

DUKE UNIVERSITY SCHOOL OF LAW



LAW AND CONTEMPORARY PROBLEMS

The Administrative Law of
Financial Regulation

JAMES D. COX &
STEVEN L. SCHWARCZ

SPECIAL EDITORS

VOLUME 78

NUMBER 3

2015

LAW AND CONTEMPORARY PROBLEMS

Volume 78

2015

Number 3



THE ADMINISTRATIVE LAW OF FINANCIAL REGULATION

James D. Cox & Steven L. Schwarcz
Special Editors

FOREWORD.....	i
<i>James D. Cox & Steven L. Schwarcz</i>	
TOWARDS BETTER COST-BENEFIT ANALYSIS: AN ESSAY ON REGULATORY MANAGEMENT.....	1
<i>John C. Coates IV</i>	
ITERATIVE REGULATION OF SECURITIES MARKETS AFTER <i>BUSINESS</i> <i>ROUNDTABLE: A PRINCIPLES-BASED APPROACH</i>	25
<i>James D. Cox</i>	
COMMENT: THE OIRA MODEL FOR INSTITUTIONALIZING CBA OF FINANCIAL REGULATION	47
<i>Ryan Bubb</i>	
COMMENT: COST-BENEFIT ANALYSIS AND THE COURTS	55
<i>Robert J. Jackson, Jr.</i>	
THE FEDERAL RESERVE: A STUDY IN SOFT CONSTRAINTS	65
<i>Kathryn Judge</i>	
INTRINSIC IMBALANCE: THE IMPACT OF INCOME DISPARITY ON FINANCIAL REGULATION	97
<i>Steven L. Schwarcz</i>	
COMMENT: ACCOUNTABILITY AND INDEPENDENCE IN FINANCIAL REGULATION: CHECKS AND BALANCES, PUBLIC ENGAGEMENT, AND OTHER INNOVATIONS	119
<i>Michael S. Barr</i>	
THROUGH THE LOOKING GLASS TO A SHARED REFLECTION: THE EVOLVING RELATIONSHIP BETWEEN ADMINISTRATIVE LAW AND FINANCIAL REGULATION	129
<i>Gillian E. Metzger</i>	

LAW AND CUSTOM ON THE FEDERAL OPEN MARKET COMMITTEE 157

David Zaring

A COMMENT ON METZGER AND ZARING: THE QUICKSILVER PROBLEM..... 189

Thomas W. Merrill

