

BLAW 280 BUSINESS LAW I
Fall 2013 Syllabus

Professor: Hilary M. Goldberg, Esq.
Hilary.Goldberg@csun.edu
Cass: Saturdays 9:00 a.m. to 11:45 a.m.
Classroom: JH1121
Office: JH3243
Office Phone: 818.677.6365
Offices Hours: 30 minutes before and after class, and by appointment.
Schedule appointments via email with "BLAW 280" as Subject
Text: BUSINESS LAW: THE ETHICAL, GLOBAL AND E-COMMERCE ENVIRONMENT,
15th ed., Mallor *et al.*, (2013).
This text is available hardcopy at the campus bookstore and elsewhere or
online (at significant savings) at <https://create.mcgraw-hill.com/shop/>
Type in: Business Law I Mallor 15th ed. ISBN 9781121608115 You need
chapters 1, 2, 4, 6, 7, 9-18 (approximately \$30)
For more information on CSUN's Business Law Textbook Affordability
Initiative, visit <http://www.csun.edu/blaw/business-law-textbook-affordability-initiative>

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.

There will be two exams, one mid-term and one final exam. The final exam will be cumulative. 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 sometime include multiple-choice, true-false, and fill-in-the-blank questions.

Guidelines For Success:

1. Participate! Be prepared for classroom discussion.
2. Read the assigned text before class and brief all assigned cases using IRAC, as discussed below.
3. Rewrite your notes as soon as you can after the lecture and add anything from the text that may enhance your understanding.
4. If you have trouble remembering basic concepts and ideas make flashcards.
5. Ask questions in class, in my office, and by email.
6. Form study groups.
7. Read books. This will help you to become a better writer, which is critical to your success in this class and beyond.

Course topics

- 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
- III. 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
- IV. 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

Reading assignments are listed below. 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” or “chapter 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.

Ten percent (10%) of your grade is based upon class participation. This class will be taught utilizing the Socratic method- be prepared to be called upon at random. If you are called upon and unprepared or absent, your grade will be negatively impacted. Weekly preparation will help you gain a deeper understanding of the subject matter and will leave you well prepared for the mid-term and final exams. I will have a seating chart to get to know your names as well as to take note of attendance. I do care about your success, and I know that attendance has a correlation with a better grade in this class.

Life Long Learning Overall Goals:

Students will develop cognitive, physical and affective skills which 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.

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.

IRAC Model

Facts
<ul style="list-style-type: none">• Brief summary of key facts.
Issue
<ul style="list-style-type: none">• "The issue in this case is whether..."• The issue will be phrased as a legal question and, when answered, drives the Court's decision.• Example: "Has there been a constructive eviction by the landlord based on the habitability of the apartment due to the leaks?"
Rule
<ul style="list-style-type: none">• "As a general rule..."• What rule of law applies? The Court will state the applicable rule.
Analysis
<ul style="list-style-type: none">• "In this case, ..."• How does the Court apply the rule of law to the facts? How did the Court arrive at its decision?
Conclusion
<ul style="list-style-type: none">• "Therefore, ..."• Which party "won" in this case?• What were the key elements to the Court's holding?

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. 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. Your semester grade is affected by whether you have been prepared when called on for discussion and case briefs – and for general voluntary class participation. Your class participation grade is also affected by class attendance; students who miss significant class time will be marked lower for class participation.

B. Written assignments – collectively 15% of course grade – the three written assignments listed below may be drafted by hand (legibly) or printed, but must present thorough analysis and proper writing techniques. Failure to turn in case briefs and assigned Chapter Problems when collected will negatively impact your grade.

C. Mid-term exam – 30% of course grade. The mid-term will be given in class at the time and date listed below. Make-up exams will be permitted only with advance notice and good-cause shown.

D. Final exam – 45% of course grade. The final exam will be given at the time and date listed in the schedule of classes. The final exam will be cumulative. Make-up exams will be permitted only with advance notice and good-cause shown.

Both the Mid-term and the Final will be composed of:

- (i) one or more essay questions, some “short” and some “long,” which will require you to analyze facts, identify legal issues and apply the law determining the outcome of hypothetical cases;
- (ii) multiple-choice, true-false, and/or fill-in-the-blank questions, frequently focusing on key terms and basic principles.

The grade reached after averaging the assignments and 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 or find recent cases related to topics studied in the class. Plus/minus grading is used.

Grading System (taken from "Regulations", CSUN catalog)

GRADE	DEFINITION	GRADE POINTS
A	Outstanding	4.0
A-		3.7
B+		3.3
B		3.0
B-	Very Good	2.7
C+		2.3
C		2.0
C-		1.7
D+	Average	1.3
D		1.0
D-		0.7
F		0
	Barely Passing	
	Failure	

Schedule of Classes

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. This syllabus is subject to change during the semester and further assignments may will be assigned and/or distributed in class.

Class/Date	Topic	Work Due
Class 1 August 24, 2013	Introduction to Law Course Introduction & Expectations, IRAC Review, Resolution of Private Disputes	Read: Chapters 1 & 2 Brief: (1) <i>Young v. Beck</i> (2) <i>Federal Communications Commission v. At&T, Inc.</i> (3) Chapter 1 Problem 1 (4) Chapter 1 Problem 9 (5) <i>Bombliss v. Cornelsen</i> Review and be prepared to discuss: “Reading and Briefing Cases” on pgs. 21-23 Log on to http://www.supremecourtus.gov and find a recent decision that you find interesting- they are listed in the upper right side of the page. Be prepared to discuss in class.
Class 2 September 7, 2013	Resolution of Private Disputes Continued... Business Ethics, Corporate Social Responsibility, Corporate Governance and Critical Thinking [Introduction to torts- In-class exercise]	Read: Chapters 2 & 4, Chapter 6 pgs. 176-78 Brief: (1) <i>WWP, Inc. v. Wounded Warriors Family Support, Inc.</i> (2) <i>AT&T Mobility LLC v. Concepcion</i> (3) Chapter 2 Problem 3 (4) Chapter 2 Problem 5 (5) Chapter 4 Problem 7 Log on and read: www.scu.edu/ethics/publications/iie/v9n2/brother.html
Class 3 September 14, 2013	Intentional Torts Interference with Personal Rights (Assault, Battery, IIED, False Imprisonment)	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) <i>Pope v. Rostraver Shop and Save</i> (4) Chapter 6 Problem 4 (5) Chapter 6 Problem 8

		(6) Chapter 6 Problem 14 [Be prepared to discuss defamation]
Class 4 September 21, 2013	Intentional Torts Continued... (Defamation, Trespass, Conversion) Negligence	Read: Chapters 6 & 7 Brief: (1) <i>Kipper v. NYP Holdings Co.</i> (2) <i>Raleigh v. Performance Plumbing and Heating, Inc.**</i> (3) <i>Kroger Co. v. Plonski</i> (4) Chapter 6 Problem 3 (5) Chapter 6 Problem 10
Class 5 September 28, 2013	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 Problem 1 (4) Chapter 7 Problem 12 Written Assignment: Online Research “Negligent Hiring” on pg 255- find <i>Schechter v. Merchants Home Delivery, Inc.</i> Compare and contrast with <i>Raleigh**</i> . Briefs of both cases, as well as assigned written essay to be collected and graded.
Class 6 October 5, 2013	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 Problem 6 (6) Chapter 9, Problem 10
Class 7 October 12, 2013	Offer cont... (Termination) Acceptance Mid-Term Review At End Of Class	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 Problem 2 (6) Chapter 11 Problem 6
Class 8	[Mid-Term	Read: Chapter 12

October 19, 2013	During First Half of Class] Consideration	Brief: (1) <i>Gottlieb v. Tropicana Hotel and Casino</i> (2) <i>Margeson v. Artis</i> (3) Chapter 12 Problem 5
Class 9 October 26, 2013	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 Problem 1 (4) Chapter 13 Problem 4 (5) Chapter 13 Problem 10 Written Assignment: “Researching Internet Fraud” and report your findings in memorandum form – 1-2 pages. Also complete the case “FRAUD: Blind Dates Go Bust” and visit www.mhhe.com/mallor15e Complete the verdict generator and email me your verdict prior to the start of class (hilary.goldberg@csun.edu)
Class 10 November 2, 2013	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 (5) Chapter 14 Problem 7 (6) Chapter 14 Problem 9 Log on and research: What is the age of majority in California?
Class 11 November 9, 2013	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) <i>Moore v. Woman to Woman Obstetrics & Gynecology</i> (4) Chapter 15 Problem 4 (5) Chapter 15 Problem 8
Class 12 November 16, 2013	Writing and the Statute of Frauds	Read: Chapter 16 Brief: (1) <i>Schaadt v. St. Jude Medical S.C., Inc.</i>

	Parol Evidence Rule	<p>(2) <i>Green Garden Packaging Co., Inc. v. Schoenmann Produce Company, Inc.</i></p> <p>(3) <i>Hinkel v. Sataria Distribution & Packaging</i></p> <p>(4) Chapter 16 Problem 2</p> <p>(5) Chapter 16 Problem 8</p> <p>(6) Chapter 16 Problem 10</p>
Class 13 November 23, 2013	Third Party Rights (Assignment, Delegation of Duties, Third-Party Beneficiaries)	<p>Read: Chapters 17 & 18</p> <p>Brief:</p> <p>(1) <i>Watts v. Simpson</i></p> <p>(2) <i>Podraza v. New Century Physicians of Nebraska, Inc.</i></p> <p>(3) Chapter 17 Problem 1</p> <p>(4) Chapter 17 Problem 2</p> <p>(5) Chapter 17 Problem 6</p> <p>Written Assignment: Online Research “Assignment of Leases” on pg. 472 – to be turned in for grading. (Print and attach some of your research and any sample leases. Prepare an index of all attachments.)</p> <p>[Be prepared to discuss Performance and Conditions (Ch. 18 pgs. 473-479)]</p>
Class 14 December 7, 2013	<p>Performance (Continued) and Remedies (Breach, Excuse, Discharge, Remedies)</p> <p>Final Review At End Of Class</p>	<p>Read: Chapter 18</p> <p>Brief:</p> <p>(1) <i>East Capitol View Community Development Corporation v. Robinson</i></p> <p>(2) <i>Houseman v. Dare</i></p> <p>(3) Chapter 18 Problem 1</p> <p>(4) Chapter 18 Problem 8</p>

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-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 midterms 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. You may bring one handwritten 8 ½ by 11 sheet of paper in of your own notes that you personally have prepared- one side only. 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.