

# **Law 205. Litigation and Dispute Resolution Theory Course Description**

(This syllabus is preliminary and is subject to change; last updated on August 9, 2007)

3 Credit Hours

Provides the cornerstone of the Litigation Law track. It introduces the theory and practice of litigation and other forms of dispute resolution, and draws upon the basic tools of decision theory, game theory, and economic analysis to address some of the key features of the litigation process and its institutions. Among the topics addressed are the decision to commence litigation and whether to settle or go to trial; settlement negotiations; strategic behavior as affecting decision making by both private actors and the courts; economic analyses of litigation; agency or moral hazard problems presented by both lawyers and courts; the impact of attorney's fee arrangements, fee-shifting rules, and court-imposed sanctions; party versus court control of proceedings; and the effect of enforcement costs on competing substantive legal rules.

## **Course Requirements:**

TWEN Registration is mandatory - to register, go to <http://lawschool.westlaw.com>

## **Classroom Meetings:**

Class attendance and participation are required. Students must certify attendance by signing the roll sheet. Students that do not sign the roll sheet will be considered absent. Persons absent for more than 20% of the classroom meetings (more than two classes) will not be allowed to sit for the exam.

## **Office Hours:**

Room 422  
Office Hours by appointment.

## **Grading:**

Students in this class will receive both a substantive grade and a writing grade. The basis for both the substantive and writing grades are as follows: Final Exam (Scheduled for December 6, 2007 at 6PM) (70%), 3 Writing Assignments (30%). **All requirements and assignments are subject to change.**

## **Reading Assignments:**

Reading assignments can be found by clicking on the Reading Assignments link. A preliminary reading list for the entire semester has been uploaded. However, this preliminary list is subject to change, and students are responsible to check each week for any updates.

**Writing Assignments:**

Writing assignments will be posted one week before the due date, and can be found by clicking on the Writing Assignments link. There will be 3 assignments, each worth 10% of the final grade. The assignments will be due on 9/12, 10/10, and 10/24. Length guideline for writing assignments (800 -1000 words).

**Texts:**

Posner, R. A., *The Economic Analysis of Law*, current edition (EAL).

Dixit and Nalebuff, *Thinking Strategically* (TS)

Cover and Fiss, *The Structure of Procedure* (CF)