ECP3451 HONORS LAW & ECONOMICS

**Wilkes Honors College**

INSTRUCTOR

Keith Jakee

112 Hibel

(561) 799-8131

[kjakee@fau.edu](mailto:kjakee@fau.edu)

MEETING TIMES & PLACE

Tues/Thur 9:30 – 10:50am

HA102

OFFICE HOURS  
TUES/THURS:  
11–12 & 2–3:30  
and by appointment

PRE-REQUISITES  
Microeconomic Principles (Eco2023)

3 CREDITS

DROPPING/ADDING

If you add/drop this course late, please email me.

**COURSE DESCRIPTION**

Economics has had a profound effect on legal analysis, legal scholarship and public policy over the last few decades. As a result of this influence, many long-held views on legal principles and the effects of laws and legal decisions have been reexamined. This course is designed to give students an introduction to the issues and analysis of law and the legal system using the tools and approaches of economics. Largely based upon microeconomics, our subject matter is often referred to as the “rational choice” approach to law, although we will move beyond that strict definition.

We will examine fundamental aspects of the law, such as the importance of cooperation and coordination among individuals in a society, the role of formal and informal rules, property rights, contracts, the efficiency of legal institutions, and constitutional versus non-constitutional decision making. We will also examine “economic” views of criminal behavior and the punishment thereof. We will attempt to bring economic theory together with real-world applications whenever possible.

At the successful completion of this subject, students should:

* Appreciate the importance and roll of rules in any society
* Be well acquainted with core concepts of law and economics
* Be able to apply law and economic principles to problems facing individuals and policy makers
* Be able to communicate these concepts to others in written and oral forms.

**TEXT AND REFERENCES**

REQUIRED TEXT:

Cooter, Robert and Thomas Ulen. 2008. *Law and Economics (5th ed.)*. New York: Pearson.

North, Douglass. 1990. *Institutions, Institutional Change, and Economic Performance.* Cambridge University Press.

ASSIGNED READINGS:

A variety of articles will be assigned; some will be required reading (marked), while others will simply be “informative”. Some articles are already listed on the (tentative) class schedule and some others will be added through the semester. When possible, materials will be available as electronic links.

**GRADES**

You are required to complete the following assessment tasks:

|  |  |  |
| --- | --- | --- |
| Assessment | Week (tentatively) | % of Grade |
| Article Presentation/Discussion Leadership: Honors (2) | 1–13 | 10 |
| Pop Quizzes (in class or brief take home; drop lowest) | Throughout | 15 |
| (2) Case Studies/Briefs (10% for the first and 15% for the second) | 6 & 10 | 25 |
| Final Presentations / Arguments (Group) | 14–15 | 20 |
| Final exam | Final Exam week | 20 |
| Positive Class participation | Throughout | 10 |

**Article Presentations/Discussion Leadership**

I will assign specific chapters or articles (related to the course material) to be presented throughout the semester, starting in week one. These presentations are designed to not only develop your skills in presentation, but in digesting material and making decisions about what exactly to present and in what form. Note that the presentation is not intended to take up the entire lecture period, but is meant to convey some point or points of analytical interest and to foster discussion between all members of the class (who have also done the readings!). The actual presentation time will be strictly limited to no more than 15 minutes; time will be allotted for class discussion afterward.

* Each student will have approximately one week to prepare his or her presentation.
* Each student needs to submit either a copy of his or her notes or slides as a record of the presentation.

**Pop Quizzes**  
I will often, throughout the semester, start the class with a question to be briefly answered in essay form. These, most often, will cover some basic aspect of the readings.

**Case Studies/Briefs**  
The legal “brief” is a well-known document that sets out “the legal contentions of a party in litigation, especially on appeal; [it can also be] a document prepared by counsel as the basis for arguing a case, consisting of legal and factual arguments and the authorities in support of them” (p.186, Black Law Dictionary, 7th Edition). Another way to think of the brief is as an analytical summary of some court opinion. We will write two short briefs on some topic or case to be decided at a later date. These papers are designed to force you to analyze legal problems or some specific case very concisely. Keep in mind that your briefs must always focus on some economic aspect of the problem at hand.

* These papers will require some amount of research.
* The papers will have a very strict page limit (five pages for Honors and two pages for Non-Honors).
* Papers must be typed and double spaced in a standard 12 point font; they must include a proper cover page, citations, references, etc. Absent or unclear documentation will lead to lower grades. See [writing guidelines](http://keithjakee.com/index.php/teaching/honors-law-and-economics/%20TBA) on website for details.
* Papers will be judged on quality of composition, content, and form (does it look good/adhere to the discipline’s norms?).
* In completing these assignments, you are responsible for understanding and adhering to the Honors College Academic Honor Code. Relying solely on the internet as a source of information is a growing mistake that modern college students make. As an old colleague put it, “Any idiot can put something on the internet, and countless numbers have done so.” You can pretty well figure out what this means if you don’t have—or cannot develop—the proper “filters” through which to interpret this mountain of sleaze, innuendo, and half-baked argumentation. Keep in mind that anything you can find on the net, I can also find—and you’d probably be surprised to know the things that I have found over my years in teaching. Furthermore, I reserve the right to check your paper using TurnItIn®. Punishment for plagiarism can range from a zero for the assignment to failure of the course, the report of an Honors Code violation, and expulsion.

**Final Presentation/Debate**

You will be required to work in a group to argue some legal problem or case at the end of the semester. I will reserve several class periods at semester’s end for this task. Each issue will have two opposing sides (the numbers of cases, and the numbers in each group, etc. will be determined by how many students we have in the class).

**Final Exam**

Format of the final exam might be any combination of multiple choice, short questions, and essays (the specific format will be discussed later in the semester).

* Students are responsible for all the material assigned for the course, regardless of whether we explicitly cover it during lectures. The final may cover any material from throughout the semester.
* The FAU’s FINAL EXAM WEBSITE notes that final exam will be held at the following time:
  + R (Dec 3) 7:45 – 10:15

**Class Participation**

A significant portion of your overall mark is allocated to your (positive!) contribution to class meetings/discussion. Positive class participation means coming to class having done the day’s assigned reading and being prepared to ask and answer questions, work in groups, debate issues, and participate in the ongoing presentations.

You will quickly discover the “seminar” nature of this class requires each student come prepared for every class. I reserve the right to call on a particular student and ask for his or her evaluation on specific articles/topics. I will excuse a student who has not done a reading once, but after that I will begin to keep track of each student’s lack of preparation; the participation portion of the grade will suffer.

I interpret positive class participation as:

1. coming to class…
2. doing the day’s assigned reading and
3. being prepared to ask and answer questions, debate issues using economic arguments relevant to the work/readings at hand, and participate during the presentations.

Negative participation means:

1. being impolite, interrupting others, talking when someone has the floor, or just plain talking for the sake of making noise.
2. leaving early, consistently coming late, or leaving the classroom in the middle of class (except in case of genuine emergency)
3. leaving your cell phones turned on (or worse yet answering it!); best idea: don’t bring your cell phone to class
4. attending without your assigned classroom and reading materials

The latter four points, among other negative externalities that violate the spirit of the classroom, will be grounds to lower your participation mark.

GRADES

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Cutoff | Cutoff | Cutoff | Cutoff | Cutoff |
| A 93% | B+ 87% | C+ 77% | D+ 67% | F <60% |
| A- 90% | B 83% | C 73% | D 63% |  |
|  | B- 80% | C- 70% | D- 60% |  |

**CLASS ANNOUNCEMENTS ON COURSE WEBSITE AND YOUR RESPONSIBILITY TO CONSULT IT OFTEN**  
You are responsible for checking the course website, including the course schedule, frequently and for keeping up-to-date on what reading and other work (including assignments) are required for a particular class meeting. All reading and other work assigned for a given date must be completed prior to the class meeting on that date.

* You might be alerted in class and/or through the FAU course website of any class announcements. Any changes to the schedule, etc. on the website supersede the paper copy received in the beginning of the semester. You will be notified on the website and in class of any changes.
* I will make reference to the Cooter & Ulen companion website from time to time, but students should treat it as an important resource to help with their study of law and economics.

**SPECIAL CIRCUMSTANCES AND LATE POLICY**

If there are special health or other personal crises affecting your attendance or performance during the semester, you may request special arrangements with supporting documentation. I strongly urge students to see me as soon as possible under such circumstances. Unless there is a prior arrangement (with documentation), I will not accept anything late.

**STUDENTS WITH DISABILITIES**

In compliance with the Americans with Disabilities Act, students who require special accommodations due to a disability to properly execute coursework must register with the Office for Students with Disabilities (OSD) and follow all procedures. The OSD is apart of the Office of Diversity Student Services on the MacArthur Campus in Jupiter and is located in the Student Resource building in SR 117. The phone number is 561-799-8585, and the TTY number is 561-799-8565. If you have a disability that hinders your academic performance, it is strongly recommended that make an appointment with me to discuss the accommodations you require in addition to registering at the Office of Diversity Services. This must be done within the first three weeks of the semester. If you believe you might have a disability that has not previously been identified, contact the Office of Diversity Services.

**CODE OF INTEGRITY**

Students at Florida Atlantic University are expected to maintain the highest ethical standards. Academic dishonesty, including cheating and plagiarism, is considered a serious breach of these ethical standards, because it interferes with the University mission to provide a high quality education in which no student enjoys an unfair advantage over any other. Academic dishonesty is also destructive of the University community, which is grounded in a system of mutual trust and places high value on personal integrity and individual responsibility. Harsh penalties are associated with academic dishonesty. For more information, see <http://www.fau.edu/regulations/chapter4/4.001_Code_of_Academic_Integrity.pdf>