Deregulatory Frontiers

Examining deregulation in the Trump era

Friday, November 17, 2017

UC Hastings College of the Law
200 McAllister St.
San Francisco, CA 94102
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| 8:00am to 9:00am | Registration and Breakfast  
Alumni Reception Center (ARC) – 2nd Floor |
| 9:00am to 10:00am| **Welcome and Opening Remarks:**  
**Deregulation: Past, Present and Future**  
- Morris Ratner, Academic Dean and Professor of Law, UC Hastings College of Law  
- Zachary Price, Professor of Law, UC Hastings College of Law |
| 10:00am to 11:15am| **Environmental Protection in a Deregulatory Age**  
**Moderator:** Dave Owen, Professor of Law, UC Hastings College of Law  
**Panelists:**  
- Dan Farber, Professor of Law, UC Berkeley and Co-Director of the Center for Law, Energy, and the Environment  
- Sarah Light, Professor of Legal Studies & Business Ethics at the Wharton School of Business, University of Pennsylvania  
- Jodi Short, Professor of Law, UC Hastings College of Law |
| 11:15am to 12:30pm| Lunch  
Dining Commons |
| 12:30pm to 1:45pm| **Public Health in a Deregulatory Age**  
**Moderator:** Dorit Reiss, Professor of Law, UC Hastings College of Law  
**Panelists:**  
- Paula Braveman, Professor of Family and Community Medicine Director of the Center on Social Disparities in Health, UCSF  
- George Rutherford, Professor of Epidemiology, Preventive Medicine, Pediatrics and History; Head of the Division of Infectious Disease Epidemiology; and Vice Chair of the Department of Epidemiology and Biostatistics, UCSF  
- Jason Schwartz, Professor of Health Policy and the History of Medicine, Yale School of Public Health and Yale School of Medicine  
- Rob Schwartz, Professor of Law, UC Hastings College of Law |
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| 2:00pm to 3:15pm| **Health Care in a Deregulatory Age**  
**Moderator:** Jaime King, Professor of Law, UC Hastings College of Law and Associate Dean and Co-Director of the UCSF/UC Hastings Consortium on Science, Law and Health Policy  
**Panelists:**  
- Micah Berman, Professor of Public Health and Law, Ohio State University College of Public Health and Michael E. Moritz College of Law  
- Andrew Bindman, Professor of Medicine, Epidemiology & Biostatistics, UCSF  
- Erin C. Fuse Brown, Professor of Law, Georgia State University College of Law  
- Renee Hsia, Ladder Rank Professor, Department of Emergency Medicine, UCSF |
| 3:15pm to 3:30pm| Break                                                                |
| 3:30pm to 4:45pm| **Financial Regulation in a Deregulatory Age**  
**Moderator:** John Crawford, Professor of Law, UC Hastings College of Law  
**Panelists:**  
- Colleen Baker, Professor, University of Oklahoma Price College of Business  
- Erik Gerding, Associate Dean for Academic Affairs and Professor of Law, University of Colorado Law School  
- Gaurav Vasisht, Director of Financial Regulation, Volcker Alliance  
- David Zaring, Professor of Legal Studies and Business Ethics, Wharton School, University of Pennsylvania |
| 5:00pm to 6:30pm| Reception  
Alumni Reception Center (ARC) |
Welcome and Opening Remarks:
Deregulation: Past, Present, and Future

Morris Ratner (BA, Stanford University 1988; JD, Harvard Law School 1991) is a professor and the chief academic officer of UC Hastings. He teaches civil procedure, legal ethics, and the business of law practice, and produces scholarship at the intersection of those fields. He joined the UC Hastings Faculty in 2012 after teaching at Harvard Law School as a visiting lecturer and then as a visiting assistant professor from 2009 to 2011. Professor Ratner was a litigator at the San Francisco-based plaintiffs’ firm Lieff, Cabraser, Heimann & Bernstein, LLP, where he was a partner for ten years and where he prosecuted product liability, environmental, mass personal injury, consumer, and human rights actions. Among other high-profile matters, Professor Ratner prosecuted and settled Holocaust-era slave labor, looted asset, dormant bank account and unpaid insurance claims against European companies, producing global settlements in those cases worth more than $7.5 billion.
Welcome and Opening Remarks: Deregulation: Past, Present, and Future

Environmental Protection in a Deregulatory Age

Moderator

Professor Dave Owen teaches courses in environmental, natural resources, water, land use, and administrative law at the University of California, Hastings College of the Law. His research focuses primarily on water resource management. He previously taught at the University of Maine School of Law and practiced at a land use and water law firm in San Francisco.

Panelists

Dan Farber is the Sho Sato Professor of Law at the University of California, Berkeley, where he is also the Co-Director of the Center for Law, Energy, and the Environment. After graduation from law school, he was a law clerk for Judge Philip W. Tone of the U. S. Court of Appeals for the Seventh Circuit and then for Justice John Paul Stevens at the Supreme Court. Professor Farber graduated summa cum laude from the University of Illinois College of Law, where he was the class valedictorian and served as Editor-in-Chief of the law review. Prior to coming to Berkeley, he was on the faculties at the University of Illinois and the University of Minnesota. He has also taught as a visiting professor at Harvard, Chicago, Stanford, and Iowa. Many of his 200 law review publications involve environmental law, and much of his recent work focuses on climate change. He has been a co-author on a leading environmental law casebook for over 30 years, as well as authoring or coauthoring five other books on environmental law and related topics. He was a contributing author to the Fifth Assessment of the Intergovernmental Panel on Climate Change.
Environmental Protection in a Deregulatory Age

Sarah E. Light is an Assistant Professor of Legal Studies and Business Ethics at the Wharton School of Business at the University of Pennsylvania, where she teaches Environmental Management, Law, and Policy. She has also taught at Penn Law School and Columbia University. Light’s research examines issues at the intersection of environmental law and business and technological innovation. Her articles have addressed the regulatory implications of the rise of transportation platforms like Uber and Lyft, as well as autonomous vehicles; and the U.S. military’s role in stimulating private technological innovation to reduce fossil fuel use in what Light has called The Military-Environmental Complex. She also writes about the role of non-traditional institutions as sources of environmental governance, including the Department of Defense and the private sector through private environmental governance. Her articles have appeared in and are forthcoming in the Duke Law Journal, the UCLA Law Review, the Vanderbilt Law Review, the Emory Law Journal and the Stanford Environmental Law Journal, among others. Previously, Light served for ten years as an Assistant United States Attorney for the Southern District of New York, Civil Division, and for four years as the Chief of the Office’s Environmental Protection Unit. Light earned her J.D. from Yale Law School, an M. Phil in Politics from Oxford University where she was a Rhodes Scholar, and an A.B. in Social Studies magna cum laude from Harvard College.
Professor Jodi Short graduated from Duke University, BA cum laude (1992); Georgetown Law, JD magna cum laude (1995); and UC Berkeley, PhD in Sociology (2008). She most recently taught at Georgetown Law and was a Senior Policy Scholar at the Georgetown Center for Business and Public Policy, at the McDonough School of Business. Her research and teaching interests are in the regulation of business, in particular, the intersection of public and private regulatory regimes and the theory and practice of regulatory reform. Her prior work has examined the effects of corporate internal compliance auditing on regulatory performance, theoretical justifications for and critiques of public regulation, and tensions in the U.S. administrative state between cooperation and coercion, expertise and politics, and public and private interests. Her studies have shown how robust regulatory enforcement encourages corporations to implement effective internal compliance systems. Her current research investigates the effects of private, transnational efforts to enforce labor and environmental standards in global supply chains. The aim of this research is to demonstrate the key role of states in a world of rapidly proliferating private regulatory arrangements.
Moderator

Professor Dorit Rubinstein Reiss' undergraduate degree in Law and Political Science (1999, Magna cum Laude) is from the Faculty of Law in the Hebrew University of Jerusalem where she served as Editor in Chief of the Law Review. Following graduation from law school, Professor Reiss clerked for a year and a half in the Israeli Ministry of Justice’s Department of Public Law, working on a variety of constitutional and administrative law issues. She received her Ph.D. from the Jurisprudence and Social Policy program in UC Berkeley, writing her dissertation on accountability in the liberalized telecommunications and electricity sectors in England, France and Sweden. During her studies in Berkeley she worked as a teaching assistant in ten courses, winning the Outstanding Graduate Student Instructor Award. Professor Reiss’ research examined accountability of agencies at the state, national and international level, with agencies studied including the CPUC, the FAA, and other agencies in the United States and Europe. Increasingly, however, her research and activities are focused on legal issues related to vaccines, including exemption laws and tort liability related to non-vaccination.

Panelists

Paula Braveman, MD, MPH is Professor of Family and Community Medicine and Director of the Center on Social Disparities in Health at the University of California, San Francisco (UCSF). Her formal training is in Family and Community Medicine and in Epidemiology. For 30 years, Dr. Braveman has studied and published extensively on health equity, health disparities, and the social determinants of health, and has worked to bring attention to these issues in the U.S. and internationally. Her research has focused on measuring, documenting, understanding, and addressing socioeconomic and racial/ethnic disparities. During the 1990s she collaborated with World Health Organization staff to develop an initiative on equity in health in low- and middle-income countries. She directed the research for a Robert Wood Johnson Foundation national commission on the social determinants of health. Throughout her career, she has collaborated with local, state, federal, and international health agencies to see rigorous research translated into practice for greater health equity. She was elected to the Institute of Medicine (now the National Academy of Medicine) in 2002.
George W. Rutherford, MD, is the Salvatore Pablo Lucia Professor of Epidemiology, Preventive Medicine, Pediatrics and History; Head of the Division of Infectious Disease Epidemiology and Vice Chair of the Department of Epidemiology and Biostatistics at the University of California, San Francisco. He also directs the Global Strategic Information program within UCSF’s Institute for Global Health Sciences and the residency program in General Preventive Medicine and Public Health. Educated at Stanford University and Duke University School of Medicine, he is board certified in pediatrics and general preventive medicine and public health. He has worked primarily in public health with an emphasis on the epidemiology and control of communicable diseases, both domestically and internationally. He has held a number of positions in public health agencies, including having served as State Health Officer and State Epidemiologist for California. His academic interests have focused the epidemiology and control of infectious diseases of public health importance, and more specifically on HIV infection in low- and middle-income countries. He works in a number of countries in Africa, Latin America and the Caribbean, Asia and Eastern Europe. He is an advisor to the World Health Organization, the United Nations Joint Programme on HIV and AIDS and the Global Fund to Fight AIDS, Tuberculosis and Malaria, is the past chair the American Academy of Pediatrics Section on Epidemiology and was the first Chair of the Department of Veterans Affairs Research Advisory Council. He has also served on numerous Institute of Medicine boards and committees.
Jason L. Schwartz is an Assistant Professor of Health Policy and the History of Medicine at the Yale School of Public Health and Yale School of Medicine. He has written widely on vaccines and vaccination programs, decision-making in public health policy, and the structure and function of scientific expert advice to government. His general research interest is in the ways in which evidence is interpreted, evaluated, and translated into regulation and policy in medicine and public health. Schwartz’s publications on topics in public health policy and history have appeared in The New England Journal of Medicine, JAMA, The American Journal of Public Health, Health Affairs, and elsewhere. He is also an author of the chapter titled “Ethics” in Plotkin’s Vaccines, the leading textbook of vaccine science and policy, and editor of Vaccination Ethics and Policy: An Introduction with Readings (MIT Press, 2017). His research and perspectives have appeared in The New York Times, Washington Post, NPR, Time, Associated Press, and elsewhere. Prior to arriving at Yale, Schwartz taught at the Princeton University Center for Human Values and the Department of Medical Ethics and Health Policy at the University of Pennsylvania Perelman School of Medicine. He was also a staff member for President Barack Obama’s Presidential Commission for the Study of Bioethical Issues. Schwartz is a graduate of Princeton University, where he received an A.B. in classics, and the University of Pennsylvania, where he received a Ph.D. in the history and sociology of science and a master's degree (MBE) in bioethics.

Professor Robert Schwartz received his B.A. in Philosophy at Stanford and graduated from Harvard Law School. He served as law clerk to the High Court of American Samoa in Pago Pago before moving to New Mexico to practice Indian Law. In 1976 he left practice to join the faculty at the University of New Mexico. He has been a visiting professor at UC Hastings, Seton Hall University, Southern Illinois University, the University of Tasmania (Australia), the University of Granada (Spain), and the Indian Law Institute (New Delhi). In addition to his role as chair of the New Mexico Health Policy Commission, he has served as General Counsel to the New Mexico Human Services Department, and has worked as a WHO consultant on health law to the governments of Vietnam, Cambodia and Tonga.
Health Care in a Deregulatory Age

Moderator

Jaime S. King is a Professor of Law at the University of California Hastings College of the Law. She is also the Associate Dean and Co-Director of the UCSF/UC Hastings Consortium on Science, Law and Health Policy, the Co-Founder and Co-Director of the UCSF/UC Hastings Masters in Health Law and Policy Program, and the Director of the Concentration on Law and Health Sciences. Professor King holds a Ph.D. in Health Policy from Harvard University, a J.D. from Emory University, and a B.A. from Dartmouth College. Professor King’s research focuses on the drivers of healthcare costs, with a special interest in market consolidation and efforts to improve transparency in healthcare pricing. She is the Co-Founder and Executive Editor of The Source on Healthcare Price and Competition, a multi-disciplinary web-based resource for information and analysis about healthcare price and competition. In 2015, she testified before the House Judiciary Subcommittee on Regulatory Reform, Commercial, and Antitrust Law on issues surrounding health insurance mergers. Professor King is the 2015 recipient of the Hastings Foundation Faculty Award for Outstanding Scholarship.
Micah Berman is an associate professor of public health and law at the Ohio State University’s College of Public Health and Michael E. Moritz College of Law. He has taught courses on public health law, health care law, tobacco regulation, torts, criminal law, and products liability, and published 50 articles in law reviews and public health journals. His current research, funded by the National Cancer Institute, seeks to support the FDA’s regulation of tobacco by developing a comprehensive framework for evaluating product risks. He is also funded by the Ohio Department of Medicaid to study the effects of Ohio’s Medicaid expansion, and he is co-authoring a Public Health Law textbook that will be co-published by Oxford University Press and the American Public Health Association. Before joining Ohio State’s faculty in 2013, Professor Berman directed policy centers that provided legal and policy support to state and local health departments in Ohio, New York, and Vermont. He has also served as a senior advisor to the FDA’s Center for Tobacco Products and as a trial attorney with the U.S. Department of Justice. In 2014, he was selected by the Robert Wood Johnson Foundation to participate in its Future of Public Health Law Education faculty fellowship program. He received his J.D. from Stanford Law School and his B.A. in Public Policy from Brandeis University.
Andrew Bindman, MD, is Professor of Medicine, Epidemiology & Biostatistics, and an affiliated faculty member within the Philip R. Lee Institute for Health Policy Studies at the University of California, San Francisco. He served as director of the US Agency for Healthcare Research and Quality (AHRQ) from May 2016 until the conclusion of the Obama administration. He is a primary care physician who has practiced and taught clinical medicine at Zuckerberg San Francisco General Hospital while also conducting health services research to improve care within the health care safety net. In 2009-2010, he was a Robert Wood Johnson health policy fellow on the staff of the US House Energy and Commerce Committee and helped draft legislative language for the Affordable Care Act. From 2011 to 2014, Dr. Bindman served as a senior adviser to the US Department of Health and Human Services within the Office of the Assistant Secretary for Planning and Evaluation and later was a senior adviser to the Centers for Medicare & Medicaid Services. He received his medical degree from Mount Sinai School of Medicine in New York.

Erin C. Fuse Brown, J.D., M.P.H., is an Associate Professor of Law at the Georgia State University College of Law and a faculty member of GSU’s Center for Law, Health & Society. She specializes in health law and policy, and her research focuses on the regulation of health care markets. She has published articles in leading legal and medical journals about hospital prices, medical billing and collection, health care competition and consolidation, and consumer financial protection in health care. She is one of five new casebook authors for the 8th Edition of Health Law, published by West. Her work has been published in JAMA, Annals of Internal Medicine, Washington University Law Review, the Indiana Law Journal, Hastings Law Journal, Minnesota Journal of Law, Science, & Technology, the Journal of Law, Medicine & Ethics, American Journal of Public Health, AMA Journal of Ethics, and American Journal of Managed Care. In 2017, she was awarded the Patricia T. Morgan Award for Outstanding Scholarship among the faculty at Georgia State University College of Law. Previously, she was a Visiting Assistant Professor at Arizona State University’s Sandra Day O’Connor College of Law, she practiced in the health care group of the San Francisco office of Ropes & Gray, LLP, and she clerked for the Honorable Alan C. Kay in the U.S. District Court for the District of Hawai‘i. She received her J.D. from Georgetown University Law Center, an M.P.H. from Johns Hopkins University Bloomberg School of Public Health, and a B.A. from Dartmouth College.
Dr. Renee Hsia is Ladder Rank Professor in the Department of Emergency Medicine at the University of California San Francisco. She is Director of The PLACE - The Policy Lab for Acute Care and Emergencies - at UCSF, and also a member of the Philip R. Lee Institute of Health Policy Studies. Dr. Hsia is a national leader in research focusing on access to emergency care, especially for vulnerable populations; the effect of service availability on patient outcomes; regionalization of care; and the wide variation in the costs and charges in healthcare. She has had over 100 publications in peer-reviewed journals, and her pioneering work has been highlighted in print media such as the New York Times, national radio such as NPR, and network television. Her research is been funded by the National Institutes of Health; National Heart, Lung, and Blood Institute; the Agency for Healthcare Research and Quality; and the American Heart Association. Dr. Hsia also works as an emergency physician attending at the Zuckerberg San Francisco General Hospital and Trauma Center, and speaks Mandarin, Cantonese, Spanish, and French. She received her undergraduate degree from the Woodrow Wilson School of Public and International Affairs at Princeton University; her medical degree from Harvard Medical School; her master’s training in health policy, planning, and financing at the London School of Economics and the London School of Hygiene and Tropical Medicine; and her residency training in emergency medicine at Stanford University.
Moderator

John Crawford is a professor at the University of California Hastings College of Law. His research focuses on banking law and financial regulation. From 2008-2011, he was a lecturer at Stanford Law School. Before that, he worked as an associate at Davis Polk & Wardwell and clerked for the Honorable John T. Noonan on the Ninth Circuit Court of Appeals. He holds a B.A. from the University of Notre Dame, an M.A. from the Johns Hopkins School of Advanced International Studies, and a J.D. from Stanford Law School.

Panelists

Dr. Colleen M. Baker is an expert in banking, financial institutions law, regulation, and mediation, with extensive knowledge of the regulation of over-the-counter derivatives, derivatives clearing, the Dodd-Frank Act, and bankruptcy, in addition to being a mediator. She is an assistant professor at the University of Oklahoma's Price College of Business. Her research has been published in places such as the Harvard Business Law Review Online, the Notre Dame Law Review, the Arizona Law Review, the Capital Markets Law Journal, the University of Michigan Journal of Law Reform, and the University of Virginia Law & Business Review. She has also taught courses at the University of Illinois Urbana-Champaign Business School, the University of Notre Dame Law School, Villanova University Law School, and the Wharton Business School. She has also worked at Allen & Overy LLP, Morgan Stanley, and as a consultant at the Federal Reserve Bank of Chicago and for The Volcker Alliance. She received a JD/MBA from the University of Virginia and a PhD from the Wharton School of the University of Pennsylvania.
Financial Regulation of a Deregulatory Age

Erik Gerding is a Professor, the Associate Dean for Academic Affairs, and a Wolf-Nichol Fellow at the University of Colorado Law School. His research interests include securities, banking law, the regulation of financial markets, products, and institutions, payment systems, and corporate governance. He is the author of Law, Bubbles, and Financial Regulation, a book examining the interaction of asset price bubbles and financial regulation. He has been working since 2003 on projects involving securities, financial, and corporate law during bubbles, financial crises, and periods of market volatility. His research also focuses on the application of technology to financial regulation, including analyzing the use of technologies (such as risk models) in governing financial markets. Prior to entering academia, he practiced in the New York and Washington, D.C. offices of Cleary Gottlieb Steen & Hamilton LLP. His practice at the firm included representing clients in the financial services and technology industries in an array of financial transactions and regulatory matters. He has been quoted in articles on financial regulation in various national and international publications, including The Wall Street Journal, The Washington Post, The New York Times, The Financial Times of London, Money magazine, and Computerworld. He is a contributor to The Conglomerate, a blog of six law professors on law, business, and economics.
Gaurav Vasishht is the Director of Financial Regulation at the Volcker Alliance, a nonpartisan Alliance founded by former Federal Reserve Chairman Paul A. Volcker and focused on improving the efficiency and accountability of government organization. He oversees all aspects of the Alliance’s work on financial regulatory matters. Prior to joining the Alliance, he served as Executive Deputy Superintendent of the New York State Department of Financial Services, heading the agency’s Banking Division. He has also served as Senior Deputy Superintendent of Insurance, First Assistant Counsel and Assistant Counsel to three Governors of New York, and Assistant Attorney General in the Investment Protection Bureau of the New York State Attorney General’s Office. In his time in government, he conducted investigations that led to significant industry-wide reforms, helped develop and author statutes and regulations concerning financial services, and spoke frequently on issues of significance to the financial services industry.

David Zaring is Associate Professor in the Legal Studies and Business Ethics Department at the Wharton School. He writes at the intersection of financial regulation, international law, and domestic administration. He has written over forty articles, including publications in the Chicago, Cornell, Michigan, NYU, and Virginia law reviews, and a number of international law journals. In addition to teaching at Wharton, he has previously taught at the Bucerius, Cambridge, Penn, Vanderbilt, and Washington & Lee law schools. He has consulted for the World Bank, for financial regulators on three continents, and has written an occasional column on financial regulation for the New York Times/DealBook.