

**Course Syllabus**  
**ECO 320H1 F LEC0101**  
**AN ECONOMIC ANALYSIS OF LAW**  
**Department of Economics**  
**University of Toronto**  
**May – June, 2023**

**CONTACT INFORMATION**

**Instructor: Robert Barber**

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

**Office: 150 St. George Street, GE 150**

**COURSE TEACHING ASSISTANTS**

**Nasir Hossein**

**Alex Hempel**

**Hugo Hsieh**

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

**COURSE WEBSITE**

**<https://q.utoronto.ca>.**

**EVALUATION**

<b>Midterm Test - Wednesday, May 17, 2023</b>	<b>20%</b>
<b>Course Assignment - Wednesday, June 7, 2023</b>	<b>25%</b>
<b>Lecture Quizzes</b>	<b>20%</b>
<b>Final Exam</b>	<b>35%</b>

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#### **OFFICE HOURS**

Office hours will be held in person each Wednesday 11AM to 1PM, in GE 150, Max Gluskin Building (Dept. of Economics), 150 St. George St., starting Wednesday, May 10, 2023.

#### **TIME ZONE**

All lecture times, tutorial times, exam times, deadlines, etc. are stated in local Toronto time. Please note that Toronto adheres to Eastern Daylight Time. The University does not accept confusion about deadlines as an excuse for lateness or missed tests/work.

#### **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 do not use the Quercus Inbox Application to communicate with us. We do not answer these.

#### **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, 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)

### **LECTURES**

This term all Lectures, followed by the Tutorial will be in person. The lectures and tutorials will not be recorded. The Lectures and Tutorials will be held each Monday and Wednesday (except holidays) from 2:10 PM to 5PM, in the University College building, 15 King's College Circle, Room UC 179.

At these lectures, the students will be able to maximize their interaction with the course instructor who would be able to answer questions and provide in class demonstrations.

Students will be responsible for all the material presented in the lectures and tutorials. The lecture and tutorial material, slides and the assigned readings from the Text are eligible for inclusion in the term test and final exam.

### **TUTORIALS**

There will be a Tutorial after each Lecture, starting Monday, May 8, 2023. These tutorials will run from 4:10PM to 5PM, in person, at the same location as the Lectures at University College, UC 179. Tutorial questions will be posted on the course Quercus website prior to the tutorials. Answers and discussions will be provided at the tutorials.

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### QUIZZES

Starting Wednesday, May 10, 2023, Lecture 2, there will be multiple choice quizzes available on the Quercus website based on the Lectures presented in class. Each Quiz will consist of 10 multiple choice questions randomly selected from each lecture. Each quiz will be accessed through the Quiz link at the course Quercus website and will run for 30 minutes once the student's Quiz starts. Quiz availability will last two (2) weeks from the date of each lecture.

The Quiz for Lecture 2, Wednesday, May 10, 2023, will be a practice quiz. There will be a quiz thereafter starting with Lecture 3 and finishing with Lecture 11 for a total of 9 quizzes worth 10 points each. The top 8 quizzes will be counted towards the final quiz score out of a total of 80 points. This will be converted to a grade of 100, worth 20% of the final mark.

### MIDTERM TEST

There will be a two (2) hour in person midterm test based on the first three (3) lectures and tutorials on Wednesday, May 17, 2023. The Test will run from 2:10PM to 4PM at UC 179. This test will be worth 20% of the final mark. There will be a brief Lecture after the Test, instead of a tutorial on May 17.

### COURSE ASSIGNMENT

The Course Assignment will be available Monday, May 15, 2023, on Quercus and due Wednesday, June 7, 2023. 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 25% of the final mark. More detailed instructions will be posted in a separate document on Monday, May 15, 2023. Use of generative AI tools are not permitted for the final submitted copy of the Assignment.

### FINAL EXAM

The exam will be administered during the Examination period. The Faculty of Arts and Science will set the exact date and time later in the term. The Final Exam will be worth 35% of the final mark.

**COURSE SCHEDULE**

**INTRODUCTION:**

**Monday, May 8, 2023**

**Lecture 1**

**Introduction – Chapter 1**

**Microeconomic Background – Chapter 2**

**Law and Legal Institutions – Chapter 3**

**PROPERTY LAW:**

**Wednesday, May 10, 2023**

**Lecture 2**

**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:**

**Monday, May 15, 2023**

**Lecture 3**

**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.*

**CONTRACT LAW:**

**Wednesday, May 17, 2023**

**Midterm Test – Lectures 1 to 3 – In Person - UC 179 – 2:10PM to 4PM**

**Lecture 4 – 4:10PM to 5PM**

**Economics of Contracts – Chapter 8**

**Case: Hadley v Baxendale**

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

**Monday, May 22, 2023**

**Statutory Holiday – No Lecture or Tutorial**

**CONTRACT LAW**

**Wednesday, May 24, 2023**

**Lecture 5**

**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**

**TORT LAW**

**Monday, May 29, 2023**

**Lecture 6**

**Economics of Tort Law – Chapter 6**

**TORT LAW**

**Wednesday, May 31, 2023**

**Lecture 7**

**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.***

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**CRIMINAL LAW:**

**Monday, June 5, 2023**

**Lecture 8**

**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.*

**CRIMINAL LAW:**

**Wednesday, June 7, 2023**

**Lecture 9**

**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)**

**Assignment Due – Wednesday, June 7, 2023**

**LEGAL PROCESS:**

**Monday, June 12, 2023**

**Lecture 10**

**Economics of the Legal Process – Chapter 10**

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

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**Wednesday, June 14, 2023**

**Lecture 11**

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

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

**Monday, June 19, 2023**

**Make Up Test – 2:10 PM to 4PM**

**FINAL EXAM PERIOD**

**Wednesday, June 21, 2023 to Monday, June 26, 2023**

**TIME EXTENSION:**

**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.**

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**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.

1. Your absence must be declared on ACORN on the day of the missed test / assignment due date, within seven (7) days.
2. It is recommended you 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 2:10PM to 4:00PM, Monday, June 19, 2023.** This test will cover all the lectures, readings and slides for the course period up to and including Lecture 3. The Make-Up Test is worth 20%.

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 MATERIAL**

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 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.

#### **PLAGIARISM**

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/>

### Plagiarism Detection Tool

Normally, students will be required to submit their course essays to the University's plagiarism detection tool 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 tool's reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of this tool are described on the Centre for Teaching Support & Innovation web site (<https://uoft.me/pdt-faq>).

### Opting Out

If you have an objection to the use of the plagiarism detection tool for the submission of your work, please make an appointment by email to speak personally with the Course Instructor to discuss alternative arrangements before Monday, June 5, 2023.

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.

### ARTIFICIAL INTELLIGENCE

Students may use artificial intelligence tools for creating an outline for an assignment, but the final submitted assignment must be original work produced by the individual student alone.

Students may not use artificial intelligence tools for the term test, quizzes or the final exam. However, these tools may be useful when gathering information from across sources and assimilating it for understanding.

### 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.

#### **LEARNING DISABILITY AND ACCOMMODATION REQUIREMENTS**

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](#)