

California Lutheran University

Bachelor's Degree for Professionals

BUSINESS LAW 374

A Partially Online and Partially Face to Face Class

FALL 2015

Oxnard Campus, Room #129

I. Basics:

- A. Evening of instruction: Wednesday
- B. Time of instruction: 6:00 P.M. to 9:30 P.M.
- C. Instructor: Steven L. Rice
- D. E-Mail: srice@clunet.edu
Phone: 805-660-0712
- E. Units: 4
- F. Office hours: On campus one-half hour before class
- G. Prerequisites: None

II Instructional Material:

- A. Textbook: West's Business Law, 13th Edition
By Clarkson, Miller, Jentz and Cross. (CD-rom is available but NOT required) ISBN-13: 978-1-285-18524-8
- B. Additional Materials: articles and documents as provided by Instructor.
- C. In lieu of buying the textbook, individual chapters can be purchased at ichapters.com.
- D. The text can be "rented" from the CLU bookstore at a significant discount as well.
- E. Computer access is required for this class. Details are below.

III Course Content:

The material to be covered will includes (but is not limited to) sources of American law, the legal environment for business, and the basics of the law of contract, torts, agency, and other matters of concern to the business person in the 21st Century.

IV Purpose of the course

At the end of the course students will be acquainted with the concepts of general business law and will be able to recognize legal issues as they

arise, be aware of their rights and duties, be familiar with legal nomenclature and, know when to see the assistance of counsel.

V. **Assignments, Class Preparation, and Class Structure**

The Socratic Method will be used in this course. It requires class participation on the part of all students. Students will be called upon at random to discuss cases and hypothetical problems orally for the entire class.

It is expected that each student will read and summarize the cases contained in the assigned materials PRIOR TO ALL CLASS, INCLUDING THE FIRST NIGHT OF CLASS.

Students are *required* to prepare concise **written** summaries for each case in the covered chapters. In summarizing cases students should set forth the essential facts, the legal issue(s), the legal rule(s), the application of the rule(s) to the facts and the conclusion (holding) of the court. No summary should be more than 2-3 paragraphs.

The cases which are to be summarized are those in the book designated by the colored border, with the name of the litigants at the top. They are designated, for example, " 10. 3" or "7.2".

It is not required, but if you would like, you may submit these summaries review to determine if you are on topic.

Class discussion and lecture will consume the majority of class time.

Case Problems and Business Scenarios

At the end of each chapter there are questions and problems for which the students are NOT responsible although they often appear on tests. The case problems do not need to be summarized. They are often used for discussion purposes in the classroom. They are very similar to the exam questions.

PowerPoint

The instructor's text comes with "canned" PowerPoint presentations. These will be made available to the students for their reference. It does not take the place of active note taking.

VI **Grading:**

A. Grading will be based on the following:

1.	Mid-term Exam	100 points
2.	Final Exam	120 points
3.	Class participation	25 points
4.	Term Paper	100 points
5.	Discussion Boards	50 points

B. Tests are entirely made up of hypothetical factual patterns which the student will analyze and to which they will apply the rules of law that they have been studying. A successful answer will consist of the following:

1. Isolating and setting forth each pertinent issue involving the case;
2. A discussion of the issues and the law applicable to the issues; and,
3. Setting forth a legal determination substantiated by solid legal reasoning.

C. Tests are take home open book, open note.

D. Grading scale from CLU student handbook: The grading scale for the class will be as follows:

A	95-100
A-	90-94
B+	86-89
B	83-85
B-	80-82
C+	77-79
C	73-76
C-	70-72
D	69 or Below
F	59 or Below

Examples of test questions and sample answers will be provided and discussed in class.

This is a difficult class and grade inflation is not a factor. Although it is difficult to fail the class if you do the required work, "A's" are difficult as well.

E. Late work will be reduced by one full letter grade for each class session that it is late.

F. There is no extra credit.

G. The instructor keeps track of class participation. In this context

Class participation means responding when called upon AND being prepared on all cases. Students will not receive a passing grade if they miss more than the equivalent of 3 classes.

VII Disability Statement

California Lutheran University is committed to providing reasonable accommodations in compliance with ADA of 1990 and Section 504 of the Rehabilitation Act of 1973 to students with documented disabilities. If you are a student requesting accommodations for this course, please contact your professor at the beginning of the semester and register with the Disability Support Services Coordinator, Wendy Jimenez, for the facilitation and verification of need. The Disability Support Services Coordinator is located in the Center for Student Success Office at 3259 Pioneer Street, and can be contacted by calling 805.493.3878 or emailing wjimene@callutheran.edu

VIII Classroom Rules

It is the policy of the instructor and CLU to encourage open academic classroom discussions. It is hoped you will feel free to express opinions and raise questions.

The input of all students is encouraged and shall be respected.

Some of the material covered has political overtones. The political aspects of the cases are NEVER the answer to a question. One's political views make up no portion of the grade in the class.

At all times the members of the class (including the instructor) are to show the utmost respect for each other. No one shall be allowed to ridicule or humiliate any other classroom participant.

No harassment of any type will be allowed. The school's anti-discrimination and anti-harassment policy will be strictly enforced.

All students are expected to be prepared at all times. If you are unprepared please advise the instructor so at least you will not be called on that evening. Even if you are unprepared, the instructor would still prefer that you attend class rather than miss it simply because of lack of preparation. A lack of preparation will impact the participation portion of the grade.

All cell phones and pagers must be turned off or on vibrate **and** out of sight during class.

If you are using a laptop computer it is expected that it will only be used for classroom work and not for any unrelated purpose. Please do not put the instructor in the position of having to police laptop use.

Some students receive financial incentives for taking the class or achieving a certain grade. Under no circumstances is this information to be communicated to the instructor. It will be considered an improper attempt to influence a grade, and a violation of the University Code of Ethics.

Professor's Statement on Academic Honesty: Cheating of any kind will not be tolerated. Plagiarism will not be tolerated. The penalty for plagiarism will be the subject of discussions between the PROS department, the instructor and the student. The grade on that assignment will be an "F". Other penalties may be assessed by the university. All papers will be submitted electronically to SafeAssign or Turnitin and reviewed for originality.

IX Standards of Student Conduct Statements and Harassment Policy: The following are excerpts from the CLU's student handbook, which can be found on the following link: http://www.callutheran.edu/student_life/student_handbook

University Academic Honesty Statement: The educational programs of California Lutheran University are designed and dedicated to achieve academic excellence, honesty and integrity at every level of student life. Part of CLU's dedication to academic excellence is our commitment to academic honesty. Students, faculty, staff and administration share the responsibility for maintaining high levels of scholarship on campus. Any behavior or act which might be defined as "deceitful" or "dishonest" will meet with appropriate disciplinary sanctions, including dismissal from the University, suspension, grade F in a course or various forms of academic probation. Policies and procedures regarding academic honesty are contained in the faculty and student handbooks.

Plagiarism, cheating, unethical computer use and facilitation of academic dishonest are examples of behavior which will result in disciplinary sanctions. Plagiarism includes, but is not limited to: word for word copying without using quotation marks or presenting the work as yours; using the ideas or work of others without acknowledgment; not citing quoted material. Students must cite sources for any information that is not either the result of original research or common knowledge.

University Harassment Policy: Be civil to each other, both on and offline. For more information on the University’s student harassment policy and rights, please go to the Student Life Handbook, the link for which is provided above.

X CLU Student Outcomes

This course is designed to meet the following CLU student :

Objective	Method
Field specific knowledge	Use of the text; supplemental material
Ethical and professional judgment	Use of textbook; additional hypothetical ethical problems
Critical thinking	Written and oral analysis of legal issues
Information literacy	Introduction to legal resources; guest speaker on library resources; legal research for term paper
Communication skills	Classroom discussion; case presentations; research paper presentation
Integration of knowledge with ethical reflection	Class discussions of ethical issue for business people

In general, assessment is by means of:

- A. class participation
- B. written test
- C. research project
- D. use of the computer for purposes of research
- E. responses to online discussion boards.

X Blackboard Information:

For assistance with Blackboard, email, or Web Advisor, please contact the help desk at (805) 493-3698 or helpdesk@callutheran.edu. For Blackboard tutorials, please go to the following link:

<http://earth.callutheran.edu/ctl/services/blackboard-students.php>

XI Schedule and Assignments:

Number of Hours Outside of Class: It is expected that students will spend a minimum of 8 hours per week outside of class, which includes reading and completing required assignments. This is part of the University’s desire to comply with Carnegie hours. It is the intent of the instructor to comply with the national Carnegie hours requirements

which means that for a 4 credit class there must be at least 4 instructor led hours each week in addition to 8 hours of student work.

Details of each week's assignments are included in the course modules for each week and must be checked carefully by the student. The section below applies primarily to the reading,

Session 1: September 2 (Face to Face)

- Chapter 1 Law and Legal Reasoning (Sections 1-3, only.)
Note that we will spend very little time on the this material and it is suggested that it only be skimmed.)
- Chapter 2 Courts and Alternative Dispute Resolution (Omit section 5.)
- Video: Justice for Sale (to be viewed online)

NOTE: THIS MATERIAL IS TO BE READ, AND THE CASES REVIEWED, BEFORE THE FIRST NIGHT OF CLASS.

Session 2: September 9 (Online)

- Chapter 3 Court Procedures
- Chapter 4 Business and the Constitution

Session 3: September 16 (Face to Face)

- Chapter 11 Contracts - Nature and Terminology (exclude the Wagner case, p. 235)
- Chapter 12 Agreement in Traditional and E Contracts
- Chapter 13 Consideration

Session 4: September 23 (Online)

- Chapter 14 Capacity and Legality
- Chapter 15 Mistakes, Fraud and Voluntary Consent
- Chapter 16 The Writing Requirement and electronic Records (omit Section 6)

Session 5: September 30 (Face to Face)

TAKE HOME MID-TERM EXAM

Chapter 17 Third Party Rights
 Chapter 18 Performance and Discharge in Traditional and E
 Contracts
 Chapter 19 Breach of Contract and Remedies

Session 6: October 7 (Online)

Chapter 6 Torts

Session 7: October 14 (Face to Face)

Chapter 7 Strict Liability; Frontline Video: SUV Safety (in class)

Session 8: October 21 (Online)

Chapter 32 Agency Formation and Duties
 Chapter 33 Agency Liability to Third Parties and Termination
 Video: The Smartest Man In the Room: Enron (if time allows)

Session 9 October 28 (Face to Face)

Chapter 34 Employment Law, Immigration and Labor Law
 Chapter 35 Employment Discrimination
 Video: Mackenzie v. Miller Brewing, The Seinfeld Case
 Chapter 47 Professional Liability and Accountability

Session 10: November 4 (Online)

Chapter 36 Sole Proprietorship and Franchises (section 1 ONLY)
 Chapter 37 Partnerships and Limited Liability Partnerships
 Chapter 39 Corporate Formation (exclude sections 2 and 3 and 5)
 Chapter 42 Securities and Financing Laws: pages 817, 822,
 823, Section 3, omit City of Livonia and sections 4,5,
 and 6.)

Session 11: November 11 (Face to Face)

Final Exam (Take home)
 Chapter 5 Ethics (omit all cases)
 Hard copies of term papers turned in. 1
 Pizza Party

XII CLU Calendar Dates

Drop Dates:

Monday, September 14:	Last day to add; last day to drop (without a “W”) Last day to drop without a financial penalty (100% tuition charge for classes dropped after this date)
Monday, October 12	Last day to withdraw without academic penalty; Last day to remove incompletes from Winter term

XIII Pearson Library:

Pearson Library provides access to scholarly books, journals, ebooks, and databases of full text articles from scholarly journals. To begin using these materials, visit the library web page

<http://www.callutheran.edu/iss/research/satellite.php>

- To contact a librarian:
- Chat on the Library’s home page
- Email: CLUlibrary@callutheran.edu
- Phone: (805) 493-3250.
- CLU’s satellite locations, see

<http://www.callutheran.edu/iss/research/satellite.php> for the full range of services provided.

XIV CLU Writing Center:

The Writing Center provides 1:1 writing consultations, in-person and online, with trained undergraduate and graduate writing consultants. We welcome all writing-related projects at any stage of the writing process across the diverse disciplines of study at CLU. The Writing Center also hosts writing workshops, provides in-class visits, facilitates writing groups, and offers a writer’s studio option for longer, sustained projects. Services suit writers of all levels, including traditional undergraduates, graduate students from all fields, all English language learners, and accomplished scholars alike. All members of the CLU community with a @callutheran.edu email address are welcome to make use of our services. For more information, please visit at www.callutheran.edu/writing_center/ or call 805-493-3257. Please schedule appointments online through MyCLU Blackboard with the yellow “The Writing Center” icon in “Tools,” or stop by The Writing Center itself, located in the Darling Collaboration Suite of Pearson Library.

XV Veterans Resources

If you are a veteran, military member, or a family member of a veteran or military member, please refer to Cal Lutheran’s Veterans Resources webpage

for important information: <http://www.callutheran.edu/veterans/>. Also, if you are veteran receiving benefits and you are struggling in a class, you may qualify for free tutoring. Please contact the Veterans Coordinator, Jenn Zimmerman, veterans@callutheran.edu or 805.493.3648, for more information.

XVI Course Evaluations Statement:

All course evaluations are conducted online. Your feedback is important to us. You will receive an email message reminding you when the website is open for your feedback. The link is: <http://courseval.callutheran.edu> The results of the survey are completely anonymous and the instructor does not see them until well after all grading is submitted.

XVII Help Desk

Students may contact the Help Desk about telephone, network, wireless network, software questions password problems, hardware problems, and general consultation (i.e. you cannot log into your MyCLU portal, or you are having problems with Blackboard). Please email specific details about your problems to helpdesk@callutheran.edu, click on the following link for more information http://www.callutheran.edu/iss/technology_services/helpdesk.php or call: 805.493.3698.

XVIII Case Summaries:

Name of case:

Page:

1. Identify who is suing who for what. Who is the plaintiff and who is the defendant?
2. Determine the basis of plaintiff's lawsuit (complaint) or in some cases defendant's cross-complaint.

Example: slander, invasion of privacy, breach of contract, negligence

3. Determine the outcome at the trial court. Who won? Who lost? What is the basis for the appeal?

All of the above should take no more than a few sentences.

4. Facts Use your own words. Include only **necessary** facts. Summarize. Do not copy the entire factual background given by the court. Select only those facts needed for the decision. Most cases are fact driven, meaning that the facts determine the outcome.
5. Issues What legal questions have been presented to the court? Why has this matter gone to trial? **This should be in the form of a question.**

Example:

1. Was the plaintiff slandered?
2. Did the defendant have a legal privilege to slander the plaintiff?
3. Was an offer made?
4. Was the defendant an agent or independent contractor?

6. Rules of Law Rules cited by the court to be applied to the facts in the case. The legal basis for this court's ruling.

Example: Slander per se is when one falsely publishes spoken words which insinuate that another person has committed a morally reprehensible crime.

The rule of law is not always obvious. In some cases it can only be discovered by a careful reading of the text preceding the case. The question to ask is, "What legal principle does this case stand for?" The judge does not always state the rule of law clearly.

6. Application The court will discuss the rules of law and determine whether or not the rule applies to the facts in the case. You are to discuss the court's application. This is the most important part of the brief, applying the law to the facts.
7. Outcome at the Appellate Court. How did the appellate court rule?

Example: reversed lower court, affirmed, modified, reversed and remanded.

Helpful tips: Often the legal issue is spelled out in the text immediately before the case begins. It can also be helpful to read the end of the case and see the result before you begin reading so you can pick out the important material as you go along.

XVIII Test taking tips:

1. Don't add facts to the hypothetical.
2. Read the interrogatory at the end of the question carefully and answer it fully.
3. As you write, assume I know nothing about what you are saying. Explain everything. Define your terms.
4. Show each step in your reasoning process just as you would do with a proof in geometry. Assume that your audience (me) knows nothing about the law and that you must explain it to him in the most basic of terms.
5. Create a time line for use. It is very helpful with issues of offer and acceptance.
6. Carefully analyze the communications in all questions, but particularly in offer and acceptance questions.
7. If the question says "A and B entered into a contract" there is no need to discuss offer and acceptance. That will not be the issue. The issue will be something else.
8. Do not worry about how the parties will prove their case. That is *never* an issue.
9. My expectation is that you recognize the issue, discuss the rule(s) of law that apply, apply the rules to the facts, and reach a conclusion. It is permissible to discuss both sides of an issue if it appears to be a close question.
10. DON'T PANIC. YOU CAN DO THIS.

XIX Carnegie Hours

Student Workload/Carnegie Hours:

For accreditation purposes, we need to demonstrate compliance with the Carnegie Instructional hours as well as the out-of-class hours (homework) on course syllabi.

The sample chart below is one way we can accomplish this. A chart like this

also helps students understand the workload for the course, which will aid them with planning. (If you do not use a chart like this, we need you to find another way to articulate compliance with the Carnegie Instructional Hours.)

The expectation is that a 4-credit course will meet for 50 hours of instructional time and will have 100 hours of out-of-class work (homework).

- As our 4-credit courses meet for about 36-37 hours in-person, the remaining 13-14 hours of instructional time need to be handled via online instructions (flipped classes, discussion boards, etc.). There should be approximately 9 hours of homework per week (of course this may vary depending on the week)

Sample Chart

Activity	Instructor-Led Hours		Homework Hours		Remarks
	Weekly	Course	Weekly	Course	
Readings of required text			5	55	Over 11 weeks, uneven distribution
Weekly Classes	3 hr. 20 min.	36 hrs. 40 min.			Includes final exam
Article Assignment				10	Average, varies by student
Blog Post		2 hrs. 20 min.			Average, varies by student
Mid-term Prep				10	Average, varies by student
Discussion Board I		4			Average, varies by student
Discussion Board II		4			Average, varies by student
Case Study		3			Average, varies by student
Final Paper				15	Average, varies by student
Final Exam Prep				10	Average, varies by student
Total		50		100	

POTENTIAL REPORT TOPICS

Jurisdiction by means of internet
Politics and the choice of the Supreme Court justices and federal judges
Advantages of alternative dispute resolution (ADR)
Disadvantages of ADR
Gay marriage decision
Conflicts of interest by mediators and arbitrators in ADR
Mandatory arbitration clauses in employment contracts
Employer liability for age, sex, or racial discrimination
World Court jurisdiction over conduct of U.S. citizens
Recent changes in bankruptcy law
Limits on commercial speech
Recent Supreme Court case on press liability
Corporate social responsibility e.g. Enron, AIG, etc.
Election of judges and its impact on their decisions. Sup. Ct. case expected soon.
Changes in class action requirements
The McDonald's coffee case
The Firestone tire case
Gun maker liability
Cigarette manufacturer liability
Liability of corporate executives for criminal acts of employees
The Martha Stewart case
Assumption of risk at sporting events
Harassment by supervisory employees
Defining obscenity
Wal-Mart discrimination
Accountant liability for improper financial reports (think Enron, World Com)
Religion in the workplace
Employee privacy rights
Problems with workers compensation
How to fire someone safely
Costs of law suits to business
Medical malpractice insurance rates
Recent decisions on eminent domain
Computer privacy
Premises liability (Is the owner of property liable for the crimes of a third party?)
Ethical business problems
Independent contractor v. employee status
Recent Supreme Court decision on global warming
Invasion of privacy by Internet photograph mapping sites taking pictures of private property for profit.

Supreme Court decision on corporate political contributions
Upcoming Supreme Court case on union dues
Toyota product liability pro and con

BUSINESS LAW TERM PAPER

As part of your grade you are required to prepare a report accompanied by a very brief statement to the class about your topic. The report can be on virtually any topic related to business law. You are free to pick the topic yourself from the material we will be covering in class. All topics must be approved by the instructor. Topics related to criminal law outside of the business context will not be approved.

The report shall be at least 5 pages double spaced. As a separate paragraph at the top of the paper, there **must** be a thesis statement that clearly describes the content to follow. The paper **must** include at least six sources cited using APA citations. Three of those citations must be court cases. All resources **must** be of academic quality although they do not need to be peer reviewed. The paper must be submitted on the last night of class.

A grading rubric will be provided. There are one hundred points possible. You will be graded on the organization of your paper, its relevance to business law, use of the language in a manner suitable for a college report, the quality of your analysis, the “presentation style”, and your reference to various sources.

Plagiarism will not be tolerated. The words you use must be your own. Papers will be checked electronically for copied material. When the paper is turned in, it **must** be accompanied by a printout from SafeAssign (or Turnitin.com) showing its plagiarism rating.

NOTE: Wikipedia is NOT an acceptable source, for anything. Ever.

The use of the first person (I) is not permitted.

Typically, all court cases cited in the paper should be underlined.

The focus of the paper are the legal issues and the cases that are being relied upon, less so than the factual context

Please make sure that your paper focuses on the legal issues surrounding your topic and not the pros and cons of it. For instance, if you are discussing legalizing marijuana, the paper should focus on the legal aspects of the problem, not on whether it is a good idea and scientifically well founded.

XX Sexual Misconduct

California Lutheran University does not tolerate any degree of sexual misconduct on or off-campus. We encourage you to report if you know of, or have been the victim of, sexual harassment, misconduct, and/or assault. If you

report this to a faculty member, she or he must notify Cal Lutheran's Title IX Coordinator about the basic facts of the incident. More information about your options for reporting can be found at: <http://www.callutheran.edu/title-ix/>

XXI Final Note

This syllabus is subject to change. Every effort will be made to alert students in a timely manner to all such changes.

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