

# Summer School In Law & Economics 2013

**University of Hamburg  
June 10th - July 19th**

Organised by the  
**Graduate School  
'The Economics of  
the Internationalisation  
of the Law'**

and the  
**European Doctorate  
in Law and Economics**



Universität Hamburg

DER FORSCHUNG | DER LEHRE | DER BILDUNG

JUNE 10 - 14, 2 PM - 6 PM

**PROF. HOLGER SPAMANN, PH.D., S.J.D.**

**HARVARD LAW SCHOOL**

## **Comparative Law and Economics**

**This course will consider the intersection of comparative law and economics, and the primary topic will be the use of comparative data for developing and testing legal-economic theories. The focus here will be on an appreciation of the strengths and weaknesses of comparative data, and on possible methods to deal with these weaknesses. A secondary topic of the course will be the use of quantitative empirical techniques in comparative law, i.e., the enterprise of mapping and describing legal systems.**

**Most of the class will consist of close readings and criticism of published research papers, and all students are expected to participate actively in these discussions. Survey articles will serve as background. Papers will be drawn from a variety of fields, such as criminal punishment, financial regulation, and differences between common and civil law.**

**Prior knowledge of statistics and empirical methods is not required but would facilitate a deeper understanding of the materials.**

**Holger Spamann is Assistant Professor at Harvard Law School, where his research and teaching focuses on the law and economics of corporate governance and financial markets. Before embarking on his academic career, he practiced with the law firm Debevoise & Plimpton in New York and clerked for two years in Europe. He holds an A.M. and Ph.D. in economics from Harvard University, a B.Sc. in economics from the London School of Economics, a doctorate in law (S.J.D.) from Harvard Law School, and basic law degrees from the Sorbonne and the University of Hamburg. His articles include The “Antidirector Rights Index” Revisited, 23 Review of Financial Studies 467 (2010); Regulating Bankers’ Pay (with Lucian Bebchuk), 98 Georgetown Law Journal 247 (2010); and Large-Sample, Quantitative Research Designs for Comparative Law?, 57 Am. J. Comp. L. 797 (2009).**

JUNE 17 - 19, 9 AM - 3 PM, JUNE 20, 9 AM - 11 AM

PROF. JENNIFER ARLEN, PH.D., JD  
NORMA Z. PAIGE PROFESSOR OF LAW,  
NYU SCHOOL OF LAW

## **Economic Analysis of Corporate Liability**

Most torts and many crimes are committed by people working for, and operating on behalf of, corporations. This short course introduces students to the economic analysis of corporate liability, providing insights that are useful to any economic analysis of agency relationships. This course has two goals. First, to examine how agency relationships and the resulting problem of incomplete control alters alter the structure of optimal liability rules; and second, to demonstrate the importance of taking careful account of context: including information structures, institutional design, and organizational structure. Issues to be addressed include the economic analysis of agency relationships (e.g., moral hazard, incentive contracts, monitoring, and adverse selection); the traditional economic model of liability for torts/crime committed by individuals working for firms; individual and corporate liability for medical malpractice (when physicians must invest to become informed about optimal treatment); and corporate criminal liability. The discussion of corporate criminal liability will include analysis of the justifications for exempting firms from liability if they self-report and cooperate, the debate over the imposition by U.S. prosecutors of corporate governance reform mandates on firms, the Foreign Corrupt Practices Act, optimal structure of liability for securities fraud, and the optimal structure of whistleblowing bounty regimes.

Jennifer Arlen (Harvard, B.A.; New York University, J.D., Ph.D. Economics) is the Norma Z. Paige Professor of Law at New York University School of Law and a director of the Center in Law, Economics and Organization. An expert in corporate crime, securities fraud, medical malpractice, and experimental law and economics, Professor Arlen helped found the Society for Empirical Legal Studies and has twice been a director of the American Law and Economics Association. She has been a visiting professor at Harvard Law School, Yale Law School, and the California Institute of Technology.

JUNE 26 – 29, TIMES T.B.A.

PROF. DR. GIESELA RÜHL, LL.M. (BERKELEY)

FRIEDRICH-SCHILLER-UNIVERSITY, JENA

## **The Law and Economics of International Contracts**

The modern legal world is characterized by the parallel existence of multiple, differently calibrated legal systems. For the increasing number of international contracts this multiplicity provides serious problems. For example, a contract may be valid under the laws of one state and invalid under the laws of the other. In another example, a party to a contract may be able to enforce its rights in the courts of one state but not in courts of the other. Clearly the connection to multiple legal systems results in uncertainties that turn international contracts into risky adventures. The course analyses different strategies of public and private ordering designed to overcome these uncertainties. Special attention will be devoted to the rules of private international law.

Giesela Rühl is a Professor of Law at the Friedrich-Schiller-University in Jena. Before coming to Jena she was a Fellow of the German National Science Foundation at the Humboldt-University in Berlin, a Senior Research Fellow at the Max Planck Institute for Comparative and International Private Law in Hamburg, a Max Weber Fellow at the European University Institute in Florence (Italy), and a Joseph Story Research Fellow at the Harvard Law School in Cambridge (USA). She is a member of the German National Young Academy and of the European Law Institute. She holds both German State Examinations, a Master of Laws (LL.M.) from the University of California, Berkeley (USA) as well as a Doctorate and a Post-Doctorate from the University of Hamburg.

JULY 04, 2 PM – 6 PM, JULY 05, 9 AM – 3 PM

PRIVATDOZENT DR. HANNES RÖSLER, LL.M. (HARVARD)

MAX PLANCK INSTITUTE FOR COMPARATIVE AND

INTERNATIONAL PRIVATE LAW, HAMBURG

## **Introduction to German Law**

The lectures provide a comprehensive introduction to the three branches of German law (public, criminal and pri-

vate law). The course consists of three parts: (1.) German constitutional law, judicial system and criminal law; (2.) Germany as a civil law country; and (3.) German contract and tort law in European context. The origins, structure and mentality of German law is thoroughly explained. Further emphasis is on the comparative differences in regard to other legal systems and the relationship of German law to European law.

The course is accompanied by a guided tour through the library of the Max Planck Institute for Comparative and International Private Law on July 5, and by an optional guided tour through Hamburg City Hall on July 6.

**PLEASE NOTE: The course will take place at the Max Planck Institute for Comparative and International Private Law, Mittelweg 187!**

**Hannes Rösler** is a Senior Research Fellow at the Max Planck Institute for Comparative and International Private Law in Hamburg. He has published numerous articles on German and European private and public law in several languages. Prior to entering the Max Planck Institute, he was a Research Assistant at the Institute for Comparative Law in Marburg and a law clerk in Frankfurt am Main. He received a doctorate in 2003 from Marburg University, where he graduated in 1998, following one year of studies at the London School of Economics. In 2004 he received a Master from Harvard Law School. In 2012 he finished his Habilitation on the European Court of Justice and European private law at the University of Hamburg. Rösler has held visiting positions at the University of Oxford, New York University, University of Cambridge as well as, i.a., universities in Italy, Turkey, Brazil, China and Japan. In the winter term of 2012/13 he had an interim professorship at the University of Freiburg. This summer he will be an interim professor at the University of Bonn.

JULY 08 - 12, 9 AM - 1 PM

**DR. DENISE PRÉVOST**

**ASSOCIATE PROFESSOR, MAASTRICHT UNIVERSITY**

## **Regulatory Autonomy to pursue Societal Concerns: The Limits under WTO Law**

**Food-safety requirements, animal welfare standards, environmental protection rules, consumer protection**

**requirements - these and many other regulatory initiatives by governments to pursue societal objectives give rise to trade concerns. In today's globalised world, public policy regulations frequently have an impact on traded products and thus fall within the scope of the agreements of the World Trade Organization (WTO). This course examines the disciplines and constraints imposed by WTO law on the regulatory autonomy of WTO Members to pursue their non-trade concerns. It takes the form of four lectures, where attention is given to various WTO agreements that provide the framework within which Members may pursue their regulatory objectives. Examining the relevant provisions of, and case law on, these agreements, the course aims to sketch the limits to regulatory autonomy as reflected in the current jurisprudence. Each lecture is accompanied by a tutorial session, where participants are expected to prepare an assignment in advance and engage in class discussions on the issues arising from the assignment. The final day of the course will consist of presentations by participants regarding a specific topical regulatory issue.**

**Dr. Denise Prévost is Associate Professor of International Economic Law at Maastricht University, the Netherlands. She was the Deputy Director of the Institute for Globalisation and International Regulation until September 2011. Previously (2004-2007) she was Assistant Professor of international economic law at Utrecht University. She has done consulting work on issues of WTO law for various international organisations, the European Commission, national bodies and industry groups and regularly engages in capacity building projects for developing countries. Further, she is a member of the international faculty of the Trade Policy Training Centre in Africa at the Eastern and Southern African Management Institute, Arusha, Tanzania as well as of the China-EU School of Law in Beijing, P.R. of China. Denise graduated cum laude from the University of Pretoria, South Africa (BLC 1992, LL.B 1994). She has an LL.M with a focus on international economic law from the University of South Africa and an LL.M (summa cum laude) in international and european law from Maastricht University (1998). She also holds a Ph.D. in law from Maastricht University.**

JULY 15 - 19, 9 AM - 1 PM

PROF. THEODORE EISENBERG, J.D.

HENRY ALLEN MARK PROFESSOR OF LAW AND  
ADJUNCT PROFESSOR OF STATISTICAL SCIENCE,  
CORNELL UNIVERSITY

## **Econometrics**

**This course guides students in how to conduct empirical studies of legal systems and legal issues. Students will read empirical studies of legal issues and will be furnished law-related data sets and access to statistical software. The course will teach the statistical techniques needed to analyze data and will also teach how to use the Stata statistical program to analyze data. No prior courses in statistics or programming are required.**

**Theodore Eisenberg** is a leading authority on the use of empirical analysis in legal scholarship. After his graduation from University of Pennsylvania Law School, Eisenberg clerked for the U.S. Court of Appeals for the D.C. Circuit and Chief Justice Earl Warren. After three years in private practice, Professor Eisenberg began teaching at UCLA, and has been a Visiting Professor at Harvard, Stanford, NYU, Tel Aviv University, Haifa University, and the program on Institutions, Economics and Law in Turin, Italy. He has used statistical methodology to shed light on such diverse subjects as punitive damages, contracting patterns, judicial performance, attorney fees, effectiveness of statin drugs, victim impact evidence, capital juries, social construction of law, and chances of success on appeal. He is the founder and an editor of the *Journal of Empirical Legal Studies* and a Fellow of the American Academy of Arts and Sciences.

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**!** UNLESS STATED OTHERWISE, COURSES WILL  
TAKE PLACE AT THE UNIVERSITY OF HAMBURG  
**■** SEMINAR ROOM 1083A, VON-MELLE-PARK 5

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## **ASSOCIATED EVENT**

JULY 01 - 02, TIMES T.B.A.

WARBURG-HAUS HAMBURG, HEILWIGSTRASSE 116

### **European Doctorate in Law and Economics Hamburg Conference 2013**

EDLE Ph.D. candidates present their research projects. Each presentation is followed by a discussion with scholars in law and economics. *Registration required.*

## Applications

The Summer School provides a seminar atmosphere with groups not larger than 20 participants. Therefore, the number of places for each course is limited. To apply, please send your course preferences to David Börn (*david.boern@ile-hamburg.de*) by April 30th. Participants will be informed by mid-May.

## Materials and Housing

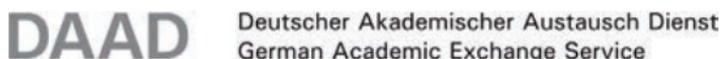
Reading materials will be made accessible free of charge on the internet. We regret that the University of Hamburg cannot assist participants in finding accommodation.

## Contact

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Johnsallee 35  
20148 Hamburg

Tel: + 49 (0)40 42838 8307  
Email: [david.boern@ile-hamburg.de](mailto:david.boern@ile-hamburg.de)

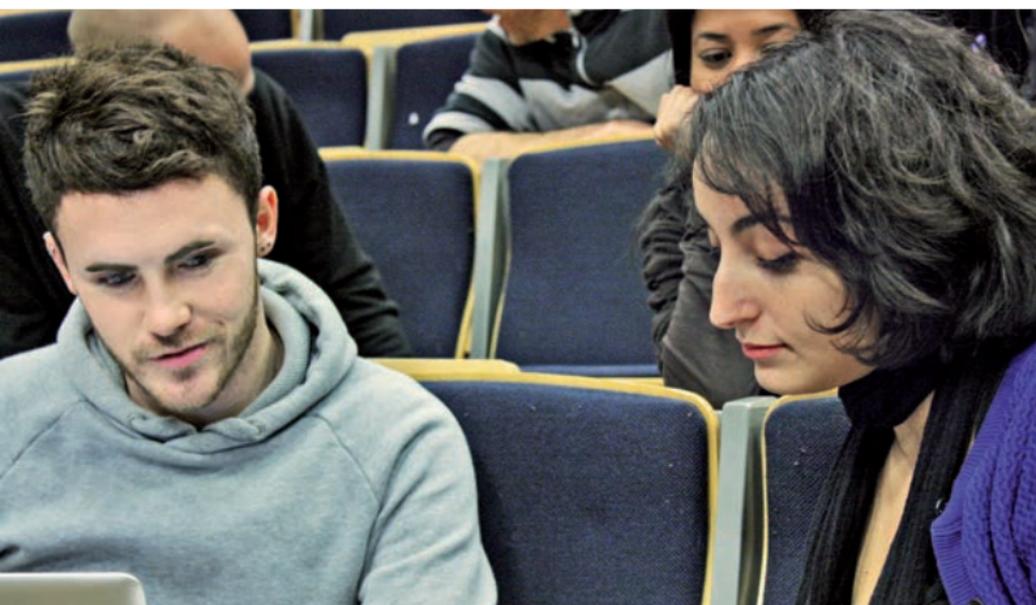
For updates on times and venues, please visit  
[www.ile-hamburg.de](http://www.ile-hamburg.de)



## **Graduate School ‘The Economics of the Internationalisation of the Law’**

The Graduate School Programme ‘The Economics of the Internationalisation of the Law’ is an academic initiative that is sponsored by the German Science Foundation (DFG), led by the Institute of Law and Economics in Hamburg and chaired by Prof. Dr. Thomas Eger and Prof. Dr. Stefan Voigt.

The programme combines an intense mentoring and teaching curriculum with high-level research on the economics of international law. The Graduate School is one of the first doctoral programmes in Europe to focus explicitly on an economic approach to international public and private law. This focus is made possible by a dedicated cooperation between leading experts in law, as well as in institutional and empirical economics. To this aim, the Graduate School cooperates with highly renowned institutions in these areas, such as the Max-Planck-Institute for Comparative and International Private Law, the Bucerius Law School and the faculties of both Law and Economics of the University of Hamburg. For more information, please visit [www.ile-graduateschool.de](http://www.ile-graduateschool.de)



## **European Doctorate in Law and Economics**

The European Doctorate in Law and Economics (EDLE) is offered by the three partner universities, Bologna, Rotterdam and Hamburg, in collaboration with the Indira Gandhi Institute of Development Research, Mumbai. Upon completion of the three-year study period the doctoral degree is awarded by each partner university. Doctorate candidates gain the unique opportunity for research in a field of growing importance in at least three different countries. They are prepared for careers in academia as well as for responsible positions in governmental institutions, research organizations, international law firms and consulting groups.

The EDLE is an Erasmus Mundus programme of excellence sponsored by the European Commission and by the German Federal Ministry of Education and Research (DAAD IPID line). In Hamburg, the programme is chaired by Prof. Dr. Stefan Voigt.

Please visit [www.edle-phd.eu](http://www.edle-phd.eu)

