

University of Montana: ECNS 491, LAW & ECONOMICS (FALL 2019)
Room 215 Law, Tuesday & Thursday 4:30-5:50.
Ross P. Keogh, ross.keogh@gmail.com

Office Hours & Support: I am going to reserve Friday from 11-1. I would prefer meetings at my office, downtown, which is in the Stockman Bank building (Suite 300, 321 W. Broadway, Missoula MT (off campus)). Please send me an email at least two hours in advance (9 am) if you plan to attend that day.

Readings: The, free, textbook—Law and Economics (Sixth Edition), by Robert Cooter and Thomas Ulen (“Ulen”). You can download this text at:

<https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1001&context=books>

The textbook is intended as a general framework and background for our discussion. We will primarily explore the ideas and concepts presented in the textbook through excerpts of cases and academic papers, which we will be posted on Moodle or emailed.

Assessment: Grades will be determined based on the following three components as weighted below.

- Class participation (20%). This measures whether you have read the assigned course materials, completed any assigned problems or exercises, and were otherwise actively engaged in the course.
- Paper (30%). This is a piece of written work (5-7 pages) in which you will apply the tools of law and economics in a memo format to answer a question of interest. I will work with each student to identify a topic and provide a sample paper and assessment rubric.
 - Tentative deadlines: Topic Due by November 12. Paper is due December 13.
 - Paper should be 12 pt, times new roman, with 1” margins.
- Exam (50%). This is a two-hour exam that will test whether you can apply the fundamental law and economic tools of analysis to problems. Some materials will be available to students during this exam.

Graduate Increment: Students that desire to earn graduate credit shall meet the following additional requirements:

- The Paper shall be a minimum of ten (10) pages and include an appropriate review of the literature and of publishable quality. The Paper will be graded on a separate more rigorous scale.
- The Exam will include two to three additional problems, and be graded on a separate more rigorous scale.

Academic Honesty. All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and/or a disciplinary sanction by the University. All students need to be familiar with the Student Conduct Code of the

University of Montana. The Code is available for review online at http://life.umt.edu/vpsa/student_conduct.php. Law students should also be familiar with the Law School Honor Code in the Law Student Handbook.

Disabilities. The University of Montana assures equal access to instruction through collaboration between students with disabilities, instructors, and Disability Services for Students (“DSS”). If you think you may have a disability adversely affecting your academic performance, and you have not already registered with DSS, please contact DSS in Lommasson 154.

Preliminary Course Outline

1. **Course Introduction** (August 27 & 29; September 3 & 5)
 - a. Ulen chapter 1 & 2.
 - b. City of Missoula v. Mountain Water Co., 2016 MT 183.
2. **The Economics of Property Law** (September 10, 12, 19, & 24)
 - a. Ulen Chapter 4 & 5.
 - b. **SEPTEMBER 17: NO CLASS OR GUEST SPEAKER.**
 - c. Pub. Lands Access Ass'n v. Bd. of Cty. Comm'rs of Madison Cty., 2014 MT 10.
 - d. PPL Montana, LLC v. Montana, 565 U.S. 576 (2012).
 - e. Davis v. Westphal, 2017 MT 276.
3. **The Economics of Tort Law.** (September 26; and October 1, 3, & 10)
 - a. Ulen Chapter 6 & 7.
 - b. **OCTOBER 8: NO CLASS OR GUEST SPEAKER.**
 - c. Sunburst Sch. Dist. No. 2 v. Texaco, Inc., 2007 MT 183.
4. **The Economics of Contract Law.** (October 15, 17, 22, 24, & 29)
 - a. Ulen Chapter 8 & 9.
 - b. Zirkelbach Constr., Inc. v. DOWL, LLC, 2017 MT 238.
 - c. Access Organics, Inc. v. Hernandez, 2008 MT 4.
 - d. Evra Corp. v. Swiss Bank Corp., 673 F.2d 951 (7th Cir. 1982).
5. **An Economic Analysis of Legal Institutions.** (October 31; and November 5, 7, 12, & 14)
 - a. Ulen Chapter 10 & 11.
 - b. **GUEST SPEAKER: TUESDAY NOVEMBER 12, 2019. MANDATORY. PAPER TOPIC DUE.**
6. **An Economic Theory of Crime.** (November 19, 21, & 26)
 - a. Ulen Chapter 12 & 13.
 - b. Caliste v. Cantrell, 329 F. Supp. 3d 296 (E.D. La. 2018).
7. **Special Topics/Conclusion.** (December 3 & 5).