

Honor Scholar Area Seminar: Social Science

HONR 300CA: Fall 2018

LAW AND ECONOMICS

“The common law bears the stamp of economic reasoning.” Richard Posner

Professor: Humberto "Bert" Barreto
Office Hours: MWF 8:00 – 9:00 AM; 1:00 to 2:30 PM; and 4:00 – 5:00 PM and by appointment
You are always welcome if my door is open. I usually answer email/text pretty quickly.

office: Harrison 206 e-mail: hbarreto@depauw.edu cell/text: 765-365-4099
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TEXT: NONE.

All readings available online at:

academic.depauw.edu/~hbarreto/courses/LawEcon (pw LawEcon)

Buy a 3-ring binder for 3-hole punched handouts.

Please bring your PRINTED readings and binder to class every day.

COURSE CONTENT

This course will examine the sub-discipline in legal analysis called *the economic approach to the law*. The key theme is concerned with the following question: **Is economics helpful in understanding the law?** We will use the basic logic and terminology of economics and apply these to legal issues.

STUDENT RESPONSIBILITIES AND CLASS RULES

Read the assignments carefully and actively. You will be reading complicated economic arguments and convoluted legal prose. You must keep up with the readings. In addition, writing clearly and concisely is absolutely essential.

Participate in class discussions. This seminar is not your basic "Prof-lectures-student-takes-notes" class. You must be active and alert in class—be ready for me to call out your name and ask you a question. I want everyone to contribute each day to the conversation.

You must be willing to join a group and collectively write a brief (or opinion) and present it in class as part of a moot court.

COURSE EVALUATION

Your grade will be determined by your performance on

2 Essays	20% each
1 Brief/Opinion	20%
4 Assignments	5% each
Participation	20%

Accommodation for Documented Disabilities:

It is the policy and practice of DePauw University to provide reasonable accommodations for students with properly documented disabilities. Written notification from Student Disability Services is required. If you are eligible to receive an accommodation and would like to request it for this course, please contact Student Disability Services. Allow one week advance notice to ensure enough time for reasonable accommodations to be made. Otherwise, it is not guaranteed that the accommodation can be provided on a timely basis. Accommodations are not retroactive. Students who have questions about Student Disability Services or who have, or think they may have, a disability (psychiatric, attentional, learning, vision, hearing, physical, medical, etc.) are invited to contact Student Disability Services for a confidential discussion in Union Building Suite 200 or by phone at 658-6267.

OVERVIEW OF COURSE CONTENT

INTRODUCTION

What is the “Common Law”?

What is "Economic Reasoning"?

PART I) Property Rights

A) An Economic Theory of the Creation of Property Rights

B) Property Rights and Externalities

C) Moot Court: *US v. Causby, et al.*
Wednesday October 10

In Class Essay Friday October 12 (day before fall break)

PART II) Contract Law

PART III) Tort Law

A) An Economic Theory of Accidents

B) The Efficiency of Common Law Tort Rules

CONCLUSION

Essay Thursday December 13 at 8:30 AM

MOOT COURT ASSIGNMENT SHEET

Name: _____

Living Unit: _____

Class of: _____

Major: _____

Minor: _____

Email: _____

Choose the role you prefer by placing a checkmark by it:

ATTORNEY: _____

JUDGE: _____

Your Group: _____

Your Role: _____