

California Lutheran University

Bachelor's Degree for Professionals

CALIFORNIA LUTHERAN UNIVERSITY BUS 374 BUSINESS LAW SUMMER TERM 2016

I. Basics:

- A. Evening of instruction: Wednesdays
- B. Time of instruction: 6:00 p.m. to 9:30 p.m.
- C. Instructor: Kevin Patrick McVerry
- D. Office phone: (805) 484-5600
- Cell: (805) 444-6669
- Facsimile: (805) 484-1622
- Office Email: kevin@mcverrylaw.com (I prefer this one)
- CLU Email: mcverry@callutheran.edu (please always copy)
- E. Units 4
- F. Classroom Humanities Room 114
- G. Term dates: May 23 – August 4, 2016

II. Instructional Materials:

- A. Textbook: West's Business Law, 13th Edition
by Clarkson, Miller, Cross (CD-Rom is available but not required).
Student Edition: ISBN-13: 978-1-285-19524-8
- B. Additional Materials: Articles and documents as provided by Instructor.

III. Course Content:

The material to be covered in the course will include the following:

- A. The legal environment of business, including various sources of law:
 - 1. Common Law;
 - 2. Statutory Law;
 - 3. Constitutional Law; and
 - 4. Administrative Law.
- B. Principles of Contract Law:
 - 1. Elements of a contract;

2. Defenses to breach of contract;
3. Statute of Frauds;
4. Parole Evidence Rule;
5. Rights of third parties; and
6. Discharge.

- C. Business Organizations: Discussing and distinguishing forms of business and organizations such as partnership, limited partnerships, and corporations.
- D. Government regulation and business.
- E. Tort law, including torts and business torts and business crimes.

IV. Prerequisite: “A desire to learn and the willingness to put in the time to do it!”

V. Course Outcomes:

At the end of this course, students will be acquainted with the concept of general business law including:

- A. Familiarity with jurisdiction and procedures of the courts in resolving business disputes;
- B. An understanding of the rights and responsibilities of both the consumers and business people;
- C. Knowing when to hire legal counsel;
- D. Distinguishing between the different form of business entities;
- E. Recognizing the powers and liabilities of the principal/agent relationship; and
- F. An understanding of the position of a business and its employees in the legal system.

VI. Assignments and Class Preparation:

The Socratic Method will be used in this course. **It requires class participation on the part of all students.** Students will be called upon to brief and discuss cases for the entire class. It is expected that each student will read the assigned materials prior to class. It is recommended that students prepare concise written briefs for each case. In briefing the case the student should set forth the legal issue(s), the legal rule(s), the application of the rule(s) to the facts and the conclusion (holding) of the court. At the end of each chapter there are questions and problems for which the students are NOT responsible although they often appear on tests. Class discussion and lecture will consume the majority of class time.

Briefs are short synopses of cases in your text. You may make copies of them and submit them for review and comment. This is particularly helpful at the beginning of the semester while you are learning the process. Students who brief cases and submit them to me for review and comment generally do better than those who do not. These briefs will not be graded; there are no negative points for “bad briefs.”

NOTE: The Cases that are to be briefed are those in the chapter designated for reading, not the case problems at the end of the chapter.

VII. Grading:

- A. Grading will be based on the following:
1. Mid-term Exam: 30 points
 2. Final Exam: 50 points
 3. Class participation: 20 points
 4. Essay: 20 points*
- B. Grading Scale:
- | | |
|----|---------|
| A | 95-100 |
| A- | 90-94.9 |
| B+ | 86-89.9 |
| B | 83-85.9 |
| B- | 80-82.9 |
| C+ | 76-79.9 |
| C | 73-75.9 |
| C- | 70-72.9 |

*(The essay is optional. About 20% of the students do the essay. It is not extra credit but it can be added to your grade to raise your average.)

- C. A successful answer to an essay question on the mid-term and final exam 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.

VIII. Number of Hours Outside of Class: The work is unusually difficult and I would anticipate 4 hours of outside study for every credit hour of class.

IX. Schedule and Assignments:

Session 1:

Appendix A: How to Brief a Case

Chapter 1: Introduction to Legal Reasoning
(Skip Section on Schools of Legal Thought)
Chapter 2: Courts and Alternative Dispute Resolution
Video: Justice for Sale (to be shown in class)

Session 2:

Chapter 3: Court Procedures

CONTRACTS

Chapter 11: Nature & Terminology
Chapter 12: Agreement
Chapter 13: Consideration

Session 3:

Chapter 14: Capacity and Legality
Chapter 15: Mistakes, Fraud & Voluntary Consent
Chapter 16: The Writing Requirement
Chapter 17: Third Party Rights

Session 4:

Chapter 18: Performance and Discharge
Chapter 19: Breach of Contract and Remedies

TORTS

Chapter 6: Torts
Chapter 7: Strict Liability & Product Liability

Session 5:

MID-TERM EXAM (This is a take home open book exam. We will use this session to discuss "Field Trips" and answer questions re the exam).

AGENCY

Session 6:

Chapter 32: Agency Formation and Duties
Chapter 33: Agency Liability & Termination

(Skip Case 33.2 Williams v. Pike)

EMPLOYMENT LAW

Chapter 34: Employment Immigration & Labor Law
Chapter 35: Employment Discrimination

Session 7:

BUSINESS ORGANIZATIONS

Chapter 36: Sole Proprietorships & Franchises
Chapter 37: Partnerships & Limited Liability Partnerships
Chapter 38: Limited Liability Companies and Special Business Forms

Session 8:

Chapter 39: Corporate Formation and Financing
Chapter 40: Corporate Directors, Officers & Shareholders
Chapter 42: Securities Law and Corporate Governance
Chapter 43: Law for Small Business **(Please skip Case 43.3)**

Session 9:

MISCELLANEOUS

Chapter 10: Criminal Law and Cyber Crime **(Please Skip Cases 10.1 Whitman; and 10.2 Messerschmidt)**
Chapter 48: Personal Property and Bailments
Chapter 49: Real Property and Landlord Tenant

Session 10:

Chapter 50: Insurance
Chapter 51: Wills & Trusts
Chapter 47: Professional Liability & Accountability

Session 11:

FINAL EXAM **(This is a take home open book exam. We will also use this session to discuss and finalize “Field Trips”).**

FIELD TRIPS: CARNEGIE HOURS

In order to meet the Carnegie instructional hours requirement, you will make one visit to a legal hearing. You will:

1. Email/discuss with Kevin Patrick McVerry the visit beforehand;
2. Prepare a 2-page written report; and
3. Give an Oral Presentation in class re the hearing.

X. Course Evaluation 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>

XI. 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://ondemand.blackboard.com/students.htm>.

NOTE TO ALL STUDENTS:

A great deal of the students taking this class are taking it as a requirement for a business and/or accounting degree. There is a fair emphasis on law relating to the accountant's professional examination.

This class is more difficult than many classes and requires a great deal of reading. Much of the material will be new to you and some of it will seem counterintuitive. I count on my students for class participation. I expect that everyone will:

1. Participate; and
2. Enjoy the class.

This is an experience that is markedly different than all other classes. Nevertheless, the workload is more than you would expect for four units and you cannot fall behind. I'm looking forward to working with you.

PROFESSIONALS DROP DATES

June 6	Last day to add; last day to drop (without a “W”) Last day to drop without financial penalty (100% tuition charge for classes dropped after this date)
July 13	Last day to withdraw without academic penalty;
August 4	Last day to remove incompletes from fall term

ADA 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 Accessibility Resource Coordinator, Wendy Perkins, for the facilitation and verification of need. The Accessibility Resource Coordinator is located in the Center for Academic and Accessibility Resources (CAAR) Office at 3259 Pioneer Street, and can be contacted by calling (805) 493-3878 or emailing wperkins@callutheran.edu.

STATEMENT ON ACADEMIC HONESTY:

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 acknowledgement
- not citing quoted material. Students must cite sources for any information that is not either the result of original research or common knowledge.

Standards of Student Conduct Statements:

- [Student Life Handbook](#)
- [Academic Honesty Statement](#)

UNIVERSITY HARASSMENT POLICY:

For information on the University's student harassment policy and rights, please go to the following link: http://www.callutheran.edu/student_employment/student_handbook.php

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/>

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/library>

There are many ways to contact Pearson Library for research assistance, no matter where you are!

- Email Yvonne Wilber (Professionals liaison) at ywilber@callutheran.edu
- General Library email: CLUlibrary@callutheran.edu
- Library main phone: 805.493.3250
- Text us your question: 805.493.3867
- Get more help at: <http://www.callutheran.edu/library/help/>

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 Cal Lutheran. 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 Cal Lutheran community with an @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.

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 a veteran receiving benefits and you are struggling in a class, you most likely qualify for free tutoring. Please contact the Veterans Coordinator, Jenn Zimmerman, veterans@callutheran.edu or 805.493.3648, for more information.

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 click on the following link for more information http://www.callutheran.edu/iss/technology_services/helpdesk.php or call: 805.493.3698

Final Note

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

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