

UNIVERSITY OF BALTIMORE SCHOOL OF LAW
Fall 2017

Course: Law & Economics
Law 624/419

Instructor: Professor Lande

Days/Time: Mondays & Wednesdays, 7:45-9:00 pm

Location: Check the Law School class schedule for the room assignment.

Course Description from the Law School catalog: “Development and critical examination of the economic approach to the analysis of law. Study of how laws affect and are caused by individuals’ incentives and behavior, with inquiry into which social goals the laws are attempting to further and the extent the laws succeed at achieving intended and unintended effects. Tort, Contract, Property, and (perhaps) Regulatory and Criminal law will be analyzed. No formal economics background is required or presumed, and students without formal economics training should not hesitate to take this course.”

Required Material

- Richard Posner, “Economic Analysis of Law” (9th Edition 2014)
- Professor’s Fall 2017 Supplement
- There may be additional required material.

Course Website: This course will have a TWEN site through Westlaw that you must check regularly for assignments. You will receive your specific class assignments and other information via weekly TWEN E Mails, and your assignments also will be posted on this site’s calendar section. The site also will include this syllabus and other material. Sign up for the course TWEN site as soon as possible.

First Class Assignment: There is no assignment for the first class. For subsequent classes the material should be studied in the order below unless the instructor specifies a change in assignments or a change in the sequence of the assignments.

I. Introduction

Posner, Preface, Chapter 2

Professor’s Supplement A to F

II. The Economic Approach to Legal Analysis

Posner, Chapters 8 and 1

Professor's Supplement G to O

III. Contracts

Posner, Chapter 4 (pages to be announced)

Professor's Supplement P to Z

IV. Adoption

Posner, Chapter 5 (pages to be announced)

Professor's Supplement AA to EE

V. Torts

Posner, Chapter 6 (pages to be announced)

Professor's Supplement FF to OO

VI. Working With (And Against) Economists

Professor's Supplement PP to DDD

VII. Other

Professor's Supplement EEE to FFF

Student Learning Outcomes

By the end of the Law & Economics course successful students will be able to:

1. Analyze complex legal situations and spot the relevant economic issues.
2. Clearly state how these economic issues should and are likely to affect the legal issues.
3. Provide all the economic logic and principles underlying these legal issues.
4. Construct economic arguments that analyze the facts in light of these economic principles.
5. Present relevant economic and other policy arguments for all sides of the controversy.
6. Evaluate the merits of competing legal/economic arguments, including possible defenses.
7. Articulate the arguments in a manner likely to appeal to different decisionmakers.
8. Vigorously represent a client on any side of the relevant legal/economic controversy.

Course Expectations, including Attendance and Preparation

American Bar Association Accreditation Standards establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work per week for each credit earned in a class. Additional time is required for review and for preparation for examinations. In addition, it is recommended that each student spend about thirty minutes reviewing that day's material as close to class time as possible.

Attendance: Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (5 for this course) may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools. The ABA, the Law School, and I require regular and punctual attendance. Class will start and end promptly. Repeated tardiness, other absence from class for part of a period, and/or inattention may be classified as an absence.

Each student is expected to study all of the assigned material and consistently to be prepared to discuss it during each class. This means that the student has learned the material and is ready to refine his or her understanding of its underlying policy concerns, analytical framework and nuances, and to help the class analyze and understand the material. For students not prepared, the class may not have much meaning.

On those rare occasions when a student is not prepared for class discussion, he or she should give a note so stating to the instructor before class. The instructor will not call on these students. If a student does this infrequently, no subtraction from that student's grade will be made. As noted above, however, if a student often is unprepared for class discussion his or her grade may be lowered one level.

Office Hours and Contact Information

Professor Lande will be available after class (but not before class). Subject to meetings of the faculty and its committees, Professor Lande's office hours in room 1106 of the Angelos Law Center (telephone: 410-837-4538; e-mail "rlande@ubalt.edu") will be on Mondays and Wednesdays from 3:30 to 5:30 pm. There will be sign up sheet on the door of room 1106. Other times will be available by appointment. Or just stop by room 1106; if I am in my office you are most welcome to meet with me.

Grades

Course grades primarily will be based upon the final exam. Voluntary class participation that is thoughtful and non-domineering can raise a student's grade as much as one level (i.e. from B to B+). Quality, not quantity, counts. Voluntary class participation that does not contribute to the discussion will not, however, cause a grade to be lowered. If a student often is unprepared for class discussions the instructor may lower his or her grade by one level (i.e., from B down to B-). A student who is prepared but does not do well on the assigned material or cases will not be penalized.

Students will be assigned cases, problems, and exercises to prepare for class discussion, and will be called upon. These exercises are integral parts of the course and must be completed. Students also will be required to prepare self-evaluations after they analyze specific problems, and also cross-examination questions for an expert witness. Failure to complete these assignments and to turn them in on time will result in a one grade penalty for the entire course (i.e., from B+ down to B). Exceptionally good performance on the assigned problems and on the cross examination exercises can raise a student's overall course grade up to one level (i.e., from B up to B+).

Administrative Matters

- Seating:* Students should decide where they want to sit for the second class. Students should sit at the seat they picked their second class for the remainder of the course.
- Laptop use:* Students may not use their laptop or tablet for anything not related to the Law & Economics course. Prohibited activity includes reading or sending E Mails, texting, tweeting, playing games, surfing the Web, blogging, and IMing. Doing any of this can distract students in back of you or around you and is strictly forbidden.
- Cell phone:* Turn off your cell phones, iPods, and other personal electronic devices before class starts. Not to vibrate - to "off". You will be embarrassed if your cell phone goes off in class. Students may not send or receive text messages, E mails, or tweets during class.
- Class rules:* Students may not speak in class unless recognized. Moreover, students may not be recognized or may be interrupted by the instructor if time is short. The instructor apologizes in advance for these situations and urges these students to see him immediately after class or during office hours.
- Students may not talk with each other or read outside hard copy or electronic material during class. This is distracting and discourteous and will not be tolerated. This policy will be strictly enforced.

Forms of address: Students will be addressed as Mr. or Ms.

Recording of class The instructor will attempt to record every class using Panopto. There may be times when you are forced to miss class for religious or for other nondiscretionary reasons. Subject to the caveat that I cannot change or waive the law school's attendance policies in any way, if you do miss class, after you view that class's recording, E Mail this information to me and I will give you full credit for being present in class that day. And you will get more out of the class than if you had just read a classmate's notes. If you know in advance you will be absent, you might ask a friend to record the class for you as a backup.

Class Cancellation

If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

Academic Integrity

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at http://law.ubalt.edu/academics/policiesandprocedures/honor_code/.

Title IX Sexual Misconduct and Nondiscrimination Policy

The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

Disability Policy

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.