

Fall 2009– BUSINESS LAW 280 (INTRODUCTION TO BUSINESS LAW)

COURSE SYLLABUS – class #12814 – Tuesdays/Thursdays 1230-145

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Class Hours: Tuesdays and Thursday from 12:30 p.m. to 1:45 p.m. Our class room is Room 1234, Juniper Hall.

Office Hours: Tuesdays 10:45 to noon; Thursdays 3:30 to 4:30; Fridays 11 a.m. to noon; or by appointment.

Text: Business Law – The Ethical, Global, and E-Commerce Environment, Mallor, Barnes, Bowers and Langvardt, 14th ed., (2010).

NOTE: The Mallor text will be our primary textbook during the semester. You MUST have the textbook prior to the start of class. In fact, there will be a modest reading assignment that you should complete BEFORE the first class session (see below). You may purchase a hard copy from the bookstore. However, as part of the Business Law Department's efforts to make textbooks more affordable, all core classes (BLAW I and II along with BLAW 508) will offer students the choice of purchasing a traditional textbook hardcopy or by accessing text materials online. This option will also be available for electives where possible. For our class, the cost of downloading the Mallor text materials for either BLAW I or II is less than \$25. You may find that you will want to print the chapters to bring to class as we will refer to the text in class on many occasions.

The material can be accessed at <https://ebooks.primisonline.com/eBookstore/CustomEBooks.jsp>.

FYI, the 14th edition of Mallor is "new" for the 2009-2010 academic year and is substantially different than the 13th or other prior editions. Earlier editions are not useable for this class.

Course Overview:

The course provides an overview of the legal environment in which business decisions are made. The course will cover topics of the court system and procedure. We will analyze how the legal system in the United States 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 which enforces agreements.

The course is taught through lecture and class discussion. We will focus on how the law applies to various factual settings. During the course, 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 discussions. You will be able to 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 your personal beliefs. You will learn to identify the functions, policies and trends in the law, and to consider the social, economic and ethical influences on the law.

Communicating/Class Room Discussion/Homework:

While of course one of our key goals will be to learn basic principles of real estate law and to critically evaluate those principles in various factual situations, from a practical perspective, this course will demand that students communicate, both in writing and orally, the results of their reasoning and thinking – and that communication will involve both oral communication in class and in written communication in a few written assignments and of course the mid-term and final exam. In the “real world,” understanding the law is important, being able to apply the law to a given set of facts is even more important, but being able to communicate it effectively, in writing or orally, is critical.

Thus, the class room will be an active learning environment. Classes will be conducted in a combination of lecture (small percentage), active class discussion and the “Socratic Method” of instruction. That means that it’s critical to read the assigned text and cases *before* class begins. (Please note in some cases, additional/supplemental readings will be emailed to you and you will be expected to read those materials as well as the Syllabus referenced items. Of course, the Syllabus assignments may be changed from time to time as well).

In class, you should be prepared to orally defend your interpretation of the cases (and answer hypothetical questions) in open class discussion. You should learn to argue alternate sides of a dispute regardless of personal belief. Expect to be called on randomly in class – participation will NOT be limited to “volunteers”.

Frankly, the success of the class as a whole and your own success in it are highly dependent on your ability to be prepared for class, including doing the “Briefing and Answering” requirements set forth below.

Briefing and Answering Assignments:

When the Syllabus indicates a requirement to "Brief" a specific case or to "Answer" the identified Chapter Problems/Consider issues described in the text, you should do so in writing. All "Briefs" and "Answers" must be in writing, but – IN GENERAL – I do not intend to have students turn them in. I will call on students at random during the class and ask them to read from their "Briefs" or "Answers". Having the writing in hand will help you be prepared and serves as great practice for written communication. **On two occasions during the semester, I will require that the designated Brief or Answer must be turned in as a homework/writing assignment – I will give advance notice of that requirement. On a third occasion, there will be a "surprise" requirement to turn in a Case Brief so you need to be prepared for each class with a written brief when the Syllabus calls for it.**

To brief cases, case problems and questions, use the following "IRAC" (Issue-Rule-Application-Conclusion) 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?") – the latter approach being preferred. Many cases present more than one issue; if there is more than one issue, list the principal one and focus on that.

Rule: The rule is the law which applies to the principal 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. While most of these case problems are followed by a question, ignore the question and instead brief the problem.

Most briefs should not have to exceed one page in length. 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

Grading is based on a combination of evaluation of written assignments, class participation, mid-term exam and final exam.

The grade allocation is as follows:

- A. Written assignments – briefs and other homework -- collectively 20% of course grade – these include the 2 case briefings/questions answered described above, and the “pop” briefing assignment. These assignments will each be graded on a “check” (84), “check minus” (70) or “check plus” (95) basis and the homework grade will be the average of these three assignments.
- B. Class participation – 10% of course grade – at the end of the semester, I will assign a numeric grade (0-100) for class participation for the semester. This will have a 10% impact on your grade. See further, below.
- C. Mid-term exam – 20% of course grade.
- D. Short quiz on contract law issues of offer and acceptance – 10% of course grade
- E. Final exam – 40% of course grade.

Both the mid-term and final exams will be composed of: (i) 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 and (ii) multiple-choice, true-false and/or fill-in-the-blank questions – often focusing on key terms and basic principles.

Class participation – As noted above, your semester grade is affected by whether you have been prepared when called on for discussion and case briefs. As noted above, you may give a note ONCE during the term stating that you are unprepared, and no negative mark will be made.

Exams – All exams will be “semi-closed book”. By “semi-closed,” this means that you may bring a maximum of ONE SIDE OF ONE 8.5” BY 11” PIECE OF PAPER ONLY CONTAINING notes (typed or handwritten) to the exam and use that single sheet during the exam. All other study materials must be completely out of sight. Whatever font or margins you want to use on the one side of paper are OK.

Assignments – The following chart outlines the Class Sessions, Topics and Work to be done in time for that class. In other words, for the date shown, the applicable “Work” is to be completed prior to the start of that day’s class. (Of course, this syllabus is subject to change during the semester and assignments may be altered. Announcements will be made in class, therefore attendance is essential.

PLEASE BE PREPARED FOR CLASS – IN PAST SEMESTERS, THE STUDENTS THAT WERE MOST PREPARED FOR CLASS (THROUGH READING MATERIAL ON TIME, PREPARING BRIEFS, ETC.) NOT ONLY “SCORED” BETTER ON THE HOMEWORK ASSIGNMENTS AND CLASS PARTICIPATIONS, BUT WERE NOTICEABLY MORE PREPARED AND SCORED HIGHER ON THE MID-TERM AND FINAL EXAMS.

ASSIGNMENTS

Date	Class Topics	Work Due
Class 1 Tuesday August 25	Nature of Law – Legal reasoning, case law	Read pages 1 through 14 (you may skip the <u>Gribben</u> and <u>Trentadue</u> cases – but DO read the <u>Hagan</u> case). No writing assignment. Please complete this reading BEFORE the first class – specifically, be prepared to discuss the Hagan case.
Class 2 Thursday August 27	Statutory Interpretation – Limits of Court Power	Read pages 15-28, beginning with “Cyberlaw in Action”. Brief <u>Fair Housing Council of San Fernando Valley v. Roomate.com, LLC</u> case (in writing). Be prepared to answer the question at the end of the “Cyberlaw” box on page 15 comparing the <u>Fiar Housing</u> decision and the <u>Chicago Lawyers Committee v. Craigslist</u> case – and answer Chapter Problems 9 and 10 (page 28) – no writing due, but be prepared to discuss.

Class 3 Tuesday September 1	Resolution of Private Disputes – Federal Courts, State Courts -- Civil Procedure	Read pages 29-43. Be prepared to discuss <u>Allstate Indemnity</u> case (you do not need to brief this in writing). Be prepared to answer Chapter Problem 1 (page 53)
Class 4 Thursday September 3	Summary Judgment Trials Alternative dispute resolution ("ADR")	Read pages 45-55. Brief <u>Preston</u> case. Answer Chapter Problem 5 on page 54.
Class 5 Tuesday September 8	Intentional Torts	Read pages 168-80 Brief <u>Mathias</u> case Answer Chapter Problem 1 on page 200.
Class 6 Thursday September 10	Defamation	Read pages 181-190 Read supplemental reading on New York Times v. Sullivan – 1964 case -- to be distributed Brief <u>Hearst v Skeen</u> case Answer Chapter Problem 12 on page 203.
Class 7 Tuesday September 15	Invasion of privacy Nuisance	Read pages 191-198 Brief <u>Stephens v. Pillen</u> Answer Chapter Problem 11, page 203.

Class 8 Thursday September 17	Negligence – Duty/Breach of duty concepts	Read pages 205-214 Brief <u>Currie</u> case Answer Chapter problem 2 on page 237
Class 9 Tuesday September 22	Special Duties Duties to persons/property Causation	Read pages 214-225 Brief <u>Delgado</u> case Brief <u>Atlantic Coast Airlines</u> case
Class 10 Thursday September 24	Proximate Cause Intervening Cause Res Ipsa Loquitor	Read pages 225-231 Brief <u>Black v. William Insulation</u> case Answer Chapter Problem 5 on page 238
Class 11 Tuesday September 29	Negligence Defenses Comparative Negligence Assumption of Risk Strict Liability Tort Reform	Read pages 231-240 Brief <u>Davenport</u> case Answer Chapter Problem 10

Class 12 Thursday October 1	Product Liability <ul style="list-style-type: none"> ■ Warranties – actual and implied ■ Strict Product Liability ■ Damages in products cases ■ Defenses in such cases. 	Read pages 504-510 (through <u>Crowe v Carmax</u> case), 517-520 (Strict Liability through <u>Simo</u> case), 526-527 (Time limitations and Damages in Product Cases) Brief <u>Simo</u> case Answer Chapter Problem 6, page 540
Class 13 Tuesday October 6	Mid Term Review	Answer the following Chapter Problems – Chapter 1 – problem 1, page 25 Chapter 2 – problem 3, page 53 Chapter 6 – problem 2, page 200 Chapter 7 – problems 3 and 8 Chapter 20 – problem 8, page 541
Class 14 Thursday October 8	MID-TERM EXAM FULL PERIOD	
Class 15 Tuesday	Introduction to Contracts <ul style="list-style-type: none"> ■ Intro 	Read pages 290-295, 300-304, and 307-314 Brief <u>Lambert</u> and <u>Palese</u> cases

October 13	<ul style="list-style-type: none"> ■ Non-Contract Obligations ■ Offers 	
Class 16 Thursday October 15	Termination of Offers Revocation of Offers	Re-read 307-314 and read pages 315-324 Brief <u>Family Video</u> case Answer Chapter Problems 8 and 9
Class 17 Tuesday October 20	Acceptance of Contracts <ul style="list-style-type: none"> ■ Intent ■ Communication 	Read pages 325-331 Brief <u>Finnen</u> and <u>Standard Bent</u> cases Answer Chapter Problems 1 and 2
Class 18 Thursday October 22	Acceptance of Contracts "2" <ul style="list-style-type: none"> ■ When is acceptance communicated? ■ Forms of communication ■ Acceptance issues 	Read pages 332-342 Brief <u>Okosa</u> and <u>McGurn</u> cases Answer Chapter Problems 6 and 8

Class 19 Tuesday October 27	Half hour quiz on offer/acceptance issues (multiple choice) Introduction to Consideration issues	Study work done in Classes 15 through 18 to prepare for the Quiz Read pages 343-348 through paragraph on Effect of Exclusive Dealing Contracts No briefing required, but be prepared to discuss the reading, including <u>Gottlieb</u> and <u>Heye</u> cases
Class 20 Thursday October 29	Consideration <ul style="list-style-type: none"> ■ Absence of consideration ■ Pre-Existing consideration ■ Past duties ■ Exceptions to consideration 	Read pages 348 (from "Pre-Existing Duties") to 359 Brief <u>Ross</u> case Answer Chapter Problems 5 and 10
Class 21 Tuesday November 3	Consent Misrepresentation Fraud	Read pages 360-369 (through <u>Estate of Nelson</u> case) Brief <u>Jordan</u> case Answer Chapter Problem 2

Class 22 Thursday November 5	Unilateral Mistake Duress Undue influence	Read pages 369-377 Brief <u>Cabot</u> case Prepare to discuss <u>Cyberlaw in Action</u> page 371 Answer Chapter Problems 7 and 9
Class 23 Tuesday November 10	Capacity to contract	Read pages 378-391 Brief <u>Dodson</u> case Answer Chapter Problem 1
Class 24 Thursday November 12	Illegality/Legality of Contract Exculpatory Clauses	Read pages 392-397 (through <u>Riggs</u> case) and pages 400-406 (through Contracts of Adhesion, stopping before Effect of Illegality) Brief <u>Riggs</u> and <u>McCune</u> cases Answer Chapter Problems 2 and 8
Class 25 Tuesday November 17	Statute of Frauds Writings	Read pages 412-420 (plus carryover paragraph at the top of 421) and read page 423 <u>Cyberlaw in Action</u> re E-signatures Brief <u>Schaadt</u> case Answer Chapter Problems 2 and 6
Class 26	Assignments of Contracts	Read pages 435-444 (through <u>Watts</u> case)

Thursday November 19	Third Party Rights	Brief <u>Watts</u> case Answer Chapter Problems 2 and 3
Class 27 Tuesday November 24	Contract Conditions Performance of Contracts	Read pages 453-460 (through Good faith Performance) Brief <u>Smith</u> case Answer Chapter Problem 1
Thursday November 26	NO CLASS	THANKSGIVING HOLIDAY
Class 28 Tuesday December 1	Breach of Contract Remedies	Read pages 460-468 Brief <u>East Capitol</u> case Answer Chapter Problems 3 and 9
Class 29 Thursday December 3	More on Contract remedies Review for final exam	Read pages 469-477 Brief <u>Furst</u> case
Class 30 Tuesday	Review for Final Exam	Be prepared to ask questions to help review for the final exam. The final will be cumulative HOWEVER, it will emphasize Contract Law issues

December 8		
Thursday December 10	FINAL EXAM	EXAM WILL TAKE PLACE 12:45 TO 2:45 P.M.