

**Course Syllabus**  
**ECO 320H1 S LEC0101**  
**AN ECONOMIC ANALYSIS OF LAW**  
**Department of Economics**  
**University of Toronto**  
**Summer 2021**

Contact Information:

**Instructor: Robert Barber**

**Email: [robert.barber@utoronto.ca](mailto:robert.barber@utoronto.ca)**

**Office hours: Tuesdays :10am - 12pm and 8pm - 10pm**

**COURSE TEACHING ASSISTANTS**

**Bilali, Albi**

**Gallant, Jessica**

**Hsieh, Hugo**

**Sengil, Ulic**

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

**COURSE WEBSITE**

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

**Communication**

**ANNOUNCEMENTS**

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

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#### OFFICE HOURS

Office Hours will be held online via Bb Collaborate, each Tuesday, 10 – 12pm and 8 - 10pm. The first office hours will be Tuesday, July 6, 10 – 12pm. When accessing the Course Room, at Bb Collaborate please do not use long distance phoning.

#### EMAILS

If you email me, you must use your university email address and include the course code in the subject line. I will do my 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 me. I do not answer these.

#### 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. 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.

#### Course Information and Content

##### LECTURE MODULES

Course content will be organized by weekly online 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 will not meet at a given lecture time, instead content will be posted by 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

**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. **The cases and articles are optional reading.** Students should be advised that some 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 midterm test and final assessment.

## TUTORIALS

**The tutorials are asynchronous.** Students will be responsible for the posted tutorial questions, tutorial solutions and the pre-recorded tutorials. This material is eligible for inclusion in the midterm test and final assessment. Tutorial solutions will be posted in the week following the posting of the tutorial questions.

## QUIZZES

There will be a practice quiz for Lectures 1 and 2 in the first module. This practice quiz will not count towards the Quiz/Participation mark. There will be a quiz uploaded each week thereafter for a total of 5 quizzes thereafter. These 5 quizzes will count towards the Quiz/Participation mark.

There are two (2) lectures in each module, so each weekly Quiz will consist of 10 multiple choice questions, 5 questions randomly selected from each lecture in that week's module. Each quiz will be accessed through the Quiz link at the course Quercus website and will run for 30 minutes once the Quiz starts.

#### MIDTERM TEST

The Midterm Test will be administered synchronously from 2PM to 4:30PM and 8PM to 10:30PM, Wednesday, July 28, 2021, on Crowd Mark. All students will be assumed to be in the 2PM – 4:30PM session, unless they email me before the test to specify their wish to write in the 8PM – 10:30PM session.

#### COURSE ASSIGNMENT

The Course Assignment will be available Monday, July 12, 2021, on Quercus and due Friday, August 6, 2021. Students will prepare an assignment of 6 pages on a course topic. The topic will be the economic analysis of a law, rule, legal problem or legal case the student chooses and will be worth 20%. More detailed instructions will be posted in a separate document after the Assignment starts on Monday, July 12, 2021.

#### FINAL ASSESSMENT

The Final Assessment will be administered during the Examination period, Mid-August (August 17 – 20) on Crowd Mark. The Faculty of Arts and Science will set the exact date and time later in the term, which will then be announced on Quercus. As soon as a precise date and time is scheduled for the Final Assessment by the Faculty of Arts and Science, that will be announced on the course Quercus.

#### Course Objectives and Learning Outcomes

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, freely available at the Berkeley Law Scholarship Repository:**

[http://www.econ.jku.at/t3/staff/winterebmer/teaching/law\\_economics/ss19/6th\\_edition.pdf](http://www.econ.jku.at/t3/staff/winterebmer/teaching/law_economics/ss19/6th_edition.pdf)

## Course Schedule

**Week of Monday, July 5, 2021 to Friday, July 9, 2021**

### INTRODUCTION:

Lecture 1

Introduction – Chapter 1

Microeconomic Background – Chapter 2

Law and Legal Institutions – Chapter 3

### INTRODUCTION (Continued):

Lecture 2

Introduction

Examples

Landlord and Tenant Law

Examples

Employment Law

Examples

Competition Law

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**Week of Monday, July 12, 2021 to Friday, July 16, 2021**

**Course Assignment – Monday, July 12, 2021**

**PROPERTY LAW:**

Lecture 3

Economics of Property – Chapter 4

*Coase, Ronald, "The Problem of Social Cost", (1960) 3 J. of Law and Economics 1 – 44.*

Case: K.V.P v. McKie (Ontario) –

*McKie v. KVP - Commentary by Benidickdson, Jamie*

**PROPERTY LAW:**

Lecture 4

Topics in the Economics of Property Law Chapter 5

*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.*

**Week of Monday, July 19, 2021 to Friday, July 23, 2021**

**CONTRACT LAW:**

Lecture 5

Economics of Contracts – Chapter 8

Case: Hadley v Baxendale

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

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**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, July 26, 2021 to Friday, July 30, 2021**

**TORT LAW:**

Lecture 7

Economics of Tort Law – Chapter 6

**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.*

**Midterm Test – Wednesday, July 28, 2021 – 2PM to 4:30PM – Session**

**Midterm Test – Wednesday, July 28, 2021 – 8PM to 10:30PM – Session**

**Week of Tuesday, August 3, 2021 to Friday, August 6, 2021**

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.*

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Lecture 10

Economics of Crime and Punishment – Chapter 13

*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. Belakziz - Plea Bargains (A.C.A – 2018)

**Course Assignment – Due: Friday, August 6, 2021 – 11:59PM – Quercus**

**Week of Monday, August 9, 2021 to Friday, August 13, 2021**

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.*

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*

**Week of Monday, August 16, 2021 to Friday, August 20, 2021**

**Make Up Test – Monday, August 16, 2021 – 2PM to 4:30PM**

**FINAL ASSESSMENT PERIOD**

## Evaluation

Midterm Test – Crowd Mark - (Wednesday, July 28, 2021)	25%
Assignment – Quercus - (Friday, August 6, 2021)	20%
Lecture Quizzes – Quercus	20%
Final Assessment – Crowd Mark - Mid-August (August 17 – 20)	35%

## 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.

## Missed Term Work and Make Up Test

Students **CANNOT** petition to re-write a quiz or a test once the quiz or 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.

The Make-Up Test will be administered from 2PM – 4:30PM, Monday, August 16, 2021 on 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 6. 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 week 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.

### [Assignment and Turnitin.com](#)

You will need to be proactive to avoid technical and other difficulties—which put strains on your internet bandwidth, learning how to scan efficiently, carefully reading all assessment instructions, and contacting your instructors/TAs immediately with any problems.

You need to store your work for this course in at least two places: your hard drive plus a memory card or the cloud. Make multiple backups of your files and physically store the backups in a different location from your originals or online. Remember: all hard disks will fail. Indirectly, this course measures your ability to manage computer files. Computer or file failure does not excuse you submitting your work.

You will need the hardware, software, and knowledge to scan your handwritten work to be uploaded. You must be able to scan efficiently without creating very large files: you may need to learn about your phone or scanner, install software/updates, and/or search for solutions online. Most phones can scan (making a separate scanner unnecessary) and we accept PDF, JPG, and PNG files.

Normally, students will be required to submit their course essays to Turnitin.com for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source

documents in the Turnitin.com reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of the Turnitin.com service are described on the Turnitin.com web site.

If you have an objection to the use of Turnitin for the submission of your work, please make an appointment to speak personally with the Course Instructor to discuss alternative arrangements before Monday, July 26, 2021. Alternative submissions could include:

- requiring annotated bibliographies from you;
- requiring you submit all rough work with your paper;
- requiring that you include the call numbers or web site addresses of all sources cited in your paper.

## 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](http://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/](http://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](http://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](#)