

California State University, Northridge
BLAW 280: Business Law 1
Spring 2017

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Time: Tu 4– 6:45 p.m.
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Textbook: Business Law: The Ethical, Global and E-Commerce Environment, 15th ed., Mallor et al., (2013) The textbook is available hardcopy at the campus bookstore and via various online vendors. A custom electronic version, with just the chapters that we will use in class is available online at a significant discount: Create.mheducation.com/shop/ Enter ISBN 9781121608115 The price is \$29.64
Office Hours: Tu Th10:30– 12:00 Noon AND By Appointment

Mission of the Department of Business Law

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.

Student Learning Outcomes of all Business Law Courses

Classes are taught using the Socratic and problem methods 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 courses study ethical issues in a business context, with actual topics depending on course content.

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

Policy Regarding Recordings

Students may not make audio or visual recordings of lectures or class presentations. Unauthorized use of class materials may subject an individual to legal proceedings brought by the instructor as well as proceedings by the University.

Course Practices

In this course, you will complete assigned readings and bring your written case briefs to class. We will engage in class discussions to facilitate your understanding of new material. You will share your case briefs, opinions, and analytical thinking. Your level of preparation will contribute to your and your classmates' learning experience, and accordingly will influence your grade.

Assignments

Supplemental assignments and readings will be announced in class or through on-line communication and/or posting on Moodle. It is always your responsibility to obtain the assignments whether they are assigned solely in class or posted online. We will also review articles and cases outside of the text.

Student Evaluation

Your final grade will be calculated as described below:

Assignments	Percent of Final Grade
Class Participation	15%
Midterm	40%
Final Exam	45%

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

Policies and Procedures

Professor reserves the right to ban electronic devices in the course. A warning will be given.

Examinations will cover material imparted in class, class lectures and discussions and all assigned readings. Examinations will not be cumulative.

Students will have the entire class period to complete examinations. No additional time will be granted, including for students who arrive late.

Examinations will consist of essays and/or multiple choice questions and will be closed book. Use of any materials during examinations is prohibited.

Students are not permitted to remove examination materials from the classroom during the examination or after its completion. Upon completion of the examination, students must turn in their answer sheets and examination questions.

Examinations must be taken on the dates administered in order to receive credit toward the final grade. Students who must miss an examination due to personal illness or injury, death or illness in the family, jury duty or religious holidays must contact the instructor prior to the examination, or as soon as reasonably possible (but no later than one week after the examination), to make alternate arrangements. Student athletes are urged to contact the instructor as soon as possible to discuss their ability to sit for examinations on the days set forth in the syllabus. Students will not be permitted to sit for examinations after the scheduled dates set forth in the syllabus without the instructor's prior approval. Such approval is within the sole discretion of the instructor.

Any student failing to abide by these policies will receive a zero for the examination in question.

Class Participation

All benefit when students actively participate in classroom work and discussions. The participation grade reflects two things: 1) students' performance in the classroom: providing insights and interpretations to issues raised and participation in class discussions, and 2) students' attendance in the course.

Student participation and attendance are key elements to the successful completion of this course. A significant portion of this course will be devoted to the discussion of issues and events relating to the course materials. Students must be prepared to discuss course materials at all times. In order to be fully prepared to participate, all assignments described in the syllabus must be read prior to the class in which they will be discussed.

General Policies

Students are expected to arrive on time for class. Once in class, students should remain until the class is completed.

In order to facilitate discussion and assist the instructor with getting to know individual class members, students are requested to display name cards in class.

There will be no exceptions to the policies set forth in this syllabus. Students are encouraged to contact the instructor if they are having difficulties with the course or require additional assistance.

Academic Honesty

We will adhere to the university's policy on academic honesty. Instances of academic dishonesty will result in a grade of "F" for the course and will be referred to the Dean's office for further action.

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 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 are one page long. They must be brought to class on the day they are to be discussed. They will be collected at random. Once an assignment has been discussed, you no longer need to bring it to class. Briefs may be either handwritten or typed.

For sample case briefs, please see the appropriate link on the Business Law Department site at: <http://www.csun.edu/blaw/student-resources>.

Course Topics

I. The Legal System

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

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

III. Torts

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

IV. Contracts

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 Sessions

Class sessions will typically include:

Lecture

Student presentation/discussion of case briefs and chapter problems

Discussion

Below is our *tentative* class schedule. For all class meetings, you must stay abreast of our progression of the denoted class flow and note that additional problems may be assigned prior to or during class.

Schedule of Classes

The following chart outlines the Class/Date, Topics and Work to be done in time for that class. In other words, for the date shown, the ASSIGNMENT is to be completed PRIOR to the start of that week's classes. This syllabus is subject to change during the semester and further assignments may will be assigned and/or distributed in class.

Week	Topic	Assignment
1	Introduction & Expectations, IRAC Review	Read: Syllabus Review and be prepared to discuss: "Reading and Briefing Cases" pgs. 21-23
2	Nature of Law	Read: Chapter 1 Brief: (1) <i>Young v. Beck</i> (2) <i>Federal Communications Commission v. At&T, Inc.</i> (3) Chapter 1, Problems 1, 9
3	Resolution of Private Disputes	Read: Chapter 2 Brief: (1) <i>Bombliss v. Cornelsen</i> (2) <i>WWP, Inc. v. Wounded Warriors Family Support, Inc.</i> (3) Chapter 2, Problems 3, 5
4	Intentional Torts	Read: Chapter 6 Brief: (1) <i>Mathias v. Accor Economy Lodging, Inc.</i> (2) <i>Durham v. McDonald's Restaurant of Oklahoma, Inc.</i> (3) Chapter 6 Problems 4
5	Intentional Torts Continued...	Read: Chapter 6 Brief: (1) <i>Pope v. Rostraver Shop and Save</i> (2) <i>Kipper v. NYP Holdings Co.</i> (3) Chapter 6 Problems 8, 14
6	Introduction to Negligence	Read: Chapter 7 Brief: (1) <i>Raleigh v. Performance Plumbing and Heating, Inc.**</i> (2) <i>Kroger Co. v. Plonski</i> (3) Chapter 6 Problems 3, 10
7	Negligence Continued Strict Liability	Read: Chapter 7 Brief: (1) <i>Atlantic Coast Airlines v. Cook</i> (2) <i>Berberich v. Jack</i> (3) Chapter 7 Problems 1, 12
8	Review & Midterm	Midterm Review Midterm Exam

9	Spring Break	
10	Introduction to Contracts, (Types of Contracts, Sources of Law, “Non-Contract” Obligations The Offer (Intent, Terms)	Read: Chapter 9, 10 Brief: (1) <i>Palese v. Delaware State Lottery Office</i> (2) <i>Aceves v. U.S. Bank</i> (3) <i>Meram v. MacDonald</i> (4) <i>Hines v. Overstock</i> (5) Chapter 9 Problems 6, 10
11	Offer cont... (Termination) Acceptance	Read: Chapter 10, 11 Brief: (1) <i>Family Video Movie Club v. Home Folks, Inc.</i> (2) <i>Trademark Properties v. A & E Television Networks</i> (3) <i>Okosa v. Hall</i> (4) Chapter 10 Problem 4 (5) Chapter 11 Problems 2, 6
12	Consideration	Read: Chapter 12 Brief: (1) <i>Gottlieb v. Tropicana Hotel and Casino</i> (2) <i>Margeson v. Artis</i> (3) Chapter 12 Problems 1, 5, 7
13	Consent (Misrepresentation & Fraud, Mistake, Duress, Undue Influence)	Read: Chapter 13 Brief: (1) <i>Timothy v. Keetch</i> (2) <i>Sumerel v. Goodyear Tire & Rubber Company</i> (3) Chapter 13 Problems 1, 4, 10
14	Capacity to Contract (Minors, Incapacity, Intoxication)	Read: Chapter 14 Brief: (1) <i>Woodman v. Kera LLC</i> (2) <i>Young v. Weaver</i> (3) <i>Rogers v. Household Life Insurance Co.</i> (4) Chapter 14 Problem 1, 7, 9
15	Illegality (Unlawful v. Unfair)	Read: Chapter 15 Brief: (1) <i>Coma Corporation v. Kansas Department of Labor</i> (2) <i>Marcinczyk v. State of New Jersey Police Training Commission</i> (3) Chapter 15 Problem 4, 8
16	Writing and the Statute of Frauds Parol Evidence Rule	Read: Chapter 16 Brief: (1) <i>Schaadt v. St. Jude Medical S.C., Inc.</i> (2) <i>Green Garden Packaging Co., Inc. v. Schoenmann Produce Company, Inc.</i> (3) <i>Hinkel v. Sataria Distribution & Packaging</i> (4) Chapter 16 Problem 2, 8, 10

Final Exam

Tuesday, 5/16/17 at 5:30