

JUS270-2-A Economic Analysis of Law – autumn 2011

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To: Study Committee, Law Faculty

Ref. : Course evaluation JUS 270-2-A Schanze and Ahdieh, „Economic Analysis of Law”, two blocks August (Schanze) and November (Ahdieh) **2011**

This is an English course taught in two parts. The first part is an introduction to the interdisciplinary nature of the subject and its fundamental assumptions. Three applications, the law of torts, of contract law, and of corporation law, follow for showing the heuristic value of the approach. The course offer is still unusual in a standard European law school curriculum. A number of leading European law schools including Hamburg, Munich, Bonn, London, St. Gallen and Paris X are now offering regular courses. But it should be mentioned that this demands the mastering of additional terminologies used in economic theory. It is now generally understood that economic explanations of legal institutions provide a powerful critical framework for policy analysis in the legal sphere.

The second part of the course, this time taught by Prof. Robert Ahdieh from Emory Law School, concerned selected issues of Capital Market Law. It replaced the former “application” Antitrust Law taught by Prof. Rubinfeld who was not available this time. This new topic was chosen in view of its obvious current relevance for understanding the global financial crisis.

For a number of reasons it was difficult and time consuming to hire and instruct a teacher from one of the leading US law schools. We finally succeeded but could not engage a teacher who would come to teach the second block directly following the first block. Overall, the students obviously could live with the split and enjoyed the new orientation of the course.

We will keep the new subject orientation up in our new offer for August 2012. However, I could convince Prof. Henderson from the University of Chicago Law School, who will teach the capital market section next time, to teach the second block as a direct sequel in late August. Hiring top notch colleagues from US law schools for a part of the course does not only make the course more attractive for the students. It is also meant as an offer to interested scholars at Bergen to get in touch with these US colleagues. In the case of Prof. Ahdieh it was Prof. Marthinussen who kindly looked after the US colleague.

The course requires English language competence and a substantial amount of independent study of the slides and the assigned textbook (for the first part) by Mitchell Polinsky. After all, the ECTS point number is very high for a relatively short class contact time. It is also less a course for discussion during the lectures although both teachers would have been prepared to use Socratic teaching, if appropriate. I encouraged Prof. Ahdieh to entertain in more discussions in the second part of the course which he did. These characteristics of the course are reflected in the relative small number of evaluations responses (less than 1/3). Once

again it was noticeable that a number of foreign students – at least in August - had an insufficient command of technical English. This is consonant with my observations from the preceding years. I assume that this is improving during the fall semester.

As in prior years, student participation in class and in the examination was increasing: 34 students were registered, 30 took the written exam of 10- 15 pages. I graded more than 500 pages. Class attendance was between 30 and 20, sometimes obviously hampered by other offers during the block course at an early time of the semester.

In the examinations 3 participants presented truly remarkable sets of answers, a large majority wrote very well articulated responses. About 15% gave flawed but still satisfactory answers. No participant failed. Many of the low performance group demonstrated still an insufficient command of technical English. On the whole, I rate this result as a success of a fairly demanding interdisciplinary course. Prof. Ahdieh reported orally that he had a positive feeling about the class responsiveness.

The help from administration and the technical support was very positive. I should mention that the hiring of the second teacher required an unusual amount of support and patience this time.

Given the number of students and the high language requirements of the course it would have been helpful if a number of shelf copies (5-8) of Polinsky's text (4th edition) would have been available from the start. There were only two copies of the 3rd edition in the library.

Once again it was noticeable in spring that this course served as useful background for many students who later took my advanced course "International Business Transactions". I also regard the rising number of Norwegian students as a movement in the right direction.

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