January 8, 2007

SYLLABUS-----Spring 2007
ECN 450/550 - ECONOMICS OF LAW

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Office Hours: M, W, 3-4 p.m. or by appointment
Phone: 687-4524

Useful web sites:
http://www.cooter-ulen.com (Text web-site)
http://www.csuohio.edu/writingcenter/ (CSU writing center, headed by Prof. Mary Murray and located in RT Library 105.)
http://academic.csuohio.edu/harford_j (Instructor’s web site)
http://www.law.csuohio.edu/lawlibrary/ (Law Library)
http://www.daviddfriedman.com/laws_order (The book Law’s Order can be accessed one page at a time.)
http://encyclo.findlaw.com (A collection of essays and bibliographies on law and economics.)

This is a Writing Across the Curriculum Course, which officially means:

1. Students must be required to write a minimum of 2000 words in writing assignments.

2. The required writing must be in at least two separate assignments or drafts. The student must be given feedback to assist in preparing subsequent papers or drafts of papers. The feedback will be on the substance of the writing, not just issues of spelling, grammar, and punctuation.

3. In order to receive a C or better in this course, the student must write at a satisfactory skill level, meaning C or better. If the student’s writing effort is below the C level, the student may receive a D in the course (thereby receiving credit for the course) but would not receive WAC credit.

4. Maximum enrollment is 35 in a course without a graduate assistant.

Details of the writing assignments are discussed later in the syllabus.

Note: Those taking ECN 550 have the same assignments except that the writing assignments are each 50% longer than those taking ECN 450. The longer number of words assigned is put in parentheses next to the amount of words required for those taking ECN 450.
Course Material and Tests:

<table>
<thead>
<tr>
<th>Topics</th>
<th>Relevant Chapters/sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>Law and Legal Institutions</td>
<td>3</td>
</tr>
<tr>
<td>Microeconomics Background</td>
<td>2</td>
</tr>
<tr>
<td>Economic Theory of Property</td>
<td>4</td>
</tr>
<tr>
<td>Topics in Economics of Property</td>
<td>5</td>
</tr>
<tr>
<td>Economics of Contracts</td>
<td>6, 7</td>
</tr>
<tr>
<td>Economics of Torts</td>
<td>8, 9, I, II</td>
</tr>
<tr>
<td>Economics of Legal Process</td>
<td>10, I, II, III</td>
</tr>
<tr>
<td>Economics of Crime</td>
<td>11, 12 (emphasis II through VI)</td>
</tr>
</tbody>
</table>

Order and amount of material covered may be subject to change.

Grading and Assignments:

The overall point distribution is a maximum of 200 points from tests, a maximum of 20 points from attendance, and a maximum of 120 points from writing assignments.

Tests:

Only the two highest “hourly tests” count. There are no make-ups for hourly tests regardless of excuse. Anyone missing a test automatically has that test dropped as the lowest one.

<table>
<thead>
<tr>
<th>Test</th>
<th>Points</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Hourly</td>
<td>50</td>
<td>Feb. 14</td>
</tr>
<tr>
<td>Second Hourly</td>
<td>50</td>
<td>March 23</td>
</tr>
<tr>
<td>Third Hourly</td>
<td>50</td>
<td>April 20</td>
</tr>
<tr>
<td>Final Exam</td>
<td>100</td>
<td>1-3 pm, May 9, 2007</td>
</tr>
</tbody>
</table>

Tests will be based on material covered in class unless otherwise noted. Lectures will overlap substantially the text material, but some differences will exist. Tests will be largely short answer or problem solving in nature. There are no make-ups for the hourly tests. Missing a test will simply mean that the hourly test you do take will be the one that counts towards your grade.
Attendance counts:

Students are expected to arrive on time, stay until the class is concluded, and refrain from eating and private conversations while class is in session. Attendance will be taken at 12 classes and each student will get 2 points for each class for which he or she arrives on time and stays for the length of the class, up to a maximum of 20 points. Anyone anticipating substantial difficulties in attending class regularly should not take this course.

Writing Assignments:

<table>
<thead>
<tr>
<th>Type of Assignment</th>
<th>Points available</th>
<th>Minimum Words</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research proposal</td>
<td>10</td>
<td>300 (450)</td>
<td>March 19</td>
</tr>
<tr>
<td>Draft of Research Paper</td>
<td>30</td>
<td>1400 (2100)</td>
<td>April 13</td>
</tr>
<tr>
<td>Final Version of Paper</td>
<td>80</td>
<td>2000 (3000)</td>
<td>May 4</td>
</tr>
</tbody>
</table>

All written assignments are due at the beginning of the class on the due date. For the acceptable form (paper, electronic) of submitting a written assignment see the detailed descriptions given below. To receive a C grade on the written assignments requires 75% of total possible points. Draft and final research papers and the research proposal lose 20% of their value for each day late.

Research Proposal: Expectations and Feedback

The research proposal should offer at least 300 (450) words starting with a title of the proposed paper, a description of the topic, a reference to at least three sources beyond the textbook, and a discussion of what the main issue or thesis of the paper will be. The proposer needs to justify the topic by arguing that it is important to our understanding of some issue of interest, or to determining the best policy with regard to the specific area of discussion. The proposal needs to identify a question or questions, framed in the most interesting way possible, and a potential set of answers that will be justified, or at least explored, by the body of the paper. The content of each of the references should be briefly described and its relevance to the topic indicated. The student-proposers will receive feedback within three class periods after handing in their proposal, as well as a grade, on the quality of their proposal and in what ways they might adjust their paper-writing strategy.

Submit in paper form or as Word or WordPerfect attachment to email by beginning of class March 19.
First Draft of Research Paper: Expectations and Feedback

The first draft should be at least 1400 (2100) words and contain all the main elements that the writer can anticipate being in the final paper. All of the advice given below regarding how one approaches writing the paper should be considered. As far as the aim of the author is concerned, the paper should be as good as one can make it given the time available. Less work on the first draft only implies more work on the final draft or a worse final product. My comments on both the proposal and the first draft will address the issues raised by the evaluation criteria listed on the research paper assignment. You will have the feedback by the third class period after handing in your paper draft. You will have an opportunity to use this feedback to prepare a better final product. Of course, not every issue that could use further work will necessarily be noted, since it is your paper.

Submit as Word or WordPerfect attachment to email by due date of beginning of class April 13.

RESEARCH PAPER: Goals, Expectations and Evaluation

General

Writing is a form of thinking. Trying to write one’s ideas down will help identify areas of inconsistency and ambiguity in one’s thinking and gaps in one’s knowledge. These should be corrected and clarified in the revising process. Poor writing is basically a form of poor thinking. While an ability to hit home runs is valuable whether or not one can explain clearly how one does it, in the world of law and economics, one is unlikely to get one’s ideas accepted or translated into action, regardless of how profoundly beneficial they may be, if one cannot clearly express the case in their favor.

Objective

The purpose is to have the student explore one aspect of law and economics in more depth than is required of the class as a whole. This allows for more study of an area of special interest to the individual student and offers an exercise in expressing one’s learning and ideas in print.

The Nature of the Task

Topic: Of the many topics this course will address, you should pick one that is neither too broad nor too narrow. Too broad a topic will tend to offer an overwhelming amount of references and ideas that will be hard to summarize and synthesize. Too narrow a topic may offer few or hard-to-find references. A starting point for your research is the list of readings at the end of each Chapter of the textbook. Another is the library. If the topic is not at least indirectly referred to in the book, then its probably inappropriate.

Format: The first paragraphs of the paper should indicate the basic subject of the paper. Apart from the identity of the subject, such as, for example, “The Effect of Changes in the Divorce
Law on the Number of Barrooms in Toledo,” there is either a positive or normative issue and sometimes both.

With a positive issue there will be some data or other evidence as to what has happened and what caused it to happen. With this type of issue, the writer must summarize the facts that are the “effects” and the data and theory that argue that it was the changes in laws or other factors that caused something to turn out in a way that was different than what someone or some prior theory would have predicted. With a positive economics issue, there may be two or more competing explanations. Your job then is to describe the data and theory that supports each explanation in contrast to the alternatives. You may start out by briefly describing the theory behind each explanation, and then discuss in the same order the empirical evidence in favor of each theoretical view. Alternatively, one might describe both the theory and data favoring one way of explaining the effects in question, and then go on to describe the alternative theory and data. Either way, the summary paragraphs should try to offer an evaluation of the balance of evidence for each view.

With a normative issue one is essentially doing a benefit-cost analysis of alternative policies. The student-writer is not expected to generate his or her own benefit-cost numbers, although the Professor would be impressed if you did so in a sound way. What is meant is that a normative problem is always one of trying to decide which policy is best among one or more policies. Usually one policy, possibly the status quo, is defined as the base case, and benefits or costs of changes from that case are at least discussed, and, in the ideal case, measured. For example, is the death penalty for first degree murder a better policy than life in prison without parole? Arguments for and against the death penalty are basically based upon two layers of intertwined reasoning. The first layer is positive and relates to what differences in the world would exist with one policy in comparison with the other. For example in question, one would like to know how the rates of various crimes would be different, and how the costs of catching, prosecuting, and incarcerating criminals would be different. The second layer of reasoning puts values on the various effects of having one policy instead of the other. Many issues do not allow for precise values to be placed upon different impacts, but often some sorts of “ball-park” estimates or other comparisons can be made. When one advocates one alternative to another one is implicitly doing what a cost-benefit analysis tries to do explicitly. Explicit reasoning allows others to examine the assumptions and reasoning of the author and the attempt to do such analysis helps sharpen the author’s thinking about an issue.

Audience

Suppose that you were addressing a legislator or high official of some authority responsible for making or administrating laws. Call her Summers. Summers has a fairly strong background in economics, but is perhaps a little rusty. She is generally familiar with policy issues in the area of your paper, but does not know most of the details of the issue you are addressing. Your job is to offer a “briefing paper” that will inform this person so that she will be able to make good public policy decisions.
**Evaluation**

The paper will be evaluated according to the following criteria.

**Length**: The paper should be at least **2000 (3000)** words in length, not counting references or other miscellaneous notes.

**References**: The paper should include at least 6 references beyond the text for the course. These references must be used in a significant way in the paper. That is they should each be cited with respect to some idea or quote.

**Clarity**: State the main topic or argument clearly near the beginning of your paper and tie what follows to it in a clear manner. The reader should ideally never have to ask himself, “What does that mean?” or “What connection does that have to the previous paragraphs?”

**Depth**: The paper will be judged better the more it reflects careful thought about the issues. More thought implies going deeper into the factors which ultimately determine outcomes and considering effects of policies that others might overlook. Here is where the student-author needs to use all the knowledge of economics and other pertinent fields that can be brought to bear on the issue at hand.

**Style**: Follow a specific, standard style of documentation such as MLA, APA, or Chicago. See the Allyn and Bacon Handbook for the specifics.

**Timeliness**: The paper is due at the beginning of the last class. It loses 20% of its value for every day late. **Submit as paper document and Word or WordPerfect file by beginning of last class on May 4.**