MEMORANDUM

TO: Students Interested in Maymester/Summer 2006 Course in Law & Economics (LAWS 6318)

FROM: Mark R. Lee
DATE: March 27, 2006
SUBJECT: What you should know: Subject Matter, Schedule, and More

I. WHAT LAW & ECONOMICS IS ABOUT

The focus of this course is different than the focus of most other law courses. Where they focus on a particular subject area, like contracts or corporations, this course cuts across all subject areas. It focuses on a particular approach to all law-related problems.

The Law & Economics Approach

In a nutshell, this approach requires that you:

1. identify some behavior affected by law — behavior that catches your interest, say, people between jobs becoming uninsured for medical expenses

2. specify at least two alternative laws or sets of laws that might affect the behavior which caught your interest — say, extending Medicare versus facilitating the creation of medical savings accounts

3. ask these questions:
   a. which alternative will make us better off collectively?
   b. which alternative will make some particular group better off?

Obviously, answering these questions presents the challenge. We need an "intellectual apparatus" to do it, and providing this "apparatus" is the heart of the course.

II. COURSE ACTIVITIES AND SCHEDULE

A. Classroom Component

I will help you acquire the intellectual apparatus that you will need by lecturing and working with students in class on sample problems. The classroom component of this course will occupy about 20 hours during Maymester 2006, Monday, May 15 - Friday, June 2. We will not meet, however, on Friday, May 19 or Monday, May 29. During the first week, we will meet from 1:30 p.m. - 2:50 p.m.; thereafter, we will meet from 1:30 p.m. to 2:45 p.m.
Our classroom activities will be rooted in assigned readings, primarily from:


I will probably assign readings from the following books, but if I do, I will place copies of the assigned portions on reserve at the law library circulation desk.

Henry Manne (ed.), Economics of Legal Relationships
McKenzie & Tullock, The New World of Economics

B. Writing Component

Once you have become familiar with the "intellectual apparatus," I will ask each of you to apply it to the behavior which caught your interest. This "application" takes the form of a paper and a critique of another student’s paper. I work closely with each student providing direction as well as extensive written and oral feedback on preliminary drafts.

Any topic suitable for a 3-hour course is fair game for the paper. Just to bring home the scope of possible topics, here are a handful that lend themselves to economic analysis:

Permitting the sale of prescription drugs without any showing that they work

Rules governing the conduct of a lawyer when his or her client lies under oath or indicates a desire to do so

Regulation of contingency fee awards

Commercial use of surgically removed tissue

Regulation of law enforcement “profiling”

Regulation of “cloning”

I encourage students to choose a topic or a subject area about which they already know quite a bit (Some law review students have used a topic about which they are writing for law review.).

*Tentative** Schedule and Specifications (**depends in part on number of students who
(i) reasonably detailed written statement of your proposed topic; submit hard copy no later than Wed., May 31 @ 4 p.m. M.D.T.

I encourage you to communicate with me about possible topics at your earliest convenience. When your topic is approved, I will give you a signed copy of your written statement. Past experience has taught me that I should dismiss students who fail to meet this deadline, so I reserve the right to do so.

(ii) paper for critique; submit electronically no later than Fri., July 7, 2006 M.D.T.

You may count on me to return your critiqued paper 15 days after I receive it. I may return it in fewer days, but you cannot count on that. Past experience does show, however, that I tend to return a paper faster if it is submitted earlier.

Paper specifications:
minimum font size: 12 point
double-space
minimum margins: one inch all around
maximum page length: 45 pages (shorter would be better)

Word processing specifications: PC-compatible program (not Mac), preferably WordPerfect

(ii) critique of another student's paper; submit no later than one week after I give the paper to you.

suitable points for critique include:

appropriate use of the intellectual apparatus of microeconomics;
coherence of the logic presented/quality of the arguments
clarity of expression/use of language
whether the organization complements the paper
overlooked considerations

specifications:

You may enter minor comments and corrections directly on a hard copy if you write legibly and darkly enough to reproduce easily. Otherwise, please enter comments and corrections in the text in bold (in the electronic version of the paper) or in narrative form. These comments and corrections, collectively, should not exceed 5 pages in length, double-spaced using a font size no smaller than 12 point and margins no smaller than one inch all around.

(iii) paper for grade; submit electronically no later than Th., August 10 @ 4 p.m. M.D.T.
C. Individual consultation: to be arranged

*You need not be in Boulder once the classroom component is complete.* You may confer with me by telephone (I will call you back), and you may transmit and receive documents by fax, electronic mail, or post. From June 3 to June 10, I will be in Carbondale, Illinois; from June 10 to August 6, I will be in San Diego, California.

### III. Evaluation

I plan to grade your paper, your critique of a classmate’s paper, and your in-class performance.

### IV. Questions

Please feel free to send me an e-mail at markree@siu.edu, or to call me at 314-935-7829 (Tuesdays through Fridays through April 21) or at 618-453-8745 (Mondays and after April 21)