

BUSINESS LAW I (BLAW 280 – 3 units) Revised 1/13/2015

Professor Carr

Mon/Wed 12:30pm – 1:45pm

Spring 2015

Classroom: JH 1234

Section: 13007

Text: BUSINESS LAW: THE ETHICAL, GLOBAL AND E-COMMERCE ENVIRONMENT, 15th ed., Mallor *et al.*, (2013). *(Yes, the 15th ed. is required. An older text will not match the assignment list.)* The textbook is available hardcopy at the campus bookstore and elsewhere. A custom electronic version, with just the chapters that we will use in class, is available at a significant discount online at:

create.mheducation.com/shop/

Enter ISBN 9781121608115

The price is \$29.64.

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Moodle: It is your responsibility to check Moodle regularly for announcements and other information related to the course.

Mission, Learning Goals and Objectives:

The mission of the Department of Business Law is to enable students, through excellence in teaching, to recognize and analyze legal issues arising in the business environment.

Classes are taught using the Socratic method, with its goal of participatory learning and the development of reasoning skills. This active learning process requires students to articulate, develop and defend positions, to think critically and to engage in problem-solving. Students learn to formulate an effective legal analysis by synthesizing information, identifying legal issues, distinguishing relevant from irrelevant facts, using facts and law to support argument, reasoning by analogy and reaching conclusions based on analysis. In addition, students in all BLAW courses study ethical issues in a business context, with actual topics depending on course content.

LIFE LONG LEARNING OVERALL GOAL: Students will develop cognitive, physical and affective skills that will allow them to become more integrated and well-rounded individuals within various physical, social, cultural, and technological environments and communities.

Life Long Learning GE SLO #1: Students will identify and actively engage in behaviors conducive to individual health, well-being, or development, and understand the value of maintaining these behaviors throughout their lifespan.

BLAW 280 helps students learn the law relevant to engaging in business. This includes laws that help their own progress in life as well as those that help maintain a healthy and well-

functioning society. In addition, students learn the process of legal analysis, so that they can develop their skills of critical thinking and problem solving. This is helpful to students to become fully developed students and adults.

Life Long Learning GE SLO #2: Students will identify and apply strategies leading to health, well-being, or development for community members of diverse populations.

BLAW 280 teaches students to learn how to identify issues and apply law to situations. Doing this, students learn skills of issue identification and analysis, furthering the development of legal rights and duties in our diverse society.

Social Justice Pathway – The primary goal of the Social Justice Pathway is to encourage students to think critically about social justice, to recognize it as foundational for peaceful societies, and to look for ways to promote it. BLAW 280 is included in the Pathway and addresses two of its student learning outcomes: (1) students will be able to recognize and critically analyze the inter-relationship between cultural recognition and economic justice, and (2) students will be able to identify and practice the methods people use to fight for social justice at local, national, and international levels.

Business Law I (BLAW 280) 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.

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 will include multiple-choice questions.

Class Preparation

The assignments are listed below. Normally we complete one assignment each class, however, always be one full assignment ahead. If we begin but do not finish an assignment, prepare the next full assignment for the next class. Assignments include reading from the text and written preparation, some of which will be turned in. If you have questions about the assigned material, please ask. You may not tape record the class.

It is your responsibility to be prepared for every class. If you are absent, it is still your responsibility to be prepared for class. Exchange contact information with another student in the class to find out any missed information from an absence. You should contact that fellow

student, rather than the professor, unless you have a particular question or problem. Once during the term, you may turn in a note at the start of class stating that you are unprepared for class discussion 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 a brief that is to be turned in through Moodle.

You are expected to show respect for your classmates, your professor, and the university, and not to engage in disruptive behavior. If you walk in late, please do so quietly and take a seat in the back of the room. Food is not permitted in the classroom, nor is sleeping during class or raising your voice to fellow students or the professor. You may be asked to leave class for disruptive behavior and you may be required to speak with the Student Conduct Coordinator before returning to class.

Briefs: As you read the text, it is strongly recommended that you outline the chapter, take notes as you go, and/or make flashcards. You are responsible for making a study guide; it will not be provided for you. In addition, there are cases and problem cases which must be briefed in writing. A "case" is a court case which is contained in the text. A "problem case" ("PC") is an end-of-chapter case, which, again, must be briefed. These PCs are also actual court cases, but do not include the court's decisions - that will be your job to analyze. When a PC contains questions, simply ignore them, and instead brief it as a case.

You will be called on at random throughout the semester to read your briefs in class. You will not be graded on the briefs because these are learning tools, not finished product. However, if you are unprepared or absent, this will affect your grade.

Some of these briefs, as noted on the assignment list, must be turned in, using turnitin.com, through Moodle, prior to the beginning of class, for credit/no credit. Hard copies and emails of the briefs will not be accepted for any reason, so don't wait until the last minute to turn in an assignment only to be frustrated by a technical difficulty. These turned-in briefs are credit/no credit, but please be aware that simply turning in something is not sufficient to receive credit. You must have made a good faith effort to complete all elements of the assignment. **You may not copy from any source, including the textbook.** Your work must be your own, and turnitin will report on the amount of your brief that is copied. Failure to adequately complete the assignment will affect your grade as discussed below under "Exams and Grading."

Briefing Cases

To brief cases and PCs, use the following "IRAC" format:

Issue: The issue is a question that must be answered in order to reach a conclusion in the case. Make it specific (e.g. "Is defendant liable for false imprisonment if plaintiff was asleep at the time of 'confinement?") rather than general (e.g. "Will the plaintiff be successful?") It is best to use the parties' names in the specific case being briefed (e.g. "Did Miller owe a duty of care to Osco, Inc. and therefore is liable for negligence?") Most cases present one issue, however, if there is more than one issue, list all, and analyze 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.") Rules must be in the form of sentences, not questions. Present the rules as a list, not a paragraph.

Application: The application is a discussion of how the rule applies to the facts of a particular case. The application must be at least two paragraphs, one for each of plaintiff’s and defendant’s arguments. It should be written debate - not simply a statement of the conclusion. Present both sides of any issue. 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. It is called an application because you are applying the facts to the rules, so be sure to use all of the facts presented to make your arguments.

Conclusion: What was the result of the case? When briefing a case, make sure you give the result reached by the court, rather than your opinion of what should have happened. When briefing a problem case or writing an exam essay, be sure to draw a reasoned conclusion based on the rules and application you presented. The conclusion should not be more than a couple of sentences and should answer your issue.

Most briefs that you prepare for class will be about one typewritten page. If you choose to handwrite them, they will be longer. Each brief must be brought to class on the day it is scheduled to be discussed, and thereafter in the event that we are behind, and you should take notes on them as we discuss them. Once a case has been discussed in class, you no longer need to bring it to class, but you should keep it to study for the exam. The briefs may be handwritten if they are not scheduled to be turned in.

Exams and Grading

Your grade will be based upon participation and three exams. Plus/minus grading may be used. The grade allocation is as follows:

Participation (attendance, discussions, turned-in briefs): 30 points

First exam: 55 points

Second exam: 55 points

Third exam: 60 points

Attendance is mandatory and will be taken at every class meeting. You may have two absences during the semester, but any other absences will result in a loss of 5 points for each absence. Tardiness is disruptive to the entire class. You may have two tardies during the semester, but any other tardies will result in a loss of 5 points for each tardy. Your grade is affected by whether you have been late, left class early, prepared when called on, and whether you have turned in required briefs. If you are late, absent, or unprepared when called on, that will be noted, and will have a negative impact when calculating your final grade.

The grade reached after calculating the participation and exam scores 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 effort and/or improvement.

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 the reader knows what you're talking about. Define every legal term used.
- You must base your conclusions on complete and intelligent applications of the facts to the legal principles involved. Thoughtful arguments and detailed analysis are more important than the conclusion that you reach.
- If further facts could affect the outcome of the problem, state with particularity what they are, and how they could affect the outcome.
- Use the IRAC format, just as we do in class. Discuss 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 in the exam, your notes will not be graded. You may also designate a page of your examination book (available for purchase at the bookstore and Arbor Grill) as "notes" and that page will not be graded.

Be sure to:

- Use non-erasable dark blue or black ink for your essays.
- Use pencil on the scantron, and write your name on it. If you do not write your name on the scantron, you will receive a zero (0) on that portion of the exam.
- Do not use white-out or tear pages out of your examination book.
- Bring one large examination book and one 882 scantron to each exam.
 - Do not write your name on the examination book - it will be exchanged in class prior to the start of the exam.
 - When you get the examination book in class that you will use for your exam, write your name on the **inside back cover**. Do not write your name elsewhere on the examination book. The purpose of this requirement is to ensure blind grading. If you do not write your name in the examination book, you will receive a zero (0) for that portion of the exam.
 - Write on only one side of each page; however you may use the facing page to insert information.
- Write your name on the typed exam itself. 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. So, in order to give you credit for turning it in, it must have your name on it.
- A minimum of one point will be deducted from your exam grade for each instruction you fail to follow.

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. **Cell phones must be turned off and stowed away.** There is a presumption of cheating if any study materials are within view during exams. There are no restroom breaks during exams as they, too, carry a presumption of cheating. 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

Faculty members may not provide legal advice or legal services to students. If you need legal advice or information regarding the law, resources can be found on the Department of Business Law web page at <http://www.csun.edu/blaw/student-resources>.

If you have any questions about the material contained in this syllabus, please contact the professor.

Course Topics and Assignments

Date	Class topics	Work due
1/21	Intro, Learn IRAC	Read Syllabus.
1/26	Legal system, court system	Read Ch. 1; Brief <i>Hagan</i>
1/28	Civil Procedure	Read Ch. 2.
2/2	Civil Procedure, con't	Ch. 2 continued
2/4	Contracts: introduction and begin offer	Read Ch. 9, pgs 316-319 and Ch. 10, pgs 334-338; brief <i>Grunden-Martin</i> (attached)
2/9	Offer	Continue Ch. 10, Brief <i>Armstrong</i>
2/11	Offer	Read Ch. 10, pgs 339-347; brief PC 5 and <i>Family Movie Video Club</i>
2/16	Offer: termination	Ch. 10; brief PC6 and PC10
2/18	Acceptance	Read Ch. 11, pgs. 352-359; brief PC2, PC4, and PC 1
2/23	Acceptance, con't.	Read Ch. 11, pgs. 359-366; brief <i>Okosa, McGurn</i> , and PC 7 (turn in PC 7)
2/25	Consideration	Read Ch. 12, pgs 371-81; brief <i>Gottlieb</i> , PC6, and PC7
3/2	First exam	
3/4	Promissory estoppel and quasi-contract	Read Ch. 12, pgs 382-384; brief <i>Skebba</i> . Read Ch 9, pgs 326-330; brief PC3 (from Ch 9) and PC1 (from Ch 12)
3/9	Exam wrapper	In-class assignment
3/11	Misrepresentation, mistake, duress, undue influence	Read Ch. 13; brief PC3 and PC4
3/16	Capacity	Read Ch. 14; brief PC3 and PC9.
3/18	Legality	Read Ch. 15
3/23	Statute of Frauds	Read Ch. 16; brief PC10
3/25	Second exam	
3/30	Remedies	Begin reading Ch. 6, pgs 176-186; brief <i>Mathias</i>
4/1	Battery and Assault	Continue Ch. 6. Brief PC2 and <i>Manning</i> (attached to the Syllabus)
4/6	Spring Break – no class	
4/8	Spring Break – no class	
4/13	Intentional infliction of emotional distress & false imprisonment	Read Ch. 6, pgs. 186-189; brief PC8, <i>Durham</i> and <i>Pope</i> (turn in)
4/15	Defamation	Read Ch. 6, pgs. 189-200; brief PC 9 and <i>Fleming</i> (attached)

4/20	Invasion of privacy	Read Ch. 6, pgs. 201-205; brief <i>CBC</i> ; be prepared to discuss <i>Ethics in Action</i> on page 202
4/22	Nuisance, trespass, & conversion	Read Ch. 6, pgs 206-210; brief <i>Stephens</i> and <i>Bhattal</i> (attached)
4/27	Negligence	Begin reading Ch. 7, pgs. 216-31; brief <i>Raleigh</i> , <i>Currie</i> , and PC1.
4/29	Negligence, con't.	Read Ch. 7, pgs 231-241; brief <i>Black</i> , <i>Stahlecker</i> , and PC9
5/4	Defenses; strict liability	Read Ch. 7, pgs 242-246; brief PC12, <i>Gonzalez</i> (attached), and PC8; read pgs 247-250 and brief <i>Dyer</i>
5/6	Third exam	

Supplemental Cases

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 bullpen 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 struck Manning in the back of the head, causing pain and bruising.

Bhattal v. Hyatt

Mr. and Mrs. Bhattal checked into the Hyatt Hotel in New York, had their luggage brought into their room and went out. When they returned, they discovered that their luggage was missing. As a result of a computer error, their luggage was sent to JFK International Airport with the luggage of a Saudi Arabian flight crew who had previously been staying in the Bhattal's room. In their conversion suit against the hotel, what result? Discuss fully.

Fleming v. Benzaquin

Benzaquin, a local radio personality, was stopped by Fleming, a police officer, and cited for not having a front license plate, not having an inspection sticker on the windshield and having an expired registration. Fleming did not allow Benzaquin to proceed in his car but allowed him to leave the car in a car dealer's parking lot. On his radio show that night, Benzaquin prefaced his remarks with the comment that he was depressed, angry and liable to be prejudiced. He then went on to call Fleming "a little monkey," "a dictator and a Nazi," "an absolute barbarian," "a lunkhead," "a meathead," and "a nut." He called Fleming's conduct "unconscionable," "reprehensible," "merciless," and "an absolute outrage." In Fleming's defamation suite against Benzaquin, what result? Discuss.

Gonzalez v. Garcia

Gonzalez, Garcia and Longest were co-workers at a power plant who carpooled to work. One day after work, when Garcia was driving, they went to a nearby boat landing and drank beer and tequila for three hours. They then went to nearby liquor store and, over Gonzalez's protests, bought more tequila. Gonzalez called his wife to come pick him up, but she was not home. They then went to a bar where Garcia and Longest drank tequila and Gonzalez drank a beer. Gonzalez then insisted on driving Garcia's car, and drove Longest home. After helping Longest into his house, he returned to the car to find Garcia in the drivers seat. Garcia refused to allow Gonzalez to drive. Gonzalez got into the passenger seat and fell asleep. Garcia then got into a one-car accident, injuring Gonzalez. Garcia's blood alcohol rate was .20%. In the case of *Gonzalez v. Garcia*, what result? Discuss fully.

Grunden-Martin v. Fairmount

On April 20, Grunden-Martin wrote to Fairmount, in part: "Please advise us the lowest price you can make us on our order for ten carloads of Mason green jars...state terms and cash discount." On April 23, Fairmount replied by letter: "Replying to your favor of April 20, we quote you Mason fruit jars...pints \$4.50, quarts \$5.00, half-gallons \$6.50, per gross, for immediate acceptance." On April 24, Grunden-Martin sent a telegram ordering ten carloads of quarts. On that same day Fairmount responded by telegram, "Impossible to book your order. Output all sold."