

Syllabus

Law and Economics Workshop

LAWJ-276-05 (3 credits)

LAWJ-276-09 (2 credits)

Professors Josh Teitelbaum and Kathy Zeiler

Georgetown University Law Center

Fall 2009

Friday 12:00 PM – 2:00 PM

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Seminar Description:

The Law and Economics Workshop is a research workshop. The first two sessions will focus on selected basic topics in law and economics, including methodology commonly used in law and economics scholarship. In the following class sessions, outside speakers (typically faculty members from other institutions) will present their current work in the field. The specific topics considered will vary depending on the interests of the speakers, but the general focus will be on applying economic concepts and tools to legal and regulatory issues. Students are responsible for preparing brief periodic memoranda that discuss and question the presented papers.

Seminar Requirements:

1. Periodic Memoranda

Starting with the first outside presentation (September 18), each student is required to write a short memorandum prior to each workshop. The memos should respond to the article being presented. Examples of responses include critiques, possible implications, challenges to the methodology, and suggestions for improvements. Each memo should also include at least one question that can be asked of the workshop presenter during the workshop. Each presenter will receive a copy of the memos before the workshop.

The memos should be 1-3 pages, typed in 12-point font, double-spaced, and have one-inch margins all around. Memos must be uploaded to the TWEN site by 5:00 PM on the Wednesday prior to each workshop. Please upload the memos in PDF format.

2. WR Writing Requirement

Those students who are taking the seminar for writing credit should refer to the Writing Syllabus—“Using the Law and Economics Workshop for Writing Credit.”

Grading:

For students taking the seminar for 2 credits, grades will be based solely on the quality of the periodic memoranda.

For students taking the seminar for 3 credits, grades will be determined as follows (please see the Writing Syllabus for additional details):

Periodic memoranda	40%
Seminar paper – initial draft	20%
Seminar paper – final draft	40%

For all students, the periodic memoranda will be graded on a scale of 1-5 points. Late memos will be penalized at the rate of 1 point per 24 hours.

Course Materials:

Required readings for the first two class sessions (September 4 and 11) will come from Jackson et al., *Analytical Methods for Lawyers* (Foundation Press 2003). A copy is on reserve in the library.

Workshop papers will be uploaded to the TWEN site at least one week prior to the workshop.

Additional readings from *Analytical Methods for Lawyers* that compliment the subject matter of the workshop papers will be assigned from time to time.

TWEN:

We will use a TWEN site for administrative purposes throughout the semester. Announcements will be posted to the site periodically. You should make a habit of checking the site on a regular basis. In addition, the syllabus and all required readings (other than the Foundation Press textbook) will be posted to the site. The site will also be used to collect and distribute your periodic memoranda. All student memos will be available to all seminar participants. You are strongly encouraged to read a sample of the memos before each class session.

The password for the site is LEW.

Schedule and Reading Assignments

The first two class sessions will be held in Hotung Hall, Room 5020.

September 4

Introduction to Law and Economics (Teitelbaum)

Reading Assignment: *Analytical Methods for Lawyers*, Ch. 6: Microeconomics, pp. 295-329 & 365-374

Analytical Methods for Lawyers, Ch. 1: Decision Analysis, pp. 1-22

Analytical Methods for Lawyers, Ch. 2: Games and Information, pp. 34-49

September 11

Introduction to Law and Economics (Zeiler)

Reading Assignment: *Analytical Methods for Lawyers*, Ch. 8: Fundamentals of Statistical Analysis

The following sessions will be held in the Hotung Hall Dining Room. Lunch will be served.

September 18

Florencia Marotta-Wurgler, NYU Law

September 25

Ryan Bubb, Harvard Economics

October 2

Joshua Wright, George Mason Law

October 9

Bert Huang, Columbia Law

October 16

Francesco Parisi, Minnesota Law

October 23

Joanna Shepherd, Emory Law

October 30

Ian Ayers, Yale Law

November 6

Omri Ben-Shahar, Chicago Law

November 13

Henry Smith, Harvard Law

November 20

Louis Kaplow, Harvard Law

December 4

Emily Owens, Cornell PAM

Writing Syllabus

Using the Law and Economics Workshop for Writing Credit

Professors Josh Teitelbaum and Kathy Zeiler
Fall 2009

The Goals of the Writing Requirement:

The Law Center's writing requirement asks you to engage in serious and original research on a difficult legal problem or set of problems and to write a sophisticated academic paper under the supervision of a faculty member. You are expected to discover, develop, and refine a scholarly topic, developing your own thinking during the course of the project and adding something to the field upon its completion. The paper should be analytical rather than descriptive. It should take a legal issue or problem and, through analysis, propose a solution or offer insights that point towards some resolution of the issue. The paper also should be original. This does not mean that everything said in the paper must never have been said before. It means that your discussion should add something to what has already been said about the subject in scholarly articles and in judicial opinions. For example, a paper might note that there is an ongoing debate about a particular issue, and then go on to (a) offer new criticisms of arguments that have been made in the debate, or (b) offer new arguments for adopting one or another solution to the problem, or (c) propose an entirely new resolution of the problem. A paper might be original by pointing out something that is a problem that has not been previously perceived as a problem, or, conversely, that something that has been thought to be a problem is not in fact a problem.

1. Topic and (Tentative) Thesis Statements

Each student is required to meet with Professors Teitelbaum and Zeiler sometime during the week of September 7-11 to discuss topic development. We will pass around a sign-up sheet to schedule the meetings.

Topic and thesis statements will be due in the TWEN drop box on or before September 25. The topic statement should be at least two, but no more than three, sentences long. The thesis statement should be at least one, but no more than three, paragraphs long. Choose a subject that interests you, and remember that your thesis should be original. Indicate what you are adding to the field, and what your paper will bring to the development of particular theories that are relevant to your topic.

2. Outline and (Tentative) Bibliography

A detailed outline, including a tentative bibliography, will be due in the TWEN drop box on or before October 23. The outline should provide a clear idea of the thesis, discussion, and probable conclusion of the paper. It should specify particular works and arguments that serve as the basic foundation of the thesis and starting points for additional research. Most important, the outline should set out a coherent, logical framework of the arguments and discussion.

The outline should include, at a minimum, a statement of the topic, the thesis statement explaining the goal of the paper, and a roadmap of the discussion and analysis. It should sketch out the analysis that will be applied to the issue and the major authorities that will be examined. The outline might include a discussion of the legal doctrine that is being criticized or reexamined. It also might list the key criticisms of the approach taken in the analysis and suggested responses. Where appropriate and known at the time, it should sketch out the policy recommendations or doctrinal changes implied by the analysis. It should also include a list of key references—the tentative bibliography. Full citation of authorities is not required; shorthand citation will suffice.

The actual form and style of the outline is less important than the content. An outline can be comprised of bulleted statements, thoughts, and quotations from relevant authorities, or it can be a series of highly polished prose, topic, and summary paragraphs, or anything in-between. The idea is to work through the projected analysis of the paper without the need to worry about good prose. Please feel free to discuss the outline with us if you are having a difficult time getting started, or to make use of the many resources available through the Writing Center and the Law Library.

3. Initial Draft

An initial draft of at least 6,000 words (excluding footnotes), or approximately 25 pages, with citations will be due in the TWEN drop box on or before November 24. This should be a carefully considered and well-written version of the paper, encompassing all major research materials and presenting a coherent thesis. It should be reasonably complete and reflect the length and detail of your final paper. Loose ends, minor organization problems, and logical gaps are acceptable, but major structural and theoretical problems should be worked out. The citations should be reasonably complete but need not be in proper Bluebook form. **We will provide detailed comments by December 7.**

4. Final Draft

A final draft of at least 6,000 words (excluding footnotes), or approximately 25 pages, will be due in the Registrar's Office on or before December 18. Citations should be complete and in Bluebook form, including all explanatory signals, parentheticals, and internal reference citations. Final papers must be typed in 12-point font, double-spaced, and have one-inch margins all around. Tables of contents are not required but are appreciated if the organization of the paper is complex. (Do **not** include a table of contents in your word count.) Substantive footnotes do **not** count towards your minimum word count, but they are often useful for clarifying points that are tangential to the main discussion. All citations should be in footnote form, not endnote form.

Deadline Extension Policy:

A 60-day extension will be available upon request for the final draft only.

Grading Criteria:

As stated in the main syllabus, grades for students using the seminar to satisfy the upperclass writing requirement (and therefore taking the seminar for 3 credits) will be determined as follows:

Periodic memoranda	40%
Seminar paper – initial draft	20%
Seminar paper – final draft	40%

The periodic memoranda will be graded on a scale of 1-5 points. Late memos will be penalized at the rate of 1 point per 24 hours.

Seminar papers receiving the highest grades are thoroughly researched and competently written, providing a fresh perspective on existing legal issues. Points are awarded for creativity, insight, analytical rigor, and attention to detail.

Late seminar papers (initial and final drafts) will be penalized at the rate of 1 percentage point per 24 hours.

Library Resources:

You are encouraged to make use of the reference services available through the Edward Bennett Williams Law Library. Our librarians are experienced in assisting scholars doing research. You should make use of interlibrary loan to gain access to materials not available in the law library's collection.

For general advice regarding research strategies for seminar papers, see http://www.ll.georgetown.edu/guides/seminar_papers.cfm.

Writing Center Resources:

You are encouraged to make use of the resources available through the Writing Center (<http://www.law.georgetown.edu/writingcenter/>), such as meeting with a Senior Writing Fellow to discuss problems you may encounter with the writing process. The Writing Center also provides handouts on all stages of the scholarly writing process, including choosing a topic, outlining the paper, and editing the draft (<http://www.law.georgetown.edu/writingcenter/documents.cfm>).

For general advice on academic legal writing, see Eugene Volokh, *Academic Legal Writing* (Foundation Press 2003). A copy is on reserve in the library.