

Course Syllabus
ECO 320H1 F LEC0101 and LEC9101
AN ECONOMIC ANALYSIS OF LAW
Department of Economics
University of Toronto
Fall 2020

Contact Information

Instructor: Robert Barber

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Office: 150 St. George Street, GE 264

Office hours: See Contact Hours

COURSE TEACHING ASSISTANTS

Allison Nicole Devlin: allie.devlin@mail.utoronto.ca

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The TA's will not have regularly scheduled office hours.

COURSE WEBSITE

Access on Quercus <https://q.utoronto.ca>.

Time Zone Information

All lecture times, tutorial times, exam times, deadlines, etc. are stated in local Toronto time. Please note that Toronto adheres to Eastern Daylight Time until Sunday, November 1, 2020, 2:00 am, followed by Eastern Standard Time until Sunday, March 14, 2021, 2:00 am, followed again by Eastern Daylight Time. It is your responsibility to correctly convert local Toronto time to your time zone: we will not accept confusion about deadlines as an excuse for lateness or missed tests/work.

Contact Hours

LECTURE MODULES

For both sections, LEC0101 and LEC9101, content will be organized by weekly asynchronous Modules on Quercus. You go to the course Quercus website and click on the Module which is identified by week. Each week we will cover that week's Module of pre-recorded lecture and tutorial videos, power point slides, cases, articles and quizzes. Each module is asynchronous online. LEC0101 and LEC9101 will not meet at a given lecture time, instead content will be posted each Monday of the week for both sections. For each module, you are expected to complete the text readings, watch the pre-recorded videos, and complete the quizzes by the quiz due dates.

LECTURES

For both sections, LEC0101 and LEC9101, the lectures are asynchronous. Students will be responsible for all the material presented online, except the cases and articles referred to in the recorded lectures. Students should be advised that much of the material covered at the lectures will be additional to the required readings and the power point slides. All of the lecture material, slides and the text are eligible for inclusion in the term tests and final assessment.

TUTORIALS

For both sections, LEC0101 and LEC9101, students will be responsible for the tutorial questions, tutorial solutions and the pre-recorded tutorials. This material is eligible for inclusion in the term tests and final assessment. Additionally, for section LEC0101, in person tutorials will occur at University College, UC 140 each Wednesday, 1PM to 3PM, starting Wednesday, September 16, 2020.

QUIZZES

For both sections, LEC0101 and LEC9101, there will not be a quiz for the first module. The first quiz with Module 2 will be a practice quiz. There will be a quiz with each weekly module starting with Module 3 for the remainder of the course for a total of 10 quizzes worth 10 points each. Only the top 9 will be counted towards the final quiz mark for a total of 90 points. This will be converted to a grade of 100, worth 20% of the final mark. The quizzes can be accessed by the Quiz link on the course Quercus site.

OFFICE HOURS

For both sections, LEC0101 and LEC9101, office Hours will be held online via Bb Collaborate. Mondays 10 – 11am and Wednesdays 5-6pm. The first office hours will be Monday, September 14, 10 – 11am. When accessing the Course Room, please do not use long distance phoning.

TERM TESTS

For both sections, LEC0101 and LEC9101, Term Test 1 will be administered from 11AM - 1PM and 7PM - 9PM, Monday, October 26, 2020 by Crowd Mark. Term Test 2 will be administered from 11AM - 1PM and 7PM - 9PM, Monday, November 30, 2020 by Crowd Mark. All students will be assumed to be in the 11AM – 1PM session, unless they email the instructor before the test to specify their wish to write in the 7PM - 9PM session. The Final Assessment will be administered during the Winter Examination period by Crowd Mark.

Communication

ANNOUNCEMENTS

Please make it a habit of checking the Course Quercus site and the Economics Department website for current announcements regarding courses (i.e. class cancellations).

EMAILS

If you email us, you must use your University email address and include the course code in the subject line. We will do our best to answer your questions within 48 hours.

Please attend the online office hours if you prefer prompt responses to your questions. Please do not use the Quercus Inbox Application to communicate with us. We do not answer these.

Course Objectives and Learning Outcomes

For both sections, LEC0101 and LEC9101, this course involves the practical application of microeconomic theory to common legal problems: torts, contracts, property and crime, and the limitations of economic analysis. No previous familiarity with the law is assumed. (This is an economic analysis of legal issues, not a course in law).

Prerequisites

[ECO200Y1/ECO204Y1/ECO206Y1](#)

Prerequisites are strictly checked and enforced and must be completed before taking a course. By taking this course you acknowledge that you will be removed from the course at any time if you do not meet all requirements set by the Department of Economics.

Course Materials

REQUIRED TEXT:

Cooter and Ulen, Law & Economics, 6th ed., Addison-Wesley (Pearson), Toronto, Canada, 2011, ISBN: 978-0-13-25-4065, available at the Berkeley Law Scholarship Repository:

http://www.econ.jku.at/t3/staff/winterebmer/teaching/law_economics/ss19/6th_edition.pdf

Course Outline

Week of Monday, September 14, 2020 to Friday, September 18, 2020

INTRODUCTION:

Lecture 1

Introduction – Chapter 1

Microeconomic Background – Chapter 2

Law and Legal Institutions – Chapter 3

Please Turn to Page 5

Week of Monday, September 21, 2020 to Friday, September 25, 2020

INTRODUCTION (Continued):

Lecture 2	Introduction
Examples	Landlord and Tenant Law
Examples	Employment Law
Examples	Competition Law

Week of Monday, September 28, 2020 to Friday, October 2, 2020

PROPERTY LAW:

Lecture 3	Economics of Property – Chapter 4 <i>Coase, Ronald, "The Problem of Social Cost", (1960) 3 J. of Law and Economics 1 – 44.</i> Case: K.V.P v. McKie (Ontario) – <i>McKie v. KVP - Commentary by Benidickdson, Jamie</i>
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Week of Monday, October 5, 2020 to Friday, October 9, 2020

PROPERTY LAW:

Lecture 4	Topics in the Economics of Property Law Chapter 5 <i>D.N. Dewees, M. Halewood, "The Efficiency of the Common Law: Sulphur Dioxide Emissions in Sudbury", U. of Toronto Law J. 42, 1992, pp. 1-21.</i>
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Week of Tuesday, October 13, 2020 to Friday, October 16, 2020

CONTRACT LAW:

Lecture 5

Economics of Contracts – Chapter 8

Case: Hadley v Baxendale

Case: McKnight v. Morrison - O.S.C.J. (2019)

Week of Monday, October 19, 2020 to Friday, October 23, 2020

CONTRACT LAW:

Lecture 6

Topics in the Economics of Contracts - Chapter 9.

Case: Laidlaw v. Organ

Case: Cotton v. Monahan - O.S.C.J. (2010); O.C.A. (2011) – Buyer Beware

Week of Monday, October 26, 2020 to Friday, October 30, 2020

Test 1 – Monday, October 26, 2020 – 11AM to 1PM – Day Session

Test 1 – Monday, October 26, 2020 – 7PM to 9PM – Evening Session

TORT LAW

Lecture 7

Economics of Tort Law – Chapter 6

Week of Monday, November 2, 2020 to Friday, November 6, 2020

TORT LAW

Lecture 8

Topics in the Economics of Tort – Chapter 7

Winter, Ralph, "Liability Insurance, Joint Tortfeasors and Limited Wealth", 26, 1, (2006) International Review of Law and Economics 1.

Please Turn to Page 7

Week of Monday, November 9, 2020 to Friday, November 13, 2020

FALL READING WEEK

Week of Monday, November 16, 2020 to Friday, November 20, 2020

Lecture 9

Economics of Crime and Punishment – Chapter 12

Dee, Thomas S. and Brian A. Jacob, 2010, "Rational Ignorance in Education: A Field Experiment in Student Plagiarism," NBER Working Paper No. 15672.

Week of Monday, November 23, 2020 to Friday, November 27, 2020

Lecture 10

Economics of Crime and Punishment – Chapter 12

Polinsky, A. Mitchell and Steven Shavell, 2000, "The Economic Theory of Public Enforcement of Law" J. Econ. Literature 38:1, March, 45-76.

Case: The Queen v. Belakiz - Plea Bargains (A.C.A – 2018)

Week of Monday, November 30, 2020 to Friday, December 4, 2020

Test 2 – Monday, November 30, 2020 – 11AM to 1PM – Day Session

Test 2 – Monday, November 30, 2020 – 7PM to 9PM – Evening Session

Lecture 11

Economics of the Legal Process – Chapter 10

Topics in the Economics of the Legal Process – Chapter 11 - Pages 419 – 442

Ashenfelter, Bloom and Dahl, "Lawyers As Agents of the Devil", Journal of Empirical Legal Studies, Volume 10, Issue 3, 399–423, September 2013.

Week of Monday, December 7, 2020 to Wednesday, December 9, 2020

Lecture 12

Topics in the Economics of the Legal Process – Chapter 11

L. Kaplow, "Private Versus Social Costs in Bringing Suit", J. Legal Studies 15:2, June 1986, pp. 371-383

Friday, December 11, 2020 to Wednesday, December 22, 2020

STUDY AND FINAL ASSESSMENT PERIOD

Evaluation

Term Test 1 – Crowd Mark - (Monday, October 26, 2020)	25%
Term Test 2 – Crowd Mark - (Monday, November 30, 2020)	25%
Lecture Quizzes – Quercus –	20%
Oral Test Question by Appointment – Course Room – Bb Collaborate	5%
Final Assessment – Crowd Mark – (December 11, 2020 to Wednesday, December 22, 2020)	25%

Late Submissions

Policy regarding late submissions.

- If you require an extension of time please request this at least 5 business days in advance. Asking for an extension the day before, or the day of, is not a sufficient amount of time.
- Computer viruses, crashed hard drives, broken printers, lost or corrupted files, incompatible file formats, faulty internet, battery problems, and similar mishaps are common issues when using technology, and are not acceptable grounds for a deadline extension.
- It is every student's responsibility to ensure that their online submission is submitted successfully by the due date. Accommodations will not be made for unsuccessful submissions due to, but not limited to, i) the system timing out, ii) submitting the incorrect document(s), iii) poor internet connection / no internet connection etc.

Please Turn to Page 9

Missed Term Work and Make Up Test

Students **CANNOT** petition to re-write a quiz/test once the test has begun. If you are feeling ill, please do not start the online or in-class test, seek medical attention immediately, and the policy on Missed Term Work will apply.

Students who miss a test / due date because of circumstances beyond their control (e.g. illness or an accident) can request that the Department grant them special consideration. The following steps must be completed in order to be considered for academic accommodation for any missed quiz/test/assignment.

1. Your absence should be declared on ACORN on the day of the missed test / due date, or by the day after, at the latest.
2. You must notify your professor by e-mail within one week of the missed test / deadline.
3. Consult the Office of the Registrar should your absence be lengthy or affect multiple courses.

The written explanation and documentation that you submit represents an appeal from you, requesting the opportunity to account for that portion of your grade in some other manner. If an appeal is not received, or if the appeal is deemed unacceptable, you will receive a grade of zero for the item you missed. If the appeal is granted – that is, your reason for missing the item is considered acceptable by the professor – then you can do the Make Up Test.

For both sections, LEC0101 and LEC9101, the Make-Up Test will be administered from 11AM - 1PM, Thursday, December 10, 2020 by Crowd Mark. Only one make-up test will be scheduled for this course. This test will cover all the lectures, readings and slides for the course period up to and including Lecture 10. The Make-Up Test is worth 25%.

Note that it is your responsibility to ensure that your email account is working. Claims that a Departmental decision was not received will NOT be considered as a reason for further consideration.

Note that holidays and pre-purchased plane tickets, family plans, your friend's wedding, lack of preparation, or too many other tests/assignments are not acceptable excuses for missing a quiz, a test or an item of term work.

ACCOMMODATIONS FOR PERSONAL REASONS

There may be times when you are unable to complete course work on time due to non-medical reasons. If you have concerns, speak to me. It is also a very good idea to speak with an advisor in your College Registrar's office; they can support you in requesting extensions or accommodations, and importantly, connect you with other resources on campus for help with your situation.

Regrade Request

A student who believes that their written term work has been unfairly marked may ask the instructor for re-evaluation. Students have up to one month from the date of return of an item of term work to inquire about the mark. Such re-marking may involve the entire piece of work and may raise or lower the mark.

Any appeal of the mark beyond the instructor in the course may only be made for term work worth at least 20% of the course mark. Such appeals must be made in writing to the department within one month after the work was returned, explaining in detail why the student believes that the mark is inappropriate. The appeal must summarize all previous communications between the student and previous markers of the work. The student must submit the original marked piece of work.

If the department believes that re-marking is justified, the department will select an independent reader. The student must agree in writing to be bound by the results of the re-reading process or abandon the appeal.

Where possible, the independent reader should be given a clean, anonymous copy of the work. Without knowing the original assigned mark, the reader will determine a mark for the work. The marking of the work should be considered within the context of the course of instruction for which it was submitted. If the new mark differs substantially from the original mark, the department will determine a final mark taking into account both available marks.

Privacy and Use of Course Materials

This course, including your participation, will be recorded on video and will be available to students in the course for viewing remotely and after each session.

Course videos and materials belong to your instructor, the University, and/or other source depending on the specific facts of each situation and are protected by copyright. In this course, you are permitted to download session videos and materials for your own academic use, but you should not copy, share, or use them for any other purpose without the explicit permission of the instructor. For questions about recording and use of videos in which you appear please contact your instructor.

Technology Requirements and Technology Problems

In order to take this course, you will need reliable and regular access to a laptop/desktop; a cell phone is NOT sufficient. You will also need reliable and regular access to high-speed internet. See the University's [Recommended Technology Requirements for Remote/Online Learning](#).

You must have access to a laptop or desktop computer with a strong, stable internet connection. A phone cannot be an acceptable substitute as some required components may not be accessible on smartphones. A camera and mic are required for online contact activities such as office hours. High speed broadband access (LAN, Cable or DSL) is highly recommended

This course requires the use of computers, and of course, sometimes things can go wrong when using them. You are responsible for ensuring that you maintain regular backup copies of your files, use antivirus software (if using your own computer), and schedule enough time when completing an assignment to allow for delays due to technical difficulties. Computer viruses, crashed hard drives, broken printers, lost or corrupted files, incompatible file formats, faulty internet, and similar mishaps are common issues when using technology, and cannot be an acceptable ground for a deadline extension.

Student Conduct

It is your responsibility as a student at the University of Toronto to familiarize yourself with, and adhere to, [The Code of Student Conduct](#), which is a University policy that sets out expectations for student behavior, and prescribes processes for dealing with prohibited behaviour.

The [Student's Companion to the Student Code of Conduct](#) is a set of frequently asked questions and the responses about the Code of Student Conduct. It aims to simplify and clarify Code usage for the University's community members.

Academic Integrity

All students, faculty and staff are expected to follow the University's guidelines and policies on academic integrity. For students, this means following the standards of academic honesty when writing assignments, collaborating with fellow students, and writing tests and exams. Ensure that the work you submit for grading represents your own honest efforts.

Academic integrity is essential to the pursuit of learning and scholarship in a university, and to ensuring that a degree from the University of Toronto is a strong signal of each student's individual academic achievement. As a result, the University treats cases of cheating and plagiarism very seriously. The University of Toronto's Code of Behaviour on Academic Matters (www.governingcouncil.utoronto.ca/policies/behaveac.htm) outlines the behaviours that constitute academic dishonesty and the processes for addressing academic offences. Potential offences include, but are not limited to:

In papers and assignments:

1. Using someone else's ideas or words without appropriate acknowledgement.
2. Submitting your own work in more than one course without the permission of the instructor.
3. Making up sources or facts.
4. Obtaining or providing unauthorized assistance on any assignment.

On tests and exams:

1. Using or possessing unauthorized aids.
2. Looking at someone else's answers during an exam or test.
3. Misrepresenting your identity.

In academic work:

1. Falsifying institutional documents or grades.
2. Falsifying or altering any documentation required by the University.

All suspected cases of academic dishonesty will be investigated following procedures outlined in the Code of Behaviour on Academic Matters. If you have questions or concerns about what constitutes appropriate academic behaviour or

appropriate research and citation methods, you are expected to seek out additional information on academic integrity from your instructor or from other institutional resources.

Plagiarism—representing someone else’s work as your own or submitting work that you have previously submitted for marks in another class or program—is a serious offence that can result in sanctions. Speak to me for advice on anything that you find unclear. To learn more about how to cite and use source material appropriately and for other writing support, see the U of T writing support website at www.writing.utoronto.ca/.

Consult the Code of Behaviour on Academic Matters for a complete outline of the University’s policy and expectations. For more information, please see <http://www.artsci.utoronto.ca/osai> and <http://academicintegrity.utoronto.ca/>

LEARNING DISABILITY OR ACCOMMODATION REQUIREMENT

Students with diverse learning styles and needs are welcome in this course. If you have an acute or ongoing disability issue or accommodation need, you should register with Accessibility Services (AS) (accessibility.utoronto.ca) at the beginning of the academic year. Without registration, you will not be able to verify your situation with your instructors, and instructors will not be advised about your accommodation needs. AS will assess your medical situation, develop an accommodation plan with you, and support you in requesting accommodation for your course work. Remember that the process of accommodation is private: AS will not share details of your condition with any instructor, and your instructors will not reveal that you are registered with AS. For accessibility services/accommodation, please see: <http://www.studentlife.utoronto.ca/as>

RELIGIOUS ACCOMMODATION

As a student at the University of Toronto, you are part of a diverse community that welcomes and includes students and faculty from a wide range of backgrounds, cultural traditions, and spiritual beliefs. For my part, I will make every reasonable effort to avoid scheduling tests, examinations, or other compulsory activities on religious holy days not captured by statutory holidays.

Further to University Policy, if you anticipate being absent from class or missing a major course activity (like a test, or in-class assignment) due to a religious observance, please let me know as early in the course as possible, and with sufficient notice (at least two to three weeks), so that we can work together to make alternate arrangements.

SERVICES and SUPPORT

The following are some important links to help you with academic and/or technical service and support

- General student services and resources at [Student Life](#)
- Full library service through [University of Toronto Libraries](#)
- Resources on conducting online research through [University Libraries Research](#)
- Resources on academic support from the [Academic Success Centre](#)
- Learner support at the [Writing Centre](#)
- Information about [Accessibility Services](#)
- Information for [Technical Support/Blackboard Support](#)