

BUSINESS LAW 280
Syllabus – Fall 2009¹
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For email messages, type "BLAW 280 - Your last name" in the reference portion

Office hours: Tuesday and Thursday, 9-9:30 a.m., Tuesday 2-3 p.m., Thursday 3-4 p.m. and by appointment.

Pre-requisite: The completion of written composition (English 155 or equivalent), sophomore standing and your *willingness to do your best*.

Objectives, Course Content, and Method of Instruction

Business Law 280 (3 units) is designed to provide students with an understanding of the legal environment in which business decisions are made. The course covers the topics of the sources of law, the court system, and civil procedure, as well as the law of torts – the legal concept of "private wrongs," which sets standards of conduct in our society, and contract law, which enforces private agreements.

You will analyze how law applies to factual settings. You will read court decisions and legal problems, prepare written briefs, orally defend your interpretations, and answer hypothetical questions in open class discussion. You will learn to distinguish the application of rules depending on the changing circumstances in various cases and hypotheticals and learn to argue alternate positions in disputes regardless of personal view. You will also learn to identify the functions, policies, and trends in the law, and to consider social, economic and ethical influences on the law.

The class is taught through lecture and class discussion.

Text: Business Law and the Legal Environment, Beatty & Samuelson, 4th ed., (2007)

Students may purchase a hardcopy or *selected chapters* (1, 3, 6-8, 10-12, 14-15, 17) online at <http://www.ichapters.com> A hardcopy of the text is on reserve at the Oviatt Library.

Additional Class materials at: <http://webteach.csun.edu>

You must have an active CSUN email account to access this system and you must monitor your CSUN email to receive important messages. To activate email or reset its password log on at the Portal:

<http://www.csun.edu/> You may forward your CSUN email. See directions at:

<https://www.csun.edu/account>

Class Preparation and Participation

Assignments include reading from the text, reviewing materials at WebCT, briefing cases, case problems, and hypothetical situations which must be **briefed in writing using IRAC format (see p5)**. Other assignments require **written** analysis of questions.

- Homework may be handwritten or typed. Once the work has been discussed in class you no longer need to bring it class again.
- A "case" is a court opinion which is the text.

¹ This syllabus is subject to change during the semester. Announcements will be made in class and posted at WebCt.

- A "case **problem**" is either an end-of-chapter "Practice Test" in the text or at WebCT in the designated chapter. Case problems do not include the court's decisions - that will be your job to analyze using IRAC. When a case problem contains questions, simply ignore them, and instead brief the problem.
- Hypothetical situations are in chapter outlines at WebCT.
- Your job is to also **correct your work in class using a different color pen.**
- If you have questions about the assigned material, please ask.

Normally we complete one assignment each class. If we begin, but do not finish an assignment it will be covered in the next class session along with the next assignment.

Along with the written homework due each day also **bring to class** the textbook or printed copy of the case or problem being covered, the syllabus, course flowchart, and the chapter outline.

You will be called on **at random** throughout the semester to read your briefs and to answer questions. You will not be graded on the accuracy of the briefs or answers, but on your **effort** to complete the assignment. These are learning tools, not finished products. To receive credit, your homework must be corrected in class. On occasion, homework for the day will be collected from all students.

- If you are called on in class and are unprepared or absent a **deduction of 1%** will be made to your grade in the course. The same applies if homework is collected and you have not completed or corrected the work. Students who turn in lecture notes as a substitute for their homework will receive a **deduction of 5%** in their final grade.
- Once during the term you may give me a note at the start of class stating that you are unprepared and no deduction will be made.
- **Planned absences** are excused for religious observances or for university related activities ONLY. A written note must be submitted to me by week two of the semester stating *the dates of absence*. If I receive the note at that time there will not be a deduction of the final grade.
- Homework is not accepted late or by email, unless there are extraordinary circumstances

It is your responsibility to be prepared for every class. If you are absent, you are responsible for being prepared for the next class meeting. Exchange contact information with another student in the class to find out any missed information. You should contact that fellow student first and not the professor to learn of missed work, unless you have a particular question about the material.

- ALL ELECTRONIC DEVICES MUST BE TURNED OFF, INCLUDING LAPTOPS. Exceptions may apply.
- Each use of a cell phone, text messaging, or misuse of laptops or other devices will result in a **deduction of 1%** in the course grade.
- No tape recording, no food or drinks (except water).
- Remove hats, caps, and sunglasses.
- Please wait until the lecture has concluded before packing up to leave.

Examinations and Grade Basis

There will be two midterms and a final. Exams will consist of one more essay questions and multiple choice questions. **Extra credit is NOT available.**

Midterm 1	30%
Midterm 2	30% (not cumulative)
Final:	<u>40%</u> (cumulative)
Total:	100%

The total determines the minimum grade in the course, keeping in mind any deductions as described above. At the professor's discretion, the grade may be raised based on class participation and improvement.

Grade Scale: Plus (+) and minus (-) grading is used to determine the final grade in the course.

A=100-90%	Outstanding (e.g. 90% = A)
B= 89-80%	Very Good (e.g. 89% = A-)
C=79-70%	Average
D=69-60%	Barely Passing
F= 59%	Failure

Tips to Succeed in the course: Read comments given by students who earned an A or B in the course at WebCt "Succeed 280," and seek feedback on corrected homework, and/or visit me during office hours with questions.

Academic honesty and behavior

Students are responsible for knowing and complying with all College and University rules and regulations. Any incident of cheating or plagiarism will result in a Fail in the course and disciplinary action may be imposed, including expulsion from the university. Allowing your exam answers to be visible or accessible to others is prohibited. Written homework cannot be identical to that of another student.

For additional information see: <http://www.csun.edu/a&r/soc/studentconduct.html>

Legal Advice, Department Information, & University Guidance

Business law faculty members may not provide legal advice or provide legal services to students.

If you need legal advice or information regarding the law, please visit the Department of Business Law web page at <http://www.csun.edu/blaw/>. The site also provides information regarding law school admission, internship programs, and department scholarship awards.

To improve your study strategies and writing skills make an appointment or visit Learning Resource Center, located in Bayramian Hall 408 or <http://www.csun.edu/lrc/>

For advice on personal issues visit the **Counseling Center** (818) 677-2366, Room 520 (5th floor) in Bayramian Hall (formerly the Student Services Building).

General Instructions for Exams

Failure to follow these instructions will cause a 1% deduction in your exam grade.

Bring one large bluebook and one 882 scantron to exams.

- **Do not** write your name on the bluebook - they will be exchanged in class. When you get the bluebook in class that you will use for your exam, write your name (LAST NAME FIRST) on the **inside back cover of the bluebook**. Do not write your name on the front cover of the bluebook. The purpose of this requirement is to ensure blind grading.
- **Write on only one side of each page**; however you may use the facing page to insert information. Write on every line of the blue book. Do not tear out pages. If you want to change your answer, simply mark through the passage and write "Do Not Read."

Use non-erasable dark blue or black ink for essays and #2 pencil for the scantron questions.

- Exams are closed book. Books, notes, book bags, and purses are placed in front of the class at the start of the exam.
 - There is a presumption of cheating if any study materials are within view during exams. All cases of cheating result in a grade of "F" in the course and are referred to the Dean's office for further action.
- **Cells phones** are off.
- Write your **name** on the exam where indicated.
- You may not leave the room during exams.
- There is a presumption of cheating if your answers are visible or accessible to other students. An incident of cheating will result in the grade of Fail (F) in the course for ALL parties. Protect yourself.
- When you **complete the exam**, place the exam and scantron inside your bluebook and turn in the whole as a package. Failure to return the exam will result in a grade of "F" for the course and a referral to the Dean's office for further proceedings.

If you miss an exam you must email or leave a telephone message on the day of the exam. Include a telephone number where you can be reached the day of the exam. If the reason for the absence is sufficient and can be documented, the value of the exam will be added to the final exam. If the reason given is insufficient or cannot be documented, a grade of FAIL will be assigned to the exam. Failure to take the final exam will result in the grade of FAIL in the course. Some exceptions may apply.

There are no make-up exams.

Directions for Answering Essay Questions

Format: Use either use the "IRAC" format or write in straight paragraph form. You may designate a page of your bluebook as "notes" and it will not be graded. You may write on the exam to make notes. Answer in the order given.

- State the issue (question).
- Define and discuss any principles of law (rules) that are relevant to the issue.
- Fully apply the given facts to the legal principles on which you rely.
 - Do not ignore any facts, even if they do not support your conclusions.
 - Do not assume that I know that you know something. Tell me in your exam what you know and by defining every legal term you use.
 - **Note:** If further facts could affect the outcome of the problem, state with particularity what they are, and how they could affect the outcome.
- The actual conclusions you reach could be the least important part of your answer, however you must base your conclusions on your application of the legal principles involved.

Briefing - IRAC Format

Facts: Summarize the important facts that led to the dispute (do not include rules of law)

Cause of action: The legal basis used by the plaintiff to sue (*e.g. breach of contract*).

History: Briefly describe any lower court decision(s), if provided.

Issue: The question that must be answered in order to reach a conclusion in the case and determine who wins the lawsuit. An issue is a **legal question** which, when answered, gives a result in the particular case.

- **Make it specific** (*e.g. "Has there been a false imprisonment if the plaintiff was asleep at the time of 'confinement'?" or "Did Miller owe a duty of care to Osco, Inc. when the ship ran aground?"*) Make reference to a legal term or principle (*e.g. false imprisonment, duty of care, intent*) and some facts of the case.
- Avoid making the issue general in nature (*e.g. "Will the plaintiff be successful?"*).
- Cases in the textbook provide an issue, however you may rephrase the issue. Problems may state a question, but often the question is too general. Develop a better issue when needed.

Rule: The rule is **the law** which applies to the issue. It should be stated as a **general principal** that would be applied in cases involving similar questions (*e.g. A duty of care is owed whenever the defendant should anticipate that her conduct could create a risk of harm to the plaintiff.*) Rules of law do not include the facts of the case or problem.

Note: For problems assigned in Chapter 6 – Intentional Torts, use the rules of law stated in the outline at WebCt. For all cases, use the rule of law stated in the opinion. If a rule is not stated, use the textbook or outline.

Application: The application explains **why** a conclusion was reached. It is a discussion of **how the rule applies** to the particular facts of a case. Do not begin with a conclusion. Instead, begin by addressing each element of the law and how it fits or does not fit the facts. Plaintiff and defendant may approach the elements of the law differently. When possible, include arguments from both sides. The application shows analysis and reasoning and is the most difficult (and, on exams, the most important) skill you will learn.

- With **cases**, the text gives you the judge's reasoning and conclusion. You are basically organizing and summarizing the judge's opinion.
- With **case problems or hypothetical situations**, you know only the facts and are usually not given a judge's opinion. Your job is to act as the attorney for both sides and in the end as a judge in making a decision.

Conclusion: Answer the issue and describe the result. A few sentences complete this section.

SAMPLE BRIEF

Facts: Sally, plaintiff, and John, defendant, are neighbors who own adjacent farmland. Johnny drove on what he assumed was his land and damaged some irrigation pipes. It was later discovered that he actually damaged pipes on Sally's land. The cost to repair the pipes was \$50,000 and Sally sued John seeking reimbursement for the cost.

Cause of action (C/a): Trespass to real property

History: The trial court found in favor of the plaintiff and was granted \$50,000 in damages.

Issue: Did trespass occur when John mistakenly damaged irrigation pipes on Sally's property?

Rule: Trespass to real property is the intentional interference with the possession of another's land causing injury. Intent to "do the act" is required to establish trespass. Mistake is not a defense to intentional torts.

Note: There is no mention that John drove on Sally's property, John's state of mind, that he caused \$50,000 in damages, or that he was mistaken.

Application - Below is an explanation of what the application would discuss, not the actual application of the problem. The discussion begins with whether John had intent to trespass on Sally's land regardless of his belief that he was on his own property. Next, there would be a discussion as to whether there was an interference on Sally's property, and if so, the type of injury that occurred. Lastly, there would be brief discussion of John's argument that he made a mistake. If the elements of the tort are established (intent, interference, injury), plaintiff would win, assuming the defendant cannot establish a valid defense.

Conclusion: Trespass occurred. Affirmed.

