Economic Analysis of Law
ECO 320H
Fall, 2013
DRAFT Course Outline

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Class times:  Section L0101  Wed, 2-4 PM,  TBA
              Section L5101  Wed, 6-8 PM,  TBA
Tests/Tutorials: L0101 and L5101  Mon, 4-5 PM  TBA

Tutorials:  Before and after term tests:  Sept. 30, Oct. 14, Oct. 28, Nov. 11. Other times as needed.  Final review: Wednesday, December 4, 2-4 PM, TBA, 6-8 PM TBA.
TAs:  TBA

Administrative Matters
Prerequisites:  ECO 200Y/204/206Y and MAT 133Y/123&124H/135&136H/137Y/157Y; time and energy for reading and thinking about the course, good English language skills – this is a verbal course.

Marking Scheme:  mid-term tests 20% for the first test, 25% for the second test, in-class exercise 5%, final exam 50%.  Term tests Mon., October 7, Mon., November 4, 4-5PM.  Short exercise worth 5% done at end of class on September 18? no make-up.  Absence from the tests will only be excused for serious illness, notified to me no later than the day after the test, with a note from a doctor that I deem sufficient.  Workforce absenteeism averages 3%.  An excused absence leads to a make-up term test.  An unexcused absence leads to a zero.

Office hours:  Max Gluskin House 323, Monday, 5-6PM, Thursday, 4-5 PM.  Ask questions about the course in these office hours after studying relevant readings.  See this video for motivation:  http://www.youtube.com/watch?v=576TsBiJpm4

Web support: this is a Blackboard course.  Blackboard will have announcements, readings, class notes and a discussion board.  Please submit general questions to the discussion board.  Your classmates may answer them; if not, I will try to answer within two working days.  Everyone can benefit from the question and answers.  Access the course website at http://portal.utoronto.ca and log in using your UTORid and password.  Once in, look for the My Courses module, where you will find the link to the ECO 320 course website and your other Blackboard-based courses.

Email policy:  Please address questions about the course ideas, materials, substance and procedure to the discussion board.  For personal issues only, email me at:  dewees@chass.utoronto.ca.  Use your UTORmail account and write ECO 320 and your name in the subject line.  I will try to respond within two working days.
1. Course Materials

BUY:

Reference:

Other Law and Economics books of interest (all entirely optional):


Finding Journals:
The reading list includes some journal articles or working papers. The journals are available to UofT students through the UofT library on JSTOR, [http://www.jstor.org](http://www.jstor.org). A link is provided below to the particular journal. Browse for the issue, click on the article.


You will be asked to provide your library barcode and a PIN, which should be the last 4 digits of your student number, unless you have changed it. Once you log in, you can access all JSTOR articles. Use the search function to search for the name of the article. The article you want may not be at the top of the results, so check the article with the exact title as listed in the outline. Once you find the article, click on it, and view it online or download it as a pdf file.
2. Course Goals

- Learn basic elements of the law, predominantly Canadian and US common law and some statutory law. Learn how the basic elements of the legal system work.
- Learn how to use economic tools to analyse and understand the efficiency and distributional effects of alternative legal doctrines.
- Understand the implications of costly information, limited information and transactions costs for the application of economic models to real-world problems.

3. Course Topics and Readings

Week 1
1. Introduction to law, legal institutions and language.
   C&U, Chapter 1: Introduction to L&E (pp. 1-10) [5th: pp. 1-13].
   Chapter 3: Introduction to Law and Legal Institutions (55-69) [5th: 59-73]
   Background: Waddams, Chs. 1, 3, 10.
   Optional: short overview of the Canadian court system by the federal Department of Justice, see: http://www.justice.gc.ca/eng/dept-min/pub/ccs-ajc/index.html.

Week 2
2. Application of Economics to Legal Issues
   Finish the readings listed for Week 1.
   C&U, Chapter 2 Microeconomics Review, review your micro theory notes especially for Pareto, Kaldor-Hicks, welfare comparisons.
   Read C&U, Chapter 4: An Economic Theory of Property (half: 70-91) [5th: 74-96].
   Economic theory of property, property as bargaining.

Weeks 3 & 4:
3. Property Rights
   Property as a social contract. Coase, transactions costs. Protecting property rights: damages versus injunctions.
   Chapter 5: Topics (pp. 112-186, ex as noted below, net 47 pgs) [5th: 119-194, net 45 pgs.]
   Patents, copyright; skip I.C (135-138) [5th: 143-147]; public and private property; establishing property rights; skip II.E and III (153-166) [5th: 161-174]; remedies, skip IV.D and E (174-184) [5th: 182-192].


Background, optional: The Economist 22 May 2010 “For Want of a Drink” special report; R. Coase, "The Problem of Social Cost", Journal of Legal Studies (1960); Percy, David R.,
October 7: Term Test, Monday, 4PM.

Weeks 5 & 6:

4. Torts

C&U, Chapter 6: An Economic Theory of Tort Law (pp. 187-227) [5th: Ch. 8, 322-364.]
Chapter 7: Topics (pp. 230-274 except as noted below, net 41 pgs) [5th: Ch 9, 367-413 net 42]; read I.A: relaxing the core assumptions: rationality, regulations, insurance, bankruptcy, litigation costs; skip I.B.1&2 (244-247) [5th: 381-385]; read I.B.3&4, read II. computing damages (248-261) [5th: 385-398]; read III empirical assessment.

Optional: D. Dewees, “The Efficiency of Comparative Negligence,” 1-page summary. (P)


Kitchen Aid Toaster Safeguards (P)

Re: product liability, see Wacky Warning Label Contest site: http://www.wackywarninglabelstv.com/ .

Weeks 7 & 8:

5. Contracts

C&U, Chapter 8: An Economic Theory of Contract (pp. 276-305) [5th: Ch. 6, 195-244].
Bargaining theory vs economic theory of contract; remedies; default rules and gap-filling.
Chapter 9: Topics (pp. 307-372) [5th: Ch. 7, 245-310]. Optional: skim math appendix (373-381) [5th: 311-321].
Remedies, contingencies, reliance, defences & excuses.


Dell Dimension One-Year Limited Warranty (P)

Test: November 4: Contracts & Torts, Monday 4PM

Weeks 9 & 10:

6. Procedure


The value of a claim, when to sue, the agency problem with your lawyer; information and
the settlement process; cost and fee rules in the trial; appeals.

Chapter 11: Topics. (pp. 419-453) [5th: Ch. 10, Sec. VII, 474-484.]

The market for legal services, class actions, nuisance suits, empirical assessment. Skip
sections G & H (pp. 433-436); skim section II. (pp. 442-452).

M.L. Schwartz and D.J.B. Mitchell, "An Economic Analysis of the Contingent Fee in
http://www.jstor.org/journals/00389765.html . Omit footnotes – the main text is not long.

L. Kaplow, "Private Versus Social Costs in Bringing Suit", J. Legal Studies 15:2, June

through the UofT Library, e-journals.

E.J. Lopez, ed., The Pursuit of Justice: Law and Economics of Legal Institutions, read the
promotional material only (Highlights and Synopsis) at:

US procedure. (P)

Weeks 11 & 12:

7. Crime

11, pp. 485-518]

Chapter 13, Topics (pp. 485-532). [5th: Ch. 12, pp. 519-567.]

Criminal law theory; rational crime; intent and irrationality; optimal enforcement and
deterrence; private enforcement and deterrence, death penalty, drugs, guns, US trends.

Donohue, John and Justin Wolfers, 2006, “The Death Penalty: No Evidence for Deterrence,”


Available through the UofT Library, e-journals, ProQuest.
