, The Volokh Conspiracy.

Professor Adler teaches courses in environmental, regulatory, and constitutional law. He has been awarded the Paul M. Bator Award (2004) by the Federalist Society for Law and Policy Studies to an academic under 40 for excellence in teaching, scholarship, and commitment to students, and also the “Distinguished Teacher Award” from Case Western Reserve University Law Alumni.

**Jack M. Beermann**

Harry Elwood Warren Scholar and Professor of Law  
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Professor Jack Beermann is a noted scholar in the area of civil rights litigation against state and local governments and their officials. Professor Beermann has authored or co-authored four books on administrative law, including a widely used casebook and the Emanuel Law Outline on the subject. His articles have appeared in prominent American journals such as the Stanford Law Review, UCCLA Law Review, Duke Law Journal and Boston University Law Review; and in foreign law journals including Germany’s Rechtstheorie and China’s Administrative Law Review. Recent articles include “Congressional Administration” in the San Diego Law Review and the “Constitutional Law of Presidential Transition” in the North Carolina Law Review. In 1998, he co-authored an article that examined civil rights violations in the popular television drama NYPD Blue and in 1993 he wrote “The Supreme Court’s Narrow View on Civil Rights” for the prestigious Supreme Court Review.

Before joining the Boston University (BU) faculty in 1984, Professor Beermann clerked for the Honorable Richard Cudahy of the US Court of Appeals for the Seventh Circuit. In 2008, he was visiting professor at Harvard Law School and in 1997, he was distinguished visiting professor at DePaul Law School. In 2004, 2005, and 2007, he taught at the Interdisciplinary Center in Herzlia, Israel; and in 2002, he taught at the China University of Political Science and Law in Beijing. He has lectured in many different countries around the world. At BU, Professor Beermann currently teaches administrative law, civil rights litigation, introduction to American law (for foreign LL.M students), and local government law.

**Francesca Bignami**

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Professor Francesca Bignami is a professor of law at The George Washington University Law School. Her research focuses on comparative constitutional and administrative law as well as the law of the European Union and transnational networks. She has published widely on privacy in transatlantic perspective, comparative rulemaking, rights and accountability in global governance, and the convergence of European regulatory systems. Her work has been supported by the German Marshall Fund, the Fulbright Program, and a number of other organizations.

Before coming to The George Washington University School of Law, Professor Bignami was professor of law at Duke Law School, where she taught from 2000 to 2008, and where she also served as the director of the Duke Center for European Studies. In 2006, she was a visiting professor and John Harvey Gregory Lecturer on World Organization at Harvard Law School. Professor Bignami has also taught at the European University Institute of Florence, the University of Rome “La Sapienza,” and the Libera Università Internazionale degli Studi Sociali in Rome. After graduating from Yale Law School, she clerked for the Honorable Stephen F. Williams of the US Court of Appeals for the DC Circuit, and she then served as a stagiaire for Advocate General Philippe Léger of the European Court of Justice in Luxemburg.

Professor Bignami is a member of the Executive Committee of the American Society of Comparative Law and the Advisory Board of the Electronic Privacy Information Center.
Charles W. Calomiris is the Henry Kaufman Professor of Financial Institutions at Columbia Business School, the director of Columbia Business School’s Program for Financial Studies and of the PFS Initiative on Finance and Growth in Emerging Markets, and a professor at Columbia’s School of International and Public Affairs. His research spans the areas of banking, corporate finance, financial history, and monetary economics. He is a distinguished visiting fellow at the Hoover Institution, a fellow at the Manhattan Institute, a member of the Shadow Open Market Committee and of the Financial Economists Roundtable, and a research associate of the National Bureau of Economic Research. He serves or has served on numerous other committees, including the Advisory Scientific Committee of the European Systemic Risk Board, the International Financial Institution Advisory Commission, and the Shadow Financial Regulatory Committee. He is co-managing editor of the Journal of Financial Intermediation.

Professor Calomiris received a BA in economics from Yale and a PhD in economics from Stanford and holds an honorary doctorate from the University of Basel. His most recent book (with Stephen Haber) is Fragile By Design: The Political Origins of Banking Crises and Scarce Credit (Princeton University Press 2014).

James Coleman is an assistant professor at the University of Calgary Faculty of Law and Haskayne School of Business. His scholarship addresses regulation of North American energy companies, focusing on how industry responds to competing pressures from regulators and investors, and on how countries account for and influence regulation in their trading partners. Professor Coleman came to Calgary from Harvard Law School where he served on the faculty as a Climenko Fellow and lecturer on law. He received his undergraduate degree from Harvard University in biology, magna cum laude with highest honors in field, and his JD from Harvard Law School, cum laude. After law school, Professor Coleman clerked for the Honorable Steven M. Colloton of the US Court of Appeals for the Eighth Circuit and practiced energy, environmental, and appellate law at Sidley Austin LLP.

James Coleman received his undergraduate degree from Harvard University in biology, magna cum laude with highest honors in field, and his JD from Harvard Law School, cum laude. After law school, Professor Coleman clerked for the Honorable Steven M. Colloton of the US Court of Appeals for the Eighth Circuit and practiced energy, environmental, and appellate law at Sidley Austin LLP.

Peter Conti-Brown is an assistant professor of legal studies and business ethics at The Wharton School of the University of Pennsylvania. Previously, he was an academic fellow (nonresident) at Stanford Law School’s Rock Center for Corporate Governance and a PhD student in history at Princeton University where he was the John R. Irwin Fellow in History. His research and writing cover central banking, financial regulation, and public finance, with a particular focus on the law, history, politics, and economics of central banking at the Federal Reserve. His articles have appeared or are forthcoming in the Yale Journal on Regulation, and the Stanford, UCLA, and Washington University Law Reviews, among other journals. He is also the editor, with David Skeel, of the book When States Go Broke: Origins, Context, and Solutions for the American States in Fiscal Crisis, published by Cambridge University Press, author of the book The Power and Independence of the Federal Reserve, forthcoming from Princeton University Press, and editor, with Rosa Lastra, of the Research Handbook on Central Banking, forthcoming from Edward Elgar Publishing. Professor Conti-Brown graduated from Harvard College, magna cum laude and Phi Beta Kappa, and Stanford Law School, and clerked for the Honorable Stephen F. Williams on the US Court of Appeals for the DC Circuit and the Honorable Gerard E. Lynch on the US Court of Appeals for the Second Circuit. He is of counsel at Gupta Wessler PLLC where he represents clients in the federal circuit courts and the US Supreme Court in banking, bankruptcy, and consumer finance appeals.

Christopher DeMuth is a distinguished fellow at the Hudson Institute in Washington, DC. He was president of the American Enterprise Institute for Public Policy Research from 1986 to 2008, and DC Searle Senior Fellow at AEI from 2008 to 2011. Previously he served in the administrations of Ronald Reagan and Richard Nixon, practiced law with Sidley & Austin, was managing director of Lexecon, Inc. (a law-and-economics consulting firm), and taught at the Harvard Kennedy School of Government. He is a graduate of Harvard College and The University of Chicago Law School.

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E. Donald Elliott is professor (adjunct) of law at Yale Law School and a leading academic scholar, as well as practitioner, in the fields of administrative and environmental law. He is considered “one of the most well-known, well-regarded environmental law professors in the nation,” according to John Cruden, former president of the Environmental Law Institute, and now assistant attorney general, Environment and Natural Resources Division, US Department of Justice. Professor Elliott has been on the Yale Law faculty since 1981 and currently teaches courses in environmental law, energy law, administrative law, and civil procedure. He is also senior Of Counsel in the Washington DC office of Covington & Burling LLP, and co-chair of the firm’s Environmental Practice Group and a senior fellow of the Administrative Conference of the United States. From 1989 to 1991, Professor Elliott served as assistant administrator and general counsel of the US Environmental Protection Agency (EPA). In 1993, he was named to the first endowed chair in environmental law and policy at any major American law school, the Julien and Virginia Cornell Chair in Environmental Law and Litigation at Yale Law School. He is an author of 8 books and over 80 articles.

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Robert R. Gasaway is a partner at Kirkland & Ellis LLP’s Washington, DC office, focusing on trial and appellate litigation, with a specialty in representing clients in high-risk cases. Mr. Gasaway has served as lead counsel for parties in cases before the United States Supreme Court and many US Courts of Appeal, State Supreme Courts, and federal and state trial courts.

In addition to representing clients in court proceedings, Mr. Gasaway is a recognized expert in constitutional and administrative law. He is a frequent speaker at legal conferences and contributor to legal publications. A law graduate of The University of Chicago, Mr. Gasaway worked as a business consultant and earned two graduate degrees in intellectual history from Yale University before becoming a lawyer.

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Judge Douglas H. Ginsburg joined the George Mason law faculty as professor of law beginning in July 2013 while continuing also to serve as senior circuit judge of the United States Court of Appeals for the District of Columbia Circuit.

Judge Ginsburg is a leading authority on competition law and policy, administrative law, and law and economics. In his distinguished career, he has been a professor of law at Harvard University (1975-1983), held a number of posts in the executive branch of federal government (1983-1986), including assistant attorney general for antitrust in the US Department of Justice; and was then appointed to the United States Court of Appeals in 1986 by President Ronald Reagan, serving as chief judge from 2001 to 2008.

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In addition to teaching law school classes in antitrust and readings in legal thought, Judge Ginsburg teaches and lectures in the programs of the school’s Law & Economics Center.

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Marco Goldoni is lecturer at the Law School of the University of Glasgow and research fellow of the Academy of Sciences of the Czech Republic. His main research interests lie in European and comparative constitutional law, and legal and political theory. He is currently finishing a monograph on the role of national parliaments in EU law.
Michael S. Greve is a professor of law at George Mason University School of Law. He joined the faculty in 2012 after having served as John G. Searle Scholar at the American Enterprise Institute (AEI), where he specialized in constitutional law, courts, and business regulation, and served as chairman of the Competitive Enterprise Institute. Prior to joining AEI, Professor Greve was founder and co-director of the Center for Individual Rights, a public interest law firm specializing in constitutional litigation.

Professor Greve has served previously as an adjunct professor at a number of universities, including Cornell and Johns Hopkins Universities, and has been a visiting professor at Boston College since 2004. He was awarded a PhD and an MA in government by Cornell University. Professor Greve also earned a diploma from the University of Hamburg in Germany.

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Jean-Claude Gruffat has recently joined Galileo Global Advisors in New York as a managing director. Prior to this move, he was posted in New York as a managing director for Citigroup since April 2011. He acted as a senior calling officer worldwide on large multinational clients of the firm. Before this global assignment, he was Citi’s country officer for France for 12 years. During his posting in Paris, Mr. Gruffat ran the Global Relationship Banking teams for France, Belgium and Luxembourg for over 10 years. He then served for a few years as a director of Citibank International plc, headquartered in London.

In the US, Mr. Gruffat is a securities principal registered with FINRA, holding series 63, 79, and 24. He has been a foreign trade adviser to the French Prime Minister since 1984. Jean-Claude Gruffat is a governor of the American Enterprise Institute, a Trustee of the New York French Hospital of Paris, a director of the American Hospital of Paris Foundation, a director of the DC based Competitive Enterprise Institute, a Trustee of the New York French Institute Alliance Française, and a founder of Institut des Libertés. He was recently nominated for a 3 year term effective May 2014 to the Board of Trustees of United Way Worldwide headquartered in Alexandria, VA. He is a member of the Economic Club of New York and of the Union League Club of the Hong Kong Club, and Cercle de l’Union Interalliée.

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Kristin E. Hickman is the Harlan Albert Rogers Professor in Law and associate director of the Corporate Institute at the University of Minnesota Law School. She was the Donald C. Alexander Visiting Professor in Tax Law at Harvard Law School for the 2012-13 academic year, and also taught at Northwestern University School of Law as a visiting assistant professor in 2003-04. Professor Hickman has written extensively on issues of federal tax administration and on judicial review in the federal income tax and general administrative law contexts. Her articles on these topics have appeared in the Columbia Law Review, Georgetown Law Journal, Vanderbilt Law Review, and Virginia Tax Review; among other publications. Professor Hickman’s work is cited regularly in court briefs and judicial opinions in the United States, including twice by the United States Supreme Court. She also co-authors the Administrative Law Treatise and a casebook on federal administrative law with Richard J. Pierce, Jr.

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Mr. Mariton graduated from the “Ecole polytechnique”, the “Institut d’Etudes Politiques de Paris” (Sciences Po), and also has a diploma in management studies from the University of Paris IX Dauphine. Mr Mariton is an engineer with the Corps des Mines. He speaks English and Russian fluently. Elected Mayor of Crest in 1995, Mr Mariton is a member of the French parliament representing the Drôme department. He was first elected in 1993-1997, then re-elected in 2002. Currently Les Républicains’ (former UMP) spokesman of the Finances committee, he is also in charge of the ecology budget.

Mr Mariton was elected a regional councillor from 1996 until 2002; then vice-chairman of the council of the Rhône-Alpes region from 1994 until 1998, where he was in charge of agriculture, culture, higher education, and research. He was appointed Overseas Secretary of State in 2001-2002, responsible for national actions in the overseas regions of the French Republic, then re-elected in 2002. Currently Les Républicains’ (former UMP) spokesman of the Finances committee, he is also in charge of the ecology budget.

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Mr Mariton is vice-chairman of the French-Russian friendship and French-British groups in the French parliament. He founded a party in November 2013: “Droit et justice” and was candidate against Nicolas Sarkozy for the UMP intern election in November 2014. Mr. Mariton is 54 years old; he is married and has four children.

Gillian Metzger is the Stanley H. Fuld Professor of Law at Columbia Law School, where she is also the faculty director of Columbia’s Center for Constitutional Governance. She writes and teaches in the areas of administrative and constitutional law, with specializations in federalism and privatization. Her publications include: with Nathaniel Persily and Trevor Morrison, eds., The Health Care Case: The Supreme Court’s Decisions and Its Implications (Oxford 2013); with Peter L. Strauss, Todd D. Rakoff, and Cynthia R. Farina, Galthorn and Bye’s Administrative Law: Cases and Comments (11th ed. 2011); “The Constitutional Duty to Supervise,” 124 Yale L.J. 1836 (2015); “Administrative Constitutionalism,” 91 Tex L. Rev 1897 (2013); and “To Tax, To Spend, To Regulate,” 126 Harv. L. Rev 83 (2013). Professor Metzger served as a law clerk to Justice Ruth Bader Ginsburg of the US Supreme Court and to the Honorable Patricia M. Wald of the DC Circuit.

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Herbert Spencer

Herbert Spencer was a British philosopher, social theorist, and biologist. He is best known for his theories on social Darwinism. His works include “The Principles of Biology” (1855) and “The Principles of Psychology” (1855). His ideas have been influential in various fields, including political economics and sociology.

Nizan Packin is an assistant professor of law at Baruch College, City University of New York (CUNY). Her areas of expertise include regulation of financial institutions, bankruptcy law, risk and insolvency, and big data and social media policy. Prior to joining the CUNY faculty, she practiced corporate restructuring law for six years at Skadden Arps.

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Jeremy A. Rabkin is a professor of law at George Mason University School of Law. Before joining the faculty in June 2007, he was, for over two decades, a professor in the department of government at Cornell University. Professor Rabkin serves on the Board of Directors of the US Institute of Peace (originally appointed by President George W. Bush in 2007, then appointed for a second term by President Barack Obama, and reconfirmed by the Senate in 2011). He also serves on the Board of Academic Advisers of the American Enterprise Institute and on the Board of Directors of the Center for Individual Rights, a public interest law firm based in Washington, DC.


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Ashley C. Parrish is a partner in the Washington, DC office of King & Spalding LLP, and one of three partners that lead the firm’s national appellate practice group. He focuses his practice on appellate, administrative, and constitutional law; on the preparation of high-risk cases for eventual appeal; and on strategic, complex litigation. In 2014, he was identified by The American Lawyer as one of “the top handful of lawyers in America” who have had remarkable success before the US Supreme Court. His group was recognized by Legal 500 as the Supreme Court and Appellate Practice group of the year for 2015, and by Law 360 as the appellate practice of the year in 2014.

Alastair Sutton is an English barrister who has been immersed in European law and policy as an official of the European Commission and private practitioner for 42 years. After teaching international and European law at University College London from 1967 to 1973, Mr. Sutton joined the European Commission, serving between 1973 and 1989 as a trade negotiator (GATT Multifibres Arrangement, and Tokyo Round), a diplomat in the Commission's Delegation in Tokyo, a legal advisor to the commission vice president for the Internal Market, and head of Division for Insurance. From 1989 to 2010, Mr. Sutton was a partner in the firms of Forrester, Norall, and Sutton and White and Case. He is now a member of Brick Court Chambers, practising European law in Brussels and London.

Mr. Sutton’s practice covers a broad spectrum of EU law, notably the internal and external aspects of the Single Market and EU (and UK) constitutional law. Following the global crisis, Mr. Sutton has specialized in EU financial services and tax law. He is the European advisor to the Government of Bermuda and has recently advised the European Commission and private practitioners on the legal aspects of market integration.

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Steven M. Teles is an associate professor of political science at Johns Hopkins University. He came from the University of Maryland, where he was an associate professor of public policy, and from Yale Law School, where he was a visiting lecturer. His areas of specialty include social policy, law and public policy, and political analysis.

Professor Teles earned his PhD from the University of Virginia and completed postdoctoral fellowships at Harvard University’s Center for American Political Studies and Princeton University. He is the author and co-author of several books including The Rise of the Conservative Legal Movement (Princeton University Press, 2008), in which he charts the success of the conservative legal establishment.

His research for the book included accessing the private archives of the Olin Foundation, the Federalist Society, and other organizations. “I was interested in things other people weren’t—where does the organization of a movement come from and what are their challenges?” he says. He is currently at work on a number of projects, including a book on political analysis and policy design. Professor Teles’ non-academic interests include skiing and discovering the best ethnic restaurants in the area.

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Professor Tomkins joined the University of Glasgow School of Law in 2003, having previously taught at St. Catherines’s College, the University of Oxford (2000-03), and at King’s College London (1991-2000). He specializes in constitutional law and has research interests in British, EU, and comparative constitutional law, as well as in aspects of constitutional theory and constitutional history. In 2009, he was appointed as a legal adviser to the House of Lords Select Committee on the Constitution. Among his books are two of the best-selling and leading works on British constitutional law: Public Law (OUP, 2003) and British Government and the Constitution (CUP, 6th ed 2006, 7th ed 2011). His work has been cited in leading House of Lords case law. In 2010, he gave expert evidence in a case concerning freedom of information and the constitutional position of the Prince of Wales. His evidence on the sovereignty of Parliament was extensively cited in the House of Commons during the legislative passage of the European Union Bill (2010-11). He has lectured throughout the United Kingdom, as well as in Australia, Canada, France, Germany, Israel, Italy, Malaysia, New Zealand, and the United States. He was a founding member of the Scottish Public Law Group, and he maintains close connections with public law practitioners at the Faculty of Advocates and at the English bar.

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J.W. Verret joined the Mason Law faculty in 2008. In 2013, he took leave for two years to serve as the chief economist and senior counsel for the US House Committee on Financial Services. He received his JD and MA in public policy from Harvard Law School and the Harvard Kennedy School of Government, respectively, in 2006. While in law school, Professor Verret served an Olin Fellowship in Law and Economics at the Harvard Program on Corporate Governance under the guidance of Professor Lucian Bebchuk.

Professor Verret then served as a law clerk for vice-chancellor John W. Noble of the Delaware Court of Chancery. Prior to joining the faculty at Mason Law, Professor Verret was an associate in the SEC Enforcement Defense Practice Group at Skadden, Arps in Washington, DC. He has written extensively on corporate law topics, including Delaware’s Guidance, co-written with Chief Justice Myron T. Steele of the Delaware Supreme Court. Professor Verret was selected by the Northwestern Law School Seaver Center on Law, Regulation, and Economic Growth for a 2009-2010 Seaver-Kaufmann Research Fellowship.

Professor Verret is also a senior scholar at the Mercatus Center Working Group on Financial Markets, where he regularly briefs Congressional staff, members of Congress, SEC Commissioners, and other financial regulatory agencies on financial regulation topics.

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Mr. von Sydow has represented a large number of foreign and German clients, financial investors, and strategic investors in acquisitions and sales of businesses in Germany, across industries. He has advised various companies during negotiations for and the establishment of international joint ventures. He advises listed companies on structural and capital-related measures such as IPOs, spin-offs, increases in capital with contributions in kind, and mergers with other listed companies.

Mr. von Sydow has advised clients on restructuring and acquisitions during crisis situations and when emerging from insolvency. He represents clients in cases involving corporate conflict resolution and regularly acts as an arbitrator in cases of impaired M&A transactions.

Christian von Sydow studied at the University of Heidelberg and the University of Freiburg. He is a member of various supervisory and advisory boards and co-chairs the Bavarian regional committee of the American Chamber of Commerce.

Michael Wohlgemuth is an economist and director of Open Europe Berlin. He is also professor of political economy at the University of Witten/Herdecke. Mr. Wohlgemuth has been professor of international governance at the University in Bayreuth, managing research associate at the Walter Eucken Institut (Freiburg), lecturer at the Universities of Freiburg, Erfurt, Friedrichshafen, and Witten/Herdecke, research fellow at the Max-Planck-Institute for Economics in Jena, affiliate assistant professor at George Mason University and New York University, and “Friedrich August von Hayek-Professor” at the University of Innsbruck. His main research areas and publications are in the fields of new institutional economics, Austrian economics, public choice theory, and the History of Ideas. He also provides policy recommendations, mainly in the field of European integration.

Philip A. Wallach is a fellow in governance studies whose research focuses on institutional aspects of fiscal policy and regulation. He is the author of To the Edge: Legality, Legitimacy, and the Responses to the Financial Crisis of 2008 (Brookings Institution Press, 2015).

Since joining Brookings, Dr. Wallach’s research has covered a variety of topics. He has chronicled the development of America’s climate change policies under the Clean Air Act and analyzed the requirements of EPA’s controversial Clean Power Plan. He has argued against the federal debt ceiling, explaining its origin and arguing that threats not to raise it are a particularly ineffective means of restraining federal spending. He has also studied Washington state’s implementation of its new regulatory system for legalized recreational marijuana.

Dr. Wallach’s current research includes an exposition of the idea of conservative governance, an inquiry into how the administrative state can be made more effective and more democratically accountable, and a survey of the nascent politics of unconventional monetary policy.

Dr. Wallach received a BA from the College of Social Studies at Wesleyan University and a PhD in politics from Princeton University.

Judge Stephen F. Williams was appointed to the United States Court of Appeals in June 1986, and took senior status in September 2001. He graduated from Yale College (BA, 1958) and from Harvard Law School (JD, 1961). Judge Williams was engaged in private practice from 1962 to 1966 and became an assistant US attorney for the Southern District of New York in 1966. From 1969 until his appointment to the bench, Judge Williams taught at the University of Colorado School of Law. During this time, he also served as a visiting professor of law at the University of California, Los Angeles, The University of Chicago Law School, and Southern Methodist University, and was a consultant to the Administrative Conference of the United States and the Federal Trade Commission.

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Professor Todd J. Zywicki is the executive director of the Law & Economics Center, as well as a George Mason University Foundation Professor of Law at George Mason University School of Law. In 2009, Professor Zywicki was honored as the recipient of the Institute for Humane Studies 2009 Charles G. Koch Outstanding IHS Alum Award. Since 2006 he has served as co-editor of the Supreme Court Economic Review. From 2003-2004, Professor Zywicki served as the director of the Office of Policy Planning at the Federal Trade Commission. He teaches in the area of bankruptcy, contracts, commercial law, business associations, law and economics, and public choice and the law. He has also taught at Vanderbilt University Law School, Georgetown University Law Center, Boston College Law School, and Mississippi College School of Law.

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Michael Zöller is professor emeritus of sociology at Bayreuth University and president of the American-European Council on Public Policy. He also teaches at the Munich School of Public Policy. After receiving his PhD from the University of Munich, he first worked for Bayerische Publik Radio and then for Frankfurter Allgemeine Zeitung before returning to academia.

He served as a member of the board of the Mont Pelerin Society and was a visiting professor/fellow at Notre Dame University, The University of Chicago, Stanford University (Hoover Institution), the Catholic University of America in Washington, DC, the International Center of Economic Research (ICER) in Torino, the Woodrow Wilson Center in Washington, DC, and the University of Erfurt, where he was the Max Weber Professor.

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David Zaring is associate professor of legal studies and business ethics at the Wharton School of Business. His research is focused on international economic regulation and administrative law. He has published articles in the New York University, Michigan, and UCLA law reviews, and in peer-reviewed journals including the Annual Review of Law & Social Sciences, the Journal of Tort Law, and the Journal of Empirical Legal Studies. He clerked on the DC Circuit, worked at the Department of Justice, and was educated at Harvard Law School and Swarthmore College.
LEC WORKSHOP FOR LAW PROFESSORS ON THE RULE OF LAW
Friday, December 11 – Monday, December 14, 2015
Turnberry Isle Resort, Aventura, FL

LEC WORKSHOP FOR LAW PROFESSORS ON THE CONTRACTUAL THEORY OF THE CORPORATION
Wednesday, January 20 – Friday, January 22, 2016
George Mason University School of Law

LEC WORKSHOP FOR LAW PROFESSORS ON THE ECONOMICS OF PUBLIC PENSION REFORM
Thursday, February 11 – Sunday, February 14, 2016
The Sheraton, Palo Alto, CA

NINETEENTH ANNUAL GEORGE MASON LAW REVIEW SYMPOSIUM ON ANTITRUST LAW
Thursday, February 18, 2016
George Mason University School of Law

LEC WORKSHOP FOR LAW PROFESSORS ON EMPIRICAL METHODS
Monday, May 16 – Friday, May 20, 2016
George Mason University School of Law

THIRTY-SECOND ECONOMICS INSTITUTE FOR LAW PROFESSORS
Sunday, July 10 – Friday, July 22, 2016
The Omni Homestead Resort, Hot Springs, VA