

BUSINESS LAW I (280)
Professor Campbell
Fall, 2008

Office: 3251
Telephone: tba
Fax: tba
E-mail: mcampbell@loeb.com
Office Hours: Wednesday 6:30-7:00 p.m., 9:45-10:15 p.m., and by appointment
Text: Business Law – The Ethical, Global, and E-Commerce Environment, Mallor *et al.*, 13th ed.

Objectives of the Course

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 will cover the topics of the court system and procedure. We will analyze how the legal system has been created, and how it is modified to address changing concerns. We will study the law of torts – the legal concept of “private wrongs” which set standards of conduct in our society. We will then cover the law of contracts – the law which enforces agreements.

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

Exams are composed of one or more essay questions which require you to analyze factual situations, identify legal issues and apply the law in determining the outcome of hypothetical cases. Exams may include multiple-choice questions.

COURSE TOPICS (approx. class time)

I. The Legal System (10% of class time)

- A. Purposes of law
- B. Historical background
 - 1. Common law: flexibility of system designed to find remedies for evolving notions of fairness and rights
 - a. Courts of law
 - b. Courts of equity
 - 2. Constitutional law
 - 3. Statutory law
- C. Legal Reasoning
 - 1. Case law analysis, role of precedent
 - 2. Statutory Interpretation
 - a. plain meaning

- b. legislative history
 - c. public policy
 - d. precedent
- D. Distinction between state and federal law
- E. Distinction between civil and criminal law
- F. Procedural (sufficient to understand cases studied)
 - 1. Court structure
 - a. jurisdiction
 - b. trial courts distinguished from appellate courts
 - 2. Stages of lawsuit
 - a. pleadings
 - b. discovery
 - c. trial
 - d. appeal (NB: importance of distinguishing questions of law from questions of fact)
 - 3. Alternate dispute resolution
 - a. dispute avoidance techniques
 - b. arbitration

II. Remedies (5% of class time)

- A. Damages
 - 1. Compensatory: purpose, duty to mitigate
 - a. actual
 - b. general
- B. Punitive damages: purpose
- C. Liquidated damages: purpose, enforceability
- D. Extraordinary relief
 - 1. Specific performance

II. Torts (25% of class time)

- A. Intentional: applicability of punitive damages
 - 1. Related to the person
 - a. assault
 - b. battery
 - c. false imprisonment
 - d. intentional infliction of emotional distress
 - 2. Related to intangibles: reputation, privacy
 - a. defamation
 - b. invasion of privacy
 - 3. Related to property rights
 - a. trespass
 - b. conversion
 - c. nuisance
 - d. fraud/misrepresentation (coordinated with later discussion in contracts)
- B. Negligence
 - 1. prima facie case
 - 2. defenses

- C. Strict liability
 - 1. products liability

III. Contracts (60% of class time)

- A. Agreement: offer, acceptance, including applicability of UCC
- B. Consideration
- C. Reality of consent
 - 1. Misrepresentation/fraud
 - 2. Mistake
 - 3. Duress
 - 4. Undue influence
- D. Capacity
- E. Legality
- F. Writing: Statute of Frauds
- G. Rights of third parties
- H. Performance, remedies, quasi-contract (coordinated with earlier discussion)

Class Preparation

The assignments are listed separately. Normally we complete one assignment each class. Always be one full assignment ahead. If, for instance, we begin but do not finish an assignment, prepare the next full assignment for the next class. Assignments include reading from the text. In addition, there are cases, case problems and questions which must be briefed in writing. A “case” is a court case which is contained in the text. A “case problem” is an end-of-chapter question, which, again, must be briefed. These case problems are also actual court cases, but do not include the court’s decisions - that will be your job to analyze. When a case problem contains questions, simply ignore them, and instead brief the case. If you have questions about the assigned material, please ask.

You will be called on at random throughout the semester to read your briefs and problems in class. Normally, you will not be asked to turn in your written briefs or problems, as these are learning tools, not graded product. However, I reserve the right to change this policy in the event that students are not fully prepared during class. If you are unprepared or absent, this will affect your grade as discussed below. It is your responsibility to be prepared for every class. If you are absent, it is still your responsibility to be prepared. Once during the term you may give me a note at the start of class stating that you are unprepared and no negative mark will be made. You must be present in class to give such a note - it is not available as an excuse for an absence.

You may not tape record the class without permission.

Briefing Cases

To brief cases, case problems and questions, use the following "IRAC" format:

Issue: What question must be answered in order to reach a conclusion in the case? This should be 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’?”) rather than general (e.g. “Will the plaintiff be successful?”) You may make specific to the case being briefed (e.g. “Did Miller owe a duty of care to Osco, Inc.?”) or general to apply to all cases which present a similar

question, (e.g. “Is a duty owed whenever there is an employment relationship?”) Most cases present one issue. If there is more than one issue, list all, and give rules for all issues raised.

Rule: The rule is the law which applies to the issue. It should be stated as a general principal (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.”), not a conclusion to the particular case being briefed (e.g. “The plaintiff was negligent.”)

Application: The application is a discussion of how the rule applies to the facts of a particular case. While the issue and rule are normally only one sentence each, the application is normally paragraphs long. It should be written debate - not simply a statement of the conclusion. Whenever possible, present both sides of any issue. Do not begin with your conclusion. The application shows how you are able to reason on paper and is the most difficult (and, on exams, the most important) skill you will learn.

Conclusion: What was the result of the case?

With cases, the text gives you a background of the facts along with the judge's reasoning and conclusion. When you brief cases, you are basically summarizing the judge's opinion. With case problems, the editors have given you a summary of the facts of an actual case, but have not given you the judge's opinion. Your job is to act as the judge in reasoning your way to a ruling, again using the IRAC format. Most briefs are one page long. They must be brought to class on the day they are to be discussed. Once an assignment has been discussed, you no longer need to bring it to class. Since the briefs are not normally turned in, they may be either handwritten or typed.

Exams and Grading

There will be two midterms and a final. The midterms will each constitute 60% of your course grade. The final will constitute 40% of your course grade. The final exam is cumulative, and will be given on the date and time indicated in the Schedule of Classes.

Your grade is affected by whether you have been prepared when called on for case briefs. As noted above, you may give a note once during the semester stating that you are unprepared, and no negative mark will be made. However, if you are called on and have not given an “unprepared” note or are absent you will receive an “unprepared” mark. If you are absent when called on you are “unprepared.” One such mark will be dropped from consideration in grading. Any unprepared marks beyond that will cause your final grade in the course to be reduced by 0.1 for each such mark.

The grade reached after averaging the exams will be the minimum grade you can receive in the course. At the professor's sole discretion, your course grade may be raised based on classroom participation and improvement. One way to increase participation is to bring news articles related to topics studied in the class.

Grading System (taken from “Regulations”, CSUN catalog)

GRADE	DEFINITION	GRADE POINTS
A	Outstanding	4.0
A-		3.7
B+		3.3

B	Very Good	3.0
B-		2.7
C+		2.3
C	Average	2.0
C-		1.7
D+		1.3
D	Barely Passing	1.0
D-		0.7
F	Failure	0

Courtroom Visitation

Due: No later than Wednesday, November 19th at the beginning of class.

Value: This assignment is credit/no credit. Satisfactory completion will not change your grade; however, failure to satisfactorily complete the assignment will result in your course grade being lowered by 0.1, as discussed more fully under the “Exams and Grading” section above.

Assignment: You are to attend one jury trial in progress. The case can deal with criminal or civil issues. You will not be given credit for observing traffic court, small claims court, law and motion hearings or assignments out of the master calendar. In order to locate a trial in progress you should speak to the information officer at the courthouse you select or speak to a court clerk or bailiff in any courtroom. You should plan to make this visit between 9:30 a.m. - 12:00 p.m. or 1:30 p.m. - 4:00 p.m., Monday through Thursday. Many courts are closed on Friday. You need not stay for the whole trial (some continue for months) - just long enough to discuss the following questions. You may need to ask the bailiff or court clerk some information during appropriate break times. Dress appropriately. You may attend the same trial as fellow classmates as long as you write your reports individually.

Your three- to four-page typewritten, double-spaced report will consist of the following:

1. Courthouse visited and date
2. How you located a trial in progress
3. Name of the case you observed.
4. Type of case you observed (civil or criminal, causes of action or crimes charged, the facts available to you)
5. Describe the role of the attorneys.
6. Were they questioning the witnesses, making objections, speaking to the judge and jury?
7. Describe the role of the judge.
8. What was your reaction to the proceeding?

General Instructions on Taking Exams

Answer each question fully, clearly, and in the order given. Mere conclusions receive no credit. You should:

- Discuss the issue.
- Define and discuss any principles of law, legal theories, etc., relevant to the question.
- 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, defining every legal term used.

- The actual conclusions you reach could be the least important part of your answer - but you must base your conclusions on complete and intelligent applications of the facts to the legal principles involved.
- If further facts could affect the outcome of the problem, state with particularity what they are, and how they could affect the outcome.
- You may either use the “IRAC” format or write in straight paragraph form. Either way, you need to cover the same information: the issues involved, the applicable legal rules, and an application of the law to the facts to reach your outcome. Discuss all issues - some questions have more than one issue.
- If you need scratch paper to make notes, use your exam itself. Although you must turn it in, it will not be graded. You may also designate a page of your bluebook as "notes" and it will not be graded.

Caution:

- Use non-erasable dark blue or black ink for your essays. Do not use white-out or tear pages out of your blue book.
- Bring one large bluebook and one 882 scantron to each exam. 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 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 every line of the blue book. Write on only one side of each page; however you may use the facing page to insert information. Write your name on the exam itself. When you complete the exam, place the exam and scantron inside your bluebook and turn in the whole as a package. Failure to follow all of these directions will cause a 0.1 reduction in your exam grade. Failure to return the exam itself will result in a grade of “F” for the exam and may be referred to the Dean's office for further proceedings.
- All exams are closed book. Make sure that all study materials are completely out of sight. Make sure that all books, notes, bookbags, 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. Note: all cases of cheating result in a grade of “F” for the course and are referred to the Dean's office for further action.