

SPRING 2009 – BUSINESS LAW 280

COURSE SYLLABUS¹

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Class Hours: Wednesdays 7:00 p.m. – 9:45 p.m.
Office Hours: Wednesdays 15 minutes before class and 45 minutes after class
Textbooks: Business Law: The Ethical, Global, and E-Commerce Environment, Mallor *et al.*, 13th ed., (2007).

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 (i.e., the legal concept of “private wrongs” which set standards of conduct in our society) and the law of contracts (i.e., the law which enforces agreements).

You will analyze how the law applies to various 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 apply the rules of law in changing circumstances, and 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 the facts, identify legal issues and apply the law in determining the outcome of hypothetical cases. Exams may also include multiple-choice, true/false and/or fill-in-the blank questions.

Class Preparation

Attendance is mandatory. The assignments are listed below. You will want to remain 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 readings from the text, 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. These case problems are

¹ This syllabus is subject to change during the semester and assignments may be altered. Announcements will be made in class, therefore attendance is essential.

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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. You will not be graded on the briefs or problems. These are learning tools, not finished product. You will also be called on to discuss readings from the text for which you were not required to prepare a written brief. However, if you are unprepared or absent, this may 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. Exchange contact information with another student in the class to find out any missed information – you should contact that fellow student and not the professor to learn of missed work, unless you have a particular question or problem. 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 it referable to the specific case being briefed (e.g. “Did Miller owe a duty of care to Osco, Inc.?”) or which can 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 a 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?

For **cases** (as opposed to case problems), before you get into the IRAC discussion, please also start your brief by: (1) Identifying the case name and type of court (i.e., California Court of

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Appeals); and (2) Summarizing the relevant facts 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. While most of these case problems are followed by a question, brief the entire problem in addition to the more specific question – meaning, if the case focuses on only one element, still analyze the rest of the elements.

Most briefs are not more than one or two pages long. They must be brought to class on the day they are to be discussed, though they will usually not be turned in (though there may be exceptions to this). Bring two copies so that if you are asked to discuss your brief, you can turn one copy in. The briefs may affect the participation element of your grade. Once an assignment has been discussed, you no longer need to bring it to class. They may be either handwritten or typed.

Academic Honesty and Behavior – Homework and Exams

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. For example, written homework cannot be identical to that of another student. Making your exam answers visible or accessible to others is prohibited.

University regulations are at <http://www.csun.edu/a&r/soc/studentconduct.html>

College of Business regulations are at <http://www.csun.edu/busecon/students.html>

Exams and Grading

There will be one midterm, maybe a few quizzes or a research project and a final. The final exam is cumulative. Your final exam will be administered **May 13, 2009 from 8:00 p.m. to 10:00 p.m.**

The grade allocation is as follows:

Quizzes/Projects/Participation: 15% of course grade;

Midterm: 35% of course grade;

Final exam: 50% of course grade.

Your grade is affected by whether you have been prepared when called on for discussion, case and case problem briefs. **Though I will attempt to seek participation as well, it is YOUR**

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responsibility to ensure that you participate in class. Much of this course involves discussion of issues, cases, etc. You should affirmatively seek to join these conversations. 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+	Very Good	3.3
B		3.0
B-		2.7
C+		2.3
C	Average	2.0
C-		1.7
D+	Barely Passing	1.3
D		1.0
D-		0.7
F	Failure	0

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 must use the “IRAC” format, unless otherwise directed.
- 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

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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-eraseable 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 the midterm and final. 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 except as stated herein. However, you may bring a maximum of two (single-sided) pages (i.e., 8.5 by 11 paper) of notes (typed or handwritten) to class for the midterm and three pages (single sided) for the final. Make sure that all other study materials are completely out of sight. Make sure that all books, notes (other than the two pages of notes referenced above), bookbags, and purses are placed in front of the class at the start of the exam. There is a presumption of cheating if any unauthorized 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.

Legal Advice, Department Information, & University Guidance

- 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/~hfbus019/>. This 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/>.

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- For advice on personal issues visit the Counseling Center (818) 677-2366, Room 520 (5th floor) in Bayramian Hall (formerly the Student Services Building)
<http://www.csun.edu/counseling/cgi-bin/index.php>

Assignments

	Readings	Briefs due
1/21	Legal system, court system, procedure, remedies, court system & civil procedure.	
	Read 2-3, 6-8 (stop at "Jurisprudence"), 11 (begin at "The Functions...") -13, 15-21 [Statutory Interpretation], 22-24 [Appendix re briefing cases], 27-35 [State and Federal Court Jurisdiction], 37-46 [Civil Procedure], 47-49 [ADR].	
1/28	Tort Remedies: Compensatory and punitive damages. Intentional Torts: Battery. Read 165-171.	Mathias. ² PC 2 ³ and Wishnatsky.
	Assault. Read 171-73.	Manning (attached).
2/4	Intentional infliction of emotional distress & false imprisonment. Read 173-75.	PC 4 & Banks.
	Defamation. Read 175-86.	Fuste, Hearst
2/11	Invasion of privacy. Read 186-190.	PC 9
	Trespass, nuisance, conversion. Read 191-95.	PC 10 & 14
	Interference with Contractual Relations/Prospective Economic Advantage. Read 263-265.	PC9
2/18	Negligence. Read 201-204	Williams; PC 2 & 3.
	Read 204-214.	Hargis
2/25	Read 216 (start at "Causation..") -224; Defenses. Read 224-227.	Interim Personnel, Stahlecker, PC 6, Davenport & PC 8
3/4	Products liability. Read 483-495; 495-499; 500-503; 515-16.	Crowe, Bako Phillips, Wright
3/11	MIDTERM	
3/18	Contracts, quasi-contract, promissory estoppel. Read 274-280; 280-288; Remedies 448-454	Jackson, PC 6 & 7
3/25	Offer 291-95	Ewanchuk
	Communication Read 296-99	Leonard, PC 2 & 3
	Termination. Read 300-04.	Smith & PC 6, 7 & 10
4/1	Acceptance. Read 309-314.	Specht & PC 1
	Read 314-22.	Standard Bent Glass, Ellefson & PC 3

² Brief only those cases designated. When cases are included in assigned readings but not designated for briefing, simply read them.

³ Problem cases are located at the end of each chapter.

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4/8	SPRING BREAK – NO CLASS	
4/15	Consideration. Read 327-339	Calabro, PC 3, 6, 7, & 8 Research project
4/22	Fraud & misrepresentation. Read 344-48. Mistake, undue influence, duress. Read 348-356.	Rodi, PC 2 & 3 PC 4 & 8.
4/29	Capacity. Read 360-70. Legality. Read 373; 378-389	Jays
5/6	Statute of Frauds. Read 394-410	PC 4 & 7
5/13	FINAL EXAMINATION	

Supplemental Cases & Case Problems

Manning v. Grimsley

David Manning was a spectator at Fenway Park in Boston for a baseball game between the Baltimore Orioles and the Boston Red Sox. Ross Grimsley was a pitcher for Baltimore. During the first three innings, Grimsley was warming up by throwing a ball from a pitcher's mound to a plate in the bull pen located near the right field bleachers. The spectators in the bleachers continuously heckled Grimsley. On several occasions immediately following the heckling, Grimsley looked directly at the hecklers, not just into the stands. At the end of the third inning, Grimsley, after his catcher had left his catching position and was walking over to the bench, faced the bleachers and wound up or stretched as though to pitch in the direction of the plate. Instead, the ball traveled from Grimsley's hand at more than 80 miles per hour at an angle of 90 degrees to the path from the pitcher's mound to the plate and directly toward the hecklers in the bleachers. The ball passed through the wire mesh fence in front of the bleachers and stuck Manning. Manning sued Grimsley for battery. When the trial judge directed a verdict for Grimsley, Manning appealed.

Wyzansky, Senior District Judge. We, unlike the district judge, are of the view that for the evidence that Grimsley was an expert pitcher, that on several occasions immediately following heckling he looked directly at the hecklers, not just into the stands, and that the ball traveled at a right angle to the direction in which he had been pitching and in the direction of the hecklers, the jury could reasonably have inferred that Grimsley intended (1) to throw the ball in the direction of the hecklers, (2) to cause them imminent apprehension of being hit, and (3) to respond to conduct presently affecting his ability to warm up and, if the opportunity came, to play in the game itself. The foregoing evidence and inferences would have permitted a jury to conclude that Grimsley committed a battery against Manning. This case falls within the scope of Restatement (second) of Torts section 13 (1965) which provides:

An actor is subject to liability to another for battery if

a. he acts intending to cause a harmful or offensive contact with the person of the other or a third person, or an imminent apprehension of such a contact, and

b. a harmful contact with the person of the other directly or indirectly results.

Although we have not found any Massachusetts case which directly supports that aspect of section 143 at issue in this case, we have no doubt that it would be followed by the Massachusetts Supreme Judicial Court. Section 13 has common law roots that precede the American Revolution. The whole rule and especially that aspect of the rule which permits recovery by a person who was not a target of the wrongdoer embody a strong social policy including obedience to the criminal law by imposing an

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absolute civil liability to anyone who is physically injured as a result of an intentional harmful contact or a threat thereof directed either at him or a third person.