



**LAW 352 Introduction to Law and
Economics**

Units: 4

Fall 2023 (T/H 9:00 AM to 10:50AM)

Location: THH 108

Instructor: Robert Maniscalco

Office: Via Zoom or LAW (Musik Building)

Office Hours: TBA and by appointment

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Teaching Assistant:

Office: TBA

Office Hours: TBA

Contact Info: TBA

Course Description

This course will expose students to the influential "law and economics" approach to analyzing law and legal institutions. Using basic tools of microeconomics (some background in economics is helpful but not required), the course explores the core common law subjects of property, contracts and torts as well as civil procedure, criminal law and other advanced topics in private and public law. Law and economics examines law from the perspective of designing efficient or wealth-maximizing systems. The course will explore the philosophical foundations of law and economics, as well as various critiques of the approach.

Learning Objectives

Students should be able to ...

- Understand how courts and academia began to apply social science techniques and measurements to legal issues, and the impact this has had on scholarship and in policy making.
- Understand how basic economic concepts interact with the law.
- Discern where it is useful to apply economic analysis frameworks to legal issues, and apply economic frameworks to resolve legal issues.
- Be able to recognize the use of economic analysis in government, private, and corporate public policy making.
- Be aware of how economic analysis can impact legal decision making on local and state level, as well as in the national arena in circuit courts and the Supreme Court.
- Articulate arguments for and against the use of conventional economic frameworks in law making and judicial opinions. Be able to articulately discuss such frameworks with peers.

Prerequisite(s): None

Co-Requisite(s): None

Concurrent Enrollment: No

Recommended Preparation: None

Course Notes There is a class Blackboard site with additional assignments, notes, updates and power point slides from the lectures (posted at the end of each week).

Technological Proficiency and Hardware/Software Required

There are no specific software or hardware requirements to engage in this course. General helpful information may be found at: [USC Computing Center Laptop Loaner Program](#). [Zoom information for students](#). [Blackboard help for students](#), [Software available to USC Campus](#).

Required Readings and Supplementary Materials The primary text for the class is ROBERT COOTER AND THOMAS ULEN, LAW AND ECONOMICS (6th ed., 2010), which is available on-line for no charge. <http://scholarship.law.berkeley.edu/books/2/>. There MAY be periodic handouts featuring articles and other material.

Optional: Richard Posner's Economic Analysis of Law

Optional: Kaplow, Shavell (1999), Guide to Economic Analysis of Law, http://www.law.harvard.edu/programs/olin_center/papers/pdf/251.pdf

Description and Assessment of Assignments: The grade will be based on two problem sets (15% each) a mid-term examination (25%), classroom participation (10%) and a final examination (35%).

Assessment Tool	% of Grade
Problem #1	15
Problem #2	15
Midterm Exam	25
Classroom Participation	10
Final Exam	35
TOTAL	100

Participation The Learning Objectives of this course are best achieved by actively participating in the classroom discussions. Both hypothetical and actual cases will be posed to the class and students will be encouraged to provide their own analysis of probable outcomes based on applying various legal and economic principles. Students will be expected to come to class prepared with meaningful questions, ideas, and criticisms to discuss with their peers and the professor.

Grading Breakdown

Letter grade	Corresponding numerical point range
A	93-100
A-	90-92
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76
C-	70-72
D+	67-69
D	63-66
D-	60-62
F	59 and below

Assignment Submission and Exam Policies Problems #1 and #2 will be assigned in class and by posting on Blackboard at least one week in advance of the due dates. The midterm and final exams are given during the scheduled class time and final exam period. The instructor must receive an email well in advance if you have an excused absence for meeting the due dates for assignments or for attending the exams.

Grading Timeline It is expected that all grades will be posted on Blackboard within one week after the applicable due date or test date.

Course Specific Policies Use of cellphones, laptops and tablets during class hours is prohibited unless directly related to the course instruction.

Attendance Attendance in class is important and excessive, unexcused non-attendance can be the basis for lowering the grade. Attendance policies will accommodate student athletes with approved Travel Request Letters and students who give advance notice of religious observation. If requested, the professor will assign extra credit work to offset any attendance issues.

Classroom norms Respect and civility towards your classmates and the professor are expected at all times. There may be disagreements that arise from the discussions in the classroom but the foregoing requirement shall still prevail.

Zoom etiquette The recommended communication and behavior of online communication will be discussed at the start of any zoom class.

Academic Integrity

The University of Southern California is foremost a learning community committed to fostering successful scholars and researchers dedicated to the pursuit of knowledge and the transmission of ideas. Academic misconduct is in contrast to the university's mission to educate students through a broad array of first-rank academic, professional, and extracurricular programs and includes any act of dishonesty in the submission of academic work (either in draft or final form).

This course will follow the expectations for academic integrity as stated in the [USC Student Handbook](#). All students are expected to submit assignments that are original work and prepared specifically for the course/section in this academic term. You may not submit work written by others or "recycle" work prepared for other courses without obtaining written permission from the instructor(s). Students suspected of engaging in academic misconduct will be reported to the Office of Academic Integrity.

Other violations of academic misconduct include, but are not limited to, cheating, plagiarism, fabrication (e.g., falsifying data), knowingly assisting others in acts of academic dishonesty, and any act that gains or is intended to gain an unfair academic advantage.

The impact of academic dishonesty is far-reaching and is considered a serious offense against the university and could result in outcomes such as failure on the assignment, failure in the course, suspension, or even expulsion from the university.

For more information about academic integrity see the [student handbook](#) or the [Office of Academic Integrity's website](#), and university policies on [Research and Scholarship Misconduct](#).

Please ask the instructor if you are unsure about what constitutes unauthorized assistance on an exam or assignment, or what information requires citation and/or attribution.

Collaboration. In this class, you are expected to submit work that demonstrates your individual mastery of the course concepts.

Group work. Unless specifically designated as a 'group project,' all assignments are expected to be completed individually.

Computer programs. Plagiarism includes the submission of code written by, or otherwise obtained from someone else.]

If found responsible for an academic violation, students may be assigned university outcomes, such as suspension or expulsion from the university, and grade penalties, such as an “F” grade on the assignment, exam, and/or in the course.

Course Content Distribution and Synchronous Session Recordings Policies

USC has policies that prohibit recording and distribution of any synchronous and asynchronous course content outside of the learning environment.

Recording a university class without the express permission of the instructor and announcement to the class, or unless conducted pursuant to an Office of Student Accessibility Services (OSAS) accommodation. Recording can inhibit free discussion in the future, and thus infringe on the academic freedom of other students as well as the instructor. ([Living our Unifying Values: The USC Student Handbook](#), page 13).

Distribution or use of notes, recordings, exams, or other intellectual property, based on university classes or lectures without the express permission of the instructor for purposes other than individual or group study. This includes but is not limited to providing materials for distribution by services publishing course materials. This restriction on unauthorized use also applies to all information, which had been distributed to students or in any way had been displayed for use in relationship to the class, whether obtained in class, via email, on the internet, or via any other media. ([Living our Unifying Values: The USC Student Handbook](#), page 13).

Course Evaluations Course evaluation occurs at the end of the semester university-wide. It is an important review of students’ experience in the class.

COURSE SCHEDULE: A WEEKLY BREAKDOWN – SUBJECT TO CHANGE

	Topics/Daily Activities	Readings/Preparation	Dates and Deliverables
Week 1	Introduction to course and Concept of “Law and Economics”	Cooter and Ulen, Chapter 1, Cooter and Ulen, Chapter 3	8/22/2023 8/24/2023
Week 2	Microeconomic Principles	Cooter and Ulen Chapter 2	8/29/2023 8/31/2023
Week 3	Property, Part 1	Cooter and Ulen Chapter 4	9/5/2023 9/7/2023
Week 4	Property, Part 2	Cooter and Ulen Chapter 5	9/12/2023 9/14/2023

		Assignment of Problem 1	9/14/2023
Week 5	Contracts, Part 1	Cooter and Ulen Chapter 8	9/19/2023 9/21/2023
Week 6	Contracts, Part 2	Cooter and Ulen Chapter 9	9/19/2023 9/21/2023 9/21/23 Prob. # 1 due
Week 7	Review and Midterm	Review of Problem 1 and review for Midterm Midterm and Midterm post-exam review	9/26/2023 Midterm: 9/28/2023
Week 8	Torts I	Cooter and Ulen Chapter 6	10/3/2023 10/5/2023
Week 9	Torts II	Cooter and Ulen Chapter 7	10/10/2023 10/17/2023
Week 10	Legal Processes Part 1	Cooter and Ulen Chapter 10	10/17/2023 10/19/2023
Week 11	Legal Processes Part 2	Cooter and Ulen Chapter 11	10/24/2023 10/26/2023
Week 12	Criminal Law Part 1	Cooter and Ulen Chapter 12	10/31/2023 11/2/2023
Week 13	Criminal Law Part 2	Cooter and Ulen Chapter 13 Assignment of Problem 2	11/7/2023 11/9/2023 11/9/2023
Week 14	Criminal Law Part 2 Tax	Cooter and Ulen Chapter 13 Tax Issues (readings to be assigned)	11/14/2023 11/16/2023
Week 15	Criticism of "Law and Economics"	Review of Problem 2 Bernstein, "Whatever Happened to Law and Economics?" Md. L. Rev. 202 (2005), http://digitalcommons.law.umaryland.edu/mlr/vol64/iss1/13	11/21/23 Prob. #2 due 11/21/2023 11/28/2023

		<p>Eric Posner, "Economic Analysis of Contract Law after Three Decades: Success or Failure?" (John M. Olin Program in Law and Economics Working Paper No. 146, 2002). https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1184&context=law_and_economics</p> <p>Course review and review for final exam</p>	11/30/2023
FINAL		<p>Currently scheduled for Thursday, December 7, 2023, 11:00 am to 1:00 pm</p>	<p>Refer to the final exam schedule in the <i>USC Schedule of Classes</i> at classes.usc.edu</p>

Classes Begin	Mon, August 21
Labor Day	Mon, September 4
Fall Recess	Thu-Fri, October 12-13
Mid-Term Grading	TBD
Veterans Day	Fri, November 10
Thanksgiving Holiday	Wed-Sun, November 22-November 26
Classes End	Fri, December 1
Study Days	Sat-Wed, December 2-5
Exams	Wed-Wed, December 6-13
Final Exam for Law352	Thu, December 7, 11:00 am to 1:00 pm
Final Grading	December 19 at 5:00PM (PST)

Statement on Academic Conduct and Support Systems

Academic Integrity:

The University of Southern California is a learning community committed to developing successful scholars and researchers dedicated to the pursuit of knowledge and the dissemination of ideas. Academic misconduct, which includes any act of dishonesty in the production or submission of academic work, comprises the integrity of the person who commits the act and can impugn the perceived integrity of the entire university community. It stands in opposition to the university’s mission to research, educate, and contribute productively to our community and the world.

All students are expected to submit assignments that represent their own original work, and that have been prepared specifically for the course or section for which they have been submitted. You may not submit work written by others or “recycle” work prepared for other courses without obtaining written permission from the instructor(s).

Other violations of academic integrity include, but are not limited to, cheating, plagiarism, fabrication (e.g., falsifying data), collusion, knowingly assisting others in acts of academic dishonesty, and any act that gains or is intended to gain an unfair academic advantage.

The impact of academic dishonesty is far-reaching and is considered a serious offense against the university. All incidences of academic misconduct will be reported to the Office of Academic Integrity and could result in outcomes such as failure on the assignment, failure in the course, suspension, or even expulsion from the university.

For more information about academic integrity see [the student handbook](#) or the [Office of Academic Integrity's website](#), and university policies on [Research and Scholarship Misconduct](#).

Please ask your instructor if you are unsure what constitutes unauthorized assistance on an exam or assignment, or what information requires citation and/or attribution.

Students and Disability Accommodations:

USC welcomes students with disabilities into all of the University's educational programs. The Office of Student Accessibility Services (OSAS) is responsible for the determination of appropriate accommodations for students who encounter disability-related barriers. Once a student has completed the OSAS process (registration, initial appointment, and submitted documentation) and accommodations are determined to be reasonable and appropriate, a Letter of Accommodation (LOA) will be available to generate for each course. The LOA must be given to each course instructor by the student and followed up with a discussion. This should be done as early in the semester as possible as accommodations are not retroactive. More information can be found at osas.usc.edu. You may contact OSAS at (213) 740-0776 or via email at osasfrontdesk@usc.edu.

Support Systems:

[*Counseling and Mental Health*](#) - (213) 740-9355 – 24/7 on call

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

[*988 Suicide and Crisis Lifeline*](#) - 988 for both calls and text messages – 24/7 on call

The 988 Suicide and Crisis Lifeline (formerly known as the National Suicide Prevention Lifeline) provides free and confidential emotional support to people in suicidal crisis or

emotional distress 24 hours a day, 7 days a week, across the United States. The Lifeline is comprised of a national network of over 200 local crisis centers, combining custom local care and resources with national standards and best practices. The new, shorter phone number makes it easier for people to remember and access mental health crisis services (though the previous 1 (800) 273-8255 number will continue to function indefinitely) and represents a continued commitment to those in crisis.

[Relationship and Sexual Violence Prevention Services \(RSVP\)](#) - (213) 740-9355(WELL) – 24/7 on call

Free and confidential therapy services, workshops, and training for situations related to gender- and power-based harm (including sexual assault, intimate partner violence, and stalking).

[Office for Equity, Equal Opportunity, and Title IX \(EEO-TIX\)](#) - (213) 740-5086

Information about how to get help or help someone affected by harassment or discrimination, rights of protected classes, reporting options, and additional resources for students, faculty, staff, visitors, and applicants.

[Reporting Incidents of Bias or Harassment](#) - (213) 740-5086 or (213) 821-8298

Avenue to report incidents of bias, hate crimes, and microaggressions to the Office for Equity, Equal Opportunity, and Title for appropriate investigation, supportive measures, and response.

[The Office of Student Accessibility Services \(OSAS\)](#) - (213) 740-0776

OSAS ensures equal access for students with disabilities through providing academic accommodations and auxiliary aids in accordance with federal laws and university policy.

[USC Campus Support and Intervention](#) - (213) 740-0411

Assists students and families in resolving complex personal, financial, and academic issues adversely affecting their success as a student.

[Diversity, Equity and Inclusion](#) - (213) 740-2101

Information on events, programs and training, the Provost's Diversity and Inclusion Council, Diversity Liaisons for each academic school, chronology, participation, and various resources for students.

[USC Emergency](#) - UPC: (213) 740-4321, HSC: (323) 442-1000 – 24/7 on call

Emergency assistance and avenue to report a crime. Latest updates regarding safety, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible.

[USC Department of Public Safety](#) - UPC: (213) 740-6000, HSC: (323) 442-1200 – 24/7 on call

Non-emergency assistance or information.

[Office of the Ombuds](#) - (213) 821-9556 (UPC) / (323-442-0382 (HSC)

A safe and confidential place to share your USC-related issues with a University Ombuds who will work with you to explore options or paths to manage your concern.

[Occupational Therapy Faculty Practice](#) - (323) 442-2850 or otfp@med.usc.edu

Confidential Lifestyle Redesign services for USC students to support health promoting habits and routines that enhance quality of life and academic performance.